



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 VERGUNNINGSGEBRUIKE & AFWYKING OP ERF 3519, KERKSTRAAT 3A, MONTAGU

Reference number	15/4/9/5	Application submission date	30.01.2020	Date report finalised	22-02-2021
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 3519, Montagu				
Physical address	Kerkstraat 3A	Town	Montagu		
Current zoning	Landbousone II	Extent (m2 /ha)	1.2048ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema, 2018				
Current land use	Woonhuis, Beperkte landbou			Title Deed number & date	T25914/2014
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		
PART C: APPLICATION DESCRIPTION					
Aansoek ingevolge Artikel 15(2) van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 vir vergunningsgebruike op erf 3519, Montagu, te wete vir 'n Tweede woning (150m² vloerarea), Plaaswinkel en Toeristefasiliteit (Restaurant en kinderspeelarea), sowel as vir 'n afwyking van die ontwikkelingsparameters ten opsigte van die voorgeskrewe boulyn.					

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Die verslag waarin die aansoek beskryf en motiveer word, is aangeheg in Bylae 2.

Die aansoek-eiendom is 1.2Ha groot en is gesoneer as Landbousone II ingevolge die Langeberg Geïntegreerde Soneringskema 2018. Die eiendom strek oor ongeveer 310m vanaf Langstraat (23.7m straatfront) in die noorde tot by die Kingnarivier in die suide (±45m rivierfront). Die agterste ±214m grens ook aan Kerkstraat in die ooste. Die huidige ontwikkeling op die erf bestaan uit 'n woonhuis, motorhuis/stoor, buitegebou/braaikamer, kothuis (voorheen 'n lapa), tuinskuur, swembad en groot khoidam, alles op die suidelik deel van die erf. Die noordelike gedeelte van die erf is vakant en word van tyd tot tyd gebruik om 'n paar skape te laat wei.

Die voorstel is om die plaaswinkel en restaurant met speelarea en op-perseel parkering op die noordelike gedeelte van die erf te ontwikkel, met 'n gekombineerde in- en uitgang vanaf Langstraat, asook om die braaikamer te vergroot en te omskep in 'n tweede woning.

Die oorspronklike voorstel (sien Terreinplan 1 in Bylae 1) was vir 'n tweede woning van 150m² (omskepping van 60m² groot braaikamer) en 'n plaaswinkel/restaurant kombinasie in 'n gebou van 99m² met pergola-stoep van 107m² aan drie kante en 'n 125m² speelarea agter dit. Die plaaswinkelgebou sou die 5m boulyn aan die westekant met 400mm oorskry. Daar is 18 parkeerplekke voorgestel, waarvan 6 voor die gebou op die Langstraatgrens en 12 agter die gebou en speelarea.

Die voorstel is aangepas in reaksie op besware wat ingewin is tydens die eerste rondte advertering van die aansoek. Die aangepaste voorstel (sien Terreinplan 2 in Bylae 1) was om die plaaswinkel/restaurant-gebou buite die 5m boulyn te plaas en die oppervlakte daarvan effens te wysig na 107.5m² vloerarea en 92.5m² onderdak-stoep (2.5m breed) aan drie kante. Die speelarea is verwyder en die parkeerplekke is verminder na 8, waarvan 6 voor die gebou op die Langstraatgrens en 2 agter die gebou. Daar is ook aangedui dat daar 2.1m hoë mure opgerig sal word op die gedeelte van die sygrense langs die beplande gebou. Die tweede woning is onveranderd gelaat. Daar is egter aangedui dat die gebou wat aanvanklik as bestaande lapa (60m²) aangedui was, in werklikheid as kothuis gebruik word (wat dus as bestaande toelaatbare tweede woning beskou word ingevolge die soneringskema).

Die Terreinplan 2 is daarna weer aangepas na aanleiding van die Wes-Kaapse Departement van Vervoer en Openbare Werke se kommentaar, om die in- en uitgang aan te dui as 7m breed (plan gemerk MON3519-LBM-TP in Bylae 1). Dit is die finale plan onder oorweging in hierdie aansoek.

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)

Met die eerste rondte van advertering is daar 6 besware teen die aansoek ontvang vanaf omliggende grondeienaars. Die gewysigde voorstel is weer aan alle beswaarmakers gestuur vir insae en verdere geleentheid vir kommentaar. Twee van die beswaarmakers het hulle besware herbevestig (besware aangeheg in Bylae 3 en liggings daarvan aangedui op die liggingsplan in Bylae 1):

Die besware kan as volg opgesom word:

1A. Caroline Whitehead (1ste beswaar)

- Impak van beplande geboue op erfenisgeboue en straattoneel verwag. Erfenis Wes-Kaap moet die geskiktheid van die geboue wat beplan word en die uitleg beoordeel. Kan nie finaal kommentaar lewer sonder insae in volledige argitekspanne wat die hoogte, aansigte en argitektoniese detail van die beplande geboue en grensmure aandui nie. Skaal van gebou moet soos historiese geboue wees en advensietekens moet ook aanpas by erfenisbuurt tov hoogte, grootte en ander oorwegings.
- Daar is reeds geboue op die eiendom omskep in wooneenhede wat die perke van die sonering oorskry, sodat die getal strukture en geboue reeds meer is as wat aanvaarbaar is vir die betrokke bewaringsgebied.
- Parkeerarea voor gebou sal straattoneel skaad. Parkering moet liewer agter gebou wees.
- Toestemming vir toegang vanaf provinsiale pad moet verkry word.
- In lig van 'n gebrek aan inligting oor die sakeplan vir die beplande besigheid, en gegewe die hoofsaaklik landbou- en residensiële karakter van die omgewing, moet die volgende toegepas word:
 - normale besigheidsure (nie na 17h00);
 - geen musiek; geen kragopwekkers en ander masjinerie;
 - geen oormatige stof (toegangspad en parkeerarea moet plavei word);
 - beheer geraasvlakke o.a. by wyse van aanplanting van heinings, toesig oor kinders;
- Geen telefoonlyn en ander dienste oor aangrensende erwe, veral nie bogronds
- Dring aan dat daar 'n grensmuur opgerig word tussen erf 123 en die toegangspad en sit-areas van die restaurant;
- Vullisversamelarea, lugreëlaars en uitsuigwaaiers moet so geplaas word dat dit nie impakteer op die inwoners weerskante en orkant die straat nie.

Caroline Whitehead (2de beswaar)

- Nie tevrede met aansoeker se reaksie op beswaar.
- Belangrik om eers bouplanne te sien voordat beswaar finaliseer kan word. (Noem Spar in Langstraat as voorbeeld van onvanpaste argitektuur wat op soortgelyke wyse toegelaat is).
- Montagu is 'n bestemming vir toeriste en nie net stopplek vir deurverkeer nie. Die dorp trek groot ekonomiese voordeel uit toerisme, wat in 'n groot mate gebaseer is op die atmosfeer van die dorp, soos veral geskep deur die aantal verklaarde erfenisgeboue (13) en landbougronde in die dorp. Die voorgestelde ontwikkeling sal 'n presedent skep vir verdere kommersiële ontwikkeling van Langstraat en daarom moet verseker word dat dit op die regte manier gedoen word, wat bg atmosfeer sal ondersteun.

1B Paul Whitehead (1ste beswaar)

- Dieselfde bewoording as Beswaar 1A.
- Die effek van die Lang- en Kerkstraatkruising kan eers bepaal word wanneer daar duidelikheid is oor of die tydelike Stopteken in Langstraat verwyder gaan word na afloop van die Langstraat opgraderingsprojek.

Paul Whitehead (2de beswaar)

- Noem kommersiële ontwikkeling langs hoofpaaie deur Barrydale en Robertson as voorbeelde van onvanpaste en skadelike ontwikkeling ten opsigte van toersime en erfenisbewaring. Die ontwikkeling langs Langstraat moenie op dieselfde wyse toegelaat word nie. Dit is ook in stryd met die Langeberg SDF.
- Geaffekteerde persone moet argitekspanne sien en kans kry vir beswaar voor toestemming gegee word.
- Die grensmure om die bure af te skerm, moet van die straatgrens tot 20m verby die nuwe gebou wees, 2m hoog aan die kant van die bure se eiendom (die aansoekeiendom is ½ meter laer) en beide kante gepleister en geverf.
- Ander punte van beswaar wat in die 1ste beswaar geopper is, word herhaal.

2. Cafno Investment Trust No 6

- Vra geleentheid om mondelingse betoog te lewer by Tribunaalvergadering
- Impak van beplande geboue op erfenisgeboue en straattoneel. Erfenis Wes-Kaap moet die geskiktheid van die geboue wat beplan word en die uitleg beoordeel. Kan nie finaal kommentaar lewer sonder insae in volledige argitekspanne wat die hoogte, aansigte en argitektoniese detail, dienste-installasies en algemene estetika van die beplande geboue aandui nie. Skaal van gebou moet soos historiese geboue wees en advensietekens moet ook aanpas by erfenisbuurt tov hoogte, grootte en ander oorwegings.
- Ten einde in te pas by die landbou-omgewing, moet die beplande winkel/restaurant dieselfde skaal as die historiese geboue rondom hê en moet ook as woonhuis kan funksioneer.
- Voorgestelde tweede woning is in werklikheid reeds 'n derde woning en behoort nie toegelaat te word nie, ook in die lig van die bogenoemde punt.
- Aansoek is foutief ten opsigte van die bestaande getal plaaswinkels/restaurant/toersitefasiliteite in Langstraat (7 en nie 3 soos in aansoek genome). Die ligging pas nie by huidige verspreidingspatroon van sodanige plekke nie.
- Indien daar te veel sulke geriewe toegelaat gaan word, sal dit die karakter van Langstraat skaad.
- Bykomende fasiliteit sal ander soortgelyke fasiliteite se lewensvatbaarheid verswak, met moontlike gevolge van werksverliese vir plaaslike mense
- Negatiewe impak op beswaarmaker se woonhuis en tweede woning, te wete:
 - Privaatheid word aangetas deur nabyheid van die beplande sakegebou aan die woonhuis, met 3 kamervenster aan die oostekant, sowel as die blootstelling van alle private buite-ontspanningsareas aan die publiek.
 - Geraasbesoedeling (besigheidsure moet beperk word tot 17h00; geen luide musiek;
 - Negatiewe visuele impak
 - Veiligheid en sekuriteit sal benadeel word, o.m. as gevolg van blootstelling aan publieke uitsig.
 - Oorskryding van 5m boulyn word teengestaan. Dit sal bg probleme vererger.
 - Vlieë en ander plaë kan toeneem as dit nie behoorlik beheer word nie. Ligging van vullisarea is belangrik in dié opsig, maar word nie aangespreek in die aansoek nie.
 - Installasie van gas aan westekant van gebou, kan gevaar skep.
 - Geen personeelgeriewe word voorsien. Personeel wat buite vergader kan woning blootstel aan geraas en moontlik sigaretrook.
 - Daar is nie genoeg plek vir parkering in die straat (veral met woonwaens en sleepwaentjies) voor die aansoekperseel nie, wat sal lei tot parkering voor die bure se eiendomme.
 - Kinderspeelarea sal geraas opwek.
- Alternatief word voorgestel, naamlik om die gebou agtertoe op die erf te skuif en 'n muur op te rig om dit aft e skerm van die bure.

3. Jeroen Greveling

- Versoek geleentheid vir 'n mondelingse voorlegging by Tribunaal.

- Verstaan die munisipaliteit het 'n beperking op oprigting van geboue in oop areas wat uitsigte oor landbougrond vanaf Langstraat bied.
- Besigheidsure word nie genoem in die aansoek.
- Benodig inligting oor die presiese getal parkeerplekke en hoe dit uitgelê gaan word.
- Plasing van vullisarea en metode van verwydering.
- Toepassing van die Montagu Struktuurplan

4. Mark Sinovich

- Parkering in Langstraat voor bure se eiendomme en inritte is reeds 'n probleem, wat vererger sal word. Kan moontlik opgelos word met aanbring van "Geen parkering" tekens en strepe by en naby privaat inritte.
- Pad sal nog meer onveilig wees vir verkeer met nog 'n besigheid.
- Toename in geraas
- Speel van musiek moet beperk word.
- Besigheidsure moet beperk word tot die dag.

5. Lois en Stanley Shield

- Negatiewe impak op waarde en verkoopbaarheid van eiendom.
- Toename in verkeersopeenhoping en gevaar van verkeersongelukke.
- Montagu se toerisme kultuur en behoud van Langstraat se stedelike landboukarakter sal geskaad word.
- Foutiewe inligting in motiveringsverslag: Daar is 8 soortgelyke besighede in Langstraat en nie net 3 nie.
- Langstraat se potensiaal vir nog besighede is min, gegewe dat klandisie reeds skaars is vir bestaande besighede.
- Daar is geen teken van produkte wat op die plaas verbou word (vir verkoop in die plaaswinkel nie).
- Daar is reeds 'n tweede woning.
- Sekere voorwaardes word voorgestel indien die aansoek toegestaan word, sootgelyk aan die voorwaardes van Beswaarmakers 1A, 1B en 2.
- Stel voor dat enige goedkeuring net vir 6 maande moet geld, om te verhoed dat die toegestane reg net gebruik word om die verkoopbaarheid van die eiendom te bevorder.

Die aansoeker se reaksie op die besware is aangeheg in Bylae 4. Dit kan as volg opgesom word:

- Detail bouplanne sal eers op later stadium opgetrek word en sal voldoen aan die Nasionale Bouregulasies en Langeberg Soneringskema [*waarvolgens die aansoekperseel in 'n stedelike bewaring oorlegsone val*].
- Langstraat is in 'n stedelike gebied en het 'n plaaslike funksie om toegang na grondgebruike te gee, in besonder na die toeriste-aantreklikhede in Langstraat.
- Die plasing van besighedsgebruike naby mekaar versterk die area as 'n een-stop toeriste-area tot voordeel van al die besighede.
- Die plaaswinkel gaan nie die mark versadig nie, omdat dit ander tipe produkte, dienste en fasiliteite sal bied.
- Dit sal vir 3 tot 4 mense werk skep.
- Nuwe geboue voldoen aan die ontwikkelingsparameters van die soneringskema. (Die boulynoorskryding is laat vaar).
- Die nuwe gebou sal ver weg wees van die woning op erf 3518 se kamervensters. Aansoeker sal 'n 2.1m hoë 2.1m muur oprig op die sygrense van 5m voor tot 3m verby die voorgestelde gebou. Erf 3518 se buite-ontspanningsareas sal dus met bome en 'n muur afgeskerm word. Die plaasstal sal ook geenvensters of deure aan erf 3518 se kant hê nie.

- Die beswaarmaker se voorstel om die gebou agtertoe op die erf te plaas, is nie werkbaar omdat dit dan nie van die pad af sigbaar sal wees nie. Dit sal ook nie inpas by die karakter van die straat waar geboue naby aan die straat is nie.
- Daar is reeds geraasbesoedeling in die omgewing as gevolg van die verkeer in Langstraat en die besigheid op erf 3518, met gepaardgaande sake-aktiwiteite. Die voorgestelde besigheid is kleiner as die bestaande een op erf 3518 en behoort dus minder geraasimpak te hê.
- Besigheidsure sal van 8vm tot 5nm wees, elke dag.
- Daar sal nie luide musiek gespeel word nie.
- Daar sal streng beheer oor peste en vlieë toegepas word.
- Vullisverwydering sal tot bevrediging van die Munisipaliteit geskied en op bouplanstadium uitkelaar word.
- Daar gaan nie personeelfasiliteite verskaf word nie.
- Voldoende parking sal volgens die soneringskemavereistes voorsien word. Huidige problem met straatparkering agv Rambling Rose langsaan is nie relevant tot die voorstel nie. Ses parkeerplekke voor die gebou sal nie die erfenis roete "vista" vernietig nie
- Indien die parkeerarea net agter die gebou geplaas word, sal dit nie sigbaar wees nie en sal lei tot straatparkering.
- Speelarea word uitgehaal uit voorstel.
- Daar kan nie van 'n eienaar verwag word om om 'n stuk landbougrond onontwikkeld te hou vir die voordeel van ander inwoners en besoekers nie. Die geboue op die eiendom weerskante is voor op hul erwe gebou en bied geen uitsig op die landbougronde aan Langstraat nie. Die ontwikkeling sal aan besoekers die geleentheid bied om die landbou-uitsig te geniet vanaf die restaurant in plaas van uit 'n verbygaande voertuig.
- Wat betref verkeersveiligheid, is Langstraat binne die stedelike gebied en kan daar nie verwag word dat dit altyd vryvloeiend moet wees nie. Daar sal een veilige toegangspunt wees, met op-perseel parking soos vereis. Die toegangspunt het goeie sigafstande na beide kante.
- Die ontwikkeling sal die landboukarakter van die area eerder versterk as afbreuk doen daaraan.
- Daar sal produkte op die perseel gekweek word om in die winkel te verkoop indien die aansoek goedgekeur word.
- Die meeste van die voorwaardes soos gestel deur die beswaarmakers word aanvaar, behalwe ten opsigte van die volgende:
 - Parking sal steeds voor die gebou voorsien word.
 - Dit is nie billik om te verwag daar mag nie kragopwekkers en lugreëlaars gebruik word nie, want dit geriewe wat noodsaaklike geword het e nook algemeen by woonhuise gebruik word.
- Alle grondgebruike op die eiendom is volgens die soneringskema.

