

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 June 2018
(Also the agenda for the Mayoral Committee Meeting : 27 June 2018)**

**2.
PORTIONS 1 AND 2 OF THE FARM SPRINGFONTEIN NO. 641, DIVISION
CALEDON : APPLICATION FOR CONSENT USE : MESSRS WRAP
CONSULTANCY ON BEHALF OF SPRINGFONTEIN WINE ESTATE (PTY) LTD**

**Portions 1 & 2/641 (3138)
SW van der Merwe (028) 313 8900 Hermanus Administration
15 May 2018**

1. Executive Summary

To consider an application from Messrs WRAP Consultancy on behalf of the owners of Portions 1 and 2 of the Farm Springfontein No. 641, Division Caledon, Springfontein Wine Estate (Pty) Ltd, for the following consent uses:

Portion A:

- ❖ agri-industry to accommodate the existing wine cellar (649m²) and a proposed olive processing facility (81m²);
- ❖ place of entertainment (live music) in existing restaurant (297m²);
- ❖ farm store (100m²)
- ❖ tourist facility to accommodate wine tasting from the existing tasting facility and farm store;
- ❖ function venue (26m²) in an existing labourer's cottage, and
- ❖ construction of three (3) additional dwelling units (250m² each).

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 2.2 of the Overstrand Zoning Scheme Regulations

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6. Background/Discussion/Evaluation/Conclusion

Background

Portions 1 and 2 of the Farm Springfontein No. 641, Division Caledon measures 165,3137 ha and 171,3064 ha in extent and is zoned for agricultural purposes. The properties are located 4km west of Stanford and are accessed from “Die Plaat” road and are developed as Springfontein Wine Estate. The farms are developed with 28,45 ha of vines, a wine cellar, restaurant, residential buildings (predominantly labourer’s cottages) and outbuildings.

During 2006 following refusal of a rezoning application on Portion 1 of Farm 641 to Agricultural Zone 2 (Agri Industry) approval was granted for the existing wine cellar by means of a temporary departure. The departure approval in the meantime lapsed. During 2013 consent use was granted for a restaurant and as such the well-known “Springfontein Eats” started its operations.

During 2015 the Executive Mayor approved an application for consolidation of Portions 1 and 2 of the Farm Springfontein and subdivision into two (2) portions as well as building line encroachments. The application also entailed the consent uses referred under paragraph 1 above, which applications following receipt of objections were omitted from the application. The applicant expressed the need for the development of the farm into a tourist destination, comprising a number of tourist amenities to support the main farming activities on the property. The application entails the following consent uses:

- agri-industry to accommodate the existing wine cellar measuring 649m² and an olive processing facility of 81m²;
- place of entertainment (live music) in the existing restaurant (297m²);
- farm store (100m²);
- tourist facility (wine tasting) from the existing tasting facility and the farm store;
- function venue (26m²) in an existing labourers cottage, and
- three (3) additional dwelling units measuring 250m² each (shareholders accommodation).

The original application also entailed consent use for additional dwelling units on Portion B. Following receipt of comments from the Department of Environmental Affairs and Development Planning (DEA&DP) and Cape Nature this part of the application had been withdrawn. The applicant was instructed to amend the Motivation Report reflecting the aforementioned after which positive comments were obtained from DEA&DP and Cape Nature.

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Discussion

The application was advertised in the prescribed manner and registered notices were served upon interested and affected parties and relevant government departments. One (1) letter of objection was received from J & V Finch, the owners of Farm 643/6 (Stanford River Lodge).

The main grounds of objection are based on the following:

1. Objection

Noise and visual impact that the proposal will have on our property and its value. There is a very noisy generator placed very close to our boundary and there is a lot of vehicular traffic that impacts enormously on the peace and tranquillity of Stanford River Lodge.

Applicant's comment

As far as this objection is concerned it must be borne in mind that the property is zoned Agricultural Zone 1: Agriculture and that the primary right under this zoning is defined as follows: "the cultivation of land for crops and plants including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, and comprises natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property, but excludes intensive horticulture, intensive animal farming, agricultural industry and a farm shop".

Any activity that conforms to this definition for agriculture is acceptable and this would include a generator (only for use during load shedding) and vehicular traffic.

The Springfontein farm has been a working farm since the late 1800 with its main core of business exactly where it is now and is within their primary rights and cannot be moved.

The generator is located at the only point possible and that is where the Eskom lines come unto their property and it covers all the electrical uses on the property which necessitates its location at the feeding point.

The owners have already spent a large sum of money to make the generator as sound proof as possible which was for the sole benefit of the neighbours as they would normally not be required to do so.

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As far as vehicular traffic and noise is concerned, it can be said that the entrance road has been in its present position since the establishment of the farm and the owners have by planting trees and shrubs on the boundary line tried to limit the noise and visual impact of the road.

Town Planner's comment

The applicant's response is agreed with. It must be borne in mind that the subject property is a working farm and that the agri-industry activities (wine cellar and olive processing) is associated with the main farming activities.

The proposed tourist facilities will see the diversification of income from agri-tourism in a manner that will not interfere with the main farming activities in accordance with the applicable strategic policies in the Spatial Development Framework (SDF).

