

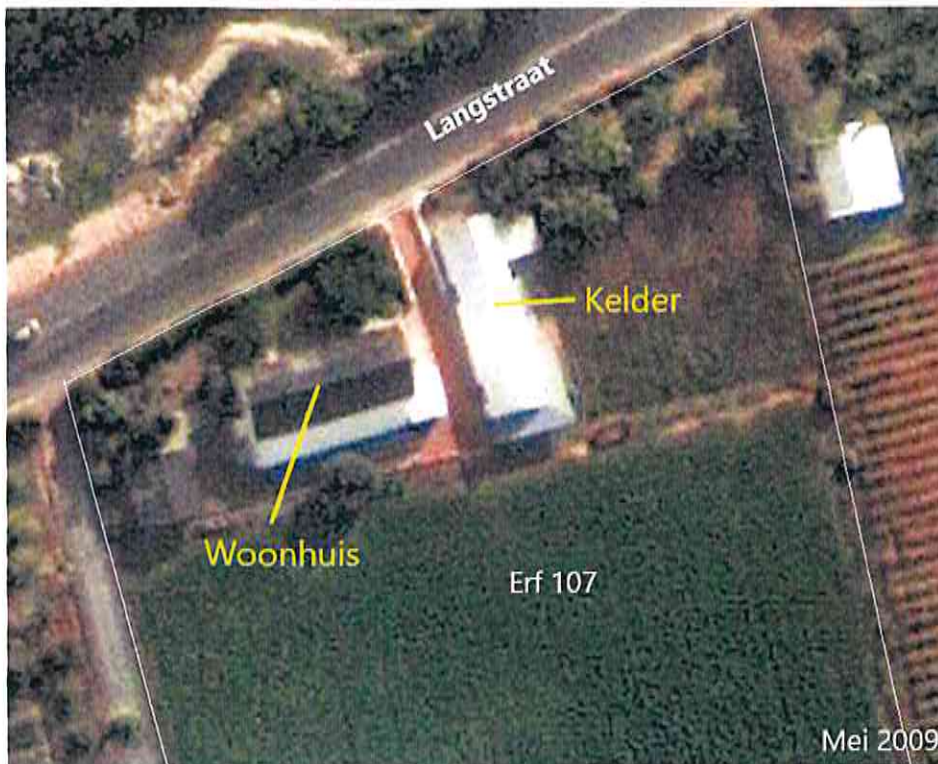
LAND USE PLANNING ASSESSMENT REPORT

(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

AANSOEK: VOORGESTELDE WYSIGING VAN GOEDKEURINGSVOORWAARDES EN VERGUNNINGSGEBRUIKE, ERF 107, LANGSTRAAT 12, MONTAGU, MONTAGU

Reference number	15/4/9/5	Application submission date	04.06.21	Date report finalised	20-12-2021
PART A: AUTHOR DETAILS					
First name(s) & Surname	Jack van Zyl				
Job title	Assistent Bestuurder: Stadsbeplanning				
SACPLAN registration number	A/1170/2000				
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 107, Montagu				
Physical address	Langstraat 12	Town	Montagu		
Current zoning	Landbousone II	Extent (m2 /ha)	1.1049ha	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema				
Current land use	Blu Vines Winery & Restaurant			Title Deed number & date	T37300/2007
Any restrictive title conditions applicable	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, list condition number(s)			
Any third party conditions applicable?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, specify			
Any unauthorised land use/building work	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, explain			
PART C: APPLICATION DESCRIPTION					
Aansoek ingevolge Artikel 15(2) van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 vir die wysiging van goedkeuringsvoorwaardes en vergunningsgebruik vir toeristefasiliteite (restaurant, wynproe & -verkope, vertoon en verhuur van motorfietse).					
PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION					

Die aansoek-eiendom het histories oor die regte vir 'n wynkelder beskik, met gepaardgaande wynverkope en wynproe-eriewe. Dié regte is uitgeoefen in 'n losstaande keldergebou, terwyl die eienaar tot ongeveer 2008 die historiese woonhuis bewoon het.



Die Raad het op 28 Februarie 2014 die volgende goedkeuring verleen:

That the following be approved on erf 107, Montagu in terms of the Montagu Zoning Scheme Regulations and Section 42(3) of the Land Use Planning Ordinance, no. 15 of 1985:

- *Amendment of conditions of approval to allow wine sales and wine tasting from the main dwelling*
- *Amendment of conditions of approval and consent use for a Farm Store to allow the sale of wine not produced on the property*
- *Consent use for a Tea Garden, to provide light lunches with wine tasting*

Die goedkeuring was onderhewig aan voorwaardes wat ondermeer daarop gerig was om die aard en omvang van die grondgebruik te beperk, asook die bedryfsure en tipe produkte wat verkoop mag word. Die goedkeuringsbrief met voorwaardes en goedgekeurde terreinontwikkelingsplan is ingesluit by die aansoeker se motiveringsverslag in Bylae 2.

Die aansoek is nou om die voorwaardes wat die gebruik van die perseel beperk het, te skrap en vir nuwe vergunningsgebruik vir toeristefasiliteite (restaurant en motorfiets vertoonlokaal en -verhuring). Die bestaande goedgekeurde gebruik en voorwaardes en die voorgestelde gebruik en skapping van voorwaardes waarvoor nou aansoek gedoen word, is as volg:

Goedgekeurde gebruike & voorwaardes	Voorgestelde gebruike en skapping van voorwaardes
Wynkelder in aparte gebou – bestaande historiese gebruik, ingesluit wynproe en wynverkope.	Word behou

Wynproe in deel van hoofhuis, onder bestaande historiese reg, met gewysigde beperkings – beperk tot area van 60m ² binne en 103m ² buite (veranda and houtdek)	Wynproe in ongeveer 87m ² van hoofhuis – stem ooreen met bestaande reg.
Wynverkope vanaf hoofhuis, onder bestaande historiese reg, met gewysigde beperkings. – beperk tot area van 60m ² soos op plan aangedui.	Wynverkope vanaf 50m ² area in hoofhuis – stem ooreen met bestaande regte.
Wynverkope (van ander produsente in die streek) vanaf hoofhuis, toegelaat as vergunning vir Plaaswinkel.	
Ligte middagetes om wynproe te komplementeer, toegelaat as vergunning vir Teetuin – beperk tot area onder veranda en op dek agter die huis (103m ²) en in die sitkamer-area (60m ²).	Volledige, gelisensiëerde restaurant met kapasiteit van 100 sitplekke, wat ontbyt, middagetes en aandetes bedien. Die restaurant sal uit verskillende komponente bestaan en sal die hele woonhuis, stoep en houtdek beslaan, met die uitsondering van die wynproe- en – verkope-area. 'n Nuwe losstaande braaikombuis ("fire kitchen") van sowat 29m ² word ook beoog.
Akkomodasie vir bestuurder in die oorblywende deel van die hoofhuis (84m ²) onder bestaande primêre gebruiksreg – voorwaarde dat hierdie deel altyd as wooneenheid gebruik moet word.	Geen woongeriewe word voorsien.
Dubbele motorafdak langs wooneenheid, toelaatbaar as buitegebou vir wooneenheid.	Afdak is toegebou en word voorgestel as vertoonlokaal vir motorfietse (±51m ²). Motorfietse sal ook verhuur word.
Besigheidsure van die teetuin en wynproe en – verkope is beperk tot tussen 08h00 en 17h00 daaglik.	Besigheidsure van 08h00 tot 22h00 daaglik.
Produkte te koop is beperk tot gebottelde wyn wat op die eiendom of in die streek produseer is. Geen ander produkte mag verkoop word nie.	Kunswerke word in die restaurant vertoon en by die wynverkoop punt verkoop.
Geen toegang vir publiek of afleweringsvoertuie vanaf Ebdstraat toegelaat.	Wil toegang vir verhuurde motorfietse in Ebdstraat gee.

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 (if applicable)

Daar is 13 besware teen die aansoek ontvang in een gesamentlike brief.

Die beswaar is gegrond op die volgende:

- Oorspronklike goedkeuring was sensitief teenoor primêre gebruiksreg van die eiendom en omgewing, indien voorwaardes nagekom word. Die nuwe voorstel is 'n groot uitbreiding van die bestaande regte, wat die huidige landelike - en erfeniskarakter van Langstraat sal skaad en strydig is met die doelwitte van die SDF en met die primêre regte volgens die soneringskema.
- Oorspronklike voorwaardes was om die grondgebruik te laat inpas by die landelike en kulturele karakter van die area, terwyl aansoek is om weg te doen met dié voorwaardes. Dit sal toelaat dat die eiendomme omskep word in 'n algehele toerisme besigheid, teenstrydig met die karakter van die area.
- Regte van omliggende eienaars sal benadeel word deur die omskepping van die landelike omgewing waarbinne hulle gekies het om eiendom te koop.
- Verwagte toename in verkeer, met gepaardgaande toename in geraas en 'n hoër risiko vir ongelukke by die uitgang in Langstraat, veral waar motor oor die pad (met spierstreep) gaan draai.
- Parkering is onvoldoende vir al die aktiwiteite wat beoog word (selfs al sou dit volgens soneringskemavereistes van 4 per 100m² wees), wat sal lei tot straatparkering, met gevolglike gevaar vir verkeer en voetgangers.
- Mees belangrike beswaar is teen die geraasbesoedeling wat veroorsaak sal word. Omliggende eiendomme ondervind reeds probleme met luide musiek afkomstig van sangers wat optree, sowel as agtergrondmusiek, waar luidsprekers soms buite geplaas word. Klank word versterk deur ligging van die area binne 'n kom, sodat musiek selfs op die voetpaaie in die berg by Aasvoëlkrans gehoor kan word.
- Die huidige goedkeuringvoorwaardes ten opsigte van die bedryfsure (8vm tot 5nm) is op verskeie geleenthede oortree. Met toekenning van verlengde ure kan funksies soos partytjies en troues aangebied word, wat die probleem met geraas baie sal vererger en word verdere oortredings van selfs die verlengde ure verwag.
- Aansoeker het klaarblyklik reeds die veranderinge aan die gebou gedoen in ooreenstemming met die voorstel waarvoor nou aansoek gedoen word. Dit mag nie gebruik word as 'n motivering om die uitslag van die aansoek in hul guns te dwing nie.
- Goedkeuring van die aansoek sal presedent skep wat die integriteit van die karakter van Montagu sal skaad en lei tot verval van die dorp en van Langstraat.

Die aansoeker se reaksie op die beswaar (aangeheg in Bylae 4) behels die volgende:

- Town need progress and new initiatives to keep it from deteriorating, with accompanying large socio economic impacts.
- Blu Vines is beautiful and state-of-the-art and will not harm the character of Montagu, but rather enhance the attractiveness of the town.
- Proposed business will be more exceptional than and a quality alternative to other tea gardens in Long Street.
- Existing buildings will be converted into a restaurant, as was done with many old houses in town without negative impact on the town's character.
- The view from the street will remain the same.
- Only change will be the addition of the kitchen behind the building.

- Impractical for the business to have a dwelling in the same building.
- Tourists/visitor will be afforded the opportunity to experience the agricultural rural character of the town.
- Volume of traffic will be below 50 trips per hour and therefore does not warrant a traffic statement. The facility will be a restaurant with distributed traffic flow and not a function venue. A total of 100 seats will be provided.
- Enlarging the parking area will be in contrast with the aim of preserving the character of the area. Additional space can however be made available for parking.
- The owner does not want to cause noise pollution and undertakes to abide by the rules.
- The owner will apply to the municipality for special permission if "once-off" events are being planned.

Die aansoeker het die bogenoemde reaksie op die besware aan die beswaarmakers voorsien, waarop 4 van laasgenoemde verder reageer het. Die reaksie was dat geen van die oorspronklike besware bygelê is met die aansoeker se besware nie en dat die voorstel steeds 'n negatiewe impak op die karakter van die omgewing en dorp, sowel as geraas en verkeer sal hê. Die kwessie dat die goedkeuring van die aansoek 'n presedent vir ander volskaalse sake-ontwikkeling langs Langstraat sal skep, is ook weer beklemtoon.

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

Siviele Ingenieursdienste

Die Siviele Ingenieursdepartement het in beginsel geen beswaar teen die bogenoemde aansoek nie op voorwaarde dat:

- Bestaande water- en rioolaansluiting tot die erf sal bestaande bly.
- Die bestaande toegang tot die erf sal dien as toegang tot die erf. Geen publieke toegang of afleweringstoegang mag vanaf Ebdstraat plaasvind nie.

Boubeheer

Geen kommentaar ontvang.

Elektriese Ingenieursdienste

Geen kommentaar ontvang.

Wyksraadslid

Geen kommentaar.

Omgewingsgesondheid – Kaapse Wynland Distriksmunisipaliteit

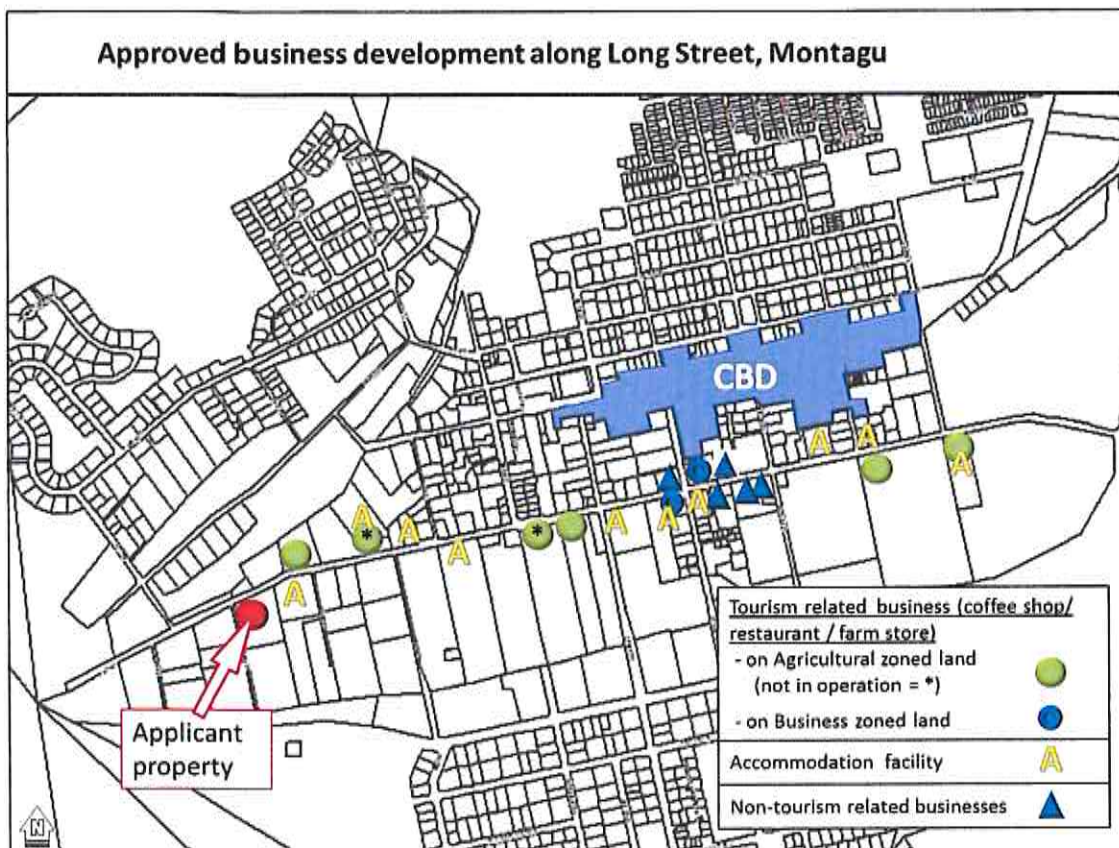
Geen beswaar.

PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

WENSLIKHEID

Verseoenbaarheid met omliggende gebruike en karakter van omgewing

In die algemeen is daar reeds 'n patroon van toerisme-geörienteerde gebruike versprei langs Langstraat, hoofsaaklike op landbougesoneerde grond gevestig (met die uitsondering van die middelste deel van die straat, waar ander sakegebruike voorkom) – sien kaart hieronder.



Die verseoenbaarheid van dié tipe gebruike met die omliggende landbou- en residensiële gebruike en met die algemene karakter en sin-van-plek van die Langstraat-omgewing lê egter grootliks daarin dat dit op klein skaal is en/of relatief ver van woonhuise af geleë is. Die bestaande regte op erf 107 is doelbewus met sekere beperkings goedgekeur om te sorg dat dit steeds sal inpas by die karakter van die betrokke omgewing. Die voorstel is om die regte aansienlik uit te brei ten opsigte van die fisiese omvang, aard en bedryfsure. Dié vestiging van 'n volledige restaurant sal 'n groter impak op die omliggende area hê en dit minder verseoenbaar maak met die omliggende gebruike.

Die bure se besware dui ook aan dat daar konflik tussen die gebruik as restaurant en die residensiële gebruike rondom verwag word en trouens reeds ervaar word, veral wat geraasbesoedeling betref.

'n Bykomende "nwe-effek" van die vestiging van 'n volskaalse restaurant en motorfiets vertoonlokaal is die behoefte om advertensietekens daarvoor te vertoon. In hierdie verband is die volgende kommentaar wat met die oorweging van die vorige aansoek voorgelê is, selfs meer relevant: *"The proliferation of signage in Long Street is regarded as a very important threat to the historic character and sense of place of Montagu, of which the Long Street streetscape is a key element. This character is a major contributing factor to the town's tourism attraction and should therefore be conserved for cultural as well as broader economic reasons. The problem is that it is difficult for the municipality to maintain control over signage over time. Practical experience has shown that, having obtained the land use rights and signage approval, new businesses often start to increase their signage soon after opening, usually by means of a number of loose signs, banners and flags. This often happens without further application and with little regard of the cumulative negative aesthetic impact thereof. This is even more frequent in times of low economic activity and situations of increased competition. In view of the applicant property's location, the relative high speed of traffic along Long Street and the nature of the access point to the property, there is concern that this particular business will contribute to the problem."*

Daar word nie voorsien dat genoegsame afdwingbare voorwaardes opgelê kan word om die voorsiene impak van geraas, verkeer en advertering te versag nie. In dié verband word kennis geneem dat die aansoeker reeds verskeie van die voorwaardes wat met die vorige goedkeuring opgelê is, verbreek het, bv deur die wooneenheid te omskep in restaurantarea, advertensietekens te vertoon sonder enige aansoek by of goedkeuring deur die munisipaliteit en nie die vasgestelde besigheidsure n ate kom nie. Daar is dus geen vertroue dat enige voorwaardes wat ter versagting van die impak gestel mag word, nagekom sal word nie.

Indien hierdie aansoek toegestaan word, sal dit 'n presedent skep vir die omskakeling van die ander bestaande padstalle/teetuin na volskaalse restaurant, asook vir die vestiging van nuwe restaurante en selfs ander sakegebruike langs Langstraat. Die kumulatiewe effek daarvan sal na verwagting die huidige karakter van Langstraat, wat op sy beurt 'n kardinale rol speel in die dorp se karakter en sin-van-plek, vernietig.

Versoenbaarheid met ruimtelike planne

Die Wes- Kaapse Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF), 2014 erken die belangrikheid van die "sin van plek" ("sense of place") en skilderagtigheidswaarde ("scenic value") van natuurlike, kulturele en produktiewe landskappe, artefakte en geboue as ekonomiese bate vir die Wes-Kaap in die geheel en die rol wat dit in toerisme speel.

Die PSDF en ondersteunende dokumente (verwys na: Heritage and Scenic Resources: Inventory and Policy Framework A Study prepared for the Western Cape Provincial Spatial Development Framework, May 2013 version 5) bevat verskeie aanbevelings oor die beskerming van erfenis- en "scenic" bates.

- Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.
- Protect heritage and scenic assets from inappropriate development and land use change.
- The delineation of urban edges have significant implications from a scenic perspective, especially with respect to the protection of natural and cultural landscapes from urban encroachment, defining an appropriate interface between urban development and significant landscapes, and protecting the visual and agricultural setting of historical settlements.
- Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape.
- Protect and enhance sense of place and settlement patterns

- Scenic landscapes, historic settlements and the sense of place which underpins their quality are being eroded by inappropriate developments that detract from the unique identity of towns. Principles pertaining to settlement development should always support the protection and enhancement of cultural and heritage assets
- Minimal intervention – respecting historical fabric, with the least possible physical intervention, within the parameters of appropriate adaptive uses, and avoiding conjecture.
- Heritage tourism – recognising that heritage and scenic resources are economically valuable in terms of tourism development and job creation if developed in a responsible and sustainable way.
- Ensure that new development responds positively to special cultural features (e.g. farmsteads) by providing them with "breathing space", respecting their settings and leaving public views uncluttered and unobtrusive.
- Respect the distinctive landscape setting and edge conditions (agricultural, mountain and water) of historical settlements which contribute to their overall "sense of fit" within the landscape and unique aesthetic qualities.
- Observe the distinctive agrarian qualities found in many settlements in the form of strong agricultural edges, plots to allow for agricultural allotments and river farmlands. (E.g. Montagu).

Die Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 identifiseer die aansoek-eiendom as 'n stedelike landbou-area en maak ondermeer die volgende voorstelle:

- *Protect and consolidate urban agricultural areas as important ecological and heritage resource including incentives to property owners – e.g. agricultural and not urban rates for those portions of properties under this use.*
- *A key issue here is the respective roles of Bath (main commercial strip) and Long (tourist through route) streets where there is pressure from retailers to move their operations to Long street, presumably to capture greater levels of passing trade due to the through tourist traffic. There is a danger that such a move could undermine the current tourist and heritage quality of this route, especially considering the nature of the current signage, parking and landscaping of the larger supermarket operations;*

Die bewaringstudie wat by die LSDF ingesluit is, beklemtoon dat: *"the factors which contribute to the town's character are complex, and meaningful conservation measures cannot be limited to the protection of a few isolated buildings or groups of buildings. Unless the landscape features of the town are taken into account within any conservation and planning strategy, the uniqueness of the townscapes will be lost irretrievably. This point cannot be emphasized enough. It is critical that the municipality undertakes a detailed study of the landscape character of each town within the area, and put in place systems to maintain them into the future."*

Dit word verwag dat die ontwikkeling en gebruik van die perseel uitsluitlik vir sakedoeleindes, veral in die lig van die verwagte presedent wat dit kan skep en die gevolglike kumulatiewe effek daarvan, afbreuk kan doen aan die behoud van die stedelike landbou-area tussen Langstraat en die Kingnarivier en sodoende ook die uniekheid (en sin van plek) van die dorp en Langstraat as skilderagtige roete. Die voorstel voldoen dus in hierdie opsig nie aan die beginsels van die LSDF nie

Ekonomiese impak

Die geboue is reeds opgeknop en die voorstel is net om dit vir ander gebruike en meer intens aan te wend. Daar kan gevolglik min addisionele kapitale investering plaasvind as gevolg van die voorgestelde ontwikkeling.

Die ekonomiese voordeel van die voorstel lê daarin dat daar werksgeleenthede geskep word. Die aansoeker dui aan dat daar ongeveer 5 ekstra werksgeleenthede vir plaaslike inwoners geskep sal word deur die uitbreiding soos voorgestel. Die restaurant

word ook in samewerking met die Rural Arts Development Foundation (RAD) bedryf, waardeur geïdentifiseerde plaaslike (uitvoerende) kunstenaars in diens geneem en opgelei word, met gepaardgaande bydraes aan RAD.

Indien die voorgestelde gebruike egter afbreuk gaan doen aan die landboukarakter en sin van plek van die omgewing en die dorp in die algemeen, terwyl dié karakter juis 'n toerisme-aantrekking is, kan aangevoer word dat die vernietiging van daardie karakter / sin van plek, ook stelselmatig negatief kan inwerk op toerisme en dus oor die lang duur 'n bepaalde ekonomiese nadeel kan inhou.

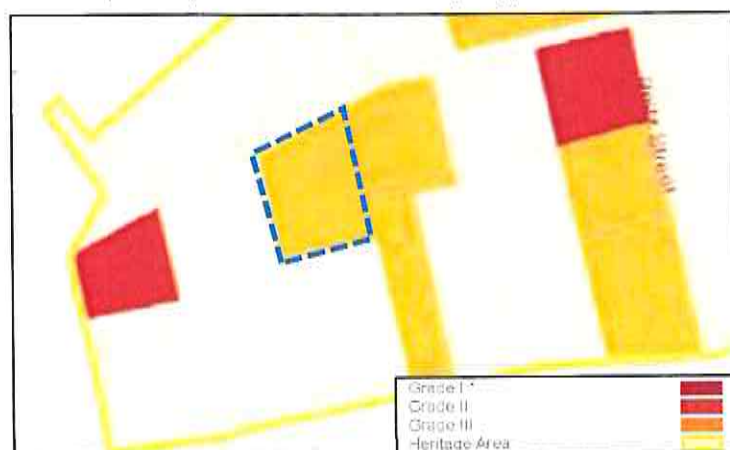
Impak op erfenis

Die aansoekperseel is geleë binne die Montagu Stedelike Bewaringsarea Oorlegsone: Spesifieke Bewaringsarea A ingevolge die Langeberg Geïntegreerde Soneringskema, 2018. Die doel van die betrokke spesifieke bewaringsgebied A is as volg:

- (i) to retain the character of the vistas that are presently available on arrival in the town through Cogmanskloof;
- (ii) to retain the agricultural zoning of the land between Long Street and Van Riebeeck Street;
- (iii) to maintain and enhance features of the old "water-erwe";
- (iv) to enhance the present Long Street environment by a tree planting programme to replace the trees that were lost when the road was widened; and
- (v) to preserve the land-use pattern and density of development, especially the northern side of Long Street and between the Kingna River and Long Street.

Die gebruik as volskaalse restaurant soos voorgestel, is nie versoenbaar met die doelwitte van die bewaringsgebied nie, veral (ii) en (v).

Die Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 se bewaringstudie dui die aansoek-eiendom as 'n Graad III C erfenishulpbron. (sien onderstaande beskrywing, kaart en fotos van die betrokke persele en geboue.



(c) Grade III. Other heritage resources worthy of conservation at the local level.

Residential		c. 1860	IIIC		12 Long Street	Fransen, 2004, Google Streetview
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Artikel 38 van die Nasionale Wet op Erfenishulpbronne, 1999 (Wet 25 van 1999) is ook van toepassing, naamlik:

- "38. (1) any person who intends to undertake a development categorised as— (c) any development or other activity which will change the character of a site— (i) exceeding 5 000 m² in extent; must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.
- (2) The responsible heritage resources authority must, if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report.....; or (b) notify the person concerned that this section does not apply.....
- (4) the responsible heritage resources authority must,, decide— (a) whether or not the development may proceed....."

Verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings

Daar is voldoende parkering op die perseel voorsien, wat maklik uitgebrei kan word indien dit nodig sou wees. Die toegang na die perseel vanaf Langstraat is ook reeds met die oorspronklike ontwikkeling voldoende opgradeer. Daar word dus nie voorsien dat die restaurant enige probleme in dié verband sal veroorsaak nie.

Dit is egter in die praktyk bewys dat besoekers aan besighede in Langstraat dikwels in die straat voor of naby die besigheid parkeer, selfs ten spyte van "geen parkering" padmerke en -tekens. Hoewel dit afgemaak kan word as 'n wetstoepassingsprobleem, is die werklikheid steeds dat sodanige parkering gereeld voorkom en 'n verkeersgevaar skep. Die ontwerp van die voetganger-ingang na die gebou, tesame met die feit dat die perseel hoër as die straat lê, behoort dit egter in 'n mate te verhoed by hierdie betrokke perseel.

Impak op die lewenskwaliteit van die inwoners in die onmiddellike omgewing

Die ontwikkeling sal na verwagting 'n negatiewe impak op die privaatheid en gerief van die omliggende bure hê. Hoewel die restaurant relatief ver en afgeskerm van die bure se woonhuise is, sal die bedryf daarvan veral saans 'n negatiewe impak op die woonkwaliteit van die omgewing hê as gevolg van geraasbesoedeling deur musiek, mense wat buite kuier en motors en motorfietsse wat in die parkeerarea beweeg.

Genoemde impakte kan moontlik beperk word deur goeie bestuur en beheer van die bedrywighede op die perseel, maar daar is geen waarborg dat dit wel die geval sal wees nie. Die regte vir restaurant en motorfietsvertoonlokaal laat heelwat ruimte om enige tipe restaurant te bedryf en motorfietsverkope te doen. Daar sal dus 'n nog groter potensiele negatiewe impak op die lewenskwaliteit van omliggende inwoners wees indien die regte nie omsigtig en sensitief teenoor die woonomgewing uitgeoefen word nie.

Kumulatiewe impak

Die grootste verwagte impak van die voorstel is die presedent wat dit kan skep vir verdere ontwikkeling van die Langstraat Stedelike Bewaringsarea. Soos genoem, is die area se karakter 'n belangrike bydraer tot die dorp se sin-van-plek en daardeur ook tot toerismepotensiaal. Indien toegelaat word dat volwaardige restaurante en ander nie-landbouerverwante gebruike soos hierdie op stedelike landbougronde gevestig word, sal die kumulatiewe effek daarvan lei tot die vernietiging van dié karakter.

PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (REFER TO ROR GUIDELINE)

NVT

PART J: RECOMMENDATION

Dat die aansoek vir wysiging/skrapping van goedkeuringsvoorwaardes en vir vergunningsgebruik vir toeristefasiliteite (restaurant en motorfietsvertoonlokaal en -verhuring) op erf 107, Montagu, ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015, afgekeur word, om die volgende redes:

1. Gegewe die belangrike rol wat die Langstraat-omgewing speel in die bepaling van die dorp se karakter en sin-van-plek, soos ook erken in die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015, word verwag dat die voorgestelde gebruike afbreuk sal doen daaraan, met spesifieke verwysing na die volgende:
 - 1.1 Dit sal 'n presedent skep vir verdere ontwikkeling van die Langstraat Stedelike Bewaringsarea oorlegsone, wat deur middel van 'n kumulatiewe impak die area se besondere karakter en dorp se sin-van-plek kan vernietig.
 - 1.2 Die voorstel is nie versoenbaar met die beginsels en riglyne van die Wes- Kaapse Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF), 2014 en die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015 oor beskerming van die "sin van plek" ("sense of place") van natuurlike, kulturele en produktiewe landskappe, artefakte en geboue as ekonomiese bate vir die Wes-Kaap en Langstraat en die rol wat dit in toerisme speel nie.
2. Die gebruik as volskaalse restaurant en motorfietsvertoonlokaal soos voorgestel, is nie versoenbaar met die doelwitte van die bewaringsgebied nie, veral die volgende
 - (ii) to retain the agricultural zoning of the land between Long Street and Van Riebeeck Street;
 - (v) to preserve the land-use pattern and density of development, especially the northern side of Long Street and between the Kingna River and Long Street.
3. Die bedryf van 'n volskaalse restaurant sal na verwagting 'n negatiewe impak op die privaatheid en lewenskwaliteit van die inwoners in die omgewing hê, veral in die lig daarvan dat die regte waarvoor aansoek gedoen word, ruimte laat om in die toekoms enige tipe restaurant te bedryf en motorfietsverkope te doen.
4. Die area se karakter 'n belangrike bydraer tot die dorp se sin-van-plek en daardeur ook tot toerismepotensiaal. Indien hierdie aansoek toegestaan word, sal dit 'n presedent skep vir die omskakeling van die ander bestaande padstalle/teetuine na volskaalse restaurant, asook vir die vestiging van nuwe restaurante en selfs ander sakegebruike op die stedelike landbougrond langs Langstraat. Die kumulatiewe effek daarvan sal na verwagting die huidige karakter van Langstraat, wat op sy beurt 'n kardinale rol speel in die dorp se karakter en sin-van-plek, vernietig.
5. Daar word nie voorsien dat genoegsame voorwaardes opgelê en nagekom sal word om die voorsiene impak van geraas, verkeer en advertering te versag nie. In dié verband word kennis geneem dat die aansoeker reeds verskeie van die voorwaardes wat met die vorige goedkeuring opgelê is, verbreek het, bv deur reeds die wooneenheid te omskep in

restaurantarea, advertensietekens te vertoon sonder enige aansoek by of goedkeuring deur die munisipaliteit en nie die vasgestelde besigheidsure na te kom nie.

PART K: ANNEXURES

Bylae 1 - Planne

Bylae 2 - Motivering

Bylae 3 – Besware (ingesluit verdere kommentaar op die aansoeker se reaksie)

Bylae 4 – Reaksie op beswaar

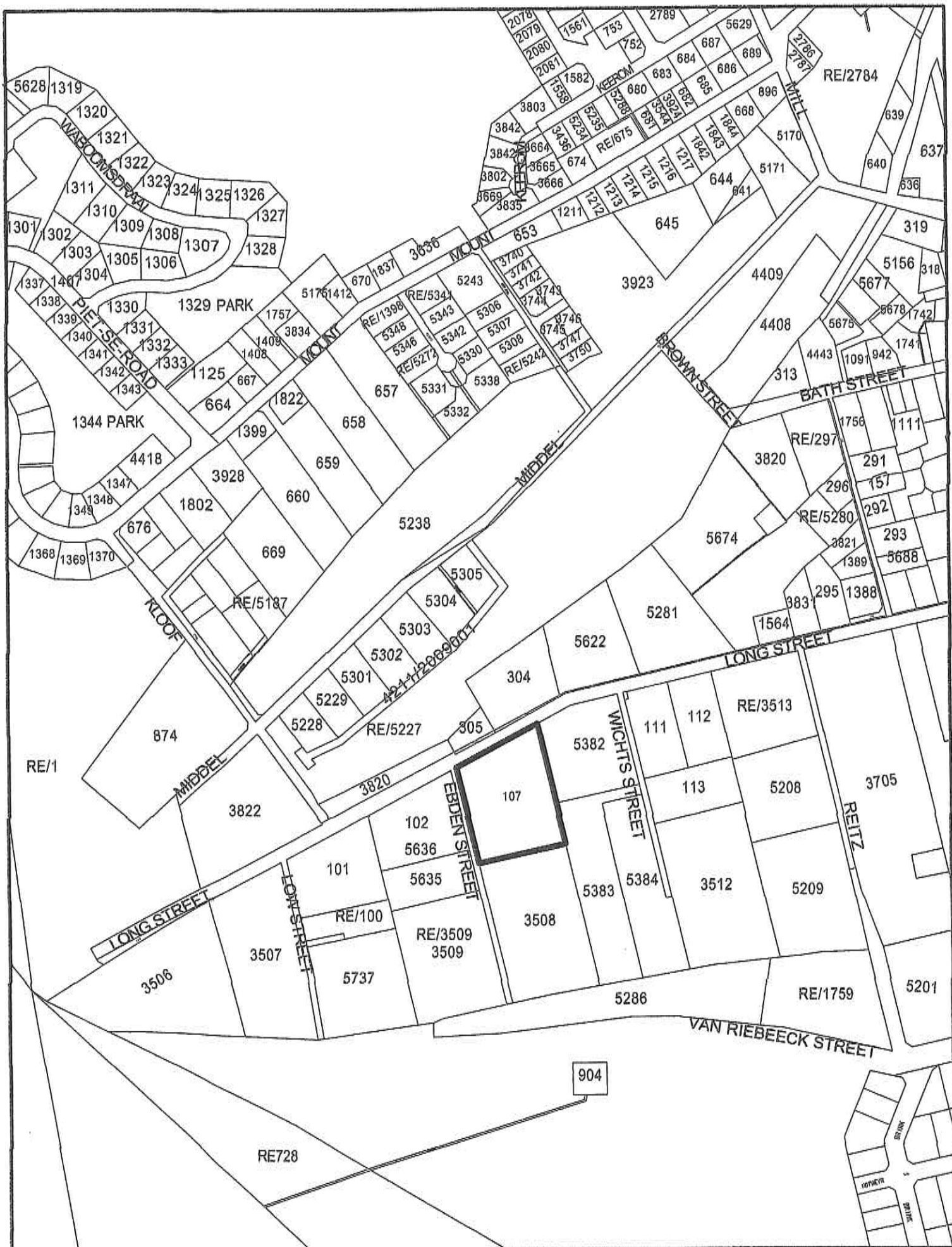
Bylae 5 – Opsomming van tersaaklike oorwegings ("Relevant Considerations")

PART L: AUTHOR SIGNATURE

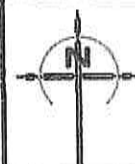

.....
J L E R VAN ZYL
ASSISTANT MANAGER: TOWN PLANNING
REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000


.....
DATE

Planne

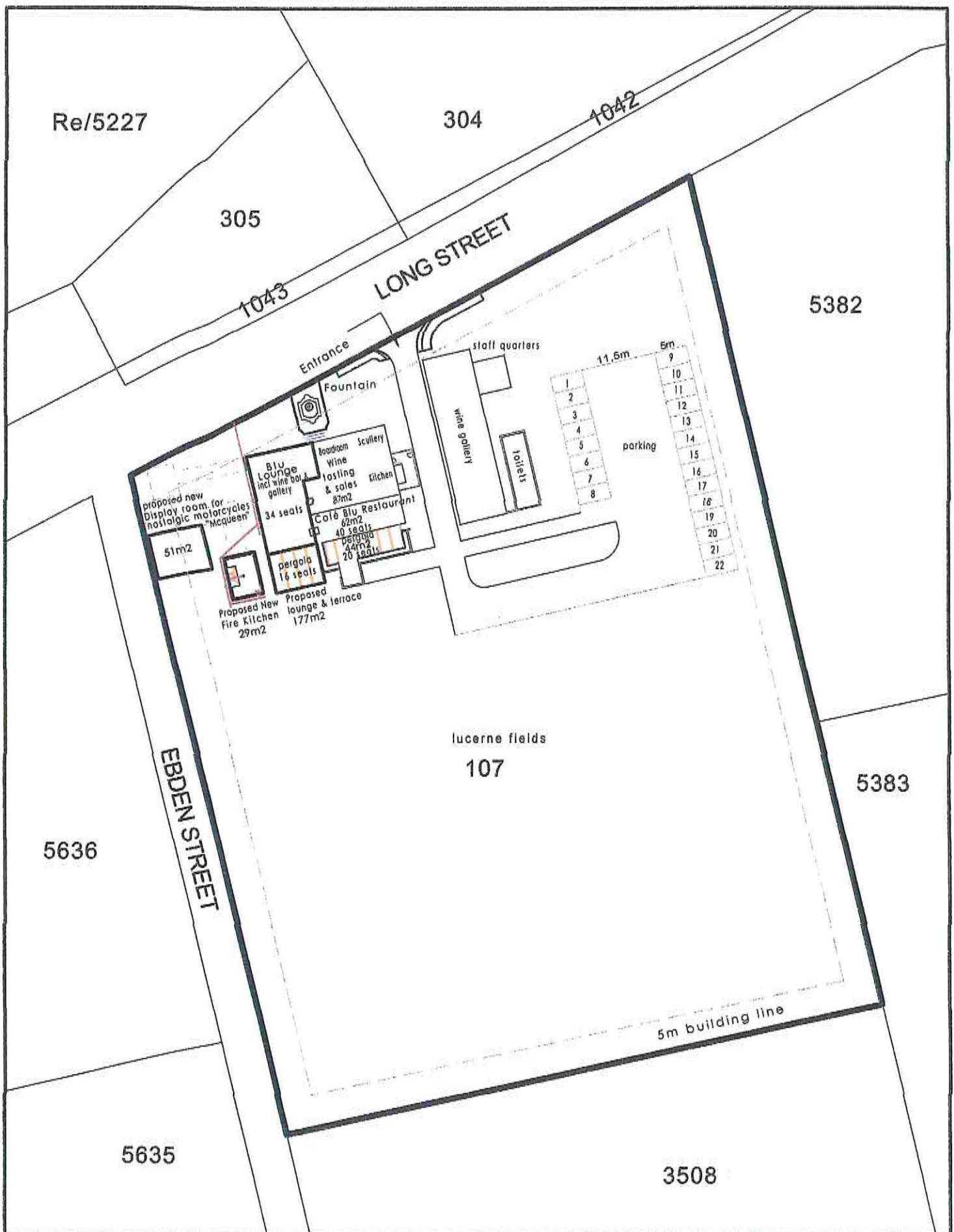


LOCATION PLAN: ERF 107 MONTAGU

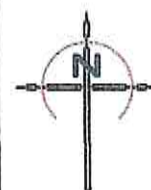


UMSIZA 14
 PLANNING
 Town and Regional Planners

SCALE 1:5000



SITE DEVELOPMENT PLAN: **ERF 107 MONTAGU**



UMSIZA IS
PLANNING
Town and Regional Planner

SCALE 1:750

Re/5227

305

LONG STREET

1043

5382

5m

11.5m

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
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- 16
- 17
- 18
- 19
- 20
- 21
- 22

parking area

store /
cellar

staff quarters

toilets

wine gallery/tasting
115m²

Entrance to restaurant & lounge

Fountain

Scully
Boardroom
Wine tasting
entrance
37m²

Kitchen

Wine
tasting
& sales
30m²

Café Blu Restaurant
62m²

pergola 44m²

20 seats

pergola 4 tables
14 seats

proposed new lounge (incl. terrace)
177m²

herb/vegetable garden

proposed new fire kitchen
51m²

proposed new display room for
nostalgic motorcycles
"McQueen"

path

sewer

Wine bar
11 seats & 2 tables
18 seats

fire kitchen lounge
3 tables
12 seats

EBDEN STREET

Existing Entrance
Exit to/from McQueen
bolly via
only via
motorcycles

5636

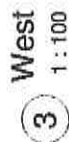
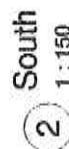
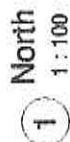
lucerne fields

additional bays for motorcycles
if required

SCALE 1:500



ERF 107 MONTAGU: SITE DEVELOPMENT PLAN FOR THE BLU VINES DISTRICT

[illegible]

D1	Double swing Barn Door	1790	2090	Purpose made
D2	Sliding Stable Doors	2505	2400	Purpose made
D3	SFDV6021	5930	2090	Purpose made
D4	SFDV4821	4790	2090	Purpose made

Window Schedule							
Type	Mark	Qty	Model	Width	Height	Glass	Manufacturer
W1	3		TH-PT0609	590	890	Clear Glass	Aluminum Windows

Manufacturer	Microsoft
Product Name	Windows

No.	Description	Date
-----	-------------	------

Architect: Lucas Henry Janson van
Nieuwenhuizen
SACAP REG 2924

Owner: _____
Name: _____ Date: 2/23/2021
The owner of the relevant premises hereby confirms that he/she has studied the plans thoroughly, and has hereby understood all the contents of the plans.

**Proposed Additions &
Alterations to Existing Building
on Ert 107
12 Long Street, Montagu
BluVines**

Elevations

Project number	2102
Date	23/03/2021
Rev.	002

D1_30i	As indicated	A2
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HENRY VAN NIEUWENHUIZEN
 Chief Architect
 301 West End Road, PO Box 1002, Norwidge NSW
 Phone: +61 2 9233 9413
 Mobile: +61 2 9943 2100
 24/01/2023 10:55:26

Motivering

MOTIVATIONAL REPORT

**APPLICATION for an amendment/deletion of conditions in respect of an
existing approval and additional consent uses:**

Erf 107 Montagu / BluVines

1. PURPOSE OF APPLICATION

According to Section 15(1) of the Langeberg Municipal Land Use Planning Bylaw of 2015, no person may commence land development without the approval of the Municipality. According to Section 15(2) the owner of land may apply to the Municipality for, *inter alia*, an amendment, deletion or imposition of conditions in respect of an existing approval and consent uses contemplated in the zoning scheme.

2. LOCALITY AND ACCESS TO ERF

Erf 107 Montagu / 12 Long Street is located near the western entrance of Montagu to the south of Long Street before you reach the well-known Kloof Farm Stall to the north of the road.

Access is obtained via Long Street.