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

Siviele Ingenieursdienste

Geen verandering word aan die gebruik van die siviele dienste voorsien nie. Geen beswaar teen die aansoek nie.

Boubeheer

Indien daar enige strukturele veranderinge, interne sowel as eksterne gedoen word aan enige bestaande geboue of indien daar nuwe geboue aangebring sou word of geboue gesloop word, moet daar formeel by hierdie Raad se Bouafdeling aansoek gedoen word vir goedkeuring.

Elektriese Ingenieursdienste

Die Elektriese Departement het geen beswaar teen die aansoek nie.

Die aansoeker is verantwoordelik vir die volgende kostes:

- Indien daar enige verandering aan die bestaande netwerk, meetpunt of aansluitingaangebring moet word.
- 'n Grootmaatheffing is betaalbaar teen die toepaslike tarief indien die bestaande aansluiting opgegradeer moet word.
- Slegs een aansluiting word voorsien per erf.

Die aansluitings sal onderworpe wees aan enige beperkende maatreëls wat die Nasionale Regering mag nodig ag vir die besparing van elektrisiteit.

Brandweer

Geen beswaar

Verkeer

Oorspronklike kommentaar van Verkeershoof: "I visited the site and notice that the existing entrance is a single entrance of which it would be difficult for the vehicles wanting to exit the site. When vehicles enter the site that would also affect the other vehicles that are passing as the vehicles behind will have to wait for the passing vehicles. I would suggest that a separate exit be made maybe at church street just for the free flow of traffic, taking into consideration of the vehicles with caravans or trailers."

Verkeershoof het na gesprek met Bestuurder Stadsbeplanning en Bestuurder Siviele Ingenieursdienste akkoord gegaan met die voorstel dat slegs 'n gekombineerde in- en uitgang in Langstraat voorsien word.

Wyksraadslid

Ondersteun die aansoek.

Omgewingsgesondheid – Kaapse Wynland Distriksmunisipaliteit

Die kantoor het geen beswaar indien daar aan die volgende vereistes voldoen word:

- Die eienaar moet 'n rookbeleid opstel in terme van die Wet op die Beheer van Tabak en Tabak Produkte.
- Die eienaar moet voldoen aan die vereistes en bepalings van die Gesondheidsdepartement van die Kaapse Wynland Distriksmunisipaliteit.
- Geen gesondheidsoorlas mag op die perseel veroorsaak word nie.
- Indien daar voedsel voorberei word vir verkope moet die eienaar aansoek doen vir 'n geskikheidsertifikaat en voldoen aan die vereistes van Regulasie 638 van Junie 2018. Regulasies met betrekking tot Algemene Higiene vereistes vir Voedselpersele en die vervoer van voedsel.
- Die indien van bouplanne vir evaluering in terme van gesondheidsvereistes

Wes-Kaapse Dept. van Vervoer en Openbare Werke (Brief gedateer 23 Oktober 2020)

This branch offers no objection to the application in terms of the Land Use Planning Act 3 of 2014, subject to the access off Main Road 31 being hard surfaced and widened to accommodate two-way traffic flow.

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

Die aansoek vir tweede woning kan nie oorweeg word nie, omdat daar reeds 'n tweede woning op die perseel ingerig is en die voorgestelde een 'n derde woning sou beteken. Die aansoeker dui naamlik op die gewysigde terreiontwikkelingsplan en die reaksie-op-beswaar brief van 21-1-2020 aan dat daar 'n bestaande kothuis van 60m² by die khoidam is, wat omskep is van die vorige "lapa". Alhoewel 'n tweede woning met 'n vloeroppervlakte van tot 60m² volgens die soneringskema 'n outomatiese reg is by enige plek waar 'n woonhuis opgerig mag word, is dit steeds die enigste tweede woning wat toegelaat kan word. Die aansoek vir vergunningsgebruik vir (nog) 'n tweede woning van 150m² word dus nie aanbeveel vir goedkeuring nie.

Die beplanningsevaluasie van die res van die aansoek is gegrond op die tersaaklike oorwegings ("relevant considerations") soos uiteengesit in the Wes-Kaapse Departement van Omgewingsake en Ontwikkelingsbeplanning se riglyndokument. 'n Verkorte weergawe van die verduideliking van die begrip "relevant considerations" word aangeheg in Bylae 5.

WENSLIKHEID

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. Gegewe die spesifieke ligging in Langstraat, wat kritiese rol speel in die dorp se sin van plek en skilderagtigheidswaarde van die betrokke roete, is die voorstel nie versoenbaar met die PSDF se riglyne in dié verband nie, bv die volgende (my onderstreping):

- 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
- Protection and enhancement of heritage assets as important social and economic resources
- 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
- Sense of fit – maintaining a sympathetic relationship between settlement and topography - treading lightly on the landscape.
- 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.
- Retain view-lines and vistas focused on prominent landscape features
- Encourage appropriate densification within defined urban areas which respects existing and proposed heritage areas, and significant views, vistas and landmarks.
- Avoid the indiscriminate „filling in“ of green field sites within the urban edge, especially where these sites contribute to the landscape setting of historical settlements
- New development within or adjacent to historical settlements should follow the grain and texture of historical patterns, including subdivision patterns, block size and shape, street setbacks (buildings lining the street), relation to open spaces, and building forms.
- 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 Lang (tourist through route) streets where there is pressure from retailers to move their operations to Lang 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.”*

Soos meer breedvoerig verduidelik onder die hofies “Impak op erfenis” en “Karakter van die omgewing” hieronder, blyk dit dat die ontwikkeling van die vakante deel van die perseel 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 aansoeker voer aan dat die vestiging van nog 'n plaaswinkel en restaurant naby bestaande soortgelyke besighede tot ekonomiese voordeel van al die besighede sal wees. In hierdie geval word dié argument egter bevraagteken, aangesien die mark vir hierdie tipe besighede grootliks van verbygaande verkeer afhanklik is. Die gaspasieerde liniêre verspreiding daarvan langs

Langstraat kan nie werklik sodanige nodale voordele inhou nie. Dit is baie waarskynlik dat bykomende besighede net sal deel in die bestaande (relatief beperkte) mark en dus in hierdie geval tot nadeel van ander besighede kan wees, sodat daar in werklikheid geen netto ekonomiese groei sal wees nie. Die aansoeker se bewering dat die besigheid ander tipe produkte sal verkoop, is ook nie afdwingbaar nie en kan nie as gegewe geag word nie.

Daar sal wel 'n ekonomiese voordeel wees in die sin dat tydelike konstruksiewerk geskep word, met die verwagte gepaardgaande aankope by plaaslike ondernemings en gebruik van plaaslike arbeid.

Gegewe die belangrikheid van die landboukarakter en sin van plek vir toerisme in die algemeen, kan aangevoer word dat die vernietiging van daardie karakter / sin van plek deur ontwikkeling van oop areas, ook stelselmatig negatief kan inwerk op toerisme en dus oor die lang duur 'n bepaalde ekonomiese nadeel kan inhou.

Skaal van kapitale investering

Die voorgestelde ontwikkeling verteenwoordig 'n aansienlike kapitale investering (bv. sowat 197m² bouwerk aan woonhuis/winkel @ R9000/m², plus 'n stoep van 93m² @ sê R4500/m² = ±R2.2m).

Versoenbaarheid met omliggende gebruike

Die voorgestelde ontwikkeling is nie heeltemal versoenbaar met die omliggende gebruike nie. Die oorheersende grondgebruike in die onmiddellike omgewing is residensiële. Die bure se besware dui ook aan dat daar konflik tussen die gebruik as plaaswinkel en restaurant en die residensiële gebruike rondom verwag word. Aan die ander kant is dit ook waar dat daar reeds 'n plaaswinkel/restaurant besigheid op die perseel direk langs die aansoekperseel aan die westekant is. In die algemeen is daar dus reeds 'n patroon van soortgelyke ontwikkelings versprei langs Langstraat, hoofsaaklike op landbougesoneerde grond. Die versoenbaarheid van dié tipe gebruike met die omliggende landbou- en residensiële gebruike lê grootliks daarin dat dit op klein skaal is en/of relatief ver van woonhuise af geleë is. Die vestiging van nog 'n winkel en restaurant direk langs die bestaande, sal die skaal daarvan en impak op die omliggende area verhoog en dit minder versoenbaar maak met die omliggende gebruike.



Impak op eksterne ingenieursdienste

Geen verandering aan die eksterne ingenieursdienste word verlang nie en die Departement Siviele Ingenieursdienste het geen vereistes vir die opgradering van dienste gestel nie.

Impak op veiligheid, gesondheid en welstand van die omliggende gemeenskap

Impak op erfenis

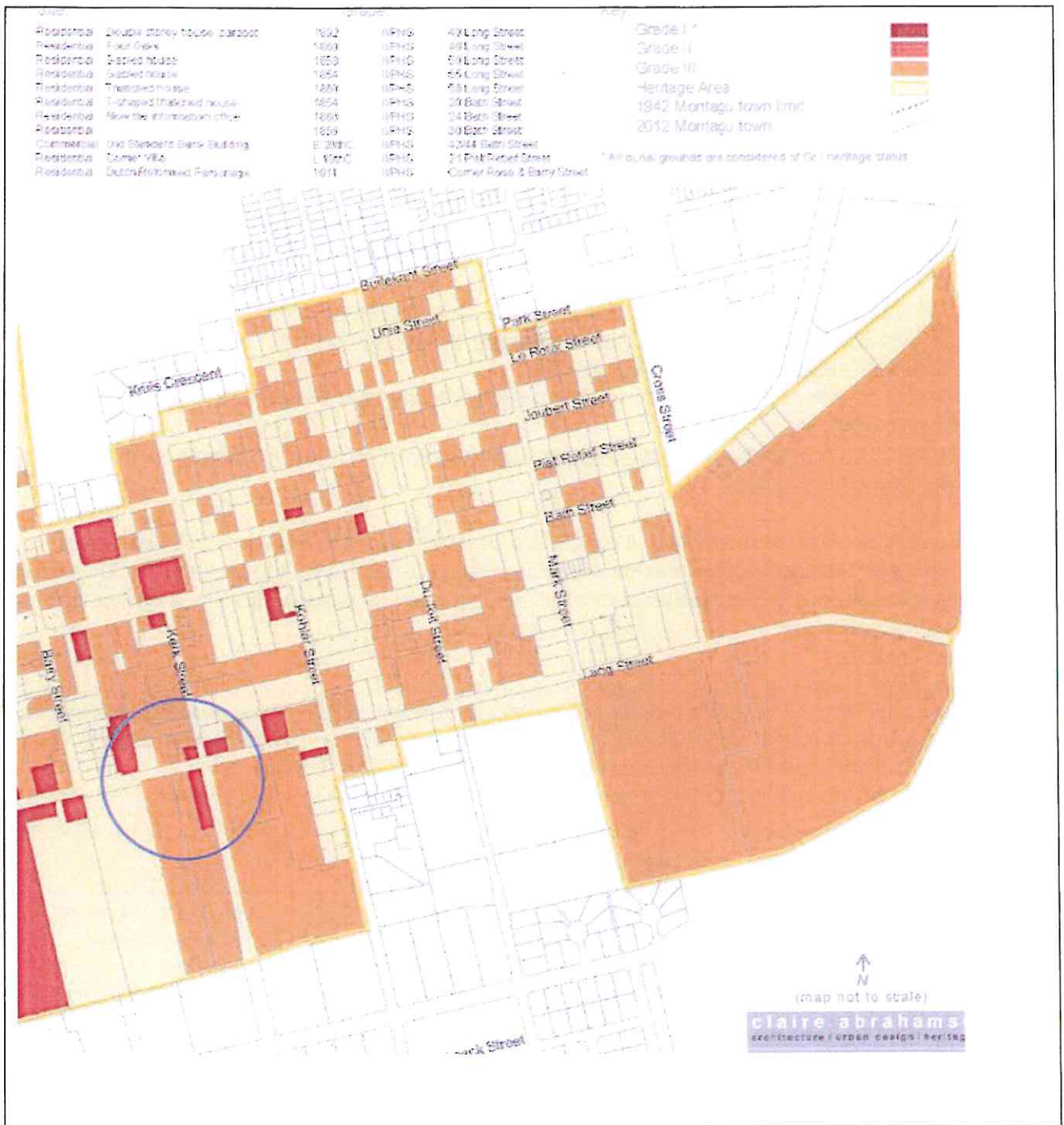
Die aansoekperseel is geleë binne die Montagu Stedelike Bewaringsarea Oorlegsone: Spesifieke Bewaringsarea A ingevolge die Langeberg Geïntegreerde Soneringskema, 2018. Die doel van die betrokke spesifieke bewaringsarea A is as volg:

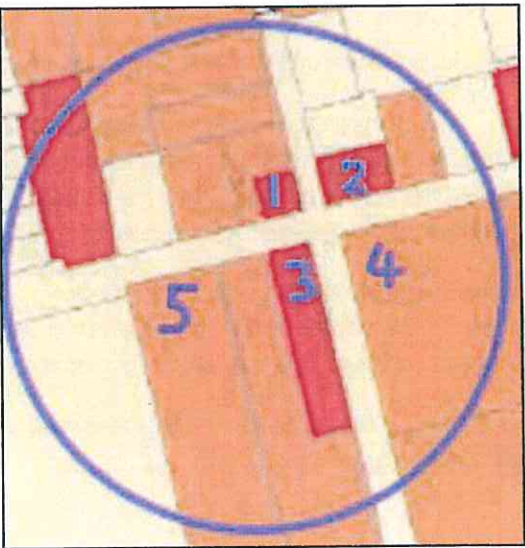
- (i) to retain the character of the vistas that are presently available on arrival in the town through Cogmanskloof;
- (ii) to retain the agricultural zoning of the land between Long Street and Van Riebeeck Street;
- (iii) to maintain and enhance features of the old "water-erwe";
- (iv) to enhance the 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 Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 se bewaringstudie wys uit dat 3 van die eiendomme op die betrokke Langstraat/Kerkstraat kruising verklaarde Provinsiale Erfenis Persele (Graad II status) is en beveel die 4de een, sowel as die aansoek-eiendom en die erf ten weste daarvan as Graad IIIC aan (sien onderstaande beskrywing, kaart en fotos van die betrokke persele en geboue.

