

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

**FARM NO. 225, MONTAGU (MONTEVUE): CONSENT FOR GUESTHOUSE,
TWO ADDITIONAL DWELLING UNITS, AND CAMPING SITE (3 STANDS)**

Reference number	15/4/13/5	Application submission date	20.06.2022	Date of last comment received	16.11.2023	Date report finalised	06.03.2024
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PART A: AUTHOR DETAILS

First name(s) & Surname	Amber Willemse
Job title	Town Planner
SACPLAN registration number	

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Farm No. 225 Montagu						
Physical address	±9km east of Montagu on MR 294.			Town	Rural – Oubergpas		
Current zoning	Agricultural Zone I	Extent (m2 /ha)		1052,9306 ha.	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018						
Current land use	Agricultural and Residential			Title Deed number & date	T 35382/2019		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)				
Any third party conditions applicable?	Y	N	If Yes, specify				
Any unauthorised land use/building work	Y	N	If Yes, explain	The farm currently comprises natural vegetation and guest accommodation which has been developed prior to application and / or building plan approval. Notice issued 06/09/2021 & 02/12/2021			

PART C: APPLICATION DESCRIPTION

Application has been lodged in terms of Section 15(2) of the Langeberg Land Use Planning Bylaw, PN 264/2015, for Consent for a Guest House, two Additional Dwelling Units and a camping site (3 stands) on Farm No. 225 Montagu. A full copy of the application is attached at **Annexure A**.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Farm No. 225 Montagu is 1052,9306ha. in extent. A locality plan and site plans are attached at **Annexure B**. The farm currently comprises natural vegetation and guest accommodation which has been developed prior to application and / or building plan approval. The applicant proposes to regularize this situation by applying for consent for a Guest House, two Additional Dwelling Units and a camping site.

The applicant notes that:

- In terms of the WC Rural Guidelines (2019), core 1 areas are essentially a "no-go" area but may accommodate low-impact tourist activities including visitor overnight accommodation of appropriate scale and form, in harmony with the natural surrounds.
- The proposed units are close to an existing jeep track, outside the 30m building line, and more than 32m from watercourses.
- The property is not suitable for conventional agriculture and the development will not impact on agricultural land.
- The applicant argues that the proposed development is desirable and in line with the WCBSP, 2017; the WC Integrated Tourism Development Framework; and the LSDF, 2015.