3. HISTORY, CHARACTERISTICS OF SITE AND SURROUNDING AREA

The old farmhouse on Erf 107 Montagu was glamorously refurbished into a restaurant that combines the charm of a heritage farmstead with global-inspirational New York's 5th Avenue.

Erf 107 Montagu holds the BluVines Winery/Foods/Coffee venue.

The restaurant opened in April 2019 and presented a unique culinary experience with a menu that combines Asian, South African and modern European food that showcases local produce in a contemporary dining package.

The wine-tasting room is the home of Mimosa Wines (with 50% shareholding) that is internationally acclaimed for their quality crafted production range.

Coffee is provided by Cape Town's world-famous artisanal coffee producers, Truth Coffee.

Erf 107 Montagu is located within the smallholding area between Long Street and Van Riebeeck Street that needs to be protected to preserve the current rural and heritage character of Montagu. This area consists of small farms with residential buildings as well as tourist related uses such as farm shops and restaurants facing Long Street.

BluVines Winery/Food/Coffee is also located adjacent and near Long Street with urban agriculture (6000m² lucerne fields) at the back.

4. EXISTING APPROVALS

On 20 December 2002, approval was granted to use the primary house on Erf 3508 Montagu as guesthouse. The Plan accompanying the approval included both Erven 107 and 3508 Montagu.

In 28 February 2014 the Council resolved the following:

- Amendment of conditions of approval to allow for wine sales and wine tasting from the main dwelling;
- Amendment of conditions of approval and consent use for a Farm Store to allow the sale of wine not produced on the property; and
- Consent use for a Tea Garden, to provide light lunches with wine tasting.

The above approval was subject to many conditions.

Specific conditions will be addressed in this application to be amended or deleted to change the farmhouse into a full-house operational tourist attraction including a licensed restaurant with wine tasting, an additional wine bar and lounge hosting fine art.

5. LEGISLATION AND GUIDELINES APPLICABLE

5.1 Langeberg Integrated Zoning Scheme Bylaw, 2018

According to the Langeberg Integrated Zoning Scheme Bylaw (IZS), P.N. 71/2018, the application site is zoned for **Agricultural Zone II** with smallholding as primary use.

"Smallholding" means an extensive landholding of minimum 0,86 ha in extent, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

Development parameters applicable is a 5m building line from any boundary.

Tourist facilities are consent uses that is listed under this zone.

"Tourist facilities" means amenities for tourists or visitors and includes lecture rooms, restaurants, gift shops, restrooms, farmer's market and recreational facilities and does not include an off-road trail, a hotel, wellness centre or tourist accommodation.

A "tea garden" is not part of this definition anymore and it is assumed that a "restaurant" is the comprehensive word for providing on-site food to customers, but that the type of facility is controlled by conditions of approval.

A "farm store" is replaced with a "*farm shop*" in the new By-Laws and is also a consent use under Agricultural Zone II that means a building or structure not exceeding 100m² in floor space located on a farm and from where the farmer sells produce grown on the farm and other goods to the general public, including storage facilities.

The sale of fine art against the walls of the new proposed lounge will be addressed in this definition.

5.2 Langeberg Municipality SDP, March 2014

According to the SDF, Montagu offers a high quality, unusual and authentic cultural tourism opportunity that can be elaborated by broadening the range of attractions, especially the cultural history of the wider community.

It is also stated that urban agricultural areas should be protected as important ecological and heritage resources.

6. APPLICATION

Application is made for the following:

In terms of Section 15(2)(o):

- (i) Consent to use the whole main dwelling for a tourist facility, including:
 - Wine tasting in Areas A (approx. 37m²) and B (approx. 50m²);
 - Wine selling point in Area B;

- Café Blu(es) in Areas C (62m² with existing 40 seats) and D (44m² with existing 20 seats) – fully licenced restaurant providing breakfast, lunch and dinners including alcohol;
 - Blu(es) Lounge, including terrace (pergola), of 176m² in total where people will sit and socialize, enjoy their wine, coffee, cakes, and light meals informally, as well as eating more formally at the tables provided. This will also include meals prepared in the new fire kitchen.
The tables beneath the pergola will be weather permissive.
- (ii) Consent for the expansion of the existing restaurant outside the primary dwelling with a separate fire kitchen of 29m² that will provide in the latest trend of food preparation. The proposed fire kitchen will be located between the “dwelling” and “garage”.
- (iii) Consent to use the old garage of 51m² as a display room for nostalgic motorcycles and to be rented out to visitors/tourists.

In terms of Section 15(2)(h), an amendment or deletion of conditions in respect of an existing approval dated 28 February 2014:

(i) Land uses and use areas / Site Plan

Change Conditions 2-4: As per new SDP

(ii) Products

Change Conditions 6-8 to:

- BluVines is the home of Mimosa Wines that are produced by Lourens van der Westhuizen of Arendsig on the farm.
No wine is produced on the property.
Other wines that will be sold at the proposed bar in the lounge originate from Montagu and the Robertson Wine Valley.
- Application for a fully licenced restaurant that provides breakfast, dinner and lunch.
- Art products will be displayed on the walls of the lounge (gallery) and be sold at selling point in B (this will be Martin Osner's fine art karoo photographs).

(iii) Hours of Operation

Change Condition 9 to:

- Business hours to be expanded from 8:00 to 22:00 to allow for dinners.

(iv) Access

Change Condition 10 to:

- Allow exit and entrance from the hired motor cycles to and from Ebden Street (no public entrance/exit).

Compliance with parameters:

- Display room will be located within the 5m building line, but it is an existing structure.
- 172m² (Blu Lounge), 193m² (Café Blu Restaurant and wine tasting) + 115m² (wine gallery) + 51m² (display room) rentable floor space: 531m² that need 21 parking bays

The existing 17 parking bays will be extended with 4 to 22 bays.

Seven additional parking bays for motorcycles can be provided along the entrance to the parking lot, if required.

7. MOTIVATION

7.1 Need & Desirability

World-class facility

The owner of BluVines wants to create a world-class facility that will be known locally as well as internationally as a world class experience that compares with restaurants in the large cities of the world.

Richard Weilers was the Chief Operating Officer for both South Africa and Offshore for the Tsogo Sun Group before he relocated to Montagu. He has 42 years of experience in the hotel management industry of Dubai, Seychelles, Spain and South Africa and wants to use his knowledge to invest in Montagu that plays an important role in the tourism of the Langeberg and Breede River regions.

Tourists are attracted to alternative and extra-ordinary and high class attractions.

Two of the comments on "Tripadvisor" shows the outstanding class of this facility:

"Had planned to have a lunch elsewhere but found ourselves too early. So we found ourselves by Bluvines at lunchtime and in we went. What a revelation. Stylish decor and a great outside terrace full of a great mix of people from local families having big family gatherings, bikers dropping in for coffee, couples like us - all sorts. We just had a couple of light dishes and a great Mimosa wine and were served by wonderful local staff beautifully trained in European service. Imagine our surprise when several of them burst into song. Apparently 10% of each bill goes to local youth centre and part of that goes to a training centre for young people wishing to learn instruments and how to sing. These young people were the ones serving us. A great experience, not the cheapest in the area but totally unforgettable."

Date of visit: February 2020

A

"Walking into Blu Vines I thought I was back in one of Cape Town's sophisticated eateries. Set in a stunning location the restaurant and wine tasting room ooze style. This is matched with excellent food prepared by chefs who take a personal interest in the customer's enjoyment. Excellent service by friendly staff and good value for money. We enjoyed our evening meal so much that we planned on returning for breakfast but circumstances meant we couldn't. Highly recommend Blu Vines and will definitely return when we're next in the area."

Date of visit: March 2020

BluVines was the runner-up of the 2019 Mayoral Tourism Awards awarded by the Cape Winelands District Municipality.

Need for both BluVines and Montagu

The current revenues are, however, severely curtailed by the current trading license, which allows BluVines to operate only as a tea garden and farm stall between 8am and 5pm. Extending operational hours as well as additional seats are critical to ensure the facility's future success and as tourism attraction for Montagu. [According to the business plan prepared by the owner, an additional 50 seats are required.]

In addition, the longer hours and more unique attractions will attract more tourist to Montagu for longer hours and the need to stay overnight. Montagu is known for its farm stalls that service travelers passing through town, but has a lack of differentiation in the local restaurant sector that is required for stay-over visits.

According to the Langeberg IDP of 2018, Montagu (including Ashton) was the most popular destination in the Langeberg Municipal area attracting approximately 69,2% visitors. Montagu is associated with heritage, wellness, rock climbing and hiking, wine and food. It is famous for its hot springs, dried fruit, tractor trips and picturesque settings within the mountains.

According to this document, cuisine was the third most popular activity undertaken by tourists in the Winelands. Food serves as a major promotional and positioning tool in the marketing of a destination and can open new markets of travelers. BluVines will offer excellent and high quality food as well as wine tasting/paring together with entertainment by local art/artists.

Although the Winelands were found within the top 10 most popular wine route destinations, more needs to be done to draw a greater share of tourists with unique experiences rather than traditional wine tasting facilities.

Offering:

- (a) The BluVines facility within the former primary dwelling house will include:
- BluVines Wine Tasting in a closed lounge area of 37m² (A on SDP) as well as in the centre of the "house" (B of 50m²) where wine and art products will be sold.

- BluVines Restaurant of 104m² with 60 seats inside and beneath the pergola (to be branded as Café BluVines as is built on the concept of the café being more of a reflection of local people).

Ingredients are sourced locally where possible, with BluVines hosting their own garden from which fresh herbs and vegetables are picked daily, while cheeses and olive products are sourced from local farms.

- BluLounge (177m² area include pergola with a total of 50 seats) with the Wine Bar and Gallery against the walls of the lounge being a permanent space for the works of Martin Osner.

The proposed lounge will provide an alternative facility where people can relax, drink and eat informally (e.g. sushi, bento boxes, charcuterie and cheese platters on their laps) or formally (at tables), a concept that brings people together to socialize with their friends in an attractive environment.

The lounge will also be an extension of the fire kitchen where food will be served that were prepared with modern equipment under open fire.

Excellent fine art photos of the Karoo will be exhibited to enhance the karoo-feeling and unique experience.

- (b) A new fire kitchen that will be built between the proposed lounge and the proposed motorcycle display room.

This 4,5m wide structure will only be 29m² in extent with a negligent impact as it will be built in between two existing buildings. A 2m wide strip on each side of the new kitchen to the back of the erf will still be visible from the street.

The new fire kitchen will enhance the current choices of food as well as add to the unique experience.

- (c) A new display room for nostalgic motorcycles

The owner is involved in the manufacturing of motorcycles in the Montagu Industrial Area that will be exhibited in the proposed motor showroom next to the BluVines "District".

The nostalgic motorcycle display room will be an additional attraction to the visitors of BluVines. The idea is to provide nostalgic motorcycles such a Vespas (uniquely confident, unsurprisingly individual), Harley Davidsons (leather, attitude and gravitas), Café Racers (daring to be different, riders and bikes turn heads).

In addition, on the idea of the Montagu Heritage Walk through the old Cape Dutch and Georgian-style houses, museums and many heritage sites, the owner wants to introduce also motorcycle tourism to Montagu. This can include individual trips or groups of motorcyclists riding together on the already established motorcycle routes within the Winelands.

An area for the parking of motorcycles will be added to the parking area, if required.

7.2 Development Principles

The desirability of the application is also described through the development principles that are being referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA):

- Spatial Justice

The BluVines restaurant and lounge with fine art and a wine bar, as well as the motorcycle display room will provide a unique experience that will attract more overnight tourists to Montagu. The renting of nostalgic motorcycles to tourists will make the beautiful routes in and around Montagu accessible to tourists and locals.

This enterprise provides working opportunities for ten local employees with a further five opportunities for local residents in future.

BluVines has an association with the Rural Arts Development (RAD) Foundation to identify and develop local artists from disadvantaged communities that are chosen and trained in the highest standards of hospitality. Six percent of the turnover is added to the staff's remuneration, while four percent is donated to the RAD Trust.

- Spatial Sustainability

Except for the new fire kitchen, the whole BluVines consist of the refurbishing of existing farm structures on Erf 107 Montagu to more efficient and therefore cost-effective tourist facilities.

Due to the scale of the operation, the combination of a dwelling house and a restaurant has become unpractical and undesirable.

The parking area is surrounded by trees and plants and are hidden from the street and neighbours.

The facility is located on the front part of the erf, while the whole back is planted with lucerne to preserve the architectural character of Long Street. This beautiful view to the Lucerne field and Langeberg Mountain can be enjoyed from the restaurant and lounge. The agricultural character is preserved and enhanced through the accessibility of this facility to the public.

The vegetable/herb garden contributes to sustainability by using local produced food.

The visibility and prominence location of BluVines on Route 62 contributes to its potential of being an anchor node of attraction in Montagu tourism.

- **Efficiency (including services)**

An existing facility will be expanded to a more cost-effective and sustainable operation that will be economically viable.

The larger scale and world-class attractions will ensure more feet/customers to BluVines and Montagu as a destination with a contributing economic impact on the town as a whole.

Municipal services are available and are provided. The new fire kitchen will connect with the existing sewer line on Erf 107 Montagu – see architectural drawings included.

- **Spatial Resilience**

The proposed application will strengthen the existing land uses to ensure a sustainable business and facility as well as livelihoods that are dependent on the working opportunities that are created.

The proposed facility will be an important tourism node in Montagu and on Route 62 that will enhance the surrounding environment.

- **Good administration**

An integrated approach between the role players will be followed in evaluating this application that is guided by policies and legislation.

8. CLOSURE

The application will strengthen the existing approval to a sustainable business that will contribute to employment and uplifting, as well as the larger Montagu as a tourism node.

The expansion is both needed and desirable from a land use point of view and meets the development principles of SPLUMA and LUPA.

It supports the Langeberg SDF by broadening the range of tourism attractions by adding a unique dining-in-lounge experience, presenting karoo fine art and displaying and renting nostalgic motorcycles that showcase some of the cultural history of Montagu.

Café Blu's view over lucerne fields to the Langeberg Mountains



Parking area screened off by trees/plants



Café Blu



Old garage / proposed McQueen Display room



Blu Lounge with bar



Area for proposed fire kitchen



Fire Kitchen lounge

Previous approvals:

- Dec 2002
- Febr 2014

WASE-BREËRIVIER WYNLAND
BREEDE RIVER WINELANDS
MUNISIPALITEIT ~ MUNICIPALITY ~ UMASIPALA

Posbus 24 PO Box
Montagu
6720

- KANTOOR • MONTAGU • OFFICE -

023-6141112

023-6141841

E-Pos montagumun@lando.co.za E-Mail

Ons Verv Nr / Our Ref No
Isalathiso 15/2/2770

Mr JV Brand Navrae / Enquiries
Imibuzo

20 December 2002

JMP Hoffman
12 Long Street
MONTAGU
6720

Sir

APPLICATION FOR CONSENT USE : ERF 3508, 12 LONG STREET, MONTAGU

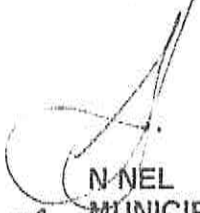
Your application regarding the abovementioned refers.