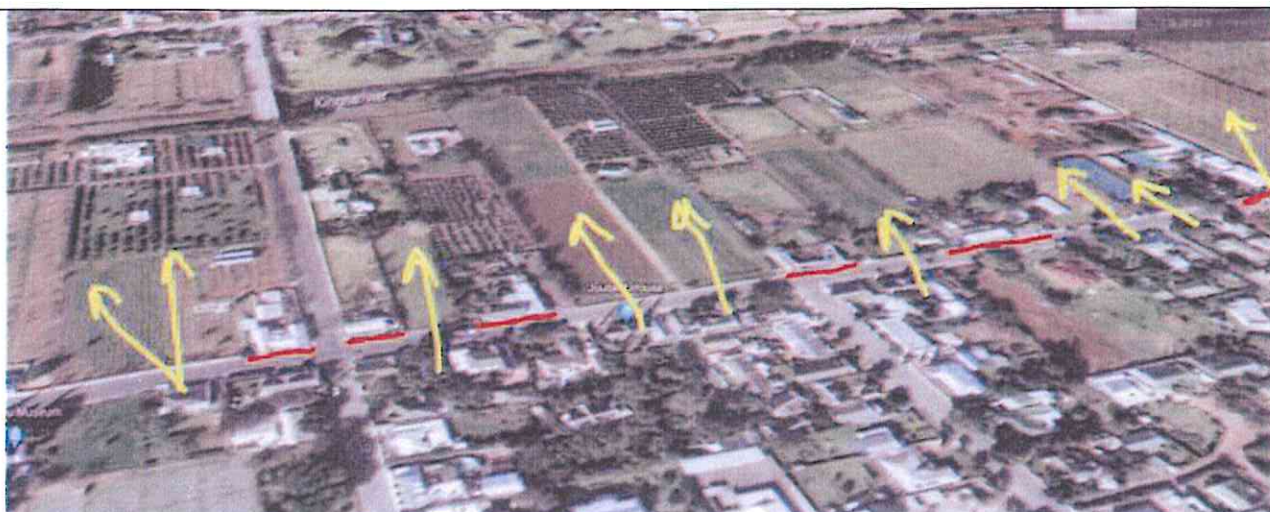
- (b) Grade II: Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region; and
- (c) Grade III: Other heritage resources worthy of conservation at the local level

Grade IIIC: This grading should be applied to structures and sites whose significance is, in large part, a significance that contributes to the character of significance of the environs. These structures and site should thus only be protected if the environs are sufficiently significant to warrant heritage protection: in other words, if they are located within an urban conservation area. Heritage protection should extend only to the external envelope of the structure under this grading.



1 II/PHS		2 II/PHS	
3 II/PHS		4 IIIC	
5 IIIC			

Die onderstaande illustreer hoe die bestaande ontwikkelingspatroon in die westelike deel van Langstraat gekenmerk word deur 'n reëlmatige patroon van oop stedelike landbou-areas wat van die pad af sigbaar is en vistas oor die landbougronde, rivier en berge in die agtergrond bied. Die voorgestelde ontwikkeling sal 'n buitengewoon lang straatfront feitlik heeltemal toebou.



Die oprigting van die beplande nuwe gebou die beoogde gebruike op die aansoekperseel sal die erfeniswaarde van die bogenoemde bestaande historiese verklaarde en bewarenswaardige geboue en straattoneel met vistas op stedelike landbougrond en die Langeberge benadeel.

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

Alhoewel die Wes-Kaapse Departement van Vervoer die aansoek ondersteun, onderhewig aan voorsiening van 'n gekombineerde in- en uitgang in Langstraat en daar op-perseel parkering voorsien kan word volgens die soneringskemavereiste, is dit 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. Die huidige Rambling Rose plaaswinkel en restaurant direk langs die aansoekperseel is 'n sprekende voorbeeld daarvan. Hoewel dit afgemaak kan word as 'n wetstoepassingsprobleem, is die werklikheid steeds dat sodanige parkering gereeld voorkom en 'n verkeersgevaar skep. In die geval van hierdie aansoek is dit veral die geval, aangesien dit slegs 25m van die straatkruising met Kerkstraat is. Wanneer voertuie dus voor die aansoekperseel of in die area tussen die aansoekperseel en die kruising gaan parkeer, sal dit die uitsig vanaf die perseeluitgang en vanaf die stop by Kerkstraat ernstig benadeel en toegang tot Langstraat baie onveilig maak.

Impak op die lewenskwaliteit van die inwoners in die onmiddellike omgewing

Karakter van die omgewing / Visuele impak

Soos na verwys in die bostaande afdeling oor die erfenisimpak, word verwag dat die oprigting van 'n gebou en die bedryf van nog 'n plaaswinkel/restaurant in hierdie spesifieke ligging die negatiewe impakte op die woonomgewing onaanvaarbaar verhoog en ook die erfenis karakter en sin-van-plek van die historiese straat en die dorp benadeel.

Impak op privaatheid

Die ontwikkeling sal na verwagting 'n negatiewe impak op die privaatheid van veral die direkte bure aan weerskante hê. Die aansoeker se oplossing om 2.1m hoë mure op die sygrense op te rig langs die nuwe gebou (van 5m voor die gebou tot 3m agter die gebou) word nie as voldoende beskou nie en sal ook verder afbreuk doen aan die karakter van die omgewing.

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 vakante stedelike landbougronde ontwikkel word met nuwe geboue en nie-landbougebruike, sal die kumulatiewe effek daarvan wees om dié karakter te vernietig. Soos reeds na verwys, word ook verwag dat die byvoeging van hierdie fasiliteit direk langs 'n bestaande soortgelyke een, reeds 'n onaanvaarbare kumulatiewe impak kan hê ten opsigte van geraas, verkeer en visuele impak.

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

NVT

PART J: RECOMMENDATION

Dat die aansoek vir vergunningsgebruike vir 'n tweede woning (150m²), plaaswinkel en toeristefasiliteit (restaurant) op erf 3519, Montagu, ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015, **afgekeur** word, om die volgende redes:

1. Daar is reeds 'n tweede woning op die perseel, naamlik die sogenaamde kothuis met vloeroppervlakte van 60m² by die khoidam.
2. 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 oprigting en gebruik van die voorgestelde plaaswinkel en restaurant afbreuk sal doen daaraan, met spesifieke verwysing na die volgende:
 - 2.1 Die oprigting van die voorgestelde gebou op die oop deel van die erf naby aan Langstraat en oor die meeste van die relatief smal straatfront, sal nie inpas by die bestaande ontwikkelingspatroon van Langstraat, wat gekenmerk word deur 'n reëlmatige patroon van oop stedelike landbou-areas wat van die pad af sigbaar is en vistas oor die landbougronde, rivier en berge in die agtergrond bied nie.
 - 2.2 Oprigting van 'n nuwe gebou tussen en relatief naby aan die bestaande historiese verklaarde en bewaringswaardige geboue, sal afbreuk doen aan erfeniswaarde van die geboue en van die betrokke historiese straattoneel.

- 2.3 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.
- 2.4 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") en skilderagtigheidswaarde ("scenic value") 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.
3. Die kumulatiewe effek van die bedryf van nog 'n plaaswinkel/restaurant in hierdie spesifieke ligging reg langs 'n soortgelyke bestaande een, sal die negatiewe impakte op die omliggende woonomgewing onaanvaarbaar verhoog.
4. Die bedryf van die plaaswinkel en restaurant sal na verwagting 'n negatiewe impak op die privaatheid van veral die direkte bure aan weerskante hê. Die aansoeker se oplossing om 2.1m hoë mure op die sygrense op te rig langs die nuwe gebou (van 5m voor die gebou tot 3m agter die gebou) word nie as voldoende beskou nie en sal ook verder afbreuk doen aan die karakter van die omgewing.
5. Daar is 'n wesenlike gevaar dat besoekers aan die plaaswinkel en restaurant in die straat voor die perseel en voor omliggende eiendomme sal parkeer, ten spyte van moontlike verkeerstekens om dit te verbied en gepaardgaande wetstoepassing, wat onveilige verkeerstoelestande sal skep ten opsigte van die uitgang vanaf die perseel en die kruising van Kerkstraat met Langstraat.
6. Die die skepping van nog 'n besigheid in Langstraat wat hoofsaaklik gerig is op klandisie van verbygaande verkeer, sal nie noodwendig lei tot 'n netto toename in ekonomiese bedrywigheid in nie, maar sal na verwagting eerder net deel in die bestaande (relatief beperkte) mark. Daar is dus nie voldoende ekonomiese voordeel om te dien as teenvoeter vir die verwagte langtermyn ekonomiese nadeel as gevolg van 'n verlies aan die erfeniswaarde en omgewingskarakter en die gevolglike negatiewe impak op toerisme en die aantrekkingskrag van die dorp vir potensiële inwoners.

PART K: ANNEXURES

Bylae 1 - Planne

Bylae 2 - Motivering

Bylae 3 - Beswaar

Bylae 4 – Reaksie op beswaar

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

17

PART L: AUTHOR SIGNATURE:

.....

J LE R VAN ZYL

ASSISTANT MANAGER: TOWN PLANNING

REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

.....

DATE

BYLAE 1**Planne**



LOCATION PLAN: ERF 3519 MONTAGU

* RESERVE



SCALE 1:5000

SYE METER		RIGTINGS- HOEKE	KOÖRDINATE		L.G. No.
			Y	Stelsel Lo. 21° X	
		Konstant	±	0,00	+3700 000,00
AB	23,73	90 00 00	A		
BC	94,91	90 07 30	B		
CD	21,85	270 54 50	C		
DE	141,51	89 02 40	D		
EF	73,71	176 25 30	E	+ 81 423,85	+ 40 590,40
FG	43,60	93 36 20	F	+ 81 411,77	+ 40 663,11
GH	73,68	88 23 10	G	+ 81 454,24	+ 40 672,95
HA	236,14	184 30 00	H	+ 81 468,84	+ 40 600,73
		22M1	⊕	+ 81 666,45	+ 40 396,46
		26M1	⊕	+ 81 371,47	+ 40 787,95

5220/92
Goedgekeur

Landmeter-generaal

1992-08-27

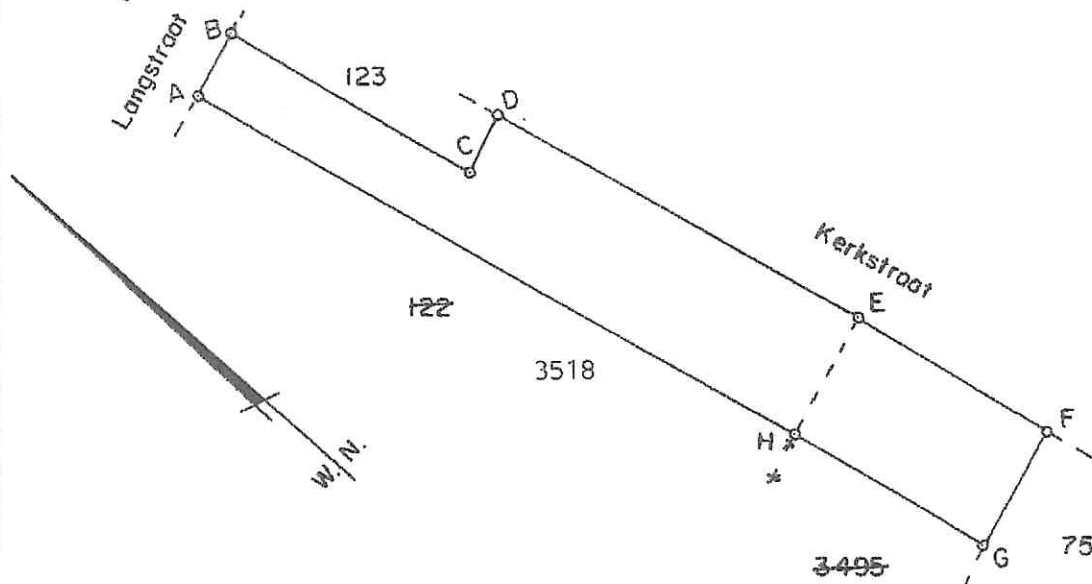
Beskrywing van Bakens

D, E.....20mm ysterpen

F, G, H.....12mm ysterpen

KOMPONENTE

1. Die figuur ABCDEH stel voor die Restant van Erf 124 Montagu volgens Kaart No. 472/1851 geheg aan T/A 1852 - 29 - 134
2. Die figuur EFGH stel voor Erf 3496 Montagu volgens Kaart No. 5198/1992 geheg aan



Skaal 1: 2500

Die figuur ABCDEFGH

stel voor 1,2048 Hektaar

grond, synde

ERF 3519 MONTAGU en bevat (1) en (2) hierbo
geleë in die Munisipaliteit en

Administratiewe Distrik van Montagu

Provinsie Kaap die Goeie Hoop.

Opgeëet in Saamgestel in Junie 1991

deur my.

(D A Coetzee)

Landmeter

Hierdie kaart is geheg aan

No. 100172/93.
gedateer

t.g.v.

Registrateur van Aktes

Die oorspronklike kaart is
soos in 1 en 2 hierbo

No. geheg aan

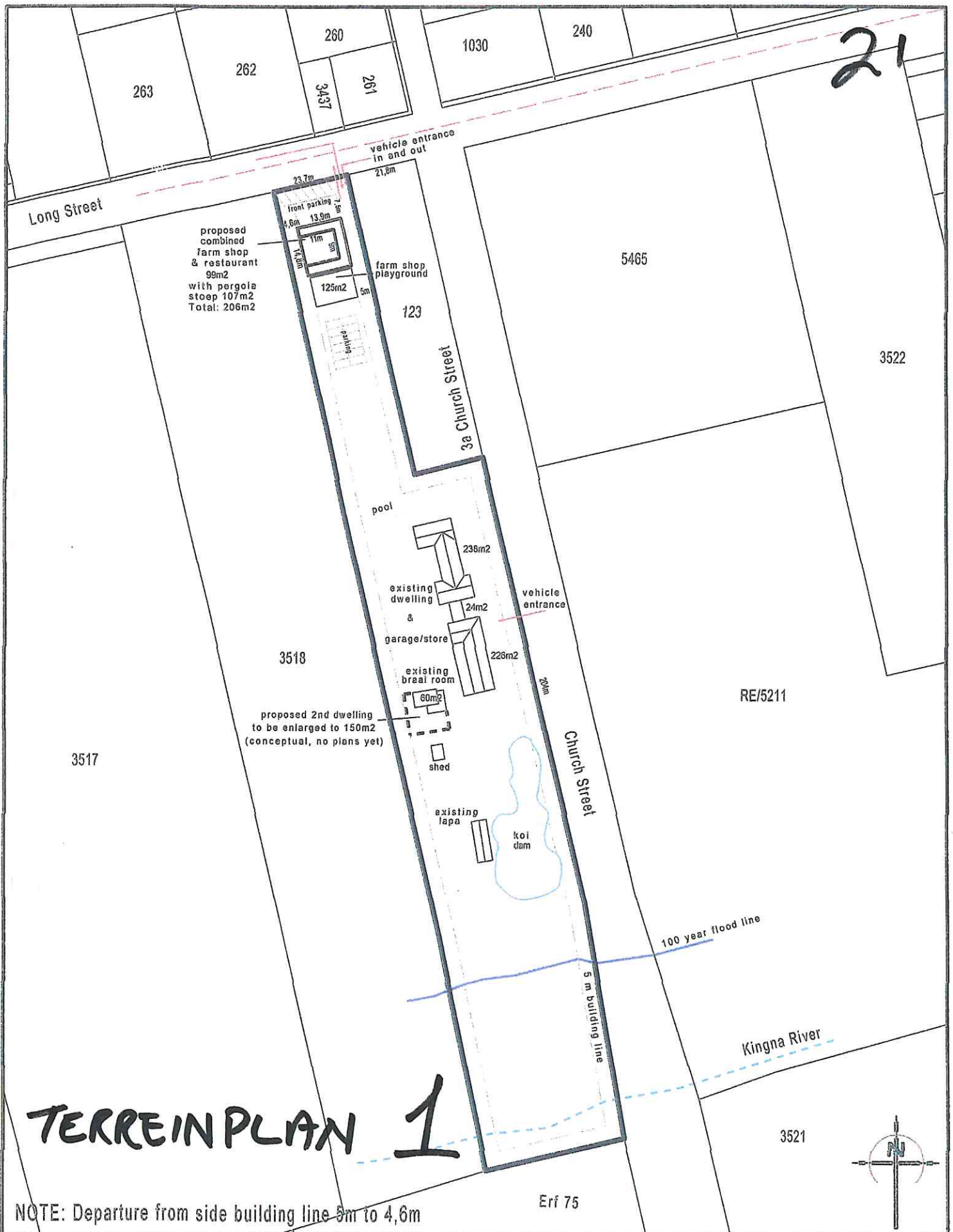
Transport/Grondbrief

No.