Die Plaat road divides the objectors' property into a northern and southern portion. The homestead on the objectors' property that measures 21,3 ha in extent is situated on the northern portion maintaining a distance in excess of 290m from the wine cellar. The southern portion is not developed with dwellings, etc. The opinion is therefore held that the objection on the basis of noise and disturbance is unjustified.

Lastly it should be noted that the objector conducts an unauthorised accommodation establishment from his property, known as Stanford River Lodge, comprising three (3) self-catering units and guest rooms.

2. Objection

The proposed olive processing plant will add to the noisy hub. Could this not be located elsewhere as the property is surely large enough?

Applicant's comment

The owners have paid a significant price premium for a low noise olive press to limit its operational noise. It is similar to the wine press that they use and it will be in the same area. The owners are however prepared to limit the pressing times to acceptable daily hours.

Town Planner's comment

The applicant's comment is agreed with and will be incorporated in the conditions of approval. It should also be noted that the olive press is situated on the southern side of the wine cellar facing towards the application property. As such, any negative impacts in terms of noise and disturbance would firstly

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impact on visitors to the subject property which the applicant most certainly will avoid as far as possible.

3. Objection

We want to build on this side of our farm one day and anyone viewing the storage area at the back of the cellar / winery will understand our concerns.

Applicant's comment

The Springfontein owners have invested more than R50 000 in the planting of trees and shrubs and erecting fences along the boundary line to respect their neighbours needs and wishes. Once the objectors start developing their property they are entitled to erect further fencing / walls to protect their view, bearing in mind that the Springfontein operation has been in existence for years and they must have been well aware of this when they bought their farm.

Town Planner's comment

The comment from the objector as well as the applicant is noted. Most of the communal boundary is screened by mature trees, although existing screen planting rear of the wine cellar still needs to mature. The property is a working farm with a wine cellar. Therefore storage in relation thereto can be expected.

The siting of future dwellings on the southern portion of the objectors property, is unlikely to be south west facing, since the property owner would maximise on views, in this case views towards the north, north east of the Klein River and Klein River Mountains. It is thus unlikely that primary elevations will be south/south west facing towards the existing agricultural buildings on the application property. Even so, the objector can also introduce visual screening to ensure an acceptable outlook.

The objector already has amongst others a main dwelling, three self-catering units and guest rooms. Therefore it is unlikely, given the extent of the objectors property of 21 ha that additional dwelling units for short term accommodation purposes will be permitted.

4. Objection

We have no problem with the restaurant, subdivision, proposed houses etc. It is just the noise and visuals that impact us unfairly in the light of the fact that Springfontein is very large and could have alternative sites that would have less impact on our property. A stone wall should be considered to mitigate the present situation. However adding further to

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the industrialisation of this area is not fair to us and Stanford River Lodge.

Applicant's comment

These aspects have been dealt with previously but it can just be added again that Springfontein has been in existence for many years in its present position and to expect them to move their core of business to elsewhere on the farm is not feasible.

Town Planner's comment

The objection with regard to noise and visual impact relates to the agri-industry component. It must be borne in mind that the subject property is a working farm, whilst the objector's property is a small holding / lifestyle property. The agri-industry operated for years from the property without any known complaints, is situated in existing buildings around the historic farm werf and avoids high potential agricultural land. The opinion is therefore held that it is unrealistic to expect the applicant to move the agri-industry elsewhere on the premises. Lastly the activities, access etc. predominantly face towards the farm werf and not onto the objectors property. It is therefore not likely that the activities will unacceptably detract from the adjoining properties, since it would also affect the tourist facilities on the subject property.

5. Objection

To see this from our point of view it must be remembered that what is put behind the cellar / winery is in fact the "front" of us.

Applicant's comment

It is unfortunately that every business has a back yard and this even applies to houses as well where one must inevitably look into your neighbour's back yard. Sometimes the onus rests on you to do something about it with tree planting and walling.

Town Planner's comment

Refer to the comment under paragraphs 3 and 4 above.

6. Objection

We do not agree that the proposed land uses are compatible with the character of the surrounding area and that the approval of this application will not result in negative impacts on existing land use rights

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and that the impact of development on service infrastructure will be minimal and we further disagree that the attempts to establish the land use in the most desirable manner have been achieved.

Applicant's comments

The proposed land uses are in fact compatible with the surrounding land uses and one just have to look at all the properties in the area which include the objector's property and their proposed extensions by their own admission to see this.

The Springfontein Wine farm has been in existence for a long time and all infrastructure services have been installed a long time ago and no additional services need to be installed for the new extensions.

Town Planners comment

The subject property is a working farm with an existing wine cellar that supports the main farming activities. To date, there is no history of complaints pertaining to the day to day running of the farm based on noise or disturbance. Thus the opinion is held that the objections with the appropriate mitigation measures could be adequately addressed in the conditions of approval.

Evaluation

Agri Industry

The subject property is a working farm. The wine cellar is situated in an existing building and was originally approved by means of a temporary departure, dated 22 July 2006 following refusal of an application for rezoning to Agricultural Zone 2 (Agri Industry). The departure approval had already lapsed. The current Scheme Regulations provides for agri-industry as a consent use without the need for rezoning.

