

**MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON
3 MAY 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)
Helene Janser	-	External member – DEA&DP
Dalene Carstens	-	External member – DEA&DP
Andrew Martinus	-	Town Planner, Langeberg
Tracy Brunings	-	Manager: Town Planning. Langeberg
Jack van Zyl	-	Senior Town Planner

3. Applications for Leave of Absence

Apologies were received from Mr. Quinton Balie and Mrs. Carisa Pieters.

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

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 14 March 2024 at Montagu Council Chambers be approved and confirmed. Proposed by Mr. Andrew Marthinus, seconded by Mrs. Dalene Carstens.

5. Matters arising from the previous minutes

None

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

None.

7. Consideration of Reports

Consideration of the reports was preceded by site inspections of Erf 5227, 8 Brown Street Montagu; and Re/Erf 247 & 248, 16 Church St & 36 Bath St, Montagu.

Site inspections were also conducted for the following properties, for which applications will be submitted to the next Tribunal meeting, proposed to be held via Teams: Erf 171, Long Street Montagu (proposed subdivision); and Erf 139 Montagu (proposed cell mast on Montagu Primary School site).

Eenparig besluit voorgestel deur Me. Helene Janser gesekondeer deur Me. Dalene Carstens dat:

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

- a. Wysiging van die goedgekeurde onderverdelings- en konsolidasieplan ten einde die gedeelte van Erf 247 wat met Erf 248 konsolideer word te vergroot.
- b. Hersonerig van 'n addisionele gedeelte van Erf 247 (576m²) vanaf Sakesone I na Algemene residensiële sone IV
- c. Skrapping van die volgende voorwaarde rakende voertuigtoegang:
 2. Terwyl die akkomodasiefasiliteite op beide erwe as 'n eenheid bedryf word, moet die toegang in Kerkstraat slegs as 'n uitgang vir motors alleenlik gebruik word, terwyl die toegang vanaf Badstraat vir beide in- en uitgang van motors en busse gebruik moet word.
- d. Wysiging van 'n voorwaarde om die goedgekeurde terreinontwikkelingsplan te wysig.
- e. Afwyking van die ontwikkelingsparameters ten opsigte van die boulyne vir 'n Gastelodge, ten einde die oorskryding van die bestaande geboue op erf 248 oor die voorgeskrewe 4.5m sy- en agterboulyne te akkomodeer.

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

VOORWAARDES:

1. Die onderverdeling en konsolidasie moet geskied ooreenkomstig die voorstel op plan gemerk MON247&248-LBM-OP2
2. Die vorige terreinontwikkelingsplanne word vervang met die planne gemerk MON247-LBM-TP3 en MON248-LBM-TP3 .
3. Die voorwaardes soos opgelê met die goedkeuring per skrywe van 9 Desember 2019 bly van toepassing, met die uitsondering van Voorwaarde 2, wat geskrap word.

REDES VIR BESLUIT:

1. Daar word nie enige fisiese verandering aan die perseel veroorsaak nie.
2. Die voorgestelde wysiging word as wenslik beskou ten opsigte van die voldoening aan oorhoofse beplanningsbeleid en – beginsels, grondgebruikkarakter, invloed op die omgewing, erfenis, munisipale dienste en lewenskwaliteit van omliggende inwoners
3. Die wysiging sal teweegbring dat daar voldoende parkering ooreenkomstig die soneringskemavereistes op elke erf vir die ontwikkeling op daardie erf voorsien kan word.
4. Die bestaande toegangspunt in Kerkstraat word as voldoende beskou om as in- en uitgang na gekonsolideerde erf 248 te dien.

