

**MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON
14 MARCH 2024 AT 10H00 IN THE OLD COUNCIL CHAMBERS, MUNICIPAL OFFICES, MONTAGU**

1. Opening

The Chairperson, Mr Hennie Taljaard, welcomed all present.

2. Attendance

Hennie Taljaard	-	Chairperson (External member)
Carisa Pieters	-	External member – Breede Valley
Helene Janser	-	External member – DEA&DP
Dalene Carstens	-	External member – DEA&DP
Quinton Balie	-	External member - CWDM
Andrew Martinus	-	Town Planner, Langeberg
Tracy Brunings	-	Manager: Town Planning. Langeberg
Jack van Zyl	-	Senior Town Planner
Amber Willemse	-	Town Planner, Langeberg

3. Applications for Leave of Absence

None

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

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 8 December 2023 on site (Kleinfontein 367 Swellendam) and in Swellendam be approved and confirmed. Proposed by Helene Janser, seconded by Daleen Carstens.

5. Matters arising from the previous minutes

None

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

None.

7. Consideration of Reports

1/2024	APPLICATION FOR CONSENT USE (GUEST ACCOMODATION): FARM 225, MONTAGU (MONTEVUE)
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The members noted that a number of the objector's objections were not considered to be relevant considerations in terms of LUPA and SPLUMA and that the objector lives some 3km from the applicant's **property**. The members were satisfied that the relevant considerations in the objection have been adequately addressed **in the proposed conditions of approval**.

Unanimously resolved proposed by Dalene Carstens seconded by Andrew Marthinus that:

The application for consent for a Guest House, two Additional Dwelling Units and a camping site (3 stands) on Farm No. 225 Montagu be approved in terms of Sections 60 and 66 of the Langeberg Land Use Planning Bylaw, PN 264/2015, of 30 July 2015 subject to the following conditions:

1. Adequate provision must be made for protection against veldfire e.g. provision of fire-fighting equipment, maintenance of fire breaks, and awareness and safety of guests relating to veld fire.
2. The development and use of the property and buildings must be substantially in accordance with the plans marked MON225-LBM-TP (March 2024), and subject to the following specific requirements:
 - 2.1. The number of Additional Dwelling Units (guest accommodation) is restricted to two (2).
 - 2.2. The height of any new built development is restricted to single storey.
 - 2.3. Only low-level outdoor lighting, to the satisfaction of the Manager: Town Planning may be utilised.
 - 2.4. The Additional Dwelling Units are restricted to a maximum floor space of 150m² each.
 - 2.5. A suitably located and screened refuse collection area must be provided in the main farm werf area.
 - 2.6. Any changes made to the old workers house must be done through the approval of Heritage Western Cape.
3. Building plans conforming to the National Building Regulations (Act No. 103 of 1977), and including a Site Development Plan, must be submitted to the Langeberg Municipality for approval for all built development.
4. Access must be via the existing access off the MR294.
5. Water supply, sewage disposal and refuse disposal services must be provided by the owner. Such services must be provided in accordance with the requirements of the Langeberg Municipality, Cape Winelands District Municipality's Environmental Health Department, and the Department of Water Affairs (BGCMA), including the following specific requirements:
 - 5.1. Drinking water must be to the standard of the full SANS 0241 specifications. Regular monitoring of water quality must be done by the owner to ensure that it complies with this standard.
 - 5.2. Plans and details of the provision for water supply and sewage disposal must be submitted simultaneously with the building plans for Municipal approval.
 - 5.3. All solid waste must be collected and disposed of weekly, to an approved solid-waste disposal site, and in terms of a written agreement with the Langeberg Municipality. The minimisation of waste must be promoted in the operation of the facility.
6. The conditions imposed by DEA&DP: Development Management in their letter, ref: 16/3/3/6/B1/11/1314/23, dated 16 November 2023, must be complied with.
7. The conditions imposed BOCMA in their letter, ref: 4/10/1/H30B/Farm 225, Montagu dated 11 August 2022, must be complied with.

8. The conditions imposed by CWDM in their letter, ref 15/4/13/5 dated 08 July 2022, must be complied with.
9. No name, advertising sign or tourism board may be erected without written approval of the administering authority.
10. The restrictions of any law and regulations relating to noise control are applicable and the owner must ensure that no undue noise nuisance occurs, as described in the Western Cape Noise Control Regulations (PN 200/2013 of 20 June 2013).
11. The Additional Dwelling Units may only be used for short term hire for holiday purposes and may not be alienated in any way and may not be subdivided from the same property on which the main dwelling is situated.
12. The property owner must join a local FPA e.g. Cape Winelands Fire Protection Association.
13. This approval is only valid where the above conditions have been complied with. The owner must sign the attached agreement with respect to the implementation of all conditions of approval. Where there is any uncertainty regarding the conditions, the Town Planning Department must be contacted.

Note: The exercise of the primary land use in terms of the applicable zoning/s is subject to all the relevant legislation, including the Conservation of Agricultural Resources Act No. 43 of 1983, the Environmental Impact Assessment regulations in terms of NEMA No. 107 of 1998, and the National Veld and Forest Fire Act No. 101 of 1998.