The portion of the wine cellar closest to the objectors' property is utilised for storage purposes. The view is held that the agri-industry supports the main farming activities and has been in existence for a number of years without any known complaint history. Similarly the olive processing is situated on the southern side of the wine cellar. Due to the limited scale it is not likely to have a significant impact on the adjoining property. The wine cellar and olive processing facility is therefore considered a compatible land use.

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Tourist Facility / Farm Store / Wine Tasting / Function Venue

Provision is made for two (2) wine tasting facilities, both situated within existing buildings. The proposed place of entertainment in order to permit live background music will be contained to the inside of the restaurant. The focus would be on background music that support the upmarket restaurant, seating a maximum of fifty four (54) guests. The farm store will sell bread, olive oil, wine, etc. from the farm and is situated in an existing building. The function venue is located in an existing building of 25m².

The aforementioned facilities being located in existing buildings clustered around the farm werf are not considered to unacceptably impact on the amenity of the area by reason of noise and disturbance. The operation of the facilities would be subject to the standard noise mitigation conditions. The facilities will also not interfere with the main farming activities.

Additional dwelling units

Three (3) additional dwelling units that will function as primary dwellings for the shareholders are proposed. These units will have a maximum footprint of 250m² in accordance with council's policy and will be located within formerly disturbed areas of the property. The final siting will be indicated on the Site Development Plan (SDP) as part of the conditions of approval.

The consent uses apart from the second wine tasting facility and the additional dwelling units will be clustered around the historic farm werf and is located either inside existing buildings or on already disturbed areas. The siting of the additional dwelling units will also occur on disturbed areas of the property and will be situated outside the 32m buffer from the wetland, which is to be indicated on the final SDP.

Having had regard to the above it is clear that the proposed consent uses supports the main farming activities (agri-industry), whilst diversification based on agri-tourism will not adversely impact on the main farming activities. The development of the property will create much needed employment opportunities, promote economic development and tourism and will not detract from the character of the area or amenity from adjoining properties. The development will be subject to standard conditions to mitigate noise.

The applicant will be self sufficient with regards to services and will have to ensure that the necessary permits is in place for water use and that water is suitable for human consumption.

Electricity is provided by Eskom, who did not object to the application.

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Sewage disposal, including sewage and waste water from the agri industry is dealt with by means of sewage conservancy tanks.

There is sufficient space on the existing parking area on the main farm werf to meet the relevant parking requirements. The applicant will however be required to submit a Site Development Plan, including a parking layout, demonstrating compliance with the Scheme Regulations.

The proposal is supported by the relevant government departments. The final siting of the three (3) additional dwelling units will be determined in conjunction with Cape Nature and Overstrand Environmental Management Services.

Conclusion

Having had regard to the evaluation above the application is deemed to be desirable and would not adversely impact on the vested rights of the surrounding properties, the character of the area or the natural environment.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Department of Agriculture

Attached as Annexure F.

Building Department, Russel Dickson – (028) 384 8300

Attached as Annexure G.

Department of Transport and Public Works

Attached as Annexure H.

Fire Services, J Schoeman, Hermanus (028) 313 8980

Attached as Annexure I.

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Eskom

Attached as Annexure J.

Breede Gouritz Catchment Management Agency

Attached as Annexure K.

Telkom

Attached as Annexure L.

Environmental Section, B Kondokter, Gansbaai – (028) 384 8300

Attached as Annexure M.

CapeNature

Attached as Annexure N.

Senior Manager : Engineering Services, D Hendriks – (028) 316 3724

Attached as Annexure O.

Department of Environmental Affairs and Development Planning

Attached as Annexure P.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Objection letter
- Annexure E: Comment on objection
- Annexure F: Department of Agriculture (National)
- Annexure G: Building Department
- Annexure H: Department of Transport and Public Works
- Annexure I: Fire Services
- Annexure J: Eskom
- Annexure K: Breede-Gouritz Catchment Management Agency
- Annexure L: Telkom
- Annexure M: Overstrand Environmental Section
- Annexure N: CapeNature
- Annexure O: Services Report

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Annexure P: Department of Environmental Affairs and Development Planning

RECOMMENDATION :

1. that the application for consent use (agri industry, tourist facility, place of entertainment, venue and additional dwelling units) applicable to Portion 1 of the Farm Springfontein No. 641, Division Caledon, in order to conduct a wine cellar (649m²), olive processing facility (81m²), place of entertainment from the existing restaurant (297m²), farm store (100m²), wine tasting from the existing tasting facility and the proposed farm store, function venue in an existing labourer's cottage (26m²) and the construction of three (3) additional dwelling units measuring 250m² each, **be approved** in terms of the provisions of Section 2.3 of the Overstrand Zoning Scheme Regulations subject to the following conditions:
 - (a) that the above approval does not exempt the applicant from compliance with any other applicable legislation;
 - (b) that a detailed Site Development Plan (SDP) including parking layout be submitted indicating the location and extent of all buildings, structures and land uses on the property;
 - (c) that the parking layout in accordance with the final approved SDP be implemented, properly demarcated and at all times be available for visitors;
 - (d) that the applicant/owner be responsible for the appointment of an acoustic/noise consultant and the implementation of mitigation measures, should any justified complaints with regard to noise/disturbance being received;
 - (e) that rates and service tariffs in respect of multi zoning as determined by the annual budget, which tariffs are automatically adjusted in terms of the annual budget be applicable;
 - (f) that sewage for the development referred to in paragraph 1. above be dealt with by means of sewage conservancy tanks and be indicated as such on the SDP;
 - (g) that the farm shop may not be conducted without a valid business license;
 - (h) that the necessary competency certificates with regard to the preparation of food, as well as a certificate of the Chief: Fire Services be obtained;