2/2024	APPLICATION FOR CONSENT USE: ERF 5227 8 BROWN STREET, MONTAGU (DE BOS)
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Unanimously resolved to support the recommendation, with the amendments as indicated in red below. Proposed by Mrs. Helene Janser seconded by Mrs. Dalene Carstens that:

That the following decisions regarding the development application for the Remainder of Erf 5227, Montagu be taken in terms of Section 60 of the Langeberg Municipality: Land Use Planning Bylaw, 2015:

- A. That the application for the amendment of a condition of approval to amend the approved site development plan, be rejected as far as it concerns the south-western portion of Erf 5227, specifically the proposed 17 low-impact camping sites, 18 parking bays and boma area with lapa, bathroom (ablution facility) and braai facilities.
- B. That the application for a consent use for a functions venue be approved, subject to the following conditions, subject to the following conditions in terms of Section 66 of the said by-law.
- C. That the application for a consent use for tourist facilities be approved, subject to the following conditions in terms of Section 66 of the said by-law:

CONDITIONS OF APPROVAL

- 1. The development and use of the property must be substantially in accordance with the Site Development plan marked MON5227-LBM-SDP24, with the exception of the south western portion of the property and proposed uses as described in A above, which area may only be used for agricultural purposes and the owner's private use in line with the primary land use right in Agricultural zone II, as well as for the general use by members of the DBCE HOA, in accordance with the stipulations of the DBCE Constitution and annexures. The applicant must submit a final site development plan for the whole property, which reflects the land use rights and uses according to this decision.
- 2. The consent use for Tourist facilities as approved is limited to a farmers market and does not include the other public facilities included in the definition of tourist facilities in the zoning scheme.
- 3. The operation of the functions venue is limited to the existing barn and adjoining courtyard, while outdoor events must be restricted to the north eastern half of the property, north east of the homestead. No permanent structures for functions and events may be erected in this area.
- 4. The hours of operation for the functions venue is 08h00 to 23h00.
- 5. The farmers market will be restricted to the north eastern corner of the property, as indicated on the said site development plan. No permanent structures for the market may be erected.
- 6. The hosting of outdoor events, other than the farmers' market, will be subject to specific approval in terms of the applicable Municipal Events By-law.
- 7. Before alcohol may be sold from the functions venue, a Liquor Licence must be applied for and obtained. Alcohol may only be sold as part of the Functions Venue. The operation of a liquor store and public pub / bar is prohibited.

8. The restrictions of any law and regulations relating to noise control are applicable to the property and the owner is obliged to ensure that the operation of any of the uses as approved does not cause any undue noise nuisance, as described in the Western Cape Noise Control Regulations (PN 200/2013 of 20 June 2013). All reasonable efforts must be made in the operation of the resulting facilities to keep noise to a minimum.

REASONS FOR DECISION:

The reasons for rejecting the amendment of the SDP are:

1. The proposed development of 17 camping sites, parking for 18 vehicles and a boma area with lapa, bathroom and braai facilities may adversely affect the owners of single residential properties in DBCE in terms of their privacy, views and general enjoyment of their properties.
2. The development of the area between the river and the single residential properties of DBCE with 17 camping sites and a boma will make it impossible for the members of DBCE to use it as envisaged in the conduct rules as given in Annexure B of the DBCE constitution.
3. The development of the south western portion of the property as proposed, will detract from the agricultural character of the property as envisaged with the municipal subdivision approval of 7 May 2008.
4. The area proposed for the camp sites falls within the Keisie River corridor, which is subject to intense, periodic flooding. This river corridor falls within a Core 2 Spatial Planning Category in terms of the Langeberg Spatial Development Framework, and is identified as a National Freshwater Priority Area (NFEPA) by the CSIR. The main objective of these areas is to maintain ecological processes- no modification (levelling / lawning etc.) should take place within this environmentally sensitive area.

The reasons for approving the consent uses are:

1. The proposed land uses is deemed to be compatible with the land use pattern and – character of the surrounding area.
2. The proposed facilities will have an economic benefit to the community and support tourism in the town and region.
3. The proposed uses will be accommodated in existing development and will not have a negative impact on the biophysical environment, heritage or the character of surrounding area.
4. The traffic impact and impact on engineering services is deemed to be acceptable.
5. The proposal conforms to the relevant zoning scheme requirements.

8. Other Matters

None

9. Conclusion

The meeting adjourned at 13h00.