The Municipal Manager resolved to approve the application for consent use for the use of guesthouse 1 from erf 3508, Montagu on the following conditions:

1. Council shall have the right to terminate the use at any time should the conditions not be met, or if the use creates a disturbance to the surrounding residents.
2. No more than 12 guests and 6 bedrooms / suites.
3. One on-site parking bay shall be required for every guest bedroom
4. There shall be no cooking facilities in the guest bedrooms except for coffee-making facilities.
5. Only the existing single vehicle entrance and one exit may be allowed to the bordering Ebdon Street.
6. The erection of an advertisement board must be done in conjunction with Council's policy on advertising and application must be made to Council before any board can be erected.
7. That the increase service charges be paid.
8. That the application be made for a competency certificate.
9. Approval is transferable.

Should you require any further information, please do not hesitate to contact Mnr Kobus Brand (023 – 6141112).

Yours faithfully


N. NEL
MUNICIPAL MANAGER
RF/rf



Ref/Verw: 15/4/8/2

Enquiries/Navrae: Mnr JV Brand

28 February 2014

Route 62 Farmstall & Restaurant CC
PO Box 191
MONTAGU
6720

Sir/Madam

15/02/2014
C. J. J. Brand
14/02/14

PROPOSED CONSENT USE OF ERF 107, 12 LONG STREET, MONTAGU

Your objection in connection with the abovementioned refers.

On 11 February 2014 the Council resolved the following:

That the following be approved on erf 107, Montagu in terms of the Montagu Zoning Scheme Regulations and Section 42(3) of the Land Use Planning Ordinance, no. 15 of 1985:

- Amendment of conditions of approval to allow wine sales and wine tasting from the main dwelling
- Amendment of conditions of approval and consent use for a Farm Store to allow the sale of wine not produced on the property
- Consent use for a Tea Garden, to provide light lunches with wine tasting

subject to the following conditions:

Land uses and use areas / Site plan

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 described in this approval.
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.
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.
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.

Products

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.

Hours of operation

9. The hours of operation of the wine tasting and –sales and the tea garden is restricted to between 08h00 and 17h00 daily.

Access

10. No access for the public or business deliveries may be allowed from Ebdon Street.
11. The existing access point in Long Street must be used for all access to the property related to this approval.
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.

Parking provision

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 \pm 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.
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.
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.

New building work

16. Before any existing buildings are altered or demolished, whether internal or external, or before any new buildings are erected, approval must be obtained from the Building Control Officer.
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.

Advertising signage

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.

Municipal services

19. The cost of any required upgrading or change to the existing 60 A single phase 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.

Other approvals required

20. The applicant is responsible for obtaining the required liquor license(s) for the approved uses before it may be operated.
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 Trade License in terms of the Business Act to the Langeberg Municipality, before any food may be served.

Cancellation of approval in case of transgressions


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.

However, you as the objector has a right of appeal in terms of Section 44(1)(a) of the Land Use Planning Ordinance (15 of 1985) against Council's decision including any of the conditions. This right of appeal has to be *executed within 21 days from the date of this letter.*

The appeal in terms of the Land Use Planning Ordinance must be in writing and fully motivated and addressed to : Department of Environmental Affairs and Development Planning, Private Bag X9086, Cape Town, 8000 and accompanied by all relevant documents, with a copy thereof submitted to the Municipal Manager within the same period.

If you require any additional information, please do not hesitate to contact this office.

Yours faithfully


SA MOKWENI
MUNICIPAL MANAGER

GENERAL NOTES

PLANS ARE TO BE SAVED. FOLLOW FIELD DIMENSIONS ONLY. DIMENSIONS TO BE CHECKED ON SITE BEFORE BEGINNING CONSTRUCTION.

DO NOT PROCEED TO BE BUILT INTO PROPOSED ROADS UNLESS NECESSARY, WHETHER OR NOT INDICATED ON PLAN. ALL OPENINGS, E. ROADS AND ROADS TO BE SAVED ALL SAVED.

THE WORKMAN AND ALL MATERIALS USED SHALL BE OF THE HIGHEST QUALITY, MUST COMPLY WITH THE LATEST SABS AND SANS SPECIFICATIONS, AND BE APPROVED BY THE LOCAL AUTHORITY/ENGINEER/ARCHITECT/USER.

ALL CONSTRUCTION MUST FOLLOW THE REQUIREMENTS AND CONDITIONS ON SITE AND LOCAL AUTHORITY REGULATIONS.

ALL DIMENSIONS MUST BE REPORTED TO THE ARCHITECT/ENGINEER/ARCHITECT/USER BEFORE BEGINNING CONSTRUCTION. THE ARCHITECT/ENGINEER/ARCHITECT/USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS.

ALL SAVING MUST BE TO BE REMOVED FROM SITE BY THE USER AFTER COMPLETION OF CONSTRUCTION.

DRAWN BY: R
OWNER: RICHARD NELSON
DESIGNER: R
DATE: 24 NOVEMBER 2012
SCALE: 1:500
DRAWING NO: 2012/01/01

BLAUPUNK CELLAR

PROPOSED ALTERATION AND ADDITIONS TO BLAUPUNK CELLAR ON ERF 107
LONG STREET
MONTAGU

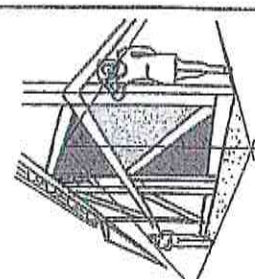
VIEW: SITE PLAN

OWNER: *[Signature]*

DESIGNER: *[Signature]*

DATE: 24 NOV 12

ARCHITECTURAL PLANS, 3D DESIGNS, CIVIL DETAILING DESIGN WORK & SCALED MODELS



RIHAN HAHNDIEK
ARCHITECTURAL DESIGN SERVICES
25-VEHLE STREET, MONTAGU 620
CELL: 072 084 594
EMAIL: rihanhan@csn.co.za

DRAWING NO 2012/01/01

ERF 110

ERF 3511

ERF 3508

- PROJECT SIZES:**
- EXISTING MAIN CELLAR: 287 SQM
 - EXISTING DWELLING: 272 SQM
 - EXISTING GARAGE: 52 SQM
 - DEMOLISH: 66 SQM OF ADD-ON EXTENSIONS
- NEW DWELLING SIZES:**
- NEW EXISTING DWELLING SIZE: 206 SQM
 - NEW FRONT PATIO: 43 SQM
 - NEW REAR PATIO: 66 SQM
 - DECK AREA: 77 SQM
 - NEW DWELLING TOTAL: 335 SQM
 - TOTAL SQM COVERAGE: 674 SQM
 - % COVERAGE: 65
 - SITE: 1049.45 SQM

ERF 107

ERF 3509

SITE PLAN:
SCALE 1:500

ERF 105

ERF 102

ERF 1043

ERF 305

ERF 1042

ERF 304

MON107 - LBM - TP

MON 107-LBM-TP

± POSITION
OF
POUNCE
TREES

± CORRECT.
POSITION
OF CHANNEL. ERF 105

ERF 1042

ERF 304

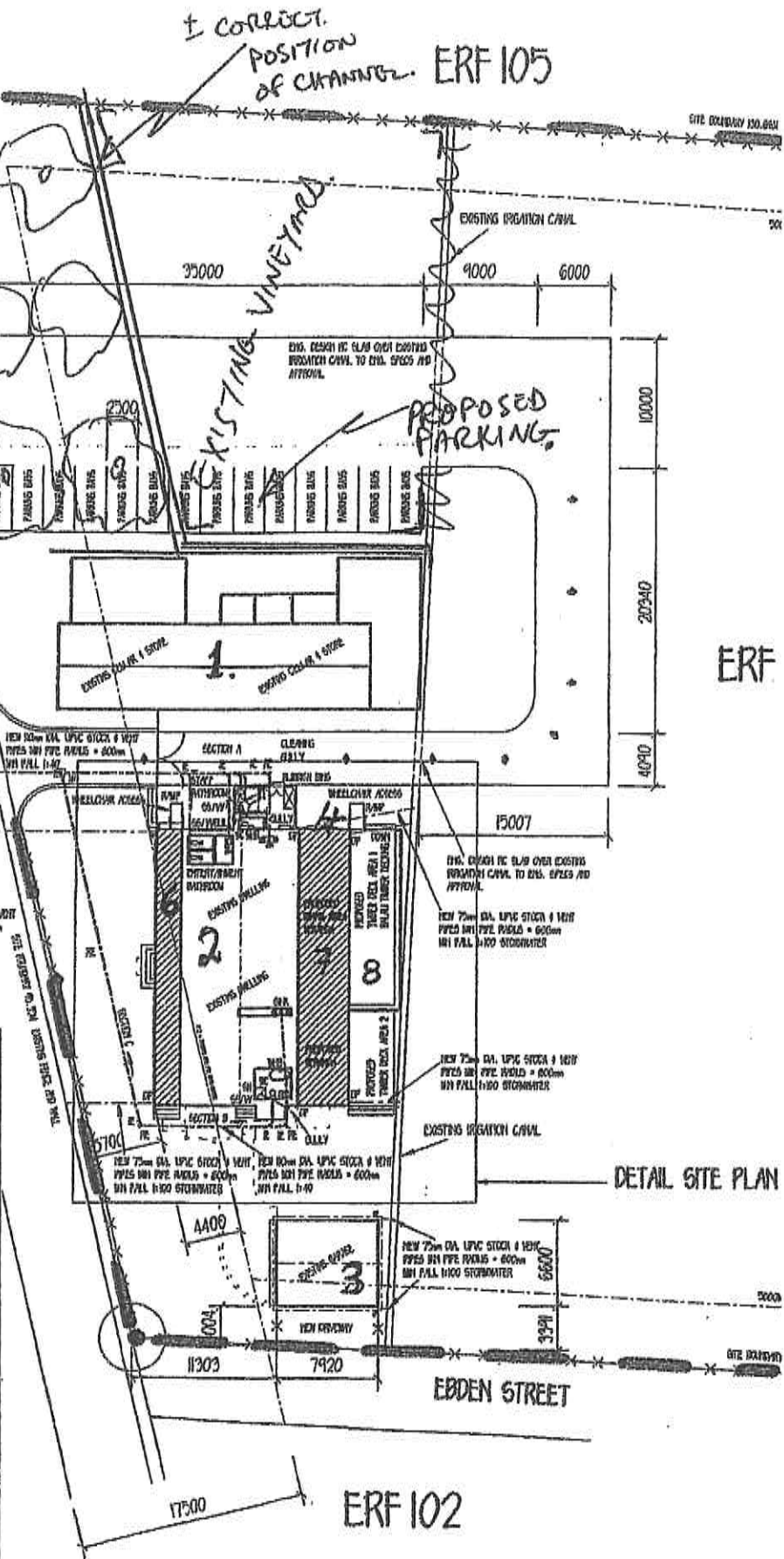
LONG STREET

EXISTING VINEYARD

PROPOSED
PARKING

ERF

- PROJECT SIZES:**
- EXISTING SIZES:**
- EXISTING WINE CELLAR: 287 SQM
 - EXISTING DWELLING: 272 SQM
 - EXISTING GARAGE: 52 SQM
 - DEMOLISH: 66 SQM OF ADD-ON EXTENSIONS
- NEW DWELLING SIZES:**
- NEW EXISTING DWELLING SIZE: 206 SQM
 - NEW FRONT PATIO: 43 SQM
 - NEW REAR PATIOS: 86 SQM
 - DECK AREA: 77 SQM
 - NEW DWELLING TOTAL: 335 SQM
 - TOTAL SQM COVERAGE: 674 SQM
 - % COVERAGE: 6%
 - SITE: 11049.45 SQM



DETAIL SITE PLAN

ERF 102

EBDEN STREET

SITE PLAN:
SCALE 1:500

NOTES BY JUAN ZYL. 20/12/2013.

MON 107-LBM-TP' 3

Besware

(ingesluit verdere kommentaar op die aansoeker se reaksie)

JOINT OBJECTION (13 OBJECTORS) ¹

OBJECTORS TO CONSENT USE AMENDMENTS ERF 107 MONTAGU GROUP

13 July 2021

The Manager: Town Planning
3 Piet Retief Street
Montagu
6720

Sir,

Re: OBJECTIONS TO THE PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL & CONSENT USE ON ERF 107, 12 LONG STREET, MONTAGU

Some of the affected parties have decided to lodge this objection as a collective and to this end has formed an informal group called the: "OBJECTORS TO CONSENT USE AMENDMENTS ERF 107 MONTAGU GROUP". This will make it easier for the Authorities and Applicant to deal with regarding their response as the response will be the same.

It is however requested to see each of the members as individual objectors, and to respond to them individually at the address provided underneath.

The names, addresses and locality are given below and also shown on the attached plan.

FOR SIGNATURES AND PLAN, SEE ATTACHMENTS

OWNER/S	ADDRESS	CONTACT DETAILS	SIGNATURE
1. JL & O Williams	Erf 5383, 2 Wichts Street	omniawilliams@gmail.com	
	Cell No: 081 035 7804		
2. JH Jansen	Erf 75 9 Van Riebeeck Street	jhjansen@telkomsa.net	
	Cell No: 082 937 9348		
3. J Simonis	Erven 111,113,3512, 3 Wichts Str	jerome@easthead.co.za	
	Cell No: 082 560 2611		
4. K Daehnke	Erf 5384, 4 Wichts Street	kaidaehnke@hotmail.com	
	Cell No: 071 506 2810		

5. D E Wardle Erf 3507, 4 Long Street dickwardle57@gmail.com
Cell No: 082 452 5172
6. Regalis Propvest 3 CC Erf 5201, 3 Van Riebeeck Str edswan70@gmail.com
Cell No: 082 459 3862 Eddie Swanepoel
7. GS & JV v Heerden Erf 3513, 22 Long Street tianvh@gmail.com
Cell No: 082 652 7440
8. W Paton Erf 5382, 16 Long Street billyp42@hotmail.com
Cell No: 082 564 3952
9. RJ Erasmus Erf 5737, 3 Low Street rastos@rjerasmus.com
Cell No: 082 494 7723
10. Dr WJS Strydom Erf 101, 6 Long Street wessel@yebo.co.za
Cell No: 082 377 1859
11. J & H Steyn Erf 3515, 32 Long Street management@kleinnektar.co.za
Cell No: 076 718 3338
12. FD Conradie Erf 5636, 2 Ebden Street mail@paddaskuil.co.za
Cell No: 082 445 1785 Trustee : The Maximillan Trust
13. TU Alston Erf 1759, 1 Van Riebeeck Street tualston@gmail.com
Cell No: 082 552 4545

REASONS FOR THE COMMENTS

The Objections and reasons for comments to the application are therefore formulated below:

DESTROYING THE CHARACTER OF A VERY IMPORTANT AND SENSITIVE AREA IN MONTAGU

Despite the effort of the applicant to suggest that this application is a limited expansion of the rights already approved, this **application must be treated as a major move from the original application**. The approved rights of a teagarden is now expanded to a fully licenced restaurant seating ±110 patrons , with a bar area of 175 sq m, a wine tasting facility, wine sales as well as a showroom. The residential dwelling is done away with to cater for the expansion of rights of a floor area of 531sq m rentable floor space.