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- (i) the sale of liquor be subject to a valid liquor license;
 - (j) that the relevant conditions of the Department of Transport and Public Works, Fire Services, Eskom, Breede-Gouritz Catchment Management Agency, Telkom, CapeNature, Engineering Services Report and the Department of Environmental Affairs and Development Planning (attached as Annexures H-L and N-P) must be adhered to;
 - (k) that the place of entertainment to conduct live music be restricted to the restaurant as per the approved SDP;
 - (l) that the consent uses approved in terms of paragraph 1 above be conducted in such a manner that it is not found detrimental to the peacefulness and amenity of the area, and
 - (m) that the pressing of olives be restricted between 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, excluding public holidays.
2. that the applicant be notified of their right of appeal in terms of the Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RESPONSIBLE OFFICIAL : **SW VAN DER MERWE**

TARGET DATE FOR IMPLEMENTATION : **11 JULY 2018**

TARGET DATE TO INFORM APPLICANT : **11 JULY 2018**

TARGET DATE TO INFORM OBJECTORS : **11 JULY 2018**

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**2.
PORTIONS 1 AND 2 OF THE FARM SPRINGFONTEIN NO. 641, DIVISION
CALEDON : APPLICATION FOR CONSENT USE : MESSRS WRAP CONSULTANCY
ON BEHALF OF SPRINGFONTEIN WINE ESTATE (PTY) LTD**

**Portions 1 & 2/641 (3138)
SW van der Merwe (028) 313 8900 Hermanus Administration
15 May 2018**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 JUNE 2018, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL : SW VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION : 11 JULY 2018

TARGET DATE TO INFORM APPLICANT : 11 JULY 2018

TARGET DATE TO INFORM OBJECTORS : 11 JULY 2018

Location Map

Subject properties
Klein River

Plan 3

Portions 1 and 2 of Farm 641,
Caledon

Plan: 31/08/15

Scale: 1:12 500

All distances approximate and subject to survey.

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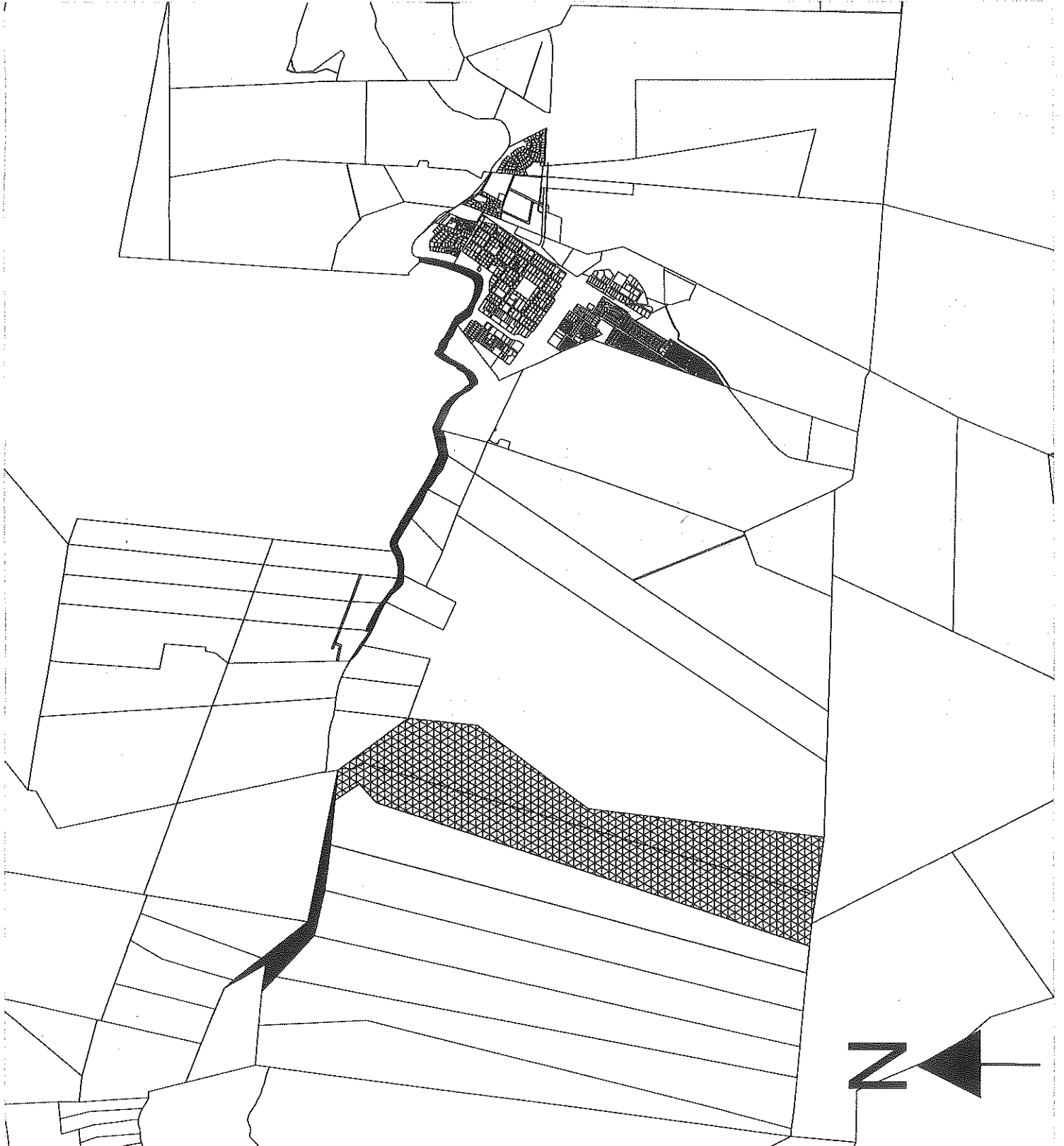
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WRAP