Lêer No. 2/8069

M.S. No. Saamgestel

Komp. BJ-7AA/Y5 (1637)



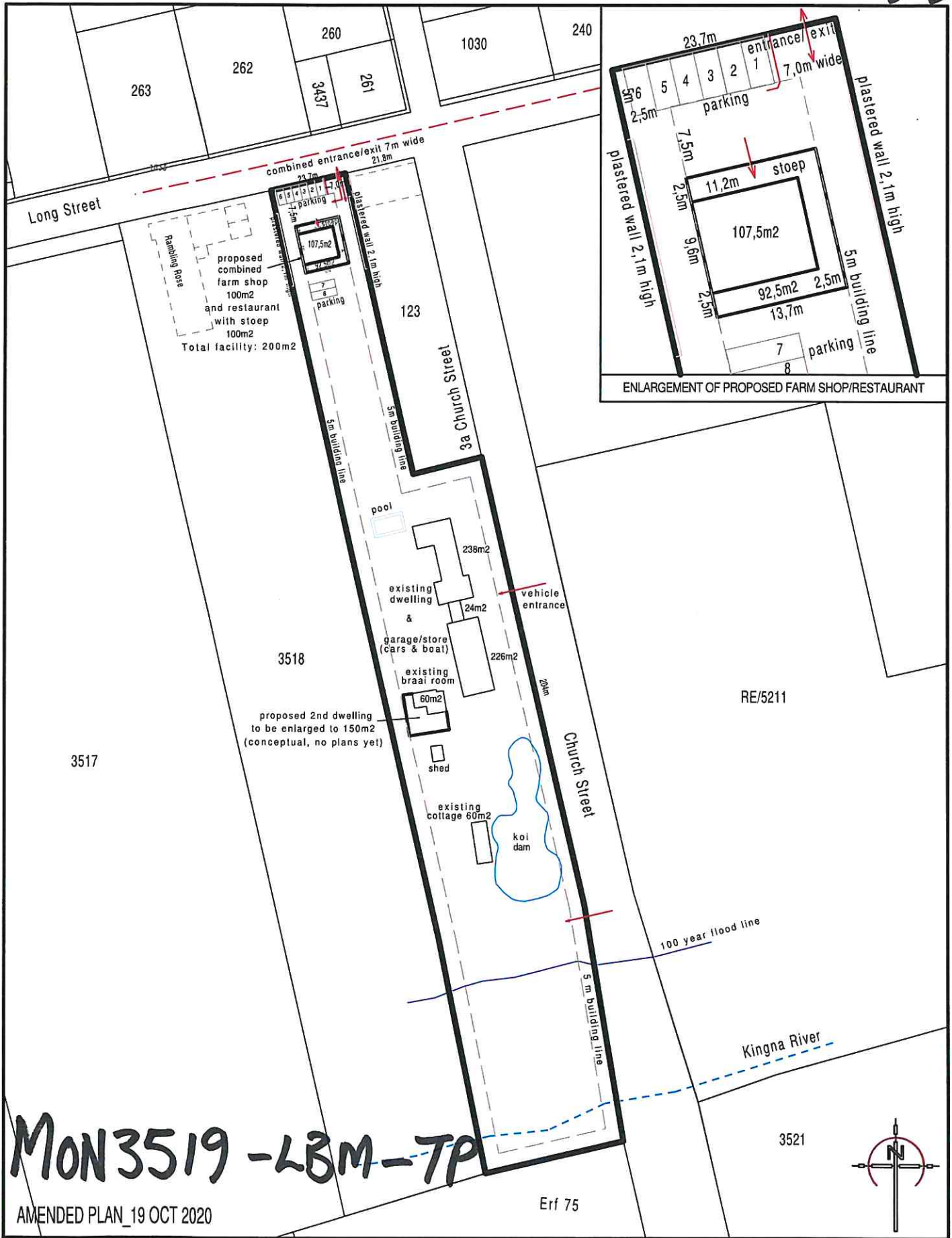
NOTE: Departure from side building line 5m to 4,6m

SITE DEVELOPMENT PLAN: ERF 3519 MONTAGU: AGRIC ZONE II
 PROPOSED CONSENT FOR SECOND DWELLING & FARM SHOP & RESTAURANT
TERREINPLAN 1

UMSIZA
 PLANNING
 Town and Regional Planner

surveyed by hvnarchitects

SCALE 1: 1500



MON3519-LBM-TP

AMENDED PLAN_19 OCT 2020

Erf 75

SITE DEVELOPMENT PLAN: ERF 3519 MONTAGU: AGRIC ZONE II
 PROPOSED CONSENT FOR SECOND DWELLING & FARM SHOP & RESTAURANT
TERREINPLAN 3

UMSIZA
 PLANNING
 Town and Regional Planner

surveyed by hvnarchitects

SCALE 1: 1500

BYLAE 2

Motivering

MOTIVATIONAL REPORT

APPLICATION FOR CONSENT USES ON ERF 3519 MONTAGU & DEPARTURE FROM SIDE BUILDING LINE (5m to 4,6m)

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*, consent uses contemplated in the zoning scheme as well as permanent departures from the development parameters of a zone.

The applicant wants to apply for a farm shop and tourist facilities (deli/restaurant with an ancillary playground) next to Long Street, as well as a second dwelling (existing braai room to be enlarged) near the existing primary dwelling.

2. LOCALITY AND ACCESS TO ERF

Erf 3519 Montagu (3a Church Street) is located next to Erf 123 Montagu that is situated on the corner of Long Street and Church Street.

The Rambling Rose Country Kitchen is located on Erf 3518 adjacent west of the application site.

Erf 3519 Montagu has a street frontage of 23,7m in Long Street and 204m along Church Street.

Access to the dwelling house is obtained from Church Street.

3. CHARACTERISTICS OF SITE AND SURROUNDING AREA

Erf 3519 Montagu is 1,2048 ha in extent and belongs to the Erasmus Familie Trust.

The erf stretches between Long Street and the Kingna River and has a long, narrow shape. Although the Long Street frontage is only 23,7m wide, it becomes almost double the width at the back of Erf 123 up to the Kingna River.

The erf is 309,82 m long and consist of a dwelling house with garage/store, swimming pool, out building / braai room, garden shed, koi dam and lapa, all located on the wider portion of the erf that gets access from Church Street.

The narrow portion that borders Long Street has no structures and has been planted with grass / grazing for a few sheep.

Long Street through Montagu is part of the famous Route 62 with the Kloof Padstal at the western end, the Rambling Rose Country Kitchen in the middle and the Orchard Coffee Shop at the eastern end. Other land uses are mainly single residential including guest accommodation.

4. LEGISLATION APPLICABLE

The Langeberg Integrated Zoning Scheme Bylaw, P.N. 71/2018 makes provision for primary uses, consent uses that are allowed within each zone with the approval of the Council as well as departures from the development parameters applicable.

According to the Scheme, Erf 3519 Montagu is zoned for Agricultural Zone II with primary use "smallholding" that means *an extensive landholding of minimum 0,86 hectares in extent, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.*

Dwelling house means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including *inter alia* a storeroom and garaging, a second dwelling unit or additional dwelling with a floor area which does not exceed 60m² and a braai room.

Consent uses under this zoning include a farm shop, tourist facilities and a second dwelling larger than 60m² with the following definitions:

"Farm shop" 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.

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

Where

"Restaurant" means a commercial establishment where meals and liquid refreshments are prepared or served to paying customers primarily for consumption on the property, and may include licenced provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property.

"Second dwelling" means another dwelling that may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and the second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house.

Development parameters applicable to the application are:

- 5m building line from any boundary applies;
- The total floor space of a second dwelling unit may not exceed 150 m² including the floor space of all ancillary buildings;
- Parking: 2 bays per dwelling house, 1 additional bay for second dwelling and 4 bays per 100m² GLA for restaurant/shop;
- No access may be closer than 10m from intersection; and
- Entrance must be between 2,7m and 4m wide.

5. APPLICATION

Application is therefore made for the following proposed land uses in terms of the Land Use Planning Bylaw, 2015 and the Langeberg Municipality: Integrated Zoning Scheme By-law of 18 May 2018:

Section 15(2)(o):

- Consent use for farm shop / deli of 100m²;
- Consent use for tourist facilities:
 - Restaurant under the pergola of 114m² as well as combined inside space sharing with farm shop/deli;
 - Outdoor children's playground of 125m² and
- Consent use for a second dwelling of 150m² (existing braai room to be enlarged).

(The farm shop includes the selling of local wines.)

Section 15(2)(b):

- Permanent departure from the side building line of 5m to 4,6m applicable on the common boundary with Erf 3518 Montagu.

The proposal adheres to the other parameters:

- Second dwelling unit of 150m²;
- More than the 8 required parking bays are provided;
- Access is 21,8m away from the Long Street/Church Street intersection; and
- Combined entrance will be 4m wide.

6. MOTIVATION

6.1 DESIRABILITY

The Langeberg Spatial Development Framework (SDF) of December 2015 describes Montagu's dramatic location and attractiveness that is likely to continue given the increasing tourism market which is likely to take another step up as the world comes out of recession. The cultural tourism opportunity can be further elaborated by broadening the range of attractions.

Long Street in Montagu is characterized by heritage buildings orientated and built next to the street and represent the historic urban agriculture. It is seen as a tourist through route as part of the well-known Route 62.

Long Street is also one of the proposed boulevard corridors / network of primary streets that integrates the town. It is proposed that these streets be upgraded with similar paving and a tree planting theme. The corner of Long Street and Church Street is earmarked as an intersection of two boulevard corridors.

Although the Church Street corridor will lead to Bath Street that is the main commercial strip of Montagu, the proposed farm shop and tourist uses will strengthen the tourist through route function of Long Street.

The proposed facilities are therefore ideally located approximately 30m from this intersection and will strengthen this node, especially alongside the existing Rambling Rose farm shop and restaurant.

The provision of additional facilities will strengthen the attractiveness of Long Street and this specific node to tourists and locals, which will consequently be beneficial for both facilities.

The proposed facilities will broaden the range of attractions already provided in Long Street by providing an additional deli/farm shop with different character and focus on the selling of fresh take-away pies, cheese, cold meat, biltong and ice cream. Fresh produce from the farm (such as vegetables/fruit) and well-known local products (such as dried fruit and wine) from the Langeberg area will ensure variety and add to the attraction.

The restaurant will give the opportunity to sit and relax and enjoy a platter of good food and a glass of wine, while the children are playing in the playground.

[Rambling Rose Restaurant adjacent serves breakfasts, lunches and snacks, and the farm shop stocks homemade treats such as rusks, biscuits and preserves, health and beauty products and gifts.]

The proposed restaurant will cater for both locals as a tourist attraction and tourists visiting and/or passing by. The restaurant will strengthen the sustainability of the proposed farm shop/deli.

The proposed farm shop will be located alongside Long Street on the northern portion of Erf 3519 Montagu that is not optimally used. Due to the long shape, this portion of the erf is not easy accessible from Church Street and does not form an integral part of the remainder of the erf that hosts the dwelling house and other outbuildings.

The development of this portion of the site will ensure optimal use and access.

Six parking bays will be allocated in front of the proposed facility, while additional parking bays will be provided at the back.

A combined in and egress road of 4m wide is proposed.

It is proposed that the layout of the building will consist of the following:

Farm shop (11mX9m = 99m²):

- Combined shop and inside seating area
- Kitchen
- Store
- 2 separate toilets (incl. provision for paraplegic)
- Counter with pie warmer, coffee station, pay point etc.

Restaurant (107m²):

- 2,9m wide pergola stoep on northern, eastern and southern side of farm shop structure

Due to the small width of the application site, it is requested that the one side building line be reduced from 5m to 4,6m to allow a more functional and workable layout of the internal areas and the pergola stoep. Although the western building line will be *encroached*, the intention is to have no openings on this side of the building as the entrances/exits into/from the building and the pergolas will specifically face Long Street and the agricultural character with children's playing area at the back. The proposed front and back pergolas will be connected on the eastern side of the building alongside the access road to the parking area.

The impact of this departure is further reduced as no windows and only the loft door are located in the nearest side wall of the adjacent Rambling Rose structure.

The common boundary between Erven 3518 and 3519 is also planted with trees that ensure privacy for both owners.

Although the proposed farm shop/deli and restaurant will block the agricultural character of the application site from Long Street as the frontage is very narrow, the remaining agricultural character between the farm shop and dwelling house will still be accessible to be enjoyed/valued in a more intensive way when visiting the facilities.

The existing braai room of 60m² will be enlarged to a second dwelling of 150m². This will be built within the 5m building line and is located within the existing farmstead. The proposed larger structure will not impact negatively on the scale and existing character of the application site and no additional services will be required. The second dwelling will use the same access from Church Street than the primary dwelling.

The application site falls within the heritage area of Montagu as is listed as a Grade 3 heritage site. The new proposed building will be constructed according to the heritage guidelines as identified in the SDF, and the same applies to the alteration/enlargement of the braai room.

The proposed facilities will not impact negatively on the existing character of Montagu and Long Street.

Services are already rendered to Erf 3519 Montagu by the Municipality. The gradient towards the river will favour the flow of sewerage at the proposed facilities to be connected with the sewerage pipe lines of the existing structures on the erf.

Water and electricity will also be connected with the existing municipal network.

6.2 ADHERENCE TO DEVELOPMENT PRINCIPLES

Development principles are referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

These guiding principles, together with “accessibility”, “quality” and “liveability” are also emphasized in the Western Cape PSDF of March 2014. The three additional principles are intervened and addressed in the SPLUMA principles below:

- **Spatial Justice**

Social justice targets the disadvantaged groups in society by making opportunities, facilities, services and/or land accessible to all, especially the poor.

The proposed farm shop/deli and restaurant will provide an additional tourist facility in Montagu that will strengthen the existing tourist character and attraction of Long Street – it will create an additional opportunity that will be *accessible* to both locals and the many tourists driving in Long Street as part of the well-known and widely advertised Route 62.

The attraction of more tourists will have a cumulative impact also on other businesses and facilities located in Montagu and area, providing opportunities to a wide spectrum of workers and buyers.

The proposed facility will create additional working opportunities for local residents.

- **Spatial Sustainability**

Spatial sustainability refers to cost effective developments (for both the owner and the Municipality), the protection of agricultural land for food security and land development in desirable locations.

The proposed development is located alongside a major tourist corridor and is desirable in terms of scale and impact.

An existing structure will be converted/enlarged into a second dwelling that will be cost effective for the owner.

The proposed facilities will link with the existing services network with minimal impact on municipal services.

The proposed *quality* facility will have a large potential to contribute to tourism income and therefore the financial coffers of Montagu town.

Due to the small size of the property, only small scale agricultural activities are possible that contribute rather to the character of Montagu than food security. This impact, as well as the desirability of the location have been addressed above.

- Efficiency

An existing structure will be efficiently and optimally converted to a *quality and livable* second dwelling that will be in character with the heritage of the area.

The northern portion of Erf 3519 will be optimally used to provide additional income to the small farm as well as contributing to the range of tourist attractions in Long Street to the benefit of the whole town.

- Spatial resilience

The proposed facilities will not contribute to environmental degradation, resource scarcity and climatic shocks as all existing and proposed facilities are located far outside the 1:100 year flood line of the Kingna River.

The proposed uses will not contribute to any environmental degradation as all facilities are planned within the development parameters of the zoning scheme (except for 0,4m inside the one side building line).

- Good administration

An integrated approach guided by policies and legislation was and will be followed in the preparation and evaluation of this proposal, including the obtaining of inputs by all role players/affected parties.

7. CLOSURE / SUMMARY

The proposed farm shop/deli/restaurant will strengthen the sustainability of Erf 3519 Montagu and will also broaden the range of tourist attractions in Montagu and especially in the Long Street tourist corridor to the advantage of the whole town.

The proposed second dwelling, as expansion of the existing braai room, will form part of the farm stead with existing services.