In the original approval, the rights that were granted could still be seen as somewhat consistent with the agricultural and cultural character of the area but the extent of this application takes the property far from the character that it is earmarked for viz **"that the area between Long Street and Van Riebeeck Street needs to be protected to preserve the current rural and heritage character of Montagu"**.

We refer to the Langeberg Municipality Integrated Zoning Scheme-bylaw Town Planning Scheme definition for Agricultural Zone II (AZII) See copy attached.

From AZII, it is clear that the primary use is Agriculture and Smallholding. In our opinion, any of the consent use application, should be very sympathetic towards the primary use and the Council should apply their minds to this very diligently. The original application and the approval thereof was sensitive to the primary use if the conditions were met properly. This application however will destroy the objective that; **"the area between Long Street and Van Riebeeck Street needs to be protected to preserve the current rural and heritage character of Montagu"**.

Furthermore, the applicant states himself that the approval in 2014 was "subject to many conditions". The reasons for these conditions were specifically to allow the land use to fit in with the rural and cultural character of the area. Now the applicant wishes to do away with these conditions and to **"change the farmhouse into a full-house operational tourist attraction including a licenced restaurant with a wine bar"**

See Annexure B4514 CONSENT USE APPROVAL 2014 attached.

Paragraph 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.

There is **no way in which the extended rights that are applied for, will fit into the character of what is intended for this area.** In fact the reference of the applicant of 5th Street New York, is more relevant of what the character will be and, in our view, not something to aspire for in Montagu. **This will not only destroy the cultural character of this sensitive agricultural area but will also affect the rights of the individuals who purchased their properties specifically because they wanted to be part of this rural character of Montagu.**

TRAFFIC

In and out movement of traffic into Long Street from this facility, will increase drastically. Apart from the **additional noise factor**, the traffic generated from the applied land use will increase movement in Long Street. It will **increase the traffic conflict points** considerably. The incoming traffic from the west to enter the facility , or the traffic that exits the facility to turn east , will have to cross the lanes. Although this is an illegal manoeuvre, it is bound to happen, as any opportunity to turn around legally, is quite a long way off. We are not sure if a traffic impact study has been done but it does not take a traffic engineer to note this problem. **The existing solid white line prohibits the above crossing already.**

It would also seem that taking all the activities into consideration, the 22 parkings provided for, is by far inadequate. Over and above the fact that the restaurant caters for ±110 persons, there is still the Blu Bar of 175 sq.m (bigger than the restaurant), the wine tasting section and the wine sales section . Then there is the additional wine tasting, wine bar and wine sales and the display room for Motor Cycles. All this will create a huge demand for parking . It would therefore not be wise to accept the standard, where only 22 parkings needs to be provided for, as this is a special use of the land where 4 parkings per 100 sq.m is totally inadequate.

This will result in pavement parking, also increasing the danger of pedestrians crossing the street, cars turning around and blocking the view when entering and exiting adjacent streets nl Wichts- and Ebdon Streets, which are the streets that are used to enter Long Street.

Additional noise will also be generated by the increase in traffic and rental motorbikes (especially if they are Harley's) that move in and out of the property.

NOISE POLLUTION

SEE ATTACHMENTS "NOISE POLLUTION" & " PUBLIC NUISANCE"

The most important objection that we would like to raise, is the matter of **excessive noise that will be generated by the proposed application.**

What is not shown on the application plans, are the **neighbouring houses that will be (and are already) affected by the noise coming from the premises.** These properties border

directly onto the relevant property. There are also many other nearby houses affected by this application.

As it is at the moment, the noise coming from the property, is affecting the peace and quiet we bought our properties for . There are entertainers singing through loudspeakers and repeating the same songs over and over during the day. Even the background music playing throughout the day, is disturbing. The volume is turned on and loudspeakers are also mounted outside and the noise travels a long way. This is very disturbing and should not be allowed in this pristine area. The music can even be heard on the footpaths of Aasvoëlkrans!

On several occasions the restrictions regarding the hours that the facility is allowed to operate (8.00-17.00) were contravened. Some of these events that took place, were the following:

1. A band of two local ladies and a "Rock band" (2019)
2. The International launch of Ford Mustang, end of July and beginning of August 2019
3. Valentines Dinner on 14th February 2020

The Langeberg Town Planning Department has confirmed that no special permission was requested or granted for these events.

These disturbances forced the Williams family to complain with management, with mixed success. Someone else also laid a complaint with the Police and they wrongly came to the Williams address responding to a noise complaint. Some of the WhatsApp notifications, are attached for your information.

With this already happening now, under the same management, it is likely that this tendency will prevail and that this will even be much worse when the rights applied for, are granted. Then functions, eg. dancing parties and weddings, can be held, continuing into the early hours of the morning (which will not be legal, but done in the same way as already happened as explained above). SEE ATTACHMENT "DEF FUNCTION VENUE"

This is the position with the existing rights where the operating hours are from 8.00 - 17.00. **Imagine the problem when the operating hours are from 8.00-22.00 (as now applied for) and when all the additional requested uses are in operation.**

The following are noise generating activities that are unacceptable:

1. The loud music over speakers as mentioned above, is already a problem that will increase if the rights are granted.
2. Singers that often erupt into loud songs, as already is the case. The RAD movement is appreciated but not if it adversely affecting existing rights of people living nearby. The "special justice" objective of the applicant can be obtained in another way.
3. If provision is made for "local artists" to perform, there is no guarantee that other artists will not be allowed, bringing their own bands, speakers and amplifiers increasing the problem that we already have.

In a time where the degeneration and decay of the infrastructure in just about all Local Authorities is the order of the day, Montagu stands out as a beacon of hope. The question must be raised why this is happening and the answer can be provided for by all the inhabitants. We are all proud of our town and therefore want to protect the very character of the town. This does not mean that we are against development in the town. On the contrary, we want to see controlled and sustainable development. Up till now we could trust our Local Authority to protect the culture and image of our town and believe that we can trust our Local Authority once again.

We are perturbed by the fact that it would seem as if the applicant has already done the development in line with the application. This should not be used as a lever to force decisions in their favour.

There is no doubt that the approval of this application will have far reaching effects on the very core of Montagu, which vision is **“that the area between Long- and Van Riebeeck Streets needs to be protected to preserve the current rural and heritage character of Montagu”**. This approval will be the thin edge of the wedge that will not only destroy this area but will ultimately also destroy the rest of Montagu.

Not only will the character be destroyed but also the safety of motorists and pedestrians will be endangered due to the traffic situation as discussed.

We therefore plead that our rights and the integrity of the character of Montagu be protected by not approving this application. The approval of this application will lead to the decay of our town and Long Street.

Should this however be approved for whatever reasons, we request that strict conditions be set to protect us from excessive noise and the traffic dangers that are mentioned.

- This would include that no events, weddings and music performances and functions be allowed.
- That music only be allowed indoors and that no speakers be allowed outside.
- That all music be played at acceptable levels.
- That the operating hours be strictly adhered to.
- That it be made very clear that a function venue does not fall under this application and that functions and events will therefore not be allowed.
- Seats to be limited to existing 2014 approval.

We thank you for your sympathetic consideration and trust that you will understand our concern. We all love our town and the very essence of the charm of Montagu is what is at stake here and we trust that you will respond accordingly.

Yours sincerely,

From all the individuals who signed the objection. See attachment 8 (Objectors signatures

Attachments for easy reference:

From all the individuals who signed above.

Attachments for easy reference:

1. B4514 Consent Use of Erf 107 , 12 Long street , Montagu dated 25 February 2014.
2. Montagu Urban Conservation Area Overlay Zone Specific Conservation Areas.
3.3.1 (a) MCAOZ Area A
3. Langeberg Integrated Zoning Scheme By-Law , 2018 Agricultural Zone AZ1 & AZ11.
4. Copies of WhatsApp's
5. Langeberg Integrated Zoning Scheme By-Law, Page 11 "Public Nuisance"
6. Spluma Act 16 of 2013 . "Deciding an Application"
7. Locality Plan indicating the properties of concerned and interested owners.
8. Objectors Signatures. (Due to Covid-19 and owners out of town, some signatures were sent by email)
9. Definition of Noise Pollution
10. Definition of "Function venue"

- B 4513 RESUBMISSION - PROPOSED REZONING, DEPARTURE AND CONSENT USE OF UNREGISTERED ERF 7918 (PORTION OF ERF 2), ("KAKTUSTUINE"), ROBERTSON, (15/4/9/7) (ASST. MANAGER: TOWN PLANNING)

This item served before the Mayoral Committee on 11 February 2014
Hierdie item het voor die Burgemeesterskomitee gediens op 11 Februarie 2014
Aanbeveling / Recommendation

That this report be referred to the Council Meeting of 25 February 2014 for consideration.

Dat die verslag na die Raadsvergadering van 25 Februarie 2014 verwys word vir oorweging.

- B 4514 APPLICATION FOR CONSENT USE OF ERF 107, 12 LONG STREET, MONTAGU (15/4/7/5) (ASSISTANT MANAGER : TOWN PLANNING)

This item served before the Mayoral Committee on 11 February 2014
Hierdie item het voor die Burgemeesterskomitee gediens op 11 Februarie 2014
Eenparig Besluit / Unanimously Resolved

That the following be approved on erf 107, Montagu in terms of the Montagu Zoning Scheme Regulations and Section 42(3) of the Land Use Planning Ordinance, no. 15 of 1985:

- Amendment of conditions of approval to allow wine sales and wine tasting from the main dwelling
- Amendment of conditions of approval and consent use for a Farm Store to allow the sale of wine not produced on the property
- Consent use for a Tea Garden, to provide light lunches with wine tasting

subject to the following conditions:

Land uses and use areas / Site plan

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 described in this approval.
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.
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.
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.

Products

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.

Hours of operation

9. The hours of operation of the wine tasting and –sales and the tea garden is restricted to between 08h00 and 17h00 daily.

Access

10. No access for the public or business deliveries may be allowed from Ebdon Street.
11. The existing access point in Long Street must be used for all access to the property related to this approval.
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.

Parking provision

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 \pm 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.

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.
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.

New building work

16. Before any existing buildings are altered or demolished, whether internal or external, or before any new buildings are erected, approval must be obtained from the Building Control Officer.
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.

Advertising signage

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.

Municipal services

19. The cost of any required upgrading or change to the existing 60 A single phase 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.

Other approvals required

20. The applicant is responsible for obtaining the required liquor license(s) for the approved uses before it may be operated.
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 Trade License in terms of the Business Act to the Langeberg Municipality, before any food may be served.

Cancellation of approval in case of transgressions

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.

B 4515

APPLICATION TO TRANSFER MUNICIPAL RENTAL SCHEME HOUSE: ERF 1292, 20 HANEPOOT STREET, BONNIEVALE FROM GOLIAT FILANDER & MOUNA ELIZABETH MAGDALENA FILANDER TO MEM FILANDER (17/5/8/1/5) (SENIOR HOUSING CLERK BONNIEVALE)

This item served before the Mayoral Committee on 11 February 2014

Hierdie item het voor die Burgemeesterskomitee gedien op 11 Februarie 2014

Eenparig Besluit / Unanimously Resolved

That the Municipal Rental house situated on erf 1292, 20 Hanepoot street, Bonnievale be allocated to MEM Filander on the following conditions.

Dat die Munisipale Huurwoning geleë te erf 1292, Hanepoot straat 20, Bonnievale op die volgende voorwaardes aan MEM Filander toegeken word.

1. MEM Filander had already paid a consumer deposit of R 20.00 in advance;
MEM Filander het reeds'n verbruikersdeposito van R 20.00 vooruit betaal;

3.3 Montagu Urban Conservation Area Overlay Zone Specific Conservation Areas

3.3.1 Within Montagu the three areas listed below, each with specific characteristics, have been identified and mapped (Plan 1) as being conservation worthy which collectively forms the MCAOZ purposed at the protection and preservation of the historical and architectural character of the town, namely:

- (a) **MCAOZ Area A: Van Riebeeck Street/Long Street/Bath Street Conservation Area**, with the specific aims for conservation:
 - (i) to retain the characters of the vistas that are presently available on arrival in the town through Coggianskloof;
 - (ii) to retain the agricultural zoning of the land between Long Street and Van Riebeeck Street;
 - (iii) to maintain and enhance features of the old "water-erwe";
 - (iv) to enhance the present Long Street environment by a tree planting programme to replace the trees that were lost when the road was widened; and
 - (v) to preserve the land-use pattern and density of development, especially the northern side of Long Street and between the Kingna River and Long Street.
- (b) **MCAOZ Area B: Upper Montagu Conservation Area** with the aims for conservation;
 - (i) to protect all reasonably well preserved buildings in the area which are conservation worthy but which are not monuments; and
 - (ii) to preserve the character of the "droë erwe" area by controlling the scale of new buildings and the building materials which may be used in new buildings and in alterations.
- (c) **MCAOZ Area C: Montagu West Conservation Area** with the specific aims for conservation;
 - (i) to protect all reasonably well preserved buildings in the area which are conservation worthy, but which are not monuments;
 - (ii) to preserve the character of the area by controlling the scale of new buildings and the building materials which may be used in new buildings and alterations; and
 - (iii) to protect the natural setting of the area, particularly the surrounding mountainside and the kloof of the Bath River.

3.4 Development parameters

3.4.1 Notwithstanding the fact that a particular use zoning attaches to an erf, group of erven or erven in a particular locality in terms of this By-law, or if such a particular zoning has not been determined as yet, the Council may declare such erf, group of erven or locality as a special area if the Council is of the opinion that, for particular reasons, any form of development on that erf, group of erven or in that locality should be specially controlled, irrespective of the normal development restrictions prescribed elsewhere in this zoning scheme.