WRIGHT APPROACH CONSULTANCY





Site Development Plan

- Place of entertainment
- Existing wine cellar
- Olive processing facility
- Wine tasting facility
- Farm store
- Venue

Portion 1 and 2 of Farm 641, Caledon

Plan: 11/051/04

All distances approximate and subject to survey.

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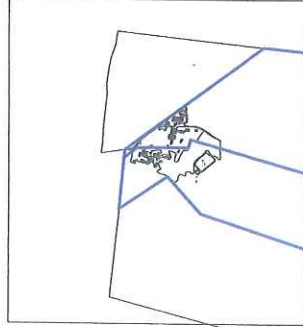





Scale 1: 30 000

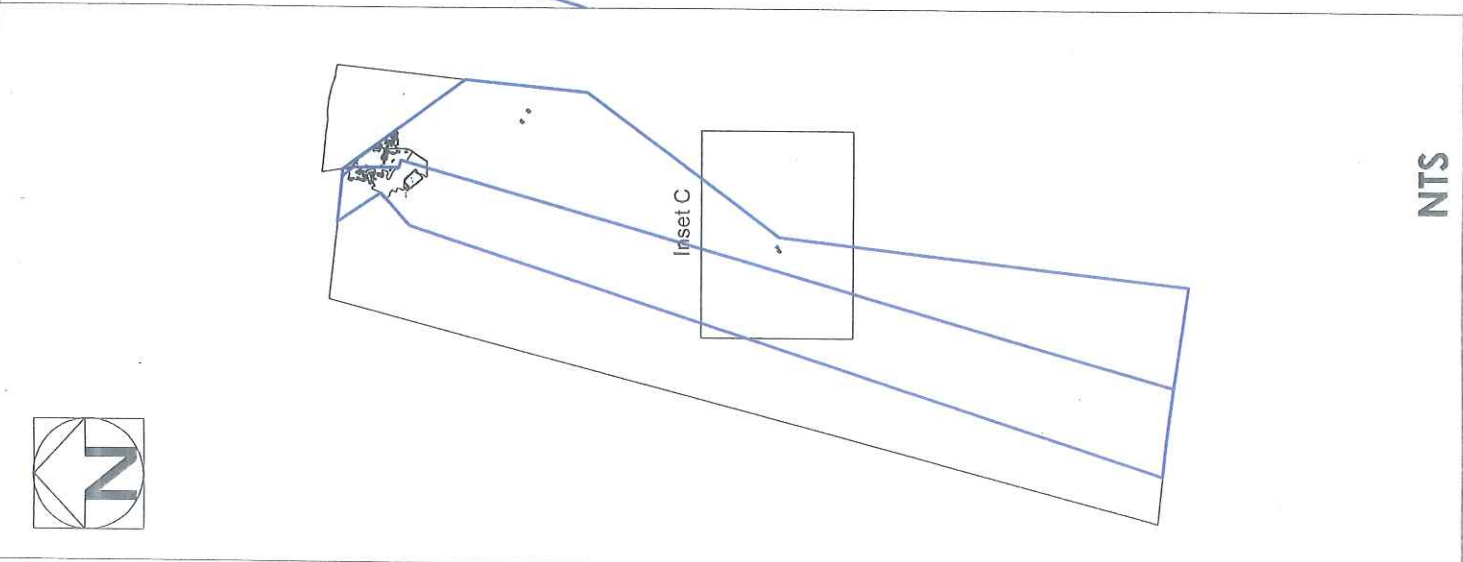
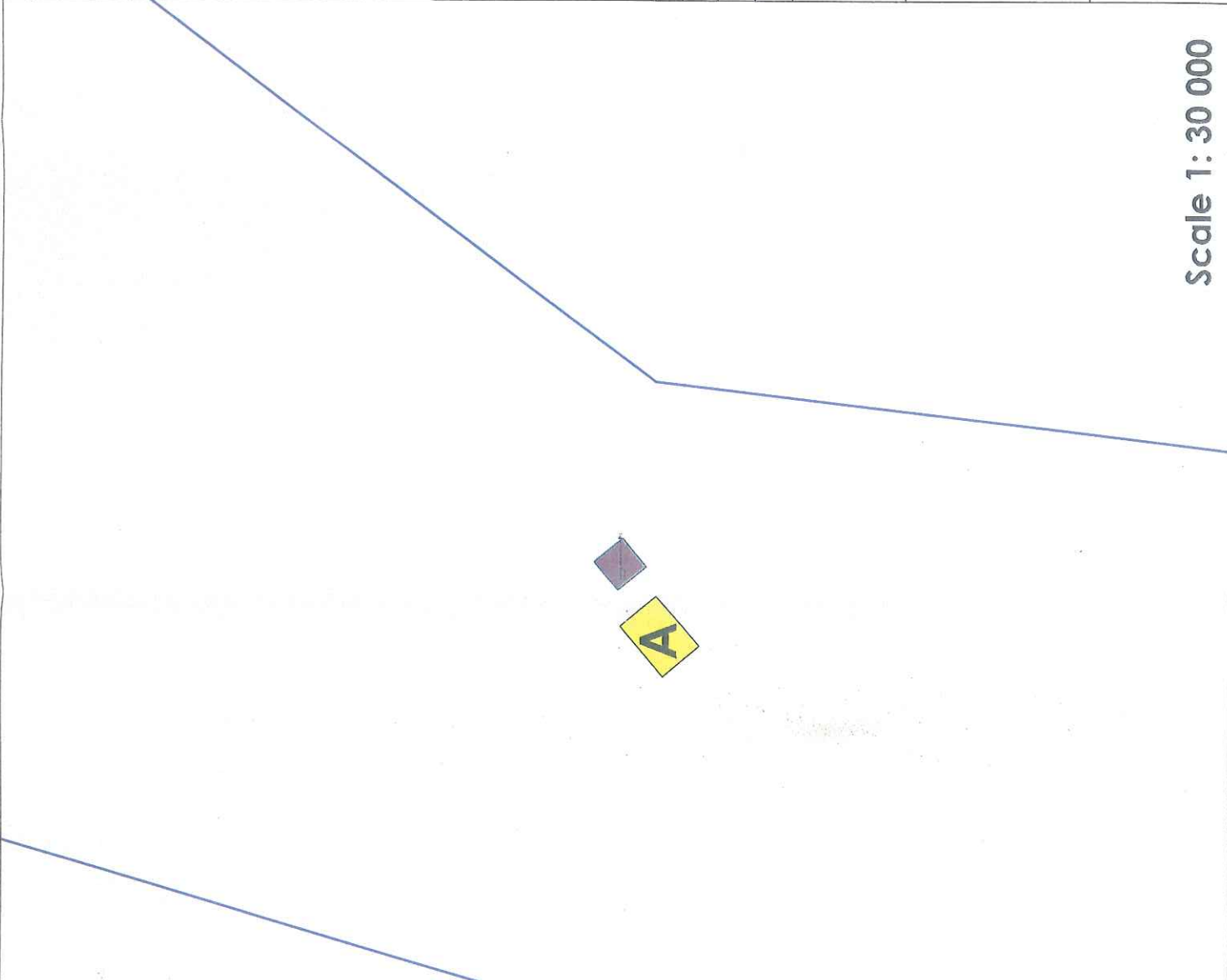
NTS



