

**MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG  
MUNICIPALITY THAT WAS HELD ON 6 MARCH 2020 AT 11H00 IN THE LANGEBERG  
MUNICIPAL OFFICES, ROBERTSON**

1. **Opening**

The Chairperson Mr Maynard Johnson welcome all present.

2. **Attendance**

Maynard Johnson	-	Chairperson (Internal member)
Kobus Brand	-	Internal member
Jeremy Benjamin	-	External member
Helene Janser	-	External member
Quinton Balie	-	External member
Hennie Taljaard	-	Deputy Chairperson (External member)

3. **Applications for Leave of Absence**

Carissa Pieters	-	External member
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4. **Confirmation of previous Minutes  
Unanimously Resolved**

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 6 December 2019 at the Langeberg Municipal Offices, Robertson be approved and confirmed.

5. **Matters arising from the previous minutes**

**Middelburg: Abattoir Composting site:**

Four appeals have been lodged against the Tribunal decision:

- The applicant's appeal (Appeal 1) argues that the Tribunal did not consider all relevant factors and the Appeal Authority should dismiss the objectors' appeals and replace the Tribunal's decision with the approval of the application in total, with amended conditions of approval.
- The objectors' appeals (Appeals 2, 3 and 4) argue that the Tribunal should have refused the application for the compost facility, for the same reasons as those given for refusing the feedlot and the Appeal Authority should therefore dismiss the applicant's appeal and replace the Tribunal's decision with a refusal of the application in total.
- The applicant's lawyer threatens the Assessing Officer, or alternatively the Tribunal members, that he will apply for a punitive cost order, *de bonis propriis* (see attached) i.e. allegation of improper conduct of a person in an official capacity. Whilst there is no concern regarding any improper conduct in this case, the Tribunal members' attention is drawn to the possibility of such punitive cost orders relating to processes followed and decisions taken. The Tribunal was also reminded that it is required to give reasons for its decisions - this includes reasons for approval, as well as reasons for refusal.

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

None

7. **Consideration of Reports**

**1/2020: Erf 1327 McGregor - Consent for Function Venue**

The Tribunal members unanimously supported the recommendation, based on the reasons as outlined in Part H (municipal evaluation) of the Tribunal report.

The Tribunal agreed to the recommended conditions of approval, with the inclusion of a condition to clarify the acceptable access route to the site, and noted that the registration of a right-of-way is exempt from application in terms of the LLUP Bylaw, 2015. It was noted that whilst the neighbours object to the proposed dance studio, they have indicated their willingness to enter into an agreement/s regarding access should the application for the dance studio be approved: Mr. Swanepoel has signed an agreement to permit a new, more direct road servitude to be registered, in exchange for cancelling a number of existing longer servitudes across his property. The alternative route is the existing registered right-of-way, with written agreement from Mr. Coetzee.

The Tribunal resolved as follows:

In terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, the Langeberg Municipal Planning Tribunal **approves** Consent for a Function Venue: private dance, theatre and music venue, including dance and music lessons, as depicted on the plans marked 1327MCG-LBM-LP, TP(a) and (b) and LO (a) and (b), **subject to the following conditions of approval, in terms of Section 66 of the aforementioned Bylaw:**

1. The development and use of the property and buildings must be substantially in accordance with the plans marked 1327MCG-LBM-LP, TP(a) and (b) and LO (a) and (b) (March 2020), and subject to the following specific requirements:
  - 1.1. The venue is restricted to a total maximum coverage of 380m<sup>2</sup>.
  - 1.2. The building may include a ground floor for functions and instruction; and a mezzanine level for a viewing deck and storage space only.
  - 1.3. The maximum height of the building must be in accordance with the provisions in the Langeberg Integrated Zoning Scheme, 2018 and designed to minimise visual impact in relation to its elevated location.
  - 1.4. The Functions Venue is restricted to a maximum of 100 people for any single or combined function.
  - 1.5. The total site size may not exceed 1500m<sup>2</sup>, which area must be suitably fenced.
  - 1.6. Access to the site must be fenced and gated, with appropriate access control, to the satisfaction of the Manager Town Planning, and the accessway must be clearly demarcated to prevent access onto or through neighbouring farms.
  - 1.7. The venue must be operated and managed with the overall aim of ensuring a development which is complimentary to the surrounding peaceful, rural character, and minimising any impact on neighbours.
2. Provision must be made for the following, to the satisfaction of the Manager: Town Planning:
  - 2.1. A minimum of 19 parking bays must be provided, plus one disabled bay.
  - 2.2. A turning space for the mini-bus shuttle and for service vehicles.
  - 2.3. Sufficient and acceptable toilet facilities in terms of the Health and Building Regulations.
  - 2.4. A purpose-built and suitably located and screened refuse collection area.
3. Before any building work may be started on the property building plans conforming to the National Building Regulations (Act No. 103 of 1977), and including a Site Development Plan, parking, and landscaping plan, must be submitted to the Langeberg Municipality for approval. The plans will be referred to the McGregor Aesthetics Committee for their comment, and the following will apply:
  - 3.1. The existing rural character of the area must be enhanced through the use of colours, materials and other aesthetic elements which complement the surrounding landscape.