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

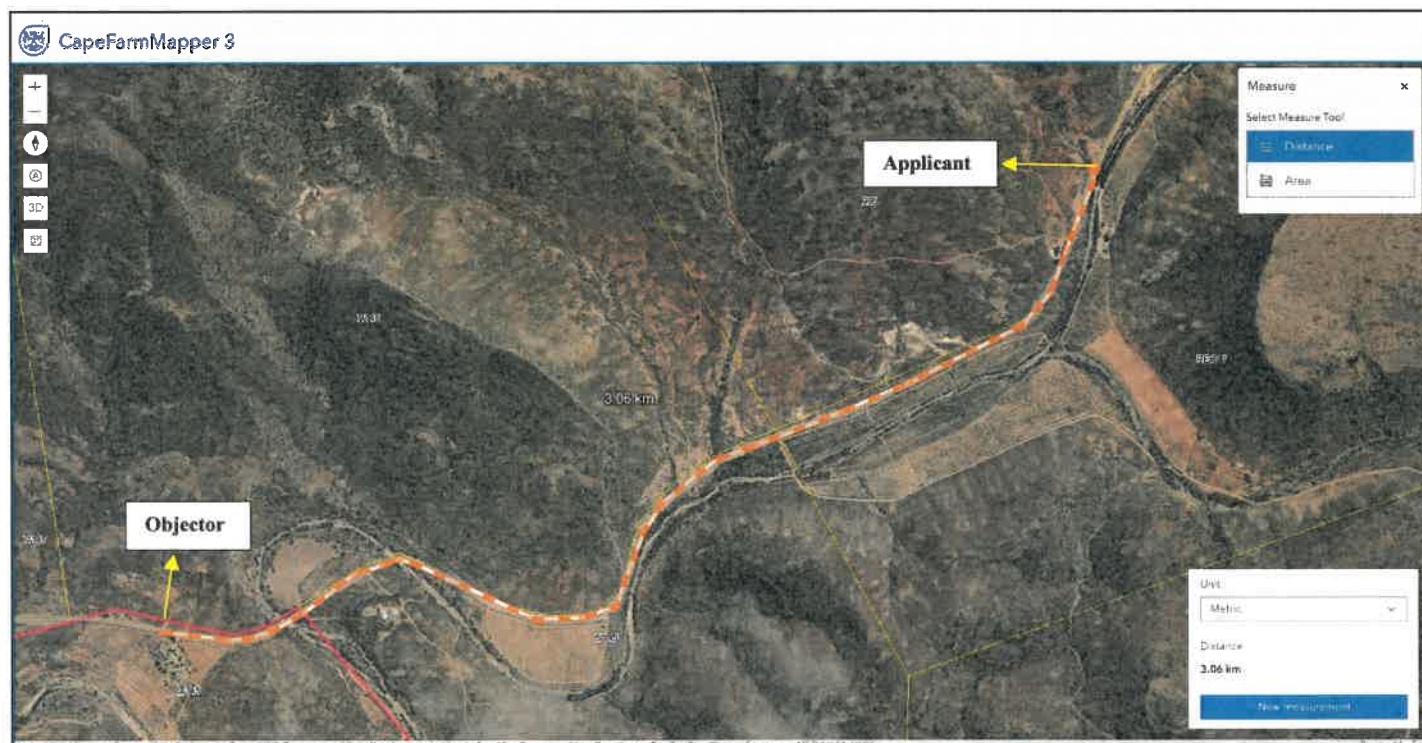
Notices

Ward Councillor

Other

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised in the normal manner on 12 July 2022 and letters were sent to the surrounding property owners. One written objection was received from a neighbour (see **Annexure D**). The location of the objector's property relative to the application site is shown on the CapeFarmMapper image below:



The objection is summarized below, and attached at **Annexure D**.

Objection:

- The owner is unaware of the possible nuisances, security, and fire risks as he is not on-site, nor has the owner appointed a qualified manager or foreman on the property.
- The property is an unsupervised full tourism-use property with public access for recreational activity. The activities pose a threat to the ecological and indigenous assets on the property.
- Light pollution, noise pollution and disturbances, sensitive to game corridors poses a risk to vulnerable indigenous flora and fauna, creating long-term impacts on neighbouring lands.

- Lack of cellphone and Wi-Fi communication on the farm has already resulted in the objector attending to three separate emergencies on the property that resulted in hospital admission.
- Construction of 4x4 routes and creating access to previously undisturbed areas.
- Noise pollution (amplified music) distresses animals and disturbs the objector's peace.
- Numerous areas of fire risks.
- Risky activities on the farm with no oversight of the guests during their stay.
- Game species that are not endemic (gemsbok) pose protentional risks to ecology and commercial activities on surrounding farms if they escape.
- Septic facilities pose risks to neighbouring properties down river and to ground water supplies that the properties rely on.
- No access to the farm for the municipal honeysucker, which can affect the groundwater downriver.
- Septic tanks of the two labourer's cottages are not consistent with current guidelines as it has no French drain and seep into the river.
- "Old stone house" is a heritage building and might form part of the unexplored Anglo Boer War tourism and scenic route potential of the Ouberg which could be negatively impacted if left to deteriorate further.

The Applicant's response to the written objection is summarized below and attached at **Annexure E**.

Applicant's Response to Objection:

The applicant responded to the objector's concerns as follows:

- The applicant has a permanently appointed Manager, Mr Vioks and is on-site to supervise. Mr Vioks and all employees have been appointed by SEESA and have drawn up contracts. An additional permanent employee is also on-site, that helps with accommodation and farm work and is a qualified driver.
- The farm has full uncapped internet, smart phones, laptop computers as well as house phones and radios that are used to be in contact with the owners and the guests on the property.
- The staff on the farm are therefore well qualified and can manage, supervise, and reduce potential risks and ensure everything runs safely and efficiently.
- The applicant sources additional help from the neighbour, who is located approximately 1 minutes' walk away from the workers accommodation.
- Highly qualified local builders, water and gas experts, farmers and people from Cape Nature are used to help when and where needed.
- Five-star ratings can argue that the farm is indeed operated and managed successfully.
- At Montevue we currently have the main house and 2 very small units that we rent out. It is rented out on a self-catering basis, which means guests cater for themselves and do not need a big number of employees or the owners on site, like Sanbona.
- The Mitchells' concerns about the owners do not present on the farm and therefore it poses security risks, come from a basis of ignorance unfortunately. Since the applicant has taken ownership of the farm, we have done a tremendous amount to improve security and reduce risks of our farm and surrounding farms.
- The farm is fully equipped with security systems such as a full paid membership with Boland Security Solutions, live feed, and other security cameras on various places on the property, motion sensor alarm systems on all the solar panels, borehole pumps and inside the houses and have not had any thefts or attempted thefts on the property.
- Additionally, the farm has panic buttons. Handheld radios to communicate in case of emergencies. The farm also has fire and security warning signs and a capable 4x4 farm bakkie equipped with a full water tank, with generators and has fire extinguishers and medic kits.
- Lastly, the farm has full membership with the Ouberg Farm Security WhatsApp group and as a result the area is much safer than it was before.
- All current activities on the property are sustainable – no dams have been excavated by the applicant; all dams present has been excavated long before the applicant purchased the farm. The applicant has since repaired the dam that used to cause permanent erosion and damage to the ecology and veld in the area, and as a result the repair of the dam has provided positive effects to the environment.
- The Gemsbok was not translocated from the Northern Cape, but however legally transported through the correct permits with Cape Nature. The Gemsbok were bought from a local farm just 30 mins away from the current farm and are used to the type of vegetation and veld.
- The Mitchells mistake "encouraged 4x4 activity" with driving a 4x4 capable vehicle on a normal farm road for exploring and sightseeing. The guests are wealthy, professional people who respect the environment. Additionally, visitors are not allowed to go off the existing roads and therefore have no impact on the nature, also there are never more than 2 or 3 vehicles on the property at any given time and the amount that the guests driven the farm is very little.
- For almost each house, there are safe enclosed braai places that are used when its windy.