Both uses will not have any detrimental impacts on the surrounding environment or character.

The proposal is therefore both needed and desirable from a land use point of view.



House & garage/store linked



Dam with lapa, 2018



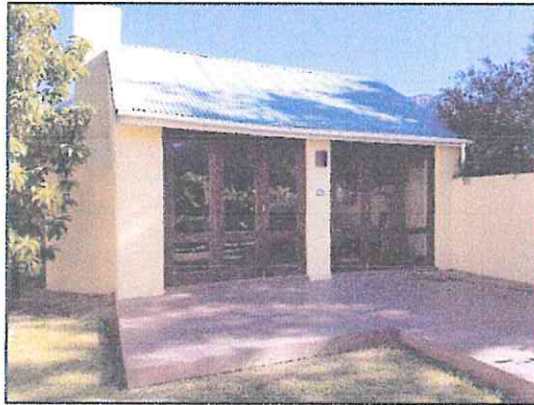
Dwelling house on Erf 5465 adjacent



View to Erf 3519 from Long Street



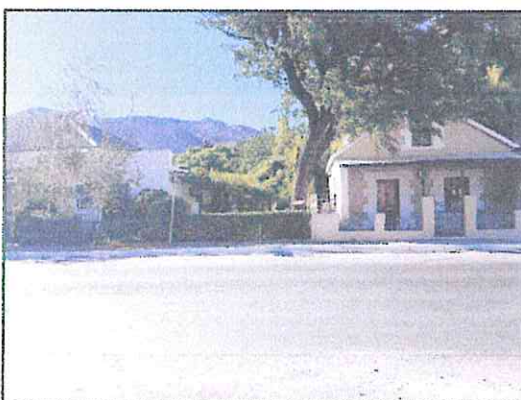
View to Erven 123 & 3519 from Church Street



Proposed second dwelling to be enlarged



The Rambling Rose on Erf 3518 adjacent



Dwelling houses opposite Long Street

BYLAE 3

Besware

BESWAAR 1 A

34

40 Long Street
Montagu
6720
Mrs. C I Whitehead
Cell No.: 083 653 6290
Email:
carolinesrawhoney@gmail.com

OBJECTIONS TO THE FOLLOWING PROPOSED DEVELOPMENT ON LONG STREET MONTAGU:

Applicant. Urmsiza Planning
Properties. Erf 3519, Montagu
Location. Church Street, Montagu
Owners. Erasmus Family Trust
Proposal. Consent uses of erf 3519, Montagu
(second dwelling and farm shop/tourist
facility) and departure from building line.

18th December 2019

- 1.) I request a copy of the minutes of the meeting held with the town planner to motivate this development request in order to ensure that our objections cover all issues i.e. both those visible from this motivation and those not included or shown in the motivation sent to neighbours as a basis for any objections.
- 2.) Long street has 12 listed Heritage Buildings – rivalled only by Tulbagh.
I insist on getting a written report from the Western Cape Heritage Department on the suitability of the buildings to be erected and on the layout. This will entail a visit to Montagu by the Cape Provincial Heritage Department to view the street, and the submission of the completed plans and Architects drawings to the Heritage Committee before they can complete this report.
- 3.) As this is a Heritage Neighbourhood one of our chief concerns is to maintain the feel of this pretty unique, original and unspoilt street in this pretty unique, original and unspoilt town. It is why we live here and it is why tourists will want to come here! We cannot complete any objections until we are privy to the completed architectural plans, showing the proposed height and facades, type of windows and roofing, and in general the aesthetics of the buildings, including the boundary walls that will be necessary to the privacy of the residential

areas adjoining and opposite the erf under discussion here.

4.) In order to fit in it should look like and have the **scale of a historic agricultural dwelling or building**, and be able to convert to a dwelling

5.) **Signage** to fit in with the ethos of the Heritage Neighbourhood, i.e.

5.1) not to be as high as or higher than the surrounding buildings

5.2) not to be large enough to obscure views and impact on tourists' photographs

5.3) to comply with both the municipal and heritage/aesthetic committee requirements

6.) **Parking of cars along the front of the property** – this definitely destroys the Heritage Walk vista in the centre of the **Heritage Walk** and will impact on any photographs of the Heritage area – this being both buildings and the **combination of Heritage Buildings and the famous "Dorp-se-Plase"** all along Long Street between the street and the river.

We have already lost the oak trees and now the lei water is hidden. What distinguishes Long street from most other small Overberg towns – and therefore attracts tourists is a question that must be asked.

6.1.) We request that all parking for the restaurant and farmstall is well off the road and preferably behind the proposed buildings.

7.) We need **clarification** from both the Municipality and the Provincial Roads Department on whether the **temporary stop street** will still be removed again when the road works are completed, before we can weigh the effect of this intersection on the proposed development as presented in the Motivation – both vehicular and pedestrian.

8.) As per **Government Gazette 7461 of 2018, item j**, permission for access to a **National Road or a Provincial Road** must be obtained.

There is an existing gateway here but this was historically for occasional access to a field used for agricultural purposes and for possible access to a single dwelling – not for a business providing parking for approximately 12 cars – which is what the current plan shows: 4 directly off the road

and another 8 bays sketched behind the playground.

We need to see this letter of permission.

Also, what is Long street? A **National or a Provincial Road**? This is an issue outstanding from the Long Street Committee attempts to have traffic slowing measures put in place in the road during roadworks, and which were constantly rejected...

9.) The references, used more than once, to the "boulevards" in Long and Church streets are **blatant misinformation** and should be disallowed and removed from the motivation. Long street used to have a boulevard of oak trees which were

removed, apparently due to ill health, and were not then replaced due to road -- widening being done at the same time as this blight was brought to the municipality's attention.

- 9.1) When the current road works were being planned there were actual plans submitted for Long street to be made into a boulevard -- but these were rejected outright by the Provincial roads department.
- 9.2) In Long street the pavements are now too narrow for the planting of trees even if the developers of the erf under discussion should offer to plant such boulevard -- pedestrians having to step into the road already to pass the occasional electrical sub-stations ...
- 10.) We know nothing about the **proposed business plans** and if this is the only window for objections then we need to insist that, this being a largely Agricultural and Residential neighbourhood with several guest houses, where tourists come for the peace and tranquillity of an agricultural village.
 - 10.1) normal business hours are adhered to i.e. nothing after 5pm,
 - 10.2) no music to be played that can be heard outside the restaurant and /or farm stall buildings
 - 10.3) no loud generators, ventilators, extractors or machines to be installed.
 - 10.4) no excessive dust i.e. the access roadway to the parking - which should be behind the proposed buildings, - be paved
 - 10.5 Any parking areas to be paved in a sympathetic manner to the neighbourhood but so as to prevent dust.
 - 10.6) Control of the noise levels emitted from the playground -- judicious and careful planting of hedges, and full time supervision of children in the playground so that any screaming or rowdy children be removed immediately!
- 11.) There will be no telephone lines or any other services crossing over the neighbouring properties on either side, and especially none above ground!
- 12.) We at erf 123 insist that a wall be built between our residential property and the proposed access road along our boundary to mitigate dust, to protect our laundry, which is hung to dry along the east boundary, and our garden and the area where we currently sit and eat, and also to prevent patrons of the restaurant seated on the eastern stoep from looking straight into our garden and invading our privacy. Poplar trees are not sufficient as they lose their leaves in winter! Ours is a residential property and we do not have space to sit and eat or to hang our laundry or to grow fruit and vegetables in the front of the property on Church street! Nor should we have to!!

12.1) Any services such as smelly garbage bins and noisy air conditioner or extractor fans must be situated where they will not impact on the residents who live on either the eastern side of the Rambling Rose property or on erf 123 on the western side, or opposite the proposed development.

13) Perhaps most importantly and pertinent to most of the above objections – according to the existing and current town zoning map or plan, erf 3519, whether it be listed as Church or Long street – and in fact has frontage on both these streets, it is still currently zoned as **AGRICULTURAL 2** use and this allows for no more than a farm stall and tea room, and limits the square meters of building allowed on any agricultural erf. Already the existing double garage has been extended and converted to a second dwelling with sash windows etc. added, there is an enclosed building at the end of the swimming pool with a bathroom and kitchenette, making it a habitable cottage, and a lapa at the other end of the pool, apart from the “lapa” beside the dam, be it converted stables or whatever ... i.e. the number of structures and amount of buildings on this currently agricultural zoned plot is already encroaching on the acceptable for this heritage area.

Yours faithfully

Mrs. C. J. Whitehead

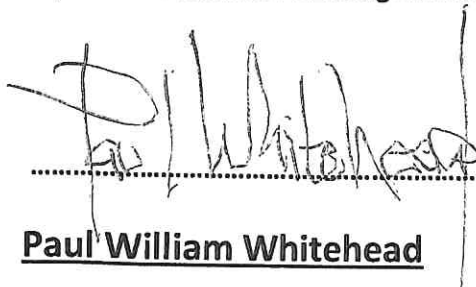
A handwritten signature in dark ink, appearing to read 'C. J. Whitehead', with a large, sweeping loop extending from the bottom of the signature.

BESWAAR 1B

38

Applicant. Umsiza Planning
Properties. Erf 3519, Montagu
Location. Church Street, Montagu
Owners. Erasmus Family Trust
Proposal. Consent uses of erf 3519, Montagu (second dwelling and farm shop/tourist facility) and departure from building line.

I, Paul William Whitehead subject in terms of Consent uses of erf 3519, Montagu (second dwelling and farm shop/tourist facility) and departure from building line.
My house's number: 31 Long Street .

 Dec 12 2019
Paul William Whitehead

The Following needs to be addressed. Some of these are questions as we do not have all the facts. The Town council needs to provide the specific information that we need in order to understand what can be done and what cannot be done, and not just an 83 page document including things that are not relevant, as in the Langeberg Land Use Planning Bylaw 2015

Formal Notification

- 1.1) Were the letters sent by the Montagu Town Council Planning Dept. or by the Erasmus family?
- 1.2) How did they decide who to send the letters to?
- 1.3) Legally who must receive a registered letter regarding change of use / alterations of building and development guidelines?
- 2.) We must request a **copy of the minutes of the meeting held with the town planner** to motivate this development request.
- 3.) Long street has 12 listed Heritage Buildings – rivalled only by Tulbagh.
We must insist on getting a **written report from the Western Cape Heritage Department** on the suitability of the buildings to be erected and on the layout.
This **will entail a visit to Montagu** by the Heritage Department to view the street,

and **the submission of the completed plans and Architects drawings** to the Department before they can complete this report.

- 4.) As this is a Heritage Neighbourhood one of our chief concerns is to maintain the feel of this pretty unique, original and unspoilt street in this pretty unique, original and unspoilt town. It is why we live here and it is why tourists will want to come here!
We cannot complete any objections until we **are privy to the completed architectural plans**, showing the proposed height and facades, type of windows and roofing, and in general the aesthetics of the buildings, **including the boundary walls** that will be necessary to the privacy of the residential areas adjoining and opposite the erf under discussion here.
- 5.) In order to fit in it should look like and have the **scale of a historic agricultural dwelling or building**, and be able to convert to a dwelling
- 6.) **Signage** to fit in with the ethos of the Heritage Neighbourhood,
 - 6.1) not to be as high as or higher than the surrounding buildings
 - 6.2) not to be large enough to obscure views and impact on tourists photographs
 - 6.3) to comply with both the municipal and heritage/aesthetic committee requirements
- 7.) **Parking of cars along the front of the property** – this definitely destroys the Heritage Walk vista in the centre of the **Heritage Walk** and will impact on any photographs of the Heritage area – this being both buildings and the **combination of Heritage Buildings and the famous “Dorp-se-Plase”** all along Long Street between the street and the river.
We have already lost the oak trees and now the lei water is hidden. What distinguishes Long street from most other small Overberg towns – and therefore attracts tourists is a question that must be asked.
- 7.1) We should request that all parking for the restaurant and farmstall is well off the road must be behind the proposed buildings.
- 8.) We need **clarification** from both the Municipality and the Provincial Roads Department on whether the **temporary stop street** will still be removed again when the road works are completed, before we can weigh the effect of this intersection on the proposed development as presented in the Motivation – both vehicular and pedestrian.
- 9.) As per **Government Gazette 7461 of 2018, item j, permission for access to a National Road or a Provincial Road** must be obtained.
There is an existing gateway here but this was historically for occasional access to a field used for agricultural purposes and possible access to a single dwelling – not for a business providing parking for approximately 12 cars – which is what the current plan shows: 4 directly off the road

and another 8 bays sketched behind the playground.

We need to see this letter of permission.

9.1) Also, what is Long street? **A National or a Provincial Road?**

- 10.) The references, used more than once, to the "boulevards" in Long and Church streets are **blatant misinformation** and should be disallowed and removed from the motivation. Long street used to have a boulevard of oak trees which were removed, apparently due to ill health, and were not then replaced due to road – widening being done at the same time as this blight was brought to the municipality's attention.

When the current road works were being planned there were actual plans submitted for Long street to be made into a boulevard – but these were rejected outright by the Provincial roads department.

In Long street the pavements are now too narrow at 1.6m wide for the planting of trees even if the developers of the erf under discussion should offer to plant such boulevard –

pedestrians have to step into the road already to pass the occasional electrical sub-stations ...

- 11.) We know nothing about the **proposed business plans** and if this is the only window for objections then we need to insist that, this being a largely Agricultural and Residential neighbourhood with several guest houses, where tourists come for the peace and tranquillity of an agricultural village:

11.1) **normal business hours** are adhered to i.e. nothing after 5pm,

11.2) **no music** to be played that can be heard outside the restaurant and /or farm stall buildings

11.3) **no loud generators**, ventilators or machines to be installed

11.4) **no excessive dust** i.e. the access roadway to the parking - which should be behind the proposed buildings, - be paved

11.5) **No playground** as noise levels cannot be controlled. Children playing is part Of a residential neighbourhood, but we are **OPPOSED TO A PLAYGROUND** where many children will collect and noise levels cannot be controlled.

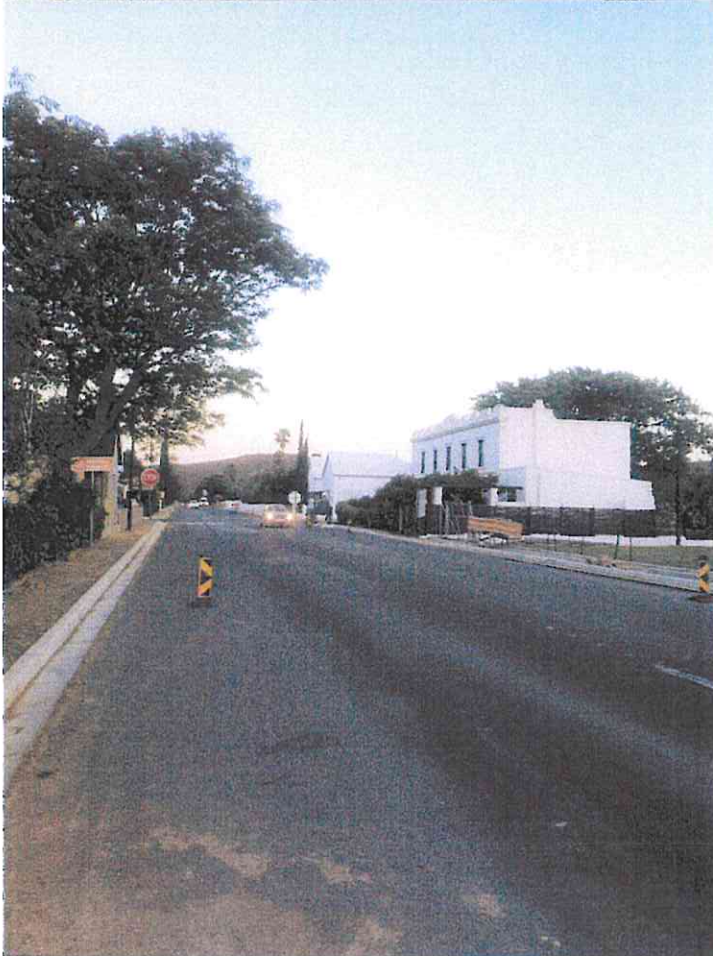
- 12.) There will be **no telephone lines or any other services crossing over** the neighbouring properties

13.) We at erf 123 request that a wall be built between our residential property and the proposed access road along our boundary to mitigate noise and dust, and to prevent patrons of the restaurant seated on the eastern stoep from looking straight into our garden and invading our privacy. Poplar trees are not sufficient as they lose their leaves in winter!