- 3.2. The existing gwarrie trees, as identified by Cape Nature, must be fenced off during the site earthworks and building construction, and incorporated into the site landscaping.
  - 3.3. No shade cloth or other built roofing material is permitted in the parking area – the use of trees and other indigenous vegetation over pergolas is strongly recommended where shading is required.
  - 3.4. The parking area/s and traffic circulation areas must be as compact and unobtrusive as possible.
  - 3.5. Only low level external lighting, to the satisfaction of the Manager: Town Planning may be utilised.
4. Water, 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:
    - 4.1. The owner must enter into a Service Level Agreement (SLA) for the provision of water and sewage disposal. The owner will be responsible for charges applicable for removal of sewage per load at tariffs applicable at the time of service.
    - 4.2. Drinking water provided for the general public must be to the standard of SANS 241 specifications. Regular monitoring of water quality must be done by the owner to ensure that it complies with this standard and results submitted to CWDM: Municipal Health Services, and the Langeberg Municipality: Civil Engineering Department.
    - 4.3. A suitable and effective sewage disposal system must be provided for all waste water: Plans and details of the provision for sewage disposal must be submitted for the Building Inspectorate's approval and provision must be made for the tanker to turn around with as little negative environmental impact as possible. As this is a commercial use, the volume of sewage must be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. The sewer disposal system must be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.
    - 4.4. 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 relevant authority. The minimisation of waste must be promoted in the operation of the facility.
    - 4.5. The conditions imposed by the Breede-Gouritz Catchment Management Agency, in their letter dated 28 October 2019, ref 4/10/1/H50A/Erf 1327, McGregor (attached) must be complied with.
  5. With regard to Municipal Electricity the owner is responsible for the costs associated with any relocation of existing services, new connections, upgrading or alterations to existing electrical connections or networks, and the associated applicable Bulk Services Levy, at the tariffs which are applicable at that time.
  6. No name, advertising sign or tourism board may be erected without prior written approval of the relevant authorities.
  7. Access to the venue shall be via one of the following routes:
    - Existing right of way over Erf 358 (Coetzee) (SG diagram 1731/2013), with written agreement from the owner; OR
    - New right of way over Erf 366 (Swanepoel), with written agreement from the owner in exchange for cancellation of existing servitudes. The registration of such right-of-way is determined to be exempt from the provisions of Sections 15 and 20-23 of the Langeberg Municipal Land Use Bylaw, PN 264/2015 of 30 July 2015 in terms of Section 24(1)(f) of the aforementioned Bylaw.A copy of the written agreement must be submitted to the Manager: Town Planning. No occupation certificate for the building will be issued prior to the receipt of such written agreement.
  8. All conditions imposed by the Western Cape Department of Transport must be complied with. In accordance with preliminary discussions with the CWDM District Roads Engineer, signs must be erected to alert road users to the presence of children and to ensure that the speed limit on this road is clearly visible to all road users.

9. Business hours are restricted to normal daylight work hours: 8m to 6pm week days; 8am to noon on Saturdays.
10. No alcohol may be sold on site.
11. 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 does not cause any undue noise nuisance, as described in the Western Cape Noise Control Regulations (PN 200/2013 of 20 June 2013). The Municipality may require the owner to install noise mitigation measures should the neighbours experience a noise nuisance or disturbing noise, as defined in the said regulations.
12. This approval is only valid where all the above conditions have been complied with. The owner must sign the attached agreement. Where there is any uncertainty regarding the conditions, please contact the Town Planning Department.

Note: The zoning of the farm remains agricultural. The exercise of the primary land use rights in terms of the Agricultural Zone I is subject to all relevant legislation, including the Environmental Impact Assessment regulations in terms of the National Environmental Management Act No. 107 of 1998 and the Conservation of Agricultural Resources Act No 43 of 1983.

8. **Other Matters**

None

9. **Conclusion**

The meeting adjourned at 12:00