Inset A





<p>Site Development Plan</p> <ul style="list-style-type: none">  Second wine tasting facility  One additional dwelling units 	<p>Portion 1 and 2 of Farm 641, Caledon Plan: 11/051/02</p>	<p>All distances approximate and subject to survey.</p> <p><small>WRAP makes no warranty of any kind, expressed or implied with regard to data and shall not be held liable in any event for any incidental or consequential damages in connection with or arising out of the use of this data. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client.</small></p>	<p>1 Myrtle Avenue PO Box 1247 Hermanus 7200</p> <p>Tel: 028 313 1411 Fax: 086 508 3248 Email: wrap@telkomsa.net Web: www.wrapgroup.co.za</p>	 <p>WRIGHT APPROACH CONSULTANCY</p>
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Scale 1: 30 000

NTS

Site Development Plan

-  Farm boundaries
-  Two additional dwelling units
- Dwelling unit B
Co-ordinates
34°26'02.55"S
19°24'36.70"E
- Dwelling unit C
Co-ordinates
34°26'03"S
19°24'38"E

Portion 1 and 2 of Farm 641, Caledon

Plan: 28/10/16

All distances approximate and subject to survey.

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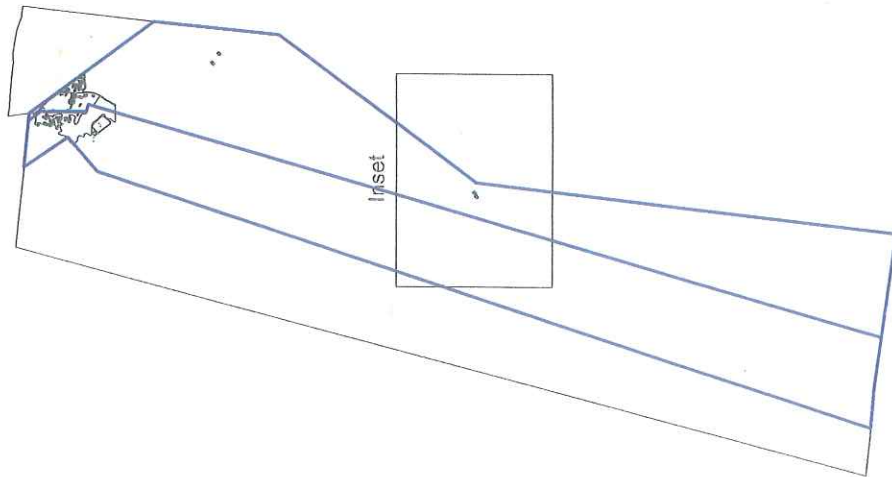
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ANNEXURE B 3/3