3.4.2 The Council may prescribe, as a restriction of the normal development rules or parameters, additional requirements or conditions as far as they concern:

- (a) the street elevation of buildings;
- (b) the maintenance of buildings;
- (c) the maintenance of trees along the streets;
- (d) the provision of parking facilities on sites;
- (e) coverage;
- (f) the height of buildings;
- (g) floor factor;
- (h) buildings lines;
- (i) the display of advertisements and the erection of advertising boards and signs;
- (j) historic garden walls and fences;
- (k) streetlights;
- (l) old postboxes;

Service yards

- 51.(1) The Municipality may require the owner to install a screened area providing utility services, including washing lines, for residential developments.
- (2) The utility services must—
- be designed in a manner that is architecturally compatible with the other structures on the property and in the case of refuse bins must be screened from public view; and
 - comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

SCHEDULE I USE ZONES TABLE

1	2	3
Zoning	Primary use	Consent use
AGRICULTURAL ZONES		
Agricultural Zone I (AZI)		
<p><i>The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Provision is made for non-agricultural uses to provide rural communities with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.</i></p>	<p>Primary use</p> <ul style="list-style-type: none"> • Agriculture • Crèche 	<p>Consent uses</p> <ul style="list-style-type: none"> • Agricultural industry • Additional dwelling units • Airfield • Animal care centre • Aqua-culture • Camping site • Farm shop • Farmer's market • Freestanding base telecommunication station • Function venue • Guest house • Guest lodge • Helicopter landing pad • Intensive animal farming • Intensive horticulture • Off-road trail • Plant nursery • Renewable energy structure • Second dwelling • Service trade • Shooting range • Tourist facilities • Utility service • Wellness centre



Jonine Erasmu...

1st seen today at 19:33



01 Aug 2019

 Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them. Tap to learn more.

Halo Jonine
Is dit dalk
moontlik om die
musiek n klein



“porte cochères” means a covered entrance large enough for vehicles to pass through, typically opening into a courtyard or a porch where vehicles stop for passengers to get out of the vehicle;

“precinct plan” means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans;

“previous zoning scheme” means a zoning scheme or town planning scheme referred to in section 33(1) or (2) of the Land Use Planning Act;

“primary use” in relation to property means any land use specified in this By-law as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality’s approval;

“property” means land together with any improvements or buildings on the land;

“provincial road” means a road that is under the jurisdiction of the provincial roads authority;

“pub” means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; but excludes— a night club;

“public nuisance” means any act, omission or condition that is offensive in the opinion of the Municipality, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or that adversely affects the safety of the public, having regard to the reasonableness of the activities in question in the area concerned, and the impacts that result from these activities;

“refuse room” means a defined screened refuse receptacle from where refuse is collected, usually on a weekly basis;

“registered land surveyor” means a professional land surveyor, registered in terms of the Geomatics Profession Act, 2013 (Act 19 of 2013);

“retaining structure” means a wall or structure constructed to hold back earth or loose rock;

“road” includes a public street or a private road;

“road reserve” means the designated area of land that contains a public street or private road (including the road and associated verge) and that may be defined by cadastral boundaries;

“satellite dish antenna” means apparatus fixed to a structure or mounted permanently on the ground and that is capable of receiving or transmitting communications from a satellite;

“scenic drive” means a public street designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, a coastline or a town;

“Self-storage facility” means a storage facility provided to individuals for the storage of goods;

“service yard” means a defined screened area providing utility services including washing line facilities for, amongst others, general residential developments;

“shipping or transport container” means a large, weatherproof container used for the transport of goods by sea, rail or road and that is usually stored in the open when not in use;

Change with approval of Municipal Planning Tribunal

41. (1) The Municipal Planning Tribunal, upon application in the prescribed manner, may—

- (a) change the use, form or function of land; or
- (b) remove, amend or suspend a restrictive condition. 5

(2) An application contemplated in subsection (1) includes an application for—

- (a) township establishment;
- (b) the subdivision of land;
- (c) the consolidation of different pieces of land;
- (d) the amendment of a land use or town planning scheme, except any change affecting the scheme regulations in terms of section 25(2)(a); or 10
- (e) the removal, amendment or suspension of a restrictive condition.

Deciding an application

42. (1) In considering and deciding an application a Municipal Planning Tribunal must— 15

- (a) be guided by the development principles set out in Chapter 2;
- (b) make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; and 20
- (c) take into account—
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application; 25
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions. 30

(2) When considering an application affecting the environment, a Municipal Planning Tribunal must ensure compliance with environmental legislation.

(3) An application may be approved in whole or in part, or rejected.

Conditional approval of application

43. (1) An application may be approved subject to such conditions as— 35

- (a) are determined by the Municipal Planning Tribunal; or
- (b) may be prescribed.

(2) A conditional approval of an application lapses if a condition is not complied with, within—

- (a) a period of five years from the date of such approval, if no period for compliance is specified in such approval; or 40
- (b) the period for compliance specified in such approval, which, together with any extension which may be granted, may not exceed five years.

Timeframes for applications

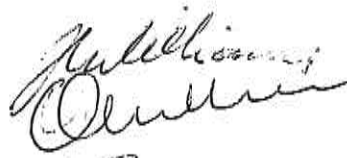

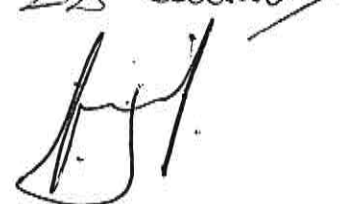
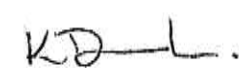

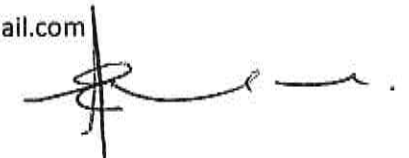
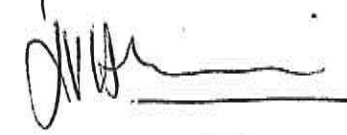
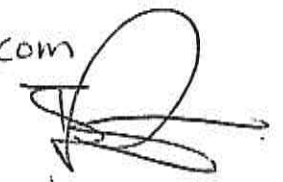
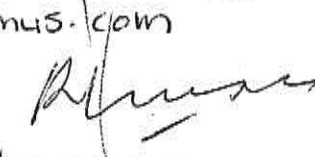
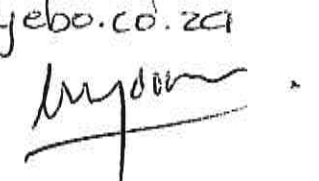


44. (1) The Minister must, after public consultation, prescribe timeframes for the consideration and determination of an application before a Municipal Planning Tribunal. 45

(2) A Municipal Planning Tribunal must consider, hear and determine a land development application within a timeframe prescribed by the Minister in terms of subsection (1). 50

(3) Regulations relating to timeframes may—

- (a) apply differently to Municipal Planning Tribunals; or
- (b) differentiate types of land development applications to which different timeframes apply.

The names, addresses and locality is given below and also shown on the attached plan.

OWNER/S	ADDRESS	CONTACT DETAILS	SIGNATURE
1. JL & O Williams Cell No: 081 035 7804	Erf 5383, 2 Wichts Street	omniawilliams@gmail.com	
2. JH Jansen Cell No: 082 937 9348	9 Van Riebeeck Street Erf 75	jhjansen@telkomsa.net	
3. J Simonis Cell No: 082 560 2611	Erven 111,113,3512, 3 Wichts Str	jerome@easthead.co.za	
4. K Daehnke Cell No: 071 506 2810	Erf 5384, 4 Wichts Street	kaidaehnke@hotmail.com	
5. D E Wardle Cell No: 082 452 5172	Erf 3507, 4 Long Street	dickwardle57@gmail.com	
6. Regalis Propvest 3 CC Cell No: 082 459 3862	Erf 5201, 3 Van Riebeeck Str Eddie Swanepoel	edswan70@gmail.com	
7. GS & JV v Heerden Cell No: 082 652 7440	Erf 3513, 22 Long Street	tianvh@gmail.com	
8. K Paton Cell No: 082 564 3952	Erf 5382, Long Str 16	billyp42@hotmail.com	
9. RJ Erasmus Cell No: 082 494 7723	Erf 5137 Low Str 3	rastos@rjerasmus.com	
10. Dr WJS Strydom Cell No: 082 377 1859	Erf 101, 6 Long Str.	wessel@yebo.co.za	
11. J + H Steyn management@kleinnektaar.co.za Cell no: 076 718 3338	Erf 3515, 32 Long Str.		
12. FD Conradie Trustee: The Maximilian Trust	Erf 5636, 2 Ebdon Street	mail@paddaskuil.co.za Cell : 082 445 1785	

As received per email

13. P. U. ALSTON Erf 1759
Van Riebeeck St

082 052 4505 55

Noise pollution or sound pollution is defined as any sound that is unwanted, or a level of environmental sound that is likely to irritate nearby individuals, cause distraction, cause hearing damage, or disrupts normal activities and lowers quality of life.

“freestanding base telecommunication station”

Land use description: “*freestanding base telecommunication station*” means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include access roads to the structure.

Development parameters:

The development parameters applicable to “utility service” apply.

“function venue”

Land use description: “*function venue*” means a building or structure used for functions, weddings and expos on what is mainly a rural property.

Development parameters:

Development parameters applicable to “agriculture” apply on a rural property, together with the limitation that any function venue in a rural area, including all components of the venue, may not exceed a total floor space of 500 m².

“funeral parlour”

Land use description: “*funeral parlour*” means property where the dead are prepared for burial or cremation and—

- (a) includes facilities for ancillary administrative and religious functions; and
- (b) does not include a crematorium.

Development parameters:

The development parameters applicable to “shop” and “industry” apply.

“gambling place”

Land use description: “*gambling place*” means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators, electronic payout devices and limited payout gambling machines.

Development parameters:

The following development parameters apply.

- (a) The development parameters applicable to “business premises” apply.
- (b) A site development plan must be submitted to the Municipality for approval.

“garden of remembrance”

Land use description: “*garden of remembrance*” is a section of a cemetery or crematorium set aside for the erection of memorial plaques or structures, placing or scattering of ashes.

Development parameters:

The development parameters applicable to “cemetery” and “crematorium” apply.

“group housing”

Land use description: “*group housing*” and “*group housing scheme*” means a group of separate or linked dwelling units where—

- (a) every dwelling unit has a ground floor;
- (b) the units may be cadastrally subdivided;
- (c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and
- (d) the units are integrated with communal private open spaces, private roads and parking.

OBJECTOR'S COMMENT ON APPLICANT'S REACTION

10 August 2021

The Municipal Manager

Langeberg Municipality

3 Piet Retief Street

Montagu 6720

For Attention : Mr Jack van Zyl

ERF 107 MONTAGU (BLU VINES): RESPONSE ON OBJECTIONS RECEIVED

The response on Objections received from Umsiza Planning, refers.

We wish to comment on the following:

Character of Area

1. (p1) "Many other old houses in town were updated/renovated....."
None of these houses have loud music and functions.
2. (p2) "This 'feel ' is therefore to the benefit of only the owners of those erven"
Most of these erven have Guest Houses/cottages. This "feel" can thus also be enjoyed by travellers and tourists.

Traffic

(p2) "once-off basis" . What is meant by "once-off basis"? Bottom line is, no functions to be allowed because this area is zoned AZ11 and not AZ1, where functions are allowed. There is a very valid reason why functions (weddings etc.) are only allowed on farm land outside urban areas.

Noise pollution

(p3) "Surrounding properties with structures that may be impacted"

Erven 5636 and 3512 will be developed. As mentioned previously, music was often heard on Aasvoelkrans contour paths.

(p3) "Obtain all necessary approvals for once-off events/functions".

Not to be allowed at all. The fact remains that no consent was obtained from Council or police, or neighbours in the past.

(p3) "special permission".

Will special permission be a loophole for functions???

(p3) "The applicant will make sure that all music will be at acceptable noise levels at all times"

What is the definition of "acceptable"

Yours sincerely

Jack and Omnia Williams

On behalf of OBJECTORS TO CONSENT USE AMENDMENTS ERF 107 MONTAGU GROUP

OBJECTIONS' COMMENT ON APPLICANT'S REACTION

12 August 2021

2

The Municipal Manager
Langeberg Municipality
3 Piet Retief Street
Montagu
6720

ADDITIONAL REPLY TO THE RESPONSE OF UMSIZA PLANNING

Sir,

Thank you for the opportunity to respond to the Response to the objections:

Nothing mentioned by the applicant in this Response actually improve his motivation or break down any points raised by our objection

CHARACTER OF THE AREA

The point made by the applicant, that "Towns with little/no initiatives....." Will deteriorate, is well taken together with the point he made that this must happen with "good judgement and management". This is exactly the point. Montagu is privileged to have a Local Authority with the insight that this character needs to be protected. Due to the strict protection of these principles Montagu has already developed into a sought-after destination for tourists and new inhabitants alike. Montagu does not need to allow development (which will destroy this character) in order to be a sought-after destination. Montagu must protect what it has, understand why it is in this privileged situation and further build on that.

The reference to the other old houses where restaurants were developed is irrelevant in that the "good management" (referred to by the applicant) were applied in these cases and the development allowed were sympathetic with the character intended for this area. The impact of this application if approved will go a long way to defeat the objective to preserve the character of this area.

For the applicant to argue that "for long areas the agriculture and rural character cannot be seen or felt by travelers passing by" explains the very limited understanding he has about what this protected character means to Montagu. It is not what is seen by the passersby but it is about the environment created by the inhabitants of the town and how this environment influences their way of life. This again is reflected in the pride that people take in the development of not only these areas but also in the maintenance of their houses. This again led to a pride in the town where the infrastructure is maintained and where we have one of the best towns in the country to live in. We argue that it is

because of the insight and the vision of our Local Authority where they succeeded in protecting the key areas and creates a desirable town to live in and to visit. We maintain that this is the main area in Montagu in need of protection.

TRAFFIC

We maintain that the traffic generated by the planned facility warrants a Traffic impact assessment. Taking into consideration that the facility borders onto the R62 with major traffic volumes at a section where the traffic is leaving the town and there is a increase in the speed of the traffic, the many traffic conflict points of traffic turning in and out of the facility this will create a traffic hazard that needs to be considered by the authorities.

It is rather disturbing that mention is made in this par. of "if a function is planned on a once off basis". This then implies that there will be functions and what is meant by a "once off basis"? It is our understanding that the consent application can and does not include the option to have functions and that this must specifically be stated as such. The area has a zoning of AZ2 and consent for this can therefore not be applied for.

The fact that the issue of functions is mentioned as above and also twice in the next paragraph referring to noise pollution, is indicative of the intentions of the applicant and this should be contained in the decision of Council to prohibit any functions and weddings without exceptions.

NOISE POLLUTION

We understand that it is not the intention or desire of the applicant to cause noise pollution, but unfortunately noise does not stop at fenced boundaries. In fact it is a little ridiculous to imply that only the surrounding structures will be impacted. If noise is not contained within a sound proof unit this sound will be heard by a large part of Montagu and not only the direct neighbours, even if the speakers are located inside.

Also all the controls that the applicant's promise, means nothing as terms like, "acceptable levels", "sound checks by management" where the applicant is supposed to control it himself means nothing as has been proven in the past.