The reasons for the decision are as follows:

1. The proposed development is consistent with, *inter alia*, the Western Cape Biodiversity Spatial Plan, 2017 and the Western Cape Rural Land Use Guidelines, 2019.
2. The applicant has applied for 2 Additional Dwelling Units, which is within the maximum number of units which may be permitted by consent on this farm.
3. Although the site is within an identified CBA and intended as a “no-go” area for built development, low-key eco-tourism development is one of the few uses which is identified as being consistent with the CBAs guidelines.
4. The applicant commissioned an environmental pre-screening report and freshwater study which adequately addressed the environmental impact.

The objections are considered to be adequately addressed and conditions of approval are included to mitigate potential impacts.

2/2024	APPLICATION FOR REZONING AND CONSOLIDATION: ERVEN 338 & 339, MONTAGU
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Eenparig besluit voorgestel deur Andrew Marthinus gesekondeer deur Carisa Pieters dat:

Die volgende ingevolge Artikel 60 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 ten opsigte van Erwe 338 en 339, Montagu goedgekeur word:

- a) konsolidasie van erwe 338 en 339, Montagu,
- b) hersonering van die gekonsolideerde erf vanaf Nutssone na Sakesone I
- c) afwyking van die ontwikkelingsparameters ten opsigte van die voorsiening van op-perseel parking.

onderhewig aan die volgende voorwaardes opgelê ingevolge Artikel 66 van dieselfde verordening:

VOORWAARDES:

Rakende die hersonering en afwyking:

1. Die ontwikkeling op die perseel is beperk tot die bestaande geboue en gebruike, soos getoon op die terreinplan en vloerplanne gemerk MON338&339-LBM-TP en MON888&339-LBM-LO onderskeidelik. Enige uitbreiding van die geboue of wesenlike verandering van die betrokke grondgebruike sal onderhewig wees aan aansoek en goedkeuring vir die wysiging van hierdie voorwaarde en die meegaande planne.
2. Die bestaande woonstel op die grondvlak word as wettige nie-konformerende gebruik beskou ooreenkomstig die bepalinge van Artikel 14 van die Langeberg Munisipaliteit Verordening op Grondgebruikbeplanning, 2015.
3. Die grondeienaar en/of toekomstige Deeltitel Beheerliggaam moet toesien dat daar altyd minstens 10 standaardgrootte parkeerplekke op die perseel voorsien en uitgemerk is, ingesluit motorhuise en afdakke.

Rakende die konsolidasie:

4. Ter uitvoering van Artikel 31(2)(c) van die Langeberg Munisipale Verordening op Grondgebruikbeplanning 2015, moet die konsep LG diagram endosseer word as goedgekeurde konsolidasieplan.
5. Ingevolge Artikel 32(1) van die Langeberg Munisipale verordening op Grondgebruikbeplanning, 2015 verval die konsolidasie indien dit nie binne 5 jaar na die datum van goedkeuring in die Aktekantoor registreer is nie.
6. Die gekonsolideerde erf mag slegs van een erfaansluiting per diens vir alle dienste gebruik maak. Enige ekstra aansluitings wat tans mag bestaan, moet verwyder wees voordat 'n aansoek by die Aktekantoor gedoen word vir 'n sertifikaat van gekonsolideerde titel.

REDES VIR BESLUIT:

1. Die besware is nie relevant ten opsigte van die aansoek-voorstel nie en neem nie in ag dat die huidige gebruike en geboue onveranderd gelaat gaan word en dat daar gevolglik geen nuwe behuising of sakeruimte geskep gaan word of sloping en konstruksie gaan wees nie.
2. Die voorstel is versoenbaar met die voorstelle Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 vir stedelike ontwikkeling in die algemeen en vir Montagu spesifiek. Die aansoekperseel is binne die sentrale sakegebied van die dorp soos ook in die SDF aangedui.
3. Aangesien die konsolidasie en afwyking slegs die bestaande situasie regstel, en geen verandering aan geboue of gebruike teweeggebring sal word nie, word nie voorsien dat dit enige addisionele impak sal hê op

- i) die omliggende gemeenskap se gesondheid en welstand
 - ii) erfenis
 - iii) bure se privaatheid
 - iv) munisipale ingenieursdienstekapasiteit
 - v) karakter van die omgewing ten opsigte van grondgebruikpatroon of straattoneel
4. Die afwyking van die nuwe (ná hersonering) grondgebruikparameters ten opsigte van parkering word as aanvaarbaar beskou omdat alle huidige gebruike en gepaardgaande op-perseel parkering reeds goedgekeur was en net so sal voortgaan tesame met die feit dat daar heelwat publieke parkering in die omgewing van die aansoekperseel bestaan, wat die tekort aan op-perseel parkering kan aanvul.

8. Other Matters

With regard to Middelburg 10/6 Robertson (abattoir compost site), the Supreme Court of Appeal has dismissed SAFAM's application for leave to appeal against the judgment of the High Court in Cape Town in the above matter. The only reason given for the dismissal was *“that there is no reasonable prospect of success in an appeal and there is no other compelling reason why an appeal should be heard.”* SAFAM can still seek leave to appeal to the Constitutional Court.

There are three Tribunal items currently in preparation. At least one of these applications will require a site inspection in Montagu. A meeting date for April / May will be advised as soon as reports are ready. There were no other matters for discussion.

9. Conclusion

The meeting adjourned at 11h30.