13.1) The same will apply to the residences directly across the road.

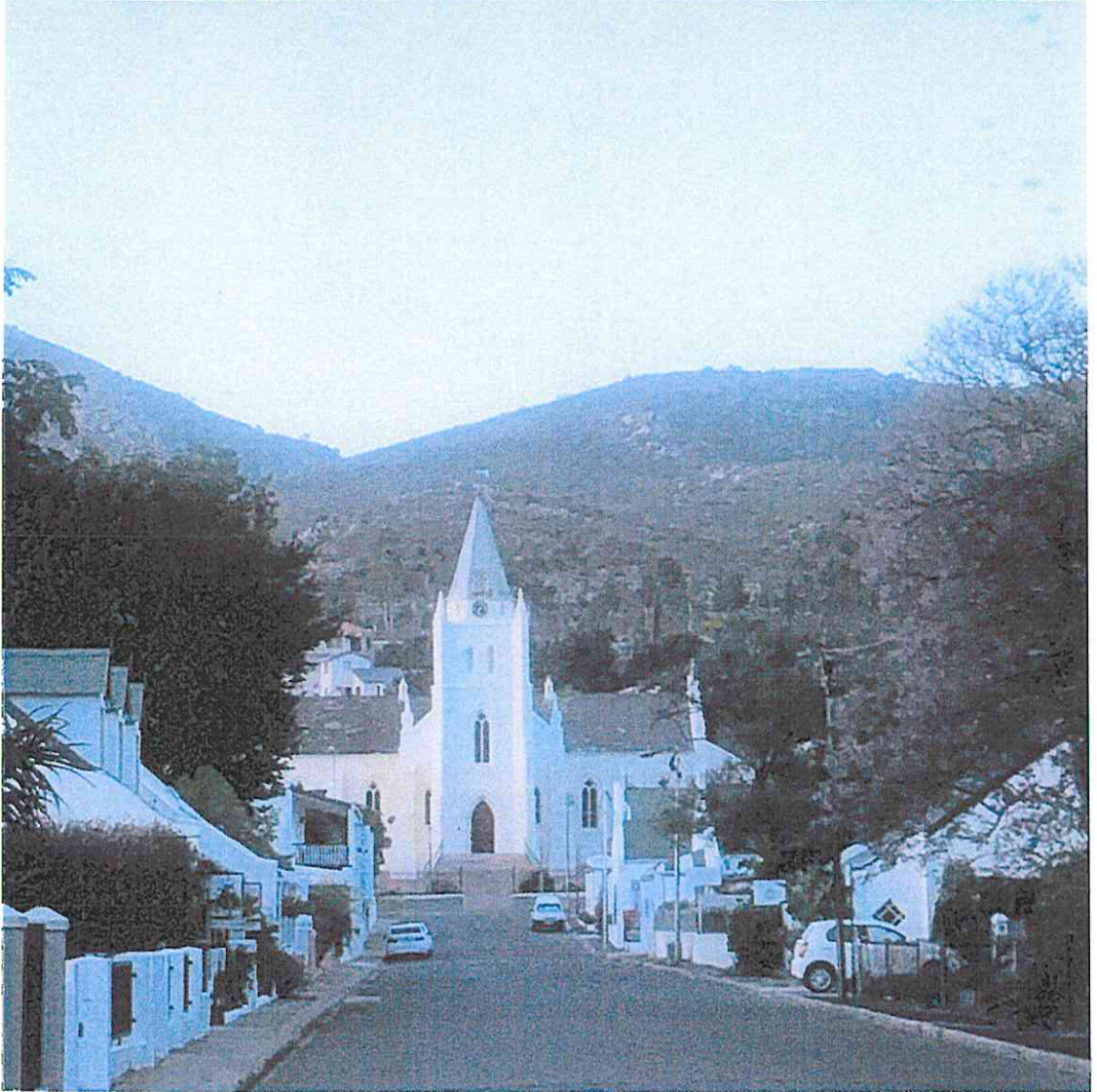
13.2) Even if there are no windows and there is no stoep on the western side, any services such as smelly garbage bins and noisy air conditioner or extractor fans must be situated where they will not impact on the residents who live on either the eastern side of the Rambling Rose property or on erf 123 on the western side!

14) How does the objection work i.e. is it just between us and the Municipality or is there a system for arbitration or mediation possible in the event of a deadlock









BESWAAR 2

45



Cafno Investment Trust No 6 – IT5388/2006
Po Box 726 ~ 36 Long Street (R62) ~ Erf 3518 ~ Montagu 6721 ~ South Africa
~ Mobile +27-763864255 ~
EMail ~ gerardm@live.co.za

10th December 2019

The Manager Town Planning Dept
3 Piet Retief Street,
Montagu
6720

Distribution:-
Original by hand
Electronic Copy by email to jvzyl@langeberg.gov.za

RE: PROPOSED CONCENT USES & DEPARTURE ON ERF 3519, 3A CHURCH ST, MONTAGU

The trustees of the abovementioned trust by way of this document and in terms of section 45 of the Land Use Planning Bylaw (PN264/2015) wish to record and table our total and full objection, to the proposed Consent Uses and Departure changes as described Motivational Report and Application. At the same time reserving our future rights to add to, amend or change our views should the need arise, make further written, verbal or public disclosures as we may deem necessary.

Furthermore we request specifically an opportunity to make oral representations should there be a meeting, presentation and/or a hearing to consider the Application, and thus reserve the right to supplement and amplify our objections if and when this opportunity is afforded to us.

1. **APPLICATION PROCESS:** - We wish to understand the application process to this point, what processes that took place to the point of the Municipality issuing notices to selected residents and the publication of the public notice in the media.

We require a copy of the minutes of all meetings held with the town planner and the developer or trust representatives to motivate this development request.

Long Street has 12 listed Heritage Buildings – rivalled only by Tulbagh.

We hereby insist on getting a written report from the Western Cape Heritage Department, as well as the local Heritage Committee on the suitability of the proposed buildings, as well as on the layout before any consent uses and departure be approved. This will entail a visit to Montagu by the Heritage Department to view the street, as well as the submission of the completed plans and Architects drawings to the Department before they can complete this report.

As this is a Heritage Neighbourhood one of our chief concerns is to maintain the feel of this pretty unique, original and unspoilt street in this pretty unique, original and un-spoilt town. It is for this reason we have invested and live here, and this is why tourists continue to flock to our unspoilt town.

We cannot fully and comprehensively complete any objections until we are privy to the completed architectural plans, showing the proposed height and facades, type of

Trustees: -
Gérard G.S. Maré

Susanne R. Maré

Jeremy H. Nel

windows and roofing, and in general the aesthetics of the buildings, waste disposal, gas installation and all visual impediments, including the boundary walls that will be necessary to the privacy of the residential areas adjoining and opposite the erf under discussion here.

In order to fit in it should look like and have the scale of a historic agricultural dwelling or building, and be able to convert to a dwelling, thus negating the application to erect a 2nd dwelling which effectively is a 3rd dwelling and to the best of our knowledge in direct opposition the exiting planning rules and regulations.

2. **APPLICATION:** - Whilst we understand the concept of free trade, competition and opportunity. The tabled application is misleading, not accurate. That said, the application only makes reference to 3 existing farm shops/ tourist/ restaurants on Long St, namely (Kloof Padstal, Rambling Rose and The Orchard) and not the actual 7 farm shops/ tourist/ restaurants facilities operating on the surrounding properties on Long St, the exclusions are:- Blu Vines, MontQ, Brandy Hall, The Barn on 62.

All these operations are well dispersed allowing free trade for all, also importantly negating points of traffic congestion on the R62 and allowing for greater customer safety and satisfaction.

The approval of another public traffic access point on the R62 should also be questioned, especially when the said erf currently has 2 access points in Church St. The Western Cape Government must access and consider the appropriateness of this proposal and investigate accordingly before approval is given for the said application.

How many farm shops/ tourist/ restaurant facilities should Long St have? How many are sustainable and in line with overall look feel and planning methodology, surely the objective is not to become another Robertson R60. Opening the same or similar operation alongside our existing operation is objectionable.

We fully understand the daily headcount, turnover, profit, average sales per head and many other statistics, we estimate that if the proposed development took away 25% of our gross sales base our operation would not be viable and would in all likelihood have to close. The 12 staff and the 25 children that are maintained from salaries would be potentially destitute.

Working opportunities for locals – the motivation report does not provide any indication of the number of job opportunities to be provided for workers/ local residents. The possibility that an additional business may in fact saturate the current market and result in reduced business for the existing stores, some of which may not be able to keep up with the increased competition, which may ultimately result in decreased jobs for the local residents.

3. **PRIMARY RESIDENCE AFFECTS:** - The said proposal will have a huge and ongoing negative effect and influence on our Primary Residence, as well as potentially our 2nd Residence and our family business The Rambling Rose which is attached to and forms part of the Primary Residence structure.
 - a. **Site Plan:** - The submitted site development plan attached to the application is lacking in information and detail. The lack of detail showing existing buildings and structures on the adjoining erven does not help give any true perspective of the actual encroachment and impact of the proposed development on existing properties, their residents, children and friends. The overall market value and saleability could also negatively affected.

Trustees: -

Gérard G.S. Maré

Susanne R. Maré

Jeremy H. Nel

The references, used more than once in the application, to the "boulevards" in Long and Church streets are blatant misinformation and should be disallowed and removed from the motivation.

Long Street used to have a boulevard of oak trees which were removed, apparently due to ill health, and were not then replaced due to road – widening being done at the same time.

When the current road works were being planned there were actual plans submitted for Long Street to be made into a boulevard – but these were rejected outright by the Provincial roads department.

We know nothing about the proposed business plans.

- b. See Annexure A, an updated version of the Site Development Plan. This plan gives a visual impression of proximity of the proposed development to our primary residence and other residential structures.

- i. Privacy: - Note close proximity of a commercial development to all 3 of the bedrooms in the primary residence on our property. The application in its current form, would negate all privacy currently enjoyed and will expose the primary residence to full public view.

Apart from the primary residence all other private areas, namely the family recreational area, the pool and garden areas will also be fully exposed and to full public view.

- ii. Noise Pollution: - The proposed development will create noise pollution in many forms some of these are but not limited to human, mechanical, kitchen, bovine, music, vehicle, truck, generator, compressor and many other forms of noise pollution. This noise pollution will directly affect the residents and visitors to our primary residence and negatively affect the resident's quality of life.

Important to note minor children reside in the primary residence.

Apart from the noise level visual stimuli will also have a negative effect on the residents and especially the children when at school going age and study becomes imperative.

Noise pollution generated from public road vehicles, commercial delivery vehicles driving and parking on the proposed development site will be ongoing and continuous.

- iii. Visual Stimuli: - The construction of a commercial building in close proximity to our primary residence will create visual unpleasantness an ongoing eyesore. The introduction of restaurant ducting, air conditioning, exposed conduits, gas installations and other forms of visual stimuli will negatively affect the quality of life for the residents in our primary residence.

- iv. Trading Hours: - The application makes no mention of business trading hours, we object to this lack of clarity and would object in the strongest terms to anything in excess of 08h00 – 17h00 day trade.

- v. Music: - The application makes no mention of the playing of music or for that matter the introduction of live music. We oppose both the playing of loud music and live music in any form.
- vi. General Security: - The privacy and security impact of the proposed facilities on our primary residence is immense especially as there is a clear line of site for any individual to see and target our primary residence, business as well as residents and friends.

The exposure of minor children to a commercial operation, public parking and delivery trucks etc. is frankly unacceptable.

Nobody has control on who frequents the proposed development. The development will restrict and curtail the development of the minor female children living permanently on our property. The development will potentially expose these young girls to any form of socially unacceptable behaviour, act or danger.

In essence our entire family will be exposed to the outside world, privacy and security taken away from all who reside and visit the primary residence.

We purchased this property to get away from the city in order to provide a safe and secure environment, this proposal negates the entire reason for our moving and investing in Montagu.

- vii. Building Line: - The application for the reduction of the building line restriction is strongly opposed. These standards are set and accepted by all as a form of control and order, allowing for the structured spacing of developments, maintenance of privacy, safety and other associated benefits.

Any reduction in the building line standard will exacerbate the all our points of concern. Visual stimuli, the exposure and lack of privacy, noise pollution, safety and security concerns will all be exacerbated by any reduction in this regulation. The application reduction is opposed in the strongest terms.

- viii. Pest Control: - Pest control, the proliferation of flies and other vermin is huge issue in the operations proposed. Our primary residence will be exposed to all the associated scourges associated with flies and pests alike.

For the record we have in place stringent protocols for the reduction of pests and flies. Weekly high pressure cleaning of dustbins, spraying thereof with fly retardant, monthly professional pest control services as well strict daily hygiene regimes.

The application does not make mention of the siting of the refuse and recycling area, the positioning thereof and its potential location if critical that it would affect our primary residence from a noise, smell, visual and pest perspective.

- ix. Gas Installation: - No mention is made in the application of the positioning of a potential gas installation, considered a major concern and objection. If placed on the Western side of the proposed new

structure along the border of our primary residence it would be of great concern. Potentially exposing our property to visual unpleasantness, not to mention the associated risks of fire, explosions and danger to life.

- x. Staff Facilities: - The provision of a staff rest area/eating area raises yet another major concern for the well-being of all in our primary residence. The noise generated by staff and suppliers will naturally generate noise pollution as well as unwanted smoke pollution from cigarettes.
- xi. Parking and Overflow: - Whilst the application attempts to address the issue of parking, this remains a concern. The proposed development site has a street frontage of only 23.7m on Long St, 5m thereof will be negated for the entrance, leaving only 18.7m for street parking, barely enough space for 1 towing vehicle and caravan and perhaps 1 other vehicle to park on Long St. The overflow will end up outside our primary residence, causing ongoing disruption to our primary residence.

As per Government Gazette 7461 of 2018, item j, permission for access to a National Road or a Provincial Road must be obtained.

There is an existing gateway on Long St, this was historically used for occasional access to a field used for agricultural purposes. - Not for a business providing parking for approximately 12 cars - which is what the current plan shows: 4 directly off the road and another 8 bays sketched behind the playground.

We require a copy of this letter authorising the changed access and departure point.

Experience shows that many holiday makers and customers are intrinsically lazy. Our concerns are exacerbated by the fact that the main parking area is located behind the proposed building and most likely not obvious and in clear view to patrons, there is no doubt that any overflow of vehicles will directly negatively affect our primary residence and other buildings of ours along Long St, noise and congestion will prevail.

- xii. Kids Play Area: - This application is opposed. It is not possible to control ongoing noise and disturbance from such a setup. The close proximity to our home and recreational areas will be negatively affected the continuous potential noise generated and will have a negative and permanently objectionable influence on the residence in our primary residence.

- 4. Application 2nd Dwelling: - As we understand the development rules and restrictions, the application for building the restaurant and tourist facilities constitutes in effect a 2nd dwelling. Thus the application to build a 60m² 2nd dwelling is questionable. Clarity on this matter would be appreciated.

We request that our concerns be tabled appropriately and be given the attention and focus we believe they deserve. As part of this process we require full and detailed feedback on any decisions taken that negate our tabled objections.