- The property has many fire safety warnings as well as snake warnings at all the accommodations, as well as fire extinguishers and smoke alarms.
- Light and noise pollution – the farm only has the main house and 2 units that guests occupy on occasions, all equipped with low watt solar powered lights, therefore there will be no light pollutions.
- The guests are professional and nature loving people and respect nature, therefore no loud music or noise takes place on the farm.
- There has only been one day visitor on the farm in the past 4 years and currently no day visitors are allowed.
- No workers have been illegally evicted from the property – see full statement in response letter (**Annexure E**).
- No new 4x4 routes have been created – all the routes on the farm are existing and only have been cleaned up to make it safer to use. The track that has been opened over the mountain has been approved by certified earth movers and their engineers and is not very steep – we have applied for consent use to legalise the off-trail routes.
- There is no risky behaviour from guests – the guests agree to the fire safety measures and the permanent onsite staff members and manager patrol the grounds.
- Septic facilities – there are no running rivers for many kilometres from our septic tanks and no immediate water ways close by. The septic tanks get pumped regularly to make it safer. The camping sites use an environmentally safe composting toilet that pose no risk to any river system and is secured. Additionally, the municipal honey sucker can access the property and can pump the workers houses, and the rest of the houses are serviced by a private company when needed.
- Heritage building – the heritage building is not certified It is a ruin, however the history of the house is appreciated and looked after. The applicant is open to restoration.

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

Name	Date received	Summary of comments	Recommendation: Support Object Comment		
Manager: Civil Engineering Services	20.07.2022 (attached).	No objection subject to standard conditions	No objection		
Cape Winelands District Municipality: Health	08.07.2022 (attached).	Application supported subject to conditions relating to wastewater management and drinking water quality.			Comment
Department of Transport	12.08.2022	No objection.			Comment
Cape Nature	04.08.2023 (attached).	Objection withdrawn			Comment
DEA&DP: Development Management (Land Use)	14.07.2022 (attached).	No objection.	No objection		
DEA&DP: Development Management (EIA Regs)	16.11.2023 (attached).	Referred to the Department of Environmental Law Enforcement – the lengthening of the road of more than 1km within an area containing indigenous vegetation.			Comment
Provincial Department of Agriculture (Elsenburg)	05.09.2022 (attached).	No objection.	No objection		
Breede Gouritz Catchment Management Agency for DWAF	11/08/2022 (attached).	No objection subject to standard conditions.	No objection		

Ward Councilor	-	No comment			
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PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Criteria for Assessing the Land Use Application:

In terms of Section 65 of the Langeberg Land Use Planning Bylaw, PN 264/2015, of 30 July 2015 a land use 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 section 59 (spatial justice, spatial sustainability, efficiency, and good administration).
- 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, and 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.

Assessment of Land Use application:

Given the above assessment criteria, the key issues for consideration of the proposed development, relate to:

- Compliance with the relevant legislation, plans and guidelines: Langeberg Integrated Zoning Scheme, 2018; WC Biodiversity Spatial Plan, 2017; PSDF, 2014 and the WC Rural Land Use Guidelines, 2019; CWDM SDF (2019-2024); and LSDF, 2015.
- Desirability of the proposed use, particularly in relation to the natural environment.
- The potential impact on the surrounding agricultural area and the objector's property and their existing rights; and
- Can the proposed development be appropriately serviced in terms of water supply, sewage disposal and vehicular access.

1. Compliance with the relevant legislation, plans and guidelines: Langeberg Integrated Zoning Scheme, 2018; WC Biodiversity Spatial Plan, 2017; PSDF, 2014 and the WC Rural Land Use Guidelines, 2019; CWDM SDF (2019-2024); and LSDF, 2015.

1.1. Langeberg Integrated Zoning Scheme, 2018:

The application site is zoned Agricultural Zone I in terms of the Langeberg Integrated Zoning Scheme (LIZS), 2018.

In terms of this zone, a Dwelling House and a farm manager's house are primary rights. A Guest House and Additional Dwelling Units are consent uses in the Agricultural zone I.

The definition of a Dwelling House includes a second dwelling "with a floor area which does not exceed 60m², provided that application for consent use must be submitted if the second dwelling is larger than 60m²". In addition, where Consent is granted for Additional Dwelling Units the following apply:

- The maximum number of Additional Units which may be permitted on a farm of >20ha is three.

- A maximum floor area of 150m² each - may be restricted to a lesser size depending on the specific site.