CONCLUSION

As is the case with the owner we all love Montagu but we believe by allowing this application the very heart of Montagu will be destroyed. If this is approved there will be the next application and because this one has been approved there will be no grounds to reject the next application and so the real character of Montagu will be destroyed.

We therefore request that you carefully consider this application with the information we provided in mind.

Yours,

OBJECTORS TO CONSENT USE AMENDMENTS ERF 107 MONTAGU GROUP

Prepared by Mr Piet Coetzee (retired Town and Regional Planner)

OBJECTOR'S COMMENT ON APPLICANT'S REACTION

3

The Municipal Manager

Langeberg Municipality

3 Piet Retief street , Montagu 6720

**PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL & CONSENT USE ON ERF
107, 12 LONGSTREET, MONTAGU**

Response to Umsiza Planning submission

Amendments of usage clauses on properties normally have as a basis, increased economic activity, with employment opportunities as the soft target.

They are also normally supported by very idealistic and palatable undertakings

However, in the bigger scheme of things, we need to take cognisance of the **doctrine of precedence.**

The area surrounding the Kinga River is and remains a very special part of the ambience of Montagu.

Our forefathers were not unjustified to have these properties reserved for agricultural purposes and a lifestyle which emulates a strong biased towards nature, trees and gardens.

Currently the entire block between Long street and van Riebeeck street represents the best that nature can offer.... Many trees, lush lawns, well-kept and manicured gardens..... All of which has become over many decades the premium brand for Montagu.

It is against the back ground of above , that we need to accept that if for once we let go of the current restrictions on the usage clauses of these properties to one, then all can (and might) follow.

I shudder to think that my neighbour across the river applies for a DISCOTEHQUE usage clause – quite a number of jobs can be created.... AND WE WILL ACCOMMODATE SO MANY YOUNG PEOPLE INTO OUR TOWN.

On the premise that this current application is approved, on what basis will the Discotheque application not be approved – **the precedent has been established.**

When the owner bought the property, he / she should have availed themselves to the usage clause of the property..... which I am sure they did.

Furthermore, the idea of a **motorcycle storage unit and rentals** will forever change the serenity of our town. The current noise levels due to cars racing is already way beyond as to what should be endured in our town.

We also need to take into account the **Law of Unintended consequences**..... what appears to be at face value a well-respected restaurant could end up in a major party place , breaking down all rules of tranquillity and serenity, by which time it will be too late to rectify..... and this might not come as a result of the current owner, but properties do change hands over time !

Human nature is as such that it will always tests the boundaries!

In closing, I appeal that we honour our forefathers who established this beautiful town with its unique area around the Kinga river, by not allowing activities that are not commensurate with their original dream.

Let us also take to heart the impact on the people direct adjacent to this property.

JH Jansen

9 van Riebeeck street

Montagu 6720

OBJECTOR'S COMMENT ON APPLICANT'S REACTION

~~Ronal Ferreira~~

From: ~~Jack van Zyl~~
Sent: ~~Tuesday, 10 August 2021 06:20~~
To: ~~Ronal Ferreira~~
Subject: ~~FW: Letter of Town Planner - Blue Vines Music~~

4

~~Please on l&or ach~~

From: kai daehnke <kaidaehnke@hotmail.com>
Sent: 07 August 2021 15:21
To: Jack van Zyl <JvZyl@langeberg.gov.za>
Cc: Jack Williams <kleintjie1949@gmail.com>
Subject: Fw: Letter of Town Planner - Blue Vines Music

Dear Mr Van Zyl,

We submit the underlying salient concern with this matter is the noise.

Mr Williams correctly questions what is considered acceptable with regard to volume levels of music.

We would like to suggest a very practical approach. When the town is quiet (any evening at sundowners and on weekends) could you and your colleagues please visit Blu Vines and walk the surrounding neighbourhood including the adjacent properties while the "typical acceptable level" music is being played.

I am certain you will find that it is indeed disturbing, especially if heard every day over and over.

May we point out too that due to the bowl affect from our beautiful surrounding mountains, any acoustics are amplified.

We have dined at Blue Vines and, while dining, have found the music too loud and would also prefer softer music as patrons.

In light of the above we would propose that Blu Vines keep to soft soothing background lounge genre music (it certainly compliments their excellent all round offerings). We would argue that Blu Vines will not loose a single patron if they refrain from live amplified singing.

Thank you very much,
With Kindest Regards
Alan & Kai

From: Jack Williams <kleintjie1949@gmail.com>
Sent: Friday, 06 August 2021 16:15
To: Omnia Williams <omniawilliams@gmail.com>; Hannes Jansen <jhansen@telkomsa.net>;

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Aansoeker se reaksie op besware

3 August 2021

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 107 MONTAGU (BLUVINES): RESPONSE ON OBJECTIONS RECEIVED

Collective concerns/objections were received that will be addressed/responded on under the same headings, i.e:

- Destroying the character of a very important and sensitive area in Montagu;
- Traffic; and
- Noise Pollution (most important).

Character of area

Towns with no/little progress or new initiatives will deteriorate with large socio-economic impacts as can be seen in many small towns around the country. Although specific and unique characteristics of towns need to be protected, it needs to be upgraded and adapted to changing circumstances and times with good management and judgement.

The beautiful state-of-the-art BluVines does not harm the character of Montagu, in contradiction, it only enhances the attraction of the town. Such facilities are needed in small towns to show progress and growth, things that are essential for both local people and tourists to be attracted to a place. Montagu is privileged to have such an investor and needs to support such a development.

As BluVines was just another tea garden in Long Street, the owner wanted to make a difference and upgraded the *existing* structures on Erf 107 Montagu to provide an alternative and more exceptional and quality facility to attract more people to this town.

[Many other old houses in town were upgraded/renovated into restaurants with no negative impact on the town's character.]

Although the scale of the facility has grown due to the transformation of the whole house, the view from the street and character of the area remains unchanged.

The facility is managed professionally and cannot be shared with a dwelling house in the other half of the "house". The different attractions in the "house" complement and support each other. A smallholding *includes* a dwelling, but also provide for consent uses that are contemplated in this zone, therefore it can be approved when justified and proved desirable.

Although the area between Long Street and Van Riebeeck Street needs to be protected to preserve the character of Montagu, it is also this specific area that is most visible to tourists along Long Street.

Montagu is marketed as a tourist town where people can see and feel the rural and heritage character. So many of the erven along Long Street are built on the street boundary or a line of trees form a buffer between the road and the agricultural rural character at the back, including Erf 5382 adjacent. For long areas the agricultural and rural character of these erven cannot be seen or felt by travellers passing by. This "feel" is therefore to the benefit of only the owners of those erven.

It is only the new fire kitchen of 29m² that will be built in addition, with barely no impact on the character of the site. The view to the cultivated area at the back does not or will not change.

The existing agricultural fields (lucerne) on Erf 107 are still there as always, unharmed and protected, to be properly enjoyed by the locals and tourists visiting with the beautiful Langeberg Mountains at the back.

Traffic

A Traffic Statement is only needed for trips more than 50 per hour, which is not the case.

BluVines is a restaurant with a distributed traffic flow, not a function venue. If a function is planned on a once-off basis, the appropriate approvals will be obtained from the municipality, police and neighbours.

The proposed seats are as follows (as indicated on plan):

Café Blu Restaurant with pergola: 60 seats

Blu Lounge with bar: 8 seats + ±4 seats at counter

Fire kitchen with pergola: 28 seats

TOTAL: 100 seats (maximum). The seats outside (36) is subject to weather and will be used mostly during the day.

These seats will overlap with the wine tasting facility and display room and parking will be shared.

The provision of a larger parking area will be in contrast with the "preservation of character" mentioned above.

If needed, additional space can be made available for parking purposes.

Noise pollution

It is not the intention or desire of the owner to cause any noise pollution and he wants to be a good neighbour with a healthy relationship. He agrees that anyone has the right *not* to be disturbed.

Surrounding properties with structures that may be impacted on are:

- Erf 101: 140m WSW
- Erf 3509: 150mSSW
- Erf 5383: 115m SE
- Erf 5382: 65m NNE (with parking area and wine tasting building in between as buffer)
- Erf 5622 (Kloof Farm Stall opposite Long Street)

Only two direct neighbours objected to the application.

The owner has made several corrections to the existing sound system and will abide to the following conditions:

- Obtain all necessary approvals for once-off events/functions (as was partly done with the neighbour before the Ford Mustang launch function);
- Speakers located indoors at all times;
- Sound checks as part of management discipline in the set-up of the volume and monitored constantly throughout the day to accommodate wind change;
- All music played at acceptable levels; and
- Operating hours to be adhered to, except when special permission is obtained.


Conclusion

The owner loves Montagu and has therefore invested in this town by establishing a state-of-the-art facility that will be regarded as one of the town's tourist beacons.

Only existing buildings were professionally converted with a small addition (fire kitchen) with no additional impact on the cultural or agricultural character. The agricultural and rural character is open from the restaurant and can be enjoyed by all visitors, in contradiction to most other erven along Long Street with their cultivated fields neither accessible nor visible.

The applicant will make sure that all music will be at acceptable noise levels at all times.

For your consideration.


Anna-Christa Redelinghuys
Pr.Pln A/1076/1998

Ronel Ferreira

From: Anna-Christa Redelinghuys <annachris@mweb.co.za>
Sent: Friday, 06 August 2021 10:32
To: omniawilliams@gmail.com; jerome@easthead.co.za; dickwardle57@gmail.com; edswan70@gmail.com; tianvh@gmail.com; billyp42@hotmail.com; rastos@rjerasmus.com; wessel@yebo.co.za; tualston@gmail.com; jhjansen@telkomsa.net; kaidaehnke@hotmail.com; management@kleinnektar.co.za; mail@paddaskuil.co.za
Cc: Ronel Ferreira; 'BluVines Restaurant - Montagu'; 'Richard Weilers'
Subject: Erf 107 Montagu: Application for consent use and amendment of conditions of approval: Response on objections received
Attachments: letter to Mun re objections.pdf

Hi All

Please find response on the objections received, as requested.

For your kind re-consideration please.

Thank you,

Anna-Christa Redelinghuys

UMSIZA Planning

PrPlan A/1076/1998

Box 649 ROBERTSON, 6705

No 2 Rosegate, ROBERTSON

Tel: (023) 626 1506

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Ronel Ferreira

From: Anna-Christa Redelinghuys <annachris@mweb.co.za>
Sent: Tuesday, 03 August 2021 18:07
To: Ronel Ferreira; Jack van Zyl
Cc: 'Richard Weilers'; 'BluVines Restaurant - Montagu'
Subject: Erf 107 Montagu: Repliek op besware
Attachments: letter to Mun re objections.pdf

Hallo Ronel/Jack

Aangeheg ons repliek op die besware ontvang vir jul oorweging asb.

Die beswaarmakers het versoek dat die repliek na elkeen individueel (13) gestuur word. Kan ek, of stuur julle dit?

Groete,

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Summary of “Relevant Considerations”

Section 33 of the Constitution requires that organs of state make decisions which are **lawful, reasonable and procedurally fair**. It further provides that national legislation must be enacted which provides that those whose rights have been adversely affected by administrative action, are given an opportunity to have the administrative action reviewed in a court of law (or, where appropriate, an independent and impartial tribunal).

In order to give effect to section 33 of the Constitution, the Promotion of Administrative Justice Act (3 of 2000) (“PAJA”) was promulgated. Section 6(2) of PAJA sets out the reasons why an administrative decision may be reviewed. Section **6(2)(e)(iii) of PAJA** provides that an administrative decision may be reviewed if ***irrelevant considerations were taken into account*** or if ***relevant considerations were not considered by the decision maker***.

When assessing a land use application, there are certain general development principles contained in the Spatial Planning and Land Use Management Act, No 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) that must be taken into account, and which are regarded as relevant considerations for the purpose of PAJA.

Furthermore, section 2(2)(d) of LUPA states that a **municipality must regulate the criteria for deciding on land use applications**. These are determined in the Langeberg Municipal Land Use Planning Bylaw, 2015 (the bylaw). Chapter V, Section 65 (1) (a) to (s) of the bylaw sets out the general criteria that must be considered when deciding on a land use application.

In terms of the above, in **considering and deciding on an application**, a Municipal Planning Tribunal / Authorised official / Appeal Authority / Official must be guided by

- (a) The **development principles of SPLUMA and LUPA**;
- (b) The **prescribed procedure to be followed** in processing the application; (Bylaw S65(1)(b))
- (c) The **comments received in response** to the notice of the application and the **comments received from organs of state and internal departments of the municipality**. (Bylaw Section 65(1)(d))
- (d) The **response by the applicant to the comments** referred to above. (Bylaw Section 65(1)(e))

and, when considering land use applications, must take into account the following key aspects, as drawn from various sections of SPLUMA, LUPA and the Langeberg Municipal Land Use Planning Bylaw:

- (a) Must make a **decision which is consistent with:**
 - (i) norms and standards
 - (ii) measures designed to protect and promote the sustainable use of agricultural land
 - (iii) national and provincial
 - (iv) government policies
 - (v) the municipal spatial development **framework (SPLUMA S42(1)(b))**
- (b) May not make a decision which is **inconsistent** with a municipal spatial development framework (**SPLUMA S22(1)**)
- (c) May depart from the provisions of the Municipal Spatial Development Framework in **site specific circumstances (SPLUMA S22(2))**
- (d) Must ensure **alignment** with any relevant structure plans, the PSDF and any applicable Regional SDFs; (**Bylaw, S65(1)(l)(n)(o)**)
- (e) Must take into account **public interest (SPLUMA 42(1)(c)(i))**
- (f) Must have regard to at least **any guidelines issued by the Provincial Minister** regarding proposed land uses; (**LUPA 49(e)**)
- (g) Must take into account **any applicable national or provincial policies** that guide decision making; (**Bylaw, 65 (1) (p)**)
- (h) Must take into account the **impact on existing rights and obligations; (SPLUMA 42(c)(iv))**
- (i) Must take into account the **constitutional transformation imperatives; (SPLUMA, S42(1)(c)(i))**
- (j) Must take into account the **state and impact of engineering services, social infrastructure and open space requirements; (SPLUMA S42(1)(c)(v))**
- (k) Must consider any factor that may be prescribed, including timeframes, for making decisions; (**SPLUMA, S42 (1)(c)(**
- (l) Must take into account **investigations carried out in terms of other laws** which are relevant to the consideration of the application; (**Bylaw 65(1)(f)**)
- (m) Must take into account the **relevant provisions of the zoning scheme; (Bylaw 65(1)(s))**
- (n) When considering an application affecting the environment, **ensure compliance with environmental legislation; (SPLUMA, 42 (2))**
- (o) Must consider the desirability of the proposed land use (**LUPA, section 49(d) and Bylaw S65(1)(c))**)