Trustees: -

Gérard G.S. Maré

Susanne R. Maré

Jeremy H. Nel

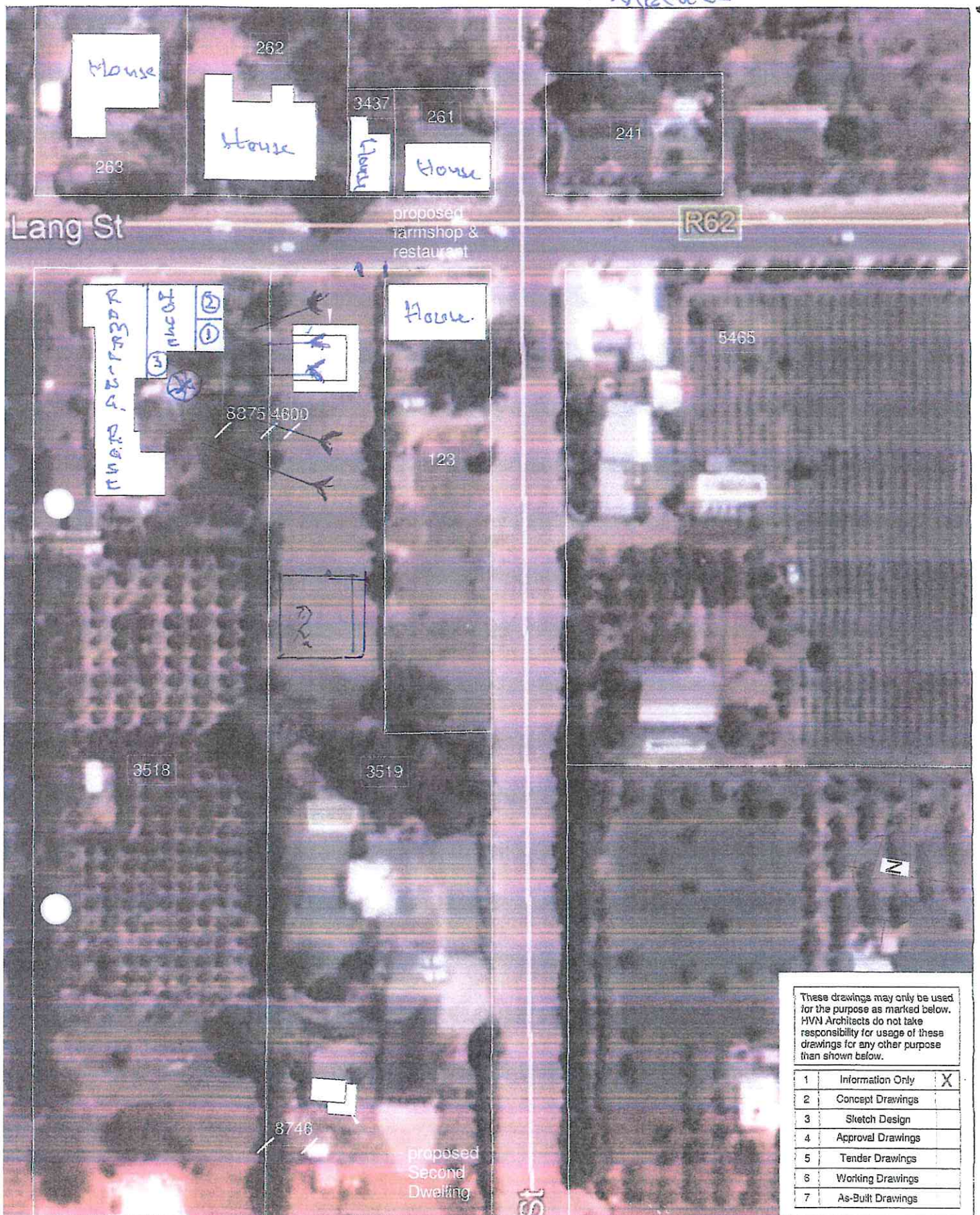
We trust that sanity will prevail in this matter. Failing that I have already briefed and taken legal advice from a specialist partner at C & A Friedlander Attorneys in Cape Town and intend opposing this development legally if the need arises.

In conclusion we would like to table an alternative option in an attempt to find common ground. Refer to Annexure A, should the developer agree to move the proposed development to a point lower down indicated by "?" midway to our first Olive grove. Further to this agree to build at his cost a SANS plastered and white painted wall at the maximum height as prescribed by the existing regulations from Long St in a way that does not negatively affect the Eastern visibility of our primary building to a point where the existing Lei Water channel is. This suggestion is only as a point of compromise, however, the Kids Play Area is remains objectionable. Whilst reserving all our rights of objection and thus reserve the right to supplement and amplify our objections if and when this opportunity is afforded to us.

Yours Sincerely,



Gerard Mare
Managing Trustee



HMNI Bedrooms ①②③ HENRY VAN NIEUWENHUIZEN 38 Piet Relief Street, PO Box 382, Montagu 6720 Phone +27 (0)23 614 3074 Henry +27 (0)83 559 3906	Proposed Farm shop & restaurant to Erf 3519 3a Church Street, Montagu		Locality Plan	
	Project number	1923	SD1_100	
	Date	09/12/2019	Scale	1:1000
	Rev.	001	Size	A4

Ref. LINE OF SIGHT - UNOBSTRUCTED

Proposed View Position ↑ Boundary Wall

BESWAAR 3

52

26A Long Street
Montagu
6720

17 December 2019

Planned development on erf 3519

To whom it may concern

I Jeroen Greveling, representing CBP 47 CC, the owner of 26A Long Street Montagu.

We have perused the documents forwarded regarding the consent use and departure application submitted for ERF: 3519 Montagu dated 19th November 2019 and comment as follows.

We request the opportunity to make oral representation should there be a presentation and/or hearing to consider the application.

We need clarity on:

1. Long Street has been set aside by the Municipality to have a farming environment / feel with approx 30m uninterrupted farming views along the southern boundary of Long Street. We need confirmation if this restriction, of not being allowed to build in these open spaces, has now been set aside.
2. Trading hours, not indicated in motivation report.
3. Confirmation of the exact number of parking bays and how will they be configured.
4. Clarity required on the refuse area and disposal procedure.
5. Clarity required if the municipality is rethinking its position on " Montagu Struktuurplan".

Yours faithfully



Jeroen Greveling
26A long Street
0828813304

BESWAAR 4

Outgoing
2/11/2019
53

27 November 2019

The Manager: Town planning, 3 Piet Retief Str, Montagu, 6720.

RE: Erf 3519 Montagu :Departures.

My property is Erf 3517 , situated at 34 Long Str, Montagu.

My concerns related to the proposed development departures at ERF 3519 Montagu are as follows:

1. Parking in Long Str.

On busy days(usually weekends) vehicles that visit Rambling Rose at Erf 3518 sometimes park on both sides of the entrance to our property seriously impeding visibility and safe exit from our driveway.

In 2007/8 a tractor was parked next to 34 Long str and a truck hit it, flattening part of the fence. The flattened steel poles are still visible at the accident site. Another restaurant/business alongside erf 3518 may add to the traffic danger unless strict measures are taken to prevent traffic accidents.

The painting of "no parking " lines and signage preventing parking within a reasonable distance of our driveway may solve the problems.

2. Additional noise as a result of loud music.

Noise as a result of music or other activities needs to be limited to the closest boundaries of the property and only during daytime business hours.

Yours faithfully



Mark Sinovich

CEL [0828237082](tel:0828237082)



BESWAAR 5

54



Erf 262

29 Long street

Montagu 6720.

10 December 2019

The Manager: Town Planning

3 Piet Retief street

Montagu 6720

OBJECTION

Proposed Consent Usages

Erf 3519 Montagu

We have owned and occupied Erf 262 for the past 17 years.

We wish to place on record our serious objections to the proposed development changes to Erf 3519 which is situated directly opposite our property.

Our objections hinge mainly around the following :-

1. We believe that the proposed development will have a seriously negative impact on both the VALUE and the SALEABILITY prospects of our property.
2. WE believe that the proposed development will result in increased TRAFFIC CONGESTION and risk of MOTOR ACCIDENTS outside our property.
3. The longstanding MONTAGU TOURISM CULTURE of maintaining and preserving Long street as an example of URBAN AGRICULTURAL HERITAGE will be IMPACTED NEGATIVELY if this development is allowed.

Value and Saleability.

Noise pollution will be increased dramatically by the proposed Children's play park. This play park will, naturally, generate much shrieking, joy, and hilarity from the children, which will spill over to the surrounding residential properties. In addition, this will most certainly provoke and excite the dogs living on adjoining Erfs 123 and 3518, and the whole neighbourhood will suffer the uproar of barking dogs. At the current time we suffer virtually zero inconvenience in this regard – the dogs in question are well behaved, and screened and separated by the quiet unoccupied expanse of Erf 3519.

For 17 years we have enjoyed a charming bucolic view of the two properties opposite our home. The Rambling Rose Homestead and shop is an attractive historical building, and totally in keeping with the general ambience of the area. The portion of Erf 3519 facing onto Long Street is a tranquil unspoiled narrow strip of agricultural land where, for many years, we, and, photographing tourists, who frequent Long Street, have been privileged to observe sheep grazing, lambing, and raising their

young. If the proposed development of this strip of land is allowed, this beautiful scene will be forever changed. The planned 6 front parking spaces will create the appearance of a used car lot!!

What a sad day for Montagu Heritage!!

Traffic Congestion and Accident risk.

Context. The impending removal of the temporary 4 way stop at the Long/Church intersection is being eagerly awaited by residents living nearby. 3 to 4 years of air braking and gear changing by huge trucks has been difficult to bear. We are informed that only small outstanding sections of top asphalt on Long Street need to be completed before the 4way stop will be history! Long street is a Provincial road which requires free-flowing traffic and minimal or zero on-street parking.

The proposed development on Erf 3519 poses some serious points of concern. With free flowing traffic in place, we believe that entrance and egress of vehicles via the planned driveway will be problematic. The driveway is set immediately alongside the boundary of Erf 123. Visibility into Long Street for exiting vehicles will be difficult due to the house on erf 123 being set far forward. Vehicles travelling in an easterly direction, wanting to enter the premises across the west flowing traffic are likely to stop in mid Long street waiting for a gap!! And what will happen when 2 or more vehicles decide to enter and exit simultaneously???? This is a recipe for disaster and the consequences could be extremely serious. We believe and request that this development plan should be vetted by the Cape Provincial Roads and Traffic. dept.

Heritage and Tourism.

Considering the number of National Monuments in Long Street, and other cultural and heritage aspects of Long Street we believe and request that this development plan be vetted by the National Heritage authorities.

General Comments on the Motivational Report

Page 2. Para 4

This clause could create the impression that only 3 Farmstall/Eateries (Kloof, Rambling Rose, and Orchard) exist along Long Street.

In fact, as at 9/12/2019, no less than 8 businesses of a similar nature exist on Long street – these spread over a distance of 1.6 Kms, from Blu Vines to The Barn. (On average, 200m apart.)

Long Street is not under-traded – We are sure these existing eateries will all agree that the area is Over-Traded, and that business is very scarce.

We see no justification for the establishment of a further Farmstall/Restaurant on Long street.

Page 2. Para 8

"Produce grown on the farm."

We see no evidence of any activity to support this scenario.

Page 3. Para 6

"Second dwelling"

We believe further investigation is required. Is this not a third dwelling?

We have been under the impression that the south extension to the double garage, completed a couple of years ago, is a second dwelling.

On the site map provided, this area is designated "garage Store".

Page 4. Para 1

"Permanent departure from the side building line"

Whilst acting in a perfectly acceptable legal way, the Applicant sees fit to replicate (and no doubt derive benefit) from the existing Rambling Rose business by "shoe-horning" his own operation as close as possible to their premises.

To request a building line departure is to add insult to injury.

CONCLUSION

For all the reasons set out above, we recommend that this Consent Use application be **REFUSED**.

In the event of the application being granted we would want and expect to see Conditions attached thereto:-

CONDITIONS.

1. No childrens play area.
2. Front parking abolished – all parking to be at the rear of the restaurant.
3. The driveway and the parking area to be paved to minimise dust.
4. Privacy of the 2 adjoining residences to be protected with suitable boundary walls -this also to minimise dog nuisance issues.
5. No trading after 17h00 daily.
6. No live music
7. No audible music outside the restaurant.
8. No garish sign boarding. Signage to comply with the Long Street Heritage ethos.
9. No noisy generators, air conditioners, or other machinery which could cause a nuisance to nearby residences.
10. The consent use should have an expiry date – strong rumour exists that this application is more about obtaining enhanced saleability of the property than about actually running a shop. The capital outlay to establish this retail operation is likely to run into millions and the potential of earning a meaningful return thereon is extremely poor.
We would suggest allowing a period of six months to commence building and a further six months for completion.


LOIS MARION SHIELD


STANLEY SHIELD

2DE BESWARE

27/3/2020 57

1A & 1B

31 Long Street
Montagu
6720
Mrs. C.I. Whitehead
Cell No.: 083 450 2078
Email: sdfcxzp@gmail.com

CONTINUED OBJECTIONS TO THE FOLLOWING PROPOSED DEVELOPMENT ON LONG STREET MONTAGU:

Applicant. Umsiza Planning
Properties. Erf 3519, Montagu
Location. Church Street, Montagu
Owners. Erasmus Family Trust
Proposal. Consent uses of erf 3519, Montagu
(second dwelling and farm shop/tourist facility)

27th March 2020

Dear Sir

In spite of your letter regarding my objections, I am not satisfied and wish to uphold my objections on the following grounds:

1) You state that the architect is secondary and will only come after the re-zoning is approved.

HOWEVER the Spar shop lower down in Long street is a prime example of how inappropriate architecture can completely change the entire street.!

Based on the above, it is essential that we can study the architectural plans before closing objections!

2) You talk about the economic benefits to the developer, and everyone needs to survive. HOWEVER Montagu is currently a DESTINATION town– not just a DRIVE-THROUGH town. This because of its heritage buildings and atmosphere.

Moreover Long street has 13 listed Heritage Buildings – the greatest number in one street in any town other than Tulbagh.

The relevance of this is huge. For example look at Dullstroom – a DESTINATION town – and look at the two towns on either side of it namely Belfast and Lydenburg – both drive-through towns. The two drive-through towns have no atmosphere other than of dereliction and lack of maintenance. Both have such bad potholes as to be almost closed

Jack van Zyl

From: Paul Whitehead <sdfcxzp@gmail.com>
Sent: 27 March 2020 17:33
To: Langeberg Municipality
Cc: P Whitehead; Caroline Whitehead
Subject: Erf 3519 Long Street Further Objections

To THE Town Planner, Montagu

OBJECTIONS TO THE FOLLOWING PROPOSED DEVELOPMENT ON LONG STREET MONTAGU:

Applicant. Umsiza Planning
Properties. Erf 3519, Montagu
Location. Church Street, Montagu
Owners. Erasmus Family Trust
Proposal. Consent uses of erf 3519, Montagu
 (second dwelling and farm shop/tourist
 facility)

In spite of your letter regarding my objections, I am not satisfied and wish to uphold my objections on the following grounds:

The issue is as follows:

1) This is a Precedent for Montagu.

This is not just about somebody wanting to make a living on a road somewhere.

Barrydale, Robertson, Worcester have all been spoilt by a variety of decisions, in most cases not understanding what the decisions would do to the development and economy of the towns.

Robertson and Barrydale in particular, as you mention them, and the desire to be equal to them, have changed the fundamental process through the town. So what has happened both with Barrydale and Robertson is that we now have commercial zoning completely on both sides of the street which fifteen to twenty years ago was not there. The original buildings in the centre of the town carried on as the town developed over the last 150 years, adapting to modern use and businesses largely from the same buildings, but no-one driving through these

development, because that plot is half a meter lower than the houses on either side, having been a field for so long.

2c) The wall should be plastered on both sides, and painted, before the rest of the development is allowed to proceed.

3) If this is to be seen as an objection and not a re-working of the whole plan, which it is, we need to stipulate that the new building

must be able to be converted to a dwelling if the new business does not prosper, particularly in the light of the economic knock-on

of the Corona virus. This should apply to any new developments along Long Street in order to maintain the integrity of the street.

4.) We still request a **copy of the minutes of the meeting held with the town planner** to motivate this development request. Was this ever minuted? If so, where can we get a copy, as requested in my original objections.

5.) Long street has 12 listed Heritage Buildings – rivalled only by Tulbagh.

We STILL insist on getting a **written report from the Western Cape Heritage Department** on the suitability of the buildings

to be erected and on the layout.