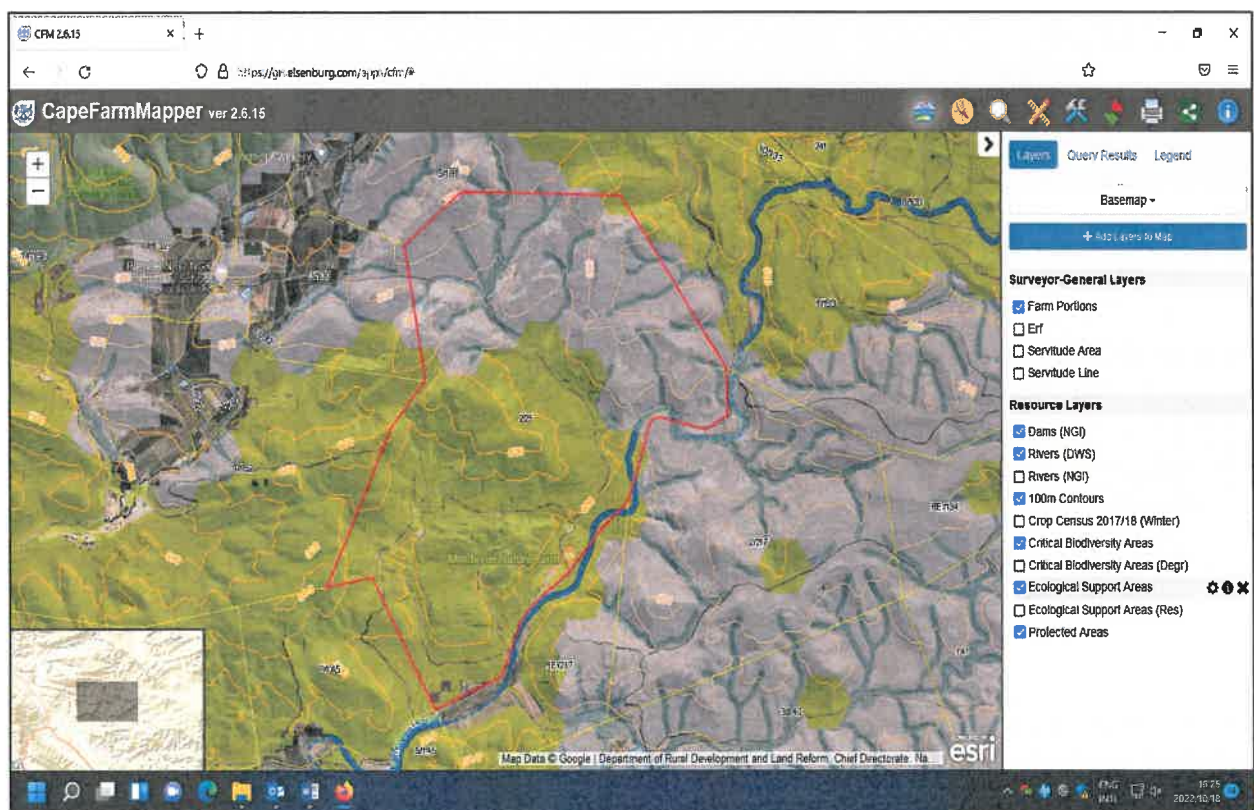
Therefore, the total number of units which may be applied for by consent in Agricultural Zone 1, on a farm greater than 20ha. in extent, in addition to the primary right of Dwelling House and Farm Manager's House is as follows:

Farm Size	2 nd Dw >60m ² – with consent	Add Dw – with consent	Total
>20ha.	1	3	4

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.