Scale 1: 30 000

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1. EXECUTIVE SUMMARY

Portions 1 and 2 of Farm 641, Caledon have extents of 165.3137 and 171.3064 hectares respectively and are zoned as Agriculture Zone I: Agriculture. The properties are located approximately 4 kilometres west of Stanford, along Die Plaat road and are developed with the Springfontein Wine Estate. The farms are developed with approximately 28.4511 hectares of vines, a wine cellar and a number of residential buildings (most of which are labourer's cottages). On 22 July 2006 the Executive Mayor of the Overstrand Municipality resolved that an application for the development of a winery on the above properties, be approved by means of a departure. However, the application to rezone the properties to Agriculture Zone II was not supported.

The owners also expressed the need for the development of the farm into a tourist destination, where a number of tourist amenities are provided in support of the existing agricultural land use of the property.

On 11 August 2015, the Overstrand Municipality also approved the following applications:

The **CONSOLIDATION** of Portions 1 and 2 of Farm 641, Caledon into Portion A;

0. The **SUBDIVISION** of Portion A into 2 portions (Portion A – 167.8838 ha; and Portion B – 167.2353 ha) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985); and

1. **DEPARTURE** from the prescribed building lines (30 meters to 15 meters) in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

APPLICATION was also made for **CONSENT USE** for a place of entertainment on Portion 1 of the Farm 641 Caledon in terms of the Land Use Planning Ordinance, 1985 (no. 15 of 1985) in June 2015 and this application is now extended and will include the following applications in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013:

1. **CONSENT USE** for a place of entertainment on Portion A (formerly a portion of Portion 1);
2. **CONSENT USE** for an agricultural industry on a portion of Portion A (649 m²) (formerly a portion of Portion 1) in order to accommodate an existing wine cellar;
3. **CONSENT USE** for an agricultural industry on a portion of Portion A, (81 m²) (formally a portion of Portion 1) for the establishment of an olive processing facility;
4. **CONSENT USE** for the establishment of a tourist facility (wine tasting facility) on Portion A (formerly a portion of Portion 1) in order to accommodate an existing wine tasting facility;
5. **CONSENT USE** for the establishment of a tourist facility (farm store) on Portion A (formerly a portion of Portion 1);
6. **CONSENT USE** for the establishment of a tourist facility (second wine tasting facility) on Portion A (formerly a portion of Portion 1);
7. **CONSENT USE** for the establishment of 3 additional dwelling units on Portion A (formerly a portion of Portion 1); and
8. **CONSENT USE** for the establishment of a tourist facility (venue) on Portion A (formerly a portion of Portion 1).

2. PROJECT DESCRIPTION

Portions 1 and 2 of Farm 641, Caledon had extents of 165.3137 and 171.3064 hectares respectively and are zoned as Agriculture Zone I: Agriculture. After the recent approval of the application for subdivision and consolidation of the aforementioned two properties, the extent of Portion A is approximately 167.8838 ha and the extent of Portion B is approximately 167.2353 ha. The properties are located approximately 4 kilometres west of Stanford, along Die Plaat road and are developed with the Springfontein Wine Estate. The farms are developed with approximately 28.4511 hectares of vines, a wine cellar and a number of residential buildings (most of which are labourer's cottages).

On 22 July 2006 the Executive Mayor of the Overstrand Municipality resolved that an application for the development of a winery on the above properties, be approved by means of a departure. However, the application to rezone the properties to Agriculture Zone II was not supported (refer **Annexure A**). The owners approached the Department of Transport and Public Works for the erection of tourism signs along Die Plaat road and were informed that approval will not be issued unless the correct zoning for the wine cellar has been obtained. The cellar is also developed with a wine tasting facility for tourists.

It is the intention to develop the farm into a proper guest farm that includes a restaurant, wine tasting facilities, a venue, a farm store, an olive processing facility as well as overnight accommodation facilities for tourists.

In light of the above, Wright Approach (WRAP) Consultancy has been appointed for the submission of this application (refer **Annexure B**).

3. PHYSICAL SIZE OF THE LAND USE PROPOSAL

The physical size of the different land uses are as follows:

Portion A (formerly a portion of Portion 1)

- o Wine cellar: 649 m²;
- o Olive process facility: 81 m²;
- o Tourist facility: 297 m² (restaurant) and 29 m² (bakery);
- o Farm store: 100 m²;
- o Wine tasting facility located within wine cellar: 61 m²;
- o Second wine tasting facility: 100 m²;
- o Venue: 25 m²;
- o Guest house 1: 247 m² (3 bedrooms);
- o Guest house 2: 213 m² (2 bedrooms); and
- o Additional dwelling units: 250 m² each.