This **will entail a visit to Montagu** by the Heritage Department to view the street,

and **the submission of the completed plans and Architects drawings** to the

Heritage Department before they can complete this report.

6) We still request that all parking for the restaurant and farm-stall is well off the road and behind the proposed buildings.

Yours faithfully

Paul and Caroline Whitehead.

31 Long Street, Montagu

40 Long Street , Montagu

BYLAE 4**Aansoeker se reaksie op besware**

21 January 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 3519 MONTAGU: APPLICATION FOR CONSENT USES & DEPARTURE:

RESPONSE TO OBJECTIONS &
AMENDMENT TO APPLICATION AS A RESULT OF THE OBJECTIONS RECEIVED & OWN INITIATIVE

The objections received from the following persons refer:

- Cafno Investment Trust 2
- Mark Sinovich 4
- Jeroen Greveling 3
- Lois Marion and Stanley Shield 5
- Paul Whitehead 1B
- Mrs C I Whitehead 1A

A. Response to the above objections are as follows:

1. Cafno Investment Trust

- The application process will be dealt with by the municipal officials. This is, however, the land use application and not the building plan application that will show detailed architectural plans of all the proposed buildings that will adhere to the National Building Regulations and the Langeberg Municipality Integrated Zoning Scheme Bylaw.
- Application: The most similar facilities (farm stores) were mentioned in the report. Blu Vines (Mimosa Winery, Food, Coffee), MontQ (Bistro, Restaurant, Coffee Shop), The Brandy House Café, The Barn on 62 (Coffee bar & Eatery) are not typical farm shops, but are more like coffee shops/restaurants.

The objector mentions traffic congestion on the R62 because of the tourist attractions along Long Street. Rambling Rose, with its increasing size, also add to traffic congestion, especially when parked vehicles have to reverse into Long Street.

This part of Route R62 is located within an urban area and has a local municipal function to give access to land uses, and in particular, to the tourist attractions in Long Street. These facilities strengthen the economy of Montagu by attracting tourists passing by. The more facilities, the larger the attraction.

Erf 3519 is a corner erf where accesses on both streets are allowed. The dwelling house have a main entrance in Church Street and the second existing entrance has been upgraded south of the dam to accommodate the entry/exit of the owner's boat. These gates are located approximately 100m apart due to the long shape of the erf and can be regarded as desirable and safe.

Competition is regarded a positive stimulus for land uses and similar land uses adjacent to each other.

In many tourist hubs/towns through-out the country, as well as in the neighbouring towns Barrydale and Robertson, a variety of shops and restaurants are located next to/near each other that strengthen the attractiveness of the area as a one-stop tourist area with shared benefits to all the shop owners.

Long Street is known for its tourist attractions, and this will add and will enhance the total package.

The proposed farm shop cannot saturate the current market, as the facilities will be different with different services, facilities and products.

The proposed facility will create working opportunities for three to four local people.

- **Primary Residence Affects:**

The Bylaw provides for development parameters for different land uses that need to be adhered to and new buildings are evaluated according to these development parameters. These development parameters were taken into account and were discussed in the report and indicated on the Site Development Plan. The impact of the encroachment on the western boundary with 0,4m has been discussed in the report. The encroachment has, however, be discarded – see amended Site Plan.

Mentioning of the “boulevards”: This has been quoted from the Spatial Development Framework for Montagu that needs to be addressed in the application.

Privacy & Visual impact:

The applicant will build a 2,1m high plastered wall between the application site and Erf 3518 from 5m in front of the building up to 3m beyond the proposed farm shop/restaurant. Rooms 1 and 2 are located far from the boundary with no windows facing east. Room 3 is more than 40m away from the boundary. The garden/open area will be behind the existing trees along the fence and proposed plastered wall.

The impact will even be smaller if taken into consideration that the proposed farm stall will have no windows facing Erf 3518 and that all doors open to the front, back and east.

The proposed alternative position of the farm stall to the south makes no sense as it would not be visible from the road and will not be in character with the surrounding buildings next to the road. According to the Heritage Management Framework as part of the SDF, *the streetscape of the block on which the building(s) is located should be retained and wherever possible enhanced. Building lines and setbacks from the street and side boundaries should respect and follow the patterns established in the original layout of the area in which construction is taken place.*

Noise impact:

Noise pollution from the proposed facility will be no different than emanating from Rambling Rose that is attached to the house with only a wall between the restaurant and the private open area. Noise will always be a factor in places alongside busy through roads, and also as it is where commercial activities tend to develop.

The proposed development is smaller than Rambling Rose with subsequent smaller impacts.

Trading hours will be standard operating hours, therefore 08:00 – 17:00 during the week and on Saturdays and Sundays, similar to many of the other tourist facilities in Long Street.

The applicant have no intention to play loud or live music in any form.

There is already an existing commercial facility on Erf 3518 Montagu where the residents, including the minor children, are already exposed to commercial operation, public parking, delivery trucks, social unacceptable behaviour, the outside world, privacy and security, danger and flies and pests, all which are unacceptable to the objector.

The proposed development will also have strict protocols for the reduction of pests and flies to their own and neighbour's benefit.

Refuse storing and collection, as well as other services will be dealt with to the satisfaction of the Municipality and addressed in the building plan phase.

No staff facilities are proposed. Staff will make use of the public toilets.

The noise by the staff and suppliers will be insignificant with a smaller impact than Rambling Rose that is double the size. No assumptions can be made of smoke pollution by staff.

development adheres to all the development rules and the proposed building will be in character with the adjacent buildings in Long Street.

The proposed facility will give the opportunity for locals/visitors/tourists to enjoy the agricultural scene over a good cup of coffee in contrast with a quick look driving/walking past.

The provision of 6 parking bays in front of the proposed building cannot be compared to a car lot. All land uses have to provide for parking onsite, mostly in front or alongside where it is visible from the street.

An invisible parking area at the back will very easily be ignored with resulting parking in the street.

- Traffic congestion and risks of motor accidents

Response

Although Long Street is part of a provincial road, the part within the urban edge cannot be free flowing due to urban development alongside this road (8 existing businesses of a similar nature and other such as a supermarket, garage, school etc.)

The proposed facility will have one safe access point with parking on site, as required by the municipality.

The proposed existing entrance/exit has good sight distance from the western side, and 39m between the entrance/exit and the stop sign in Long Street from the eastern side.

The kerb has already been adjusted by the road workers to accommodate this existing entrance/exit.

- Will impact negatively on urban agriculture heritage

The agricultural character will rather be enhanced and supported by this proposed facility that overlook agriculture heritage.

- Motivational report

The intention was to list the most similar facilities (farm shops) in Long Street.

The more facilities / tourist attractions, the larger the demand. People tend to visit vibrant and successful places. The more facilities Long Street can provide, the more attractive for tourists that will create more feet and business.

Produce will be grown on the farm to be sold in the shop together with "other" products when the application has been approved.

The building to the south of the primary dwelling house is used as a store for vehicles/boat and a general storing area.

The building line encroachment is removed from the application.

The conditions that are being agreed to are:

- Children's playing area is removed;

- Front parking (6 bays) will remain as rear parking will discourage parking on site and people visiting the facility. Two parking bays will be provided at the back of the facility to accommodate vehicles with trailers and/or caravans. This can also be extended to more bays, if needed.
- The driveway will be paved to minimise dust.
- 2,1 m high plastered walls will be constructed from 5m in front of the proposed building up to 3m beyond the facility;
- No trading after 17:00 daily;
- No live music;
- No audible music outside the restaurant;
- Signage will comply with Long Street ethos;
- Generators and air conditioners are used by many residential properties and business properties as it become an essential amenity, therefore this condition is unreasonable and cannot be met; and
- It is the intention that the proposed farm shop/restaurant will be built within a year's time after approval.

5. Paul Whitehead

Architectural plans are required after land use approval. This application is to get approval for the proposed land use and does not include detailed architectural plans. The plans will adhere to the national building regulations and municipal heritage requirements for this area specifically, including any signage.

The six cars on this small width property cannot destroy the Heritage Walk vista, it will be in front of an attractive building in character with the surrounding area. Cars parking in the street because of invisible parking bays at the back of the facility will have a much larger impact on the photographs and character of the heritage area.

Both properties adjacent the application site are built next to the street that leave no view to the "Dorp-se-plase" between Long Street and the river.

The proposed structure makes provision for customers to experience this character, in contrast with the erven on both sides.

Long Street is a provincial road and comments will be obtained from them.

The application requires reference/compliance to the Spatial Development Framework that addresses the boulevards mentioned in the motivation report.

Conditions are similar to the above objector – see above.

Extension of services will only be located on the application site.

6. Mrs C I Whitehead

Similar to the above comments, except for point 13 that questions the legality of the land use on the property and the proposed uses. The existing and proposed uses are in line with the Bylaw and what may be applied for.

B Amended application/Site Development Plan

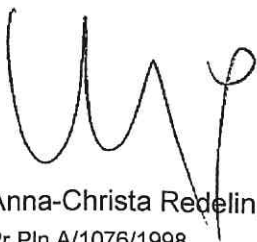
In light of the above objections, application is made in terms of Section 52(1)(a) and (b) for the amendment of the application and Site Development Plan.

Changes include the following:

- The lapa is changed to a cottage of 60m² and forms part of the dwelling house, per definition;
- The pergola stoep is changed to a stoep under roof to ensure more protection from natural elements;
- The proposed farm shop/restaurant will be built outside the 5m side building line, therefore no encroachment of the building line;
- The total footprint of the farm shop/restaurant changes from 206m² to 200m²;
- The proposed playground has been removed;
- Six parking bays are provided in front of the proposed facility and two at the back for larger vehicles; and
- A 2,1m high plastered wall will be built on both side boundaries from 5m in front of the proposed building up to 3m beyond the farm shop/restaurant.

For your consideration please.

Yours sincerely,



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

AANSOEKER SE KOMMENTAAR OP 67

UMSIZA
PLANNING

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6705

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Cell: 082 825 9891
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E-mail:
annachris@mweb.co.za

2DE BESWAAR.

No 2 Rosegate
ROBERTSON

7 August 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 3519 MONTAGU: APPLICATION FOR CONSENT USES & DEPARTURE:

RESPONSE TO SECOND ROUND OF OBJECTIONS AFTER AMENDMENT TO APPLICATION

After the application was amended to mitigate impacts raised by the objectors, continuous objections were received only from Paul and Caroline Whitehead.

Comments on the objections are as follows:

The submitting of architectural plans is not a requirement of this application. This will be addressed in the building plan phase after land-use approval.

Montagu is indeed a drive-through as well as a beautiful destination town.

The location in Long Street has the benefit of serving both the passing drivers as well as the local and surrounding customers.

Passing travellers will not spend time in town to visit museums, go hiking etc. if their destination is another town/place. If there is not a restaurant located along the way/adjacent to the main road, then travellers will tend to drive to the next town where a facility is available next to the road without having the trouble to drive into town.

Such travellers may also make use of the petrol station and other accessible attractions when stopping for a meal, with definite potential of a wider financial impact.

Tourists that visit Montagu as a destination town will enjoy the historic buildings and heritage atmosphere, the many restaurants and farm stalls, where-ever they are located. The more variety, the more attractive the destination.

These are two totally different markets.

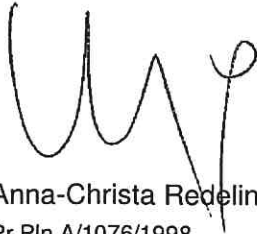
Montagu has its own unique character. The proposed facility will adhere to all relevant aesthetic and heritage requirements. The proposed farm shop is definitely not a completely new idea in Long Street, and the approval of the application can therefore not create a precedent, it will just add value to the agglomerate of existing tourist facilities in Long Street.

Details of the structures:

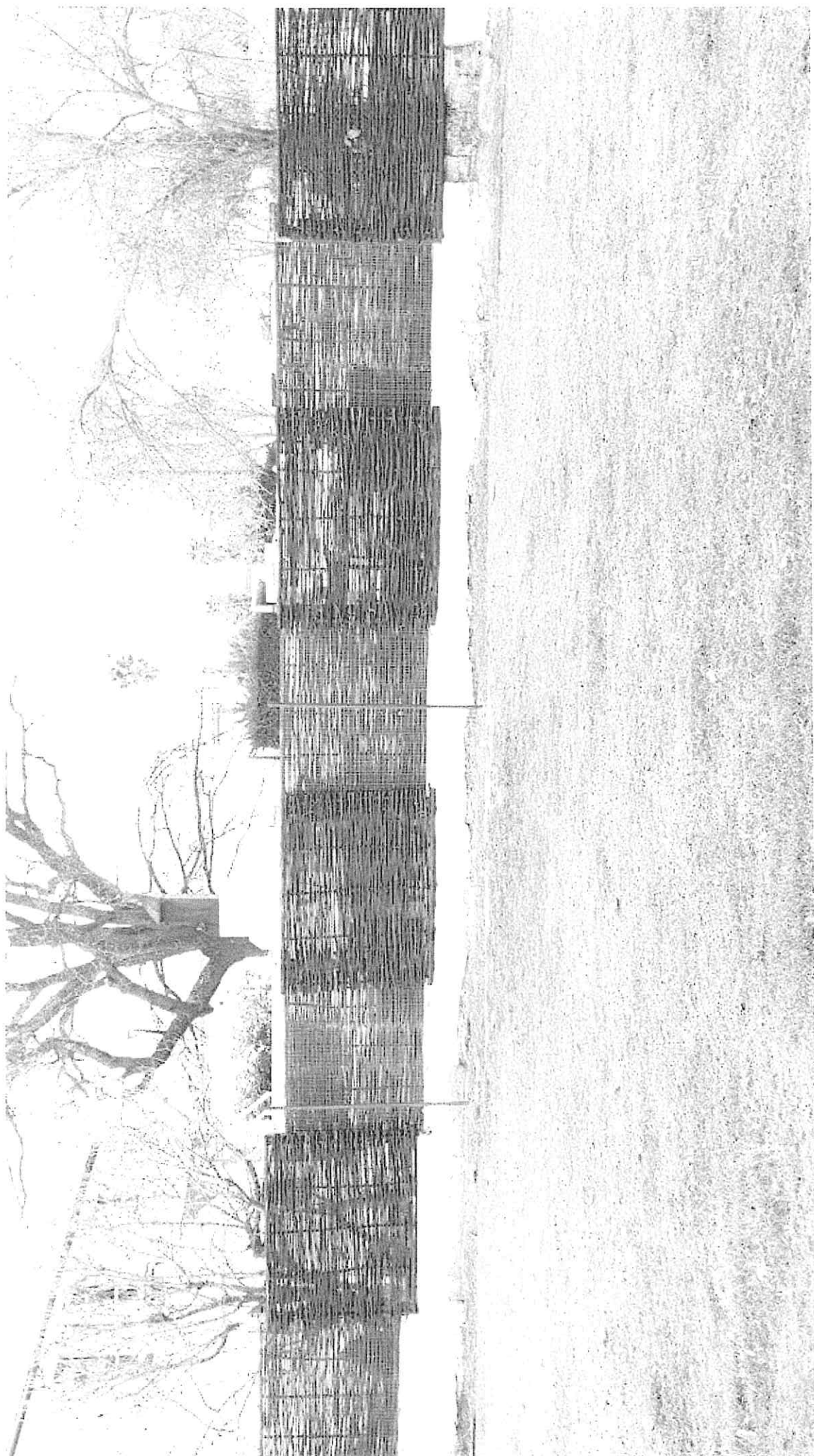
- The walls on the boundary of Erf 3519 will be constructed as shown in the amended Site Plan submitted on 17 January 2020. This will give adequate privacy for the neighbours without impacting negatively on / narrowing the street view in case of walls up to the street.
- The walls will only be plastered on the application site. The objector has a wooden wall on his side of the common boundary that will conceal the built wall, there is no need nor space for plastering on his side – see photo attached.
- The walls will be built on both sides before construction of the facility will commence.
- The height of the walls will be 2,1m high, this is the maximum height allowed by the Municipality.

For your consideration please.

Yours sincerely,



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



BYLAE 5

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)(ii))**
- (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))**