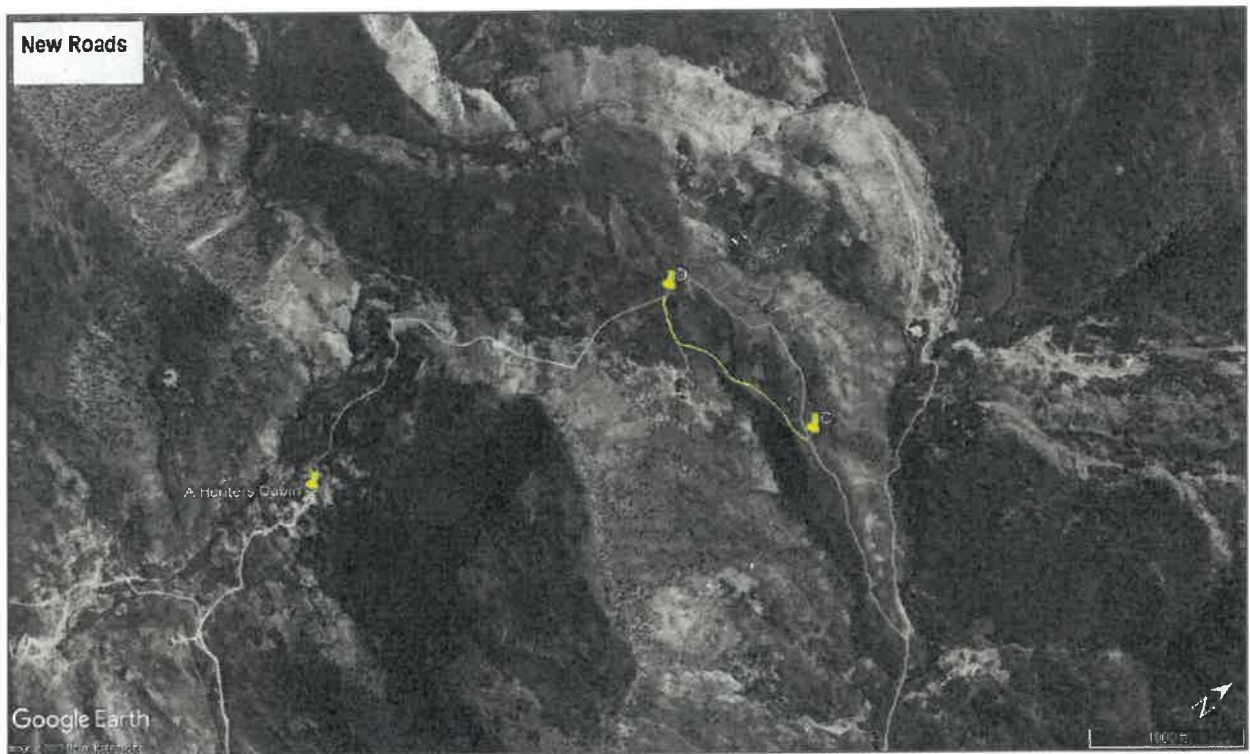
A maximum floor space of 91.8m² and 33.48m² is proposed for the units for guest accommodation. This is well within the maximum recommended size of 150m² for Additional Dwelling Units for guest accommodation as specified in the LIZS. The development of two units with a maximum floor space of 91.8m² on a farm of over 1052,9306ha. represents very low-key, small-scale development, which is considered appropriate to the receiving environment. This limit on the number and size of units will also serve to restrict the maximum number of guests that can be accommodated at any one time.

1.2. Western Cape Biodiversity Spatial Plan, 2017 (WCBSP):



Cape Nature notes that the origin of the wetland was identified to be artificial and withdrew their initial objection to the proposed camping site, which was assumed to be located within a wetland, as well as the removal of the artificial source of water for the wetland, which is the run-off from the cut-off channel, provided that any disturbance is minimized (attached at **Annexure F**).

An Environmental pre-screening report was conducted and found that the new fire management road is essential for the overall protection and management of the biodiversity of the property (the road built between Hunter Cabin and Point D. The roads are essential to connect the North of the farm to the South for efficient management of periodic fires and measures approximately 1.1km in length. The length of the road does however effect Listing Notice 3 Activity 18 and more than 300 square meters of indigenous vegetation was removed (Activity 12).



1.3. NEMA and EIA listed activities:

The EIA listed activities:

- Guest accommodation within 5km of a Protected Areas, which sleep 15 people or more, requires Environmental Authorisation in terms of the EIA listed activities (LN3: Activity 6).
- Environmental Authorisation is required to remove more than 300m² of such vegetation (LN3 of Activity 18 and possibly LN1 of Activity 27).

The development is proposed to sleep a maximum of 12 people at the campsite and an additional 2 guests at the Hunters Cabin, therefore not effecting Listing Notice 3 Activity 17. The length of the road does however effect Listing Notice 3 Activity 18 and more than 300 square meters of indigenous vegetation was removed (Activity 12), DEA&DP: Development Management (EIA Regs) has referred this to the Department of Environmental Law Enforcement.

1.4. PSDF, 2014 and CWD SDF (2019-2024):

In terms of Policy R1 of the PSDF: Protect Biodiversity and Ecosystem Services, CBA mapping must inform land use decisions, and priority areas for conservation must be secured (p41).

Policy E2: Diversify and Strengthen the Rural Economy, states that development outside the urban edge, of an appropriate scale and form, which does not compromise the environment, can be accommodated "except in bona fide wilderness areas" (p 66). The establishment of tourist accommodation providing opportunities for tourists to experience the Western Cape's unique biodiversity is therefore supported (p38).

The DEA&DP: Development Management as well as the WC Dept of Agriculture has no objection and comments as follows: "The structures are already existing on the 1052.03ha farm portions and the proposal provides social and economic opportunity without being intrusive towards rural landscape".

The CWD SDF (2019-2024) emphasizes the responsibility of Cape Winelands' municipalities to protect the biodiversity of the Cape Floristic Region, as one of the world's greatest biodiversity hotspots (p99). The CWD SDF states that development decisions must consider the WCBSP, and that impact on Core Areas must be minimized.

In light of the above, read together with the conclusions of the environmental pre-screening report and freshwater study the proposed development is considered to be consistent with the PSDF and CWSDF.

1.5. Western Cape Rural Land Use Guidelines, 2019 (WC RLUG):

The WC RLUG specify that the Core 1 SPCs identify those parts of the rural landscape which are of highest conservation importance and advise that development in MCAs must be restricted "in order to maintain their high water yielding and water quality function".

More specifically, the guidelines specify the following for land use in the Core 1 SPC:

4.1.2 GUIDELINES ON LAND USE AND ACTIVITIES IN THE CORE 1 SPC

What kinds of activities?

- Essentially Core areas are 'no-go' areas from a development perspective. Accordingly, human impact must be restricted to ensure that there is no further loss of natural habitat.
- Conservation management activities, such as alien clearing, research and environmental education should be encouraged.
- Subject to stringent controls the following biodiversity-compatible land uses (i.e. those of very low impact) may be accommodated in Core 1 areas:

- non-consumptive low impact eco-tourism activities, such as recreation and tourism (e.g. hiking trails, bird and game watching, and visitor overnight accommodation); and
- harvesting of natural resources (e.g. wild flowers for medicinal, culinary or commercial use), subject to a management plan demonstrating the sustainability of harvesting.

The Guidelines also recommend that, while a range of holiday accommodation should be provided for tourists to experience the Western Cape's unique rural landscape, such accommodation must be appropriately scaled and located to reinforce rural landscape qualities. The nature and scale of the proposed development must be informed by the carrying capacity of the landscape and assessed in terms of its appropriateness to the context, the extent of the farm and the sensitivity of surrounding uses.

The guidelines are therefore consistent with the PSDF in effectively precluding all built development within Core SPCs, except low-key eco-tourism activities such as the proposed development.

1.6. LSDF, 2018:

The farm comprises "Core 1b: CBA" Spatial Planning Category in terms of the LSDF. The LSDF is consistent with the PSDF, and the WC RLUG in that Core 1 area areas should be maintained in a natural or near natural state and degraded areas must be rehabilitated. For possible land uses, the LSDF refers to the RLUG, which in turn identifies

that small-scale, appropriate ecotourism developments can be used as incentives for private landowners to actively conserve CBAs.

2. Desirability of the proposed use.

2.1. In terms of the above legislative framework, whilst it would be ideal for no built development to be permitted within CBAs, low impact eco-tourism development could be considered.

2.2. Water and impact on Langkloof River:

The location of the proposed development will not have a negative impact on downstream water users in terms of water quality, given the disturbances of the built development to the water sources.

2.3. Fire risk:

The farm is not located within a high fire prone area, as with the Langeberg and Riviersonderend Mountains. The last major recorded fire across the property was in 2010.

The medium fire risk must be drawn to the applicant's attention and the proposed development must determine the type of building material and planting utilised, as well as ongoing management of the guest accommodation and must be a member of the local FPA e.g. Cape Winelands Fire Protection Association,

3. The potential impact on the surrounding agricultural area and particularly the objector's property and their existing rights in relation to water supply and vehicular access.

The proposed uses will not impact on land which is under agricultural production. The proposed development will diversify land uses on a farm which has limited conventional agricultural potential. The guest accommodation will provide additional job opportunities in the region and add to the diversification and sustainability of agricultural activities in the surrounding valley. The neighbour's existing rights in terms of access to water will not be negatively affected. The access is directly off the MR294, and tourist accommodation will result in a slight increase in traffic with minimal impact on the neighbour in terms of noise, dust, and safety.

Objection from neighbour:

The many of the objections received against the application are rather personal reasons and cannot be considered in terms of LUPA. The objections from the owner of Farms 2 & 7 of 145, Ouberg, Montagu is noted as in Part F. A site inspection was conducted on 5 January 2024, with Amber Willemse and Tracy Brunings (Langeberg Municipality), Albertus Engelbrecht (owner) and Martin Oosthuizen (Applicant). In response to the objection that the property is unsupervised, Mr Engelbrecht confirmed the employment of staff on the farm as well as an appointed manager to oversee the activities on the farm and prohibit any "risky activities". The nuisances such as light and noise pollution from the property is not considered relevant as the objector's property, Farm 2 of 145 is located approximately 3.06km from Farm 225. The guesthouse, campsite as well as the additional units are located a great distance from the entrance of the farm, and even further from the objector's place of residence. Whilst doing the site inspection it was confirmed that noise and light pollution are highly unlikely to reach a residence located 3.06km away with slopes and hills in between the guesthouse.

The objector's concern regarding the fire risks on the property are noted. According to the Department of Agriculture, Forestry and Fisheries (DAFF), Farm 225 is not located within a high fire prone area, with the last recorded fire in 2010. However, a condition of approval will be applied to ensure that the property owner is a member of the local FPA e.g. Cape Winelands Fire Protection Association. Building plans approvals are required, which will ensure the relevant fire response provisions are included for the built development.

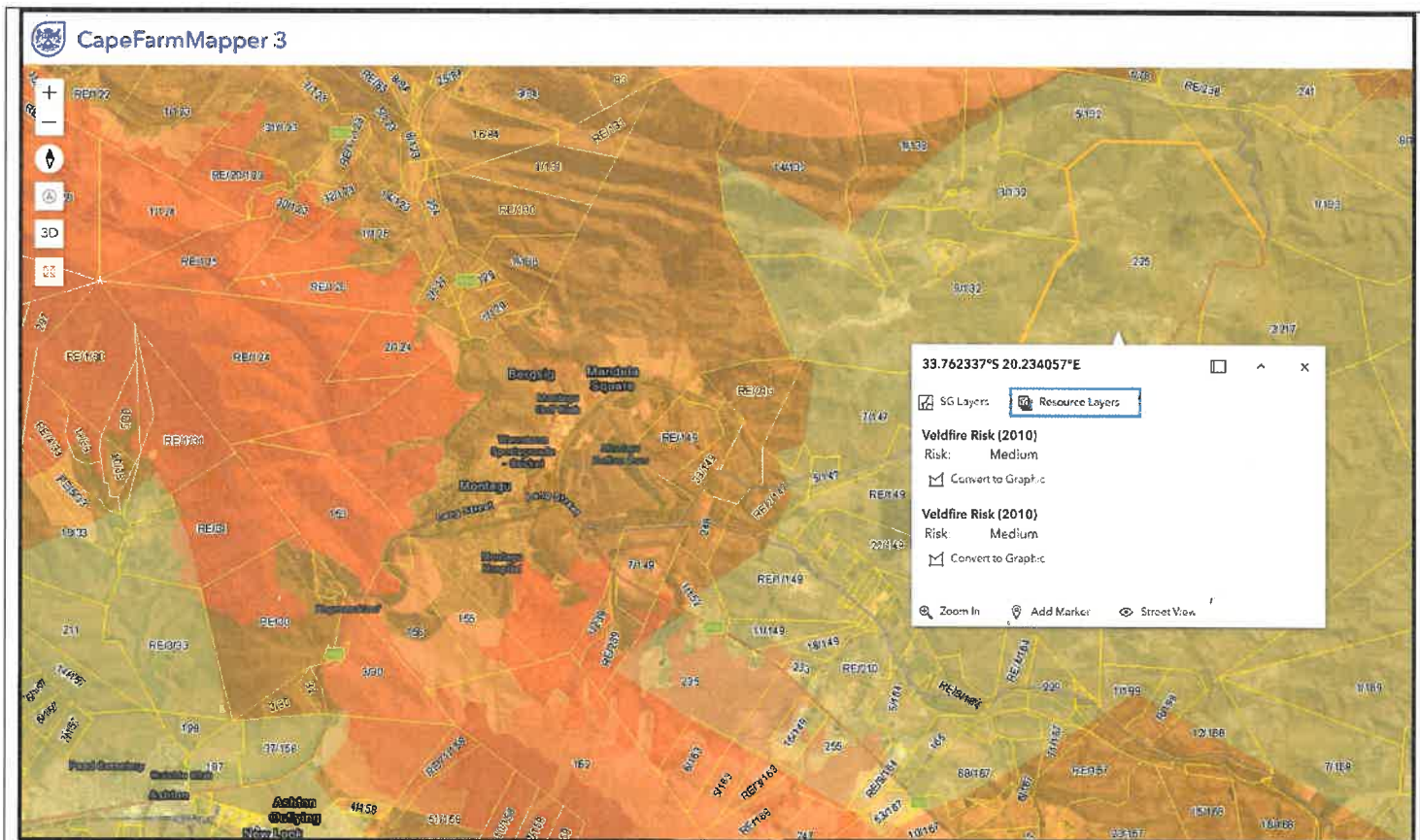


Figure 1: Farm 225 - Medium fire risk.

The applicant has had an environmental pre-screening done, which together with the comments from Cape Nature, DEA & DP (land use & environmental) confirm that the existing activities on the farm do not pose a threat to the ecological and indigenous assets on the property nor on neighbouring lands. The objectors concern regarding the construction of the 4x4 routes have been addressed, the environmental pre-screening report which confirms that the new route between C and D is not within a CBA. The construction of the route does exceed the permitted 1km according to DEA & DP (Environmental) and is currently being dealt with accordingly. The latter does however not prohibit the applications for Consent Use for the guest house, additional dwelling units and the campsite. The built development can be accessed with or without this route.

The objectors concern regarding the lack of cellphone and Wi-Fi communication are noted. It was confirmed by Mr. Engelbrecht that the property has taken steps to ensure that they can communicate in case of emergencies such as being part of Boland Security Solutions which can be reached through panic buttons and handheld radios. The property is also a member of the Ou Berg Farm Security group should the need arise. The objector notes that game species such as the gemsbok pose potential risks to the surrounding farms, Cape Nature has been involved with the process of the transportation of the species as well as the permit process and has had no objection to the game species being located on the property.

The objectors concern regarding the septic facilities have been noted. Upon site inspection it was confirmed that campers do bring their own sewage disposal facilities and there is a composting toilet at the campsite. This does not pose a water pollution problem on the property nor surrounding properties. A condition is included that the applicant makes use of environmentally acceptable, sustainable sewage systems (e.g. Those used by Cape Nature within their declared Nature Reserves).



Figure 2: Toilet on site at the Montevue campsite.



Figure 3: Toilet on site at the Hunter's Cabin

Sewage from the units is collected via conservancy tanks, with sewage tanker services. The laborer's cottages which is more accessible from the road, and the additional units and guest house are serviced by a private company at the cost of the property owner. Therefore, it is confirmed that no sewage is or will be disposed of near any water courses.

Lastly, the objectors concern about the "Old Stone House" is noted, since the building does not directly affect the application, and is currently not in use for any dwelling purposes, a condition has been included that any changes made to the old workers house should be done through the approval of Heritage Western Cape.

4. Servicing: water supply, sewage disposal, electricity supply and vehicular access

The provision of water supply, sewage disposal, electricity supply and refuse removal remain the responsibility of the owner. The owner will be required to comply with the specified requirements of the Langeberg Municipality, CWDM and BGCMA regarding the provision of these services.

Water is supplied via a borehole for cleaning, flushing of toilet and for the shower and bathing facilities. The units are supplied with filtered bottled water which are store bought for human consumption. There is a small existing dam on the Southwestern boundary of the farm.

With regard to sewage disposal, the applicant makes use of the Municipal tanker services for the laborer's cottages and a private company for the additional units and guest house. Campers bring their own waste disposal systems. One (1) compost toilet facility is also available in site. It is however required that the applicant makes use of environmentally acceptable, sustainable sewage systems used by Cape Nature within their declared Nature Reserves. The applicant will be required to submit details for approval at the building plan stage. In terms of electricity - all electricity on the property is self-sufficient with solar power connected to battery packs as well as gas appliances. Lastly, the Department of Transport have no objection to the application, as an existing access point onto the MR294 will be used.

PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Not applicable.

PART J: RECOMMENDATION

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. The Hunters Cabin and camp site are both located within and no more than 14 guests in total.
 - 2.6. A suitably located and screened refuse collection area must be provided in the main farm werf area.
 - 2.7. 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 conditions which may be imposed by the Breede-Gouritz Catchment Management Agency in relation to the National Water Act 36/1998, must be complied with.
 - 5.4. 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 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 the Civil Engineering Services Department in their letter, ref 15/4/14/R dated 20 July 2022, must be complied with.
9. The conditions imposed by CWDM in their letter, ref 15/4/13/5 dated 04 July 2022, must be complied with.
10. No name, advertising sign or tourism board may be erected without written approval of the administering authority.
11. 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).

12. 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.
13. The property owner must join a local FPA e.g. Cape Winelands Fire Protection Association.
14. 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.
5. The objectors are considered to be adequately addressed and conditions of approval are included to mitigate potential impacts.

PART K: ANNEXURES

Annexure A	Application and motivation
Annexure B	Locality Plan and Site Plan
Annexure C	The environmental pre-screening report and freshwater study
Annexure D	Objection from neighbour
Annexure E	Applicant's response to objection
Annexure F	Departmental comments.

PART L: SIGNATURES FOR DECISIONS BY TRIBUNAL

Author name: Amber Willemse, Town Planner

Date: March 2024

APPROVED	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED
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LANGEBERG MUNICIPAL PLANNING TRIBUNAL

Date:

PART M: SIGNATURES FOR AUTHORISATION

Authorised for submission to Tribunal.

.....
TL BRUNINGS
MANAGER: TOWN PLANNING

.....
DATE

.....
MR DP LUBBE
ACTING DIRECTOR : ENGINEERING SERVICES

.....
DATE

SKEDULE / SCHEDULE 1

Ooreenkoms / Agreement

aangegaan deur / entered into by

.....
Volle name en van / Full name

.....
Identiteitsnommer / Identity number

.....
Adres / Address

(die aansoeker / the applicant)

met die **Langeberg Munisipaliteit** / with the **Langeberg Municipality**

ten opsigte van die volgende ontwikkeling, soos goedgekeur op:
in respect of the following development, as approved on:

.. **March 2024**

FARM NO. 225, MONTAGU (MONTEVUE): CONSENT FOR GUESTHOUSE, TWO ADDITIONAL DWELLING UNITS, AND CAMPING SITE (3 STANDS)

Die aansoeker aanvaar die voorwaardes ten opsigte van bogenoemde goedkeuring en onderneem om toe te sien dat die voorwaardes nagekom sal word. Die aansoeker vrywaar voorts die Munisipaliteit teen enige eis wat mag voortspruit as gevolg van die uitoefening van gemelde goedkeuring.

The applicant accepts the conditions attached to the abovementioned approval and undertakes to ensure compliance with the conditions. The applicant furthermore indemnifies the Municipality against any claims which may arise due to the exercise of such approval.

Geteken op die / Signed on the dag van / day of 20.....

te / at

.....
Aansoeker / Applicant

.....
Datum