4. THE APPLICATION

Application is hereby made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

1. **CONSENT USE** for a place of entertainment on Portion A (formerly a portion of Portion 1);
2. **CONSENT USE** for an agricultural industry on a portion of Portion A (649 m²) (formerly a portion of Portion 1) in order to accommodate an existing wine cellar;
3. **CONSENT USE** for an agricultural industry on a portion of Portion A, (81 m²) (formally a portion of Portion 1) for the establishment of an olive processing facility;
4. **CONSENT USE** for the establishment of a tourist facility (wine tasting facility) on Portion A (formerly a portion of Portion 1) in order to accommodate an existing wine tasting facility;
5. **CONSENT USE** for the establishment of a tourist facility (farm store) on Portion A (formerly a portion of Portion 1);

6. **CONSENT USE** for the establishment of a tourist facility (second wine tasting facility) on Portion A (formerly a portion of Portion 1);
7. **CONSENT USE** for the establishment of 3 additional dwelling units on Portion A (formerly a portion of Portion 1); and
8. **CONSENT USE** for the establishment of a tourist facility (venue) on Portion A (formerly a portion of Portion 1).

5. PROPERTY DETAILS

Property description

The characteristics of the subject property, as contained in the relevant title deed, can be summarised as follows:

Portion 1 (Springfontein) of the Farm Springfontein No.641, Division of Caledon, Western Cape Province.

Extent

165.3137 hectares

Ownership

Springfontein Wine Estate (Pty) Ltd (Reg Nr. 199600649407)

Title deed number

T 58981/96

Portion 2 (Springfontein) of the Farm Springfontein No.641, Division of Caledon, Western Cape Province.

Extent

171.3064 hectares

Ownership

Springfontein Wine Estate (Pty) Ltd (Reg Nr. 199600649407)

Title deed number

T 58981/96

6. TITLE DEED

A study of the title deed of the properties revealed that no restrictive conditions have been registered, that prohibits the approval of this application. A bond has been registered over the properties. However, last-mentioned is not registered with a financial institution, but with a private establishment.

7. LOCATION IN THE LANDSCAPE

As mentioned previously, the subject properties are located approximately 4 kilometres west of Stanford, on the southern bank of the Klein River, within the Overstrand Municipality. The properties are bound by Portion 5 of Farm 640 and Portion 6 of Farm 643 to the north, Portion 12 of Farm 643 to the east, the Remainder of Farm 722 and Farm 721 to the south and Portion 3 of the Farm 641 to the west.

8. SITE ACCESS

Access to the properties is via Die Plaat road. Three access points provides access to the subject properties, even though Portion 1 did not have direct access to abovementioned road. However, with the approval of the re-alignment proposal, direct access to Portion 1 was ensured. No additional access points will be created for the purposes of this application.

9. LAND USE AND STATUS QUO

(i) Zoning

In terms of the Overstrand Municipality Zoning Scheme, dated June 2013, the application area is zoned as Agriculture Zone I: Agriculture. Therefore the following land use rights and restrictions are applicable to the property.

AGRICULTURAL ZONE I	
Primary uses	Agriculture, dwelling house, day care centre, guest rooms, home occupation
Consent uses	Additional dwelling units, agricultural industry, animal care centre, aquaculture, crèche, farm shop/stall, guest house, hotel, institution, intensive animal farming, intensive horticulture, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, rooftop base station, service trade, tourist accommodation, tourist facilities, transmission tower, utility services, wellness centre, 4x4 trail.
DEVELOPMENT RULES	
Street building line (greater than 10 ha)	30 metres
Common boundary lines	30 metres

(ii) Built infrastructure

Portion A is developed with an old primary dwelling unit, a barn, the wine cellar (with a tasting room), 4 labourers cottages, a swimming pool and a tennis court. Approximately 17.6310 hectares of vines is also established on the property.

Portion B is developed with a dwelling unit, and a labourer's cottage. The farm is also developed with approximately 10.8201 hectares of vines.

(iii) Services

Water is obtained from a spring for agricultural purposes. Domestic water is pumped from an existing borehole. The owners are in the process of registering a second borehole with the Department of Water Affairs. Rainwater is also captured on the wine cellars roof, from where it is led to a holding dam for later use.

The wine cellar is developed with a conservancy tank. All waste water that is generated by the cellar is captured in this tank and is pumped on a regular basis.

Residential units are all developed with conservancy tanks.

The buildings on the property are all developed with electricity. Eskom is the local service provider.

(iv) Surface water

A spring and associated wetland area have been identified on the property.

However, the above areas have been delineated and a 32 meter buffer area will be maintained in order not to impact on these resources.

10. LAND USE CHARACTER OF THE SURROUNDING AREA

The character of the surrounding area can be described as rural in nature. Agricultural, tourism, conservation and residential land uses can be observed in the landscape.

11. SPATIAL PLANNING INITIATIVES

(i) THE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

The above document was studied and the development proposal measured against the principles, etc contained in this document. The following was found to be relevant:

Provincial Economy – Challenges and opportunities.

- The contribution of the primary and secondary sectors is stagnating or declining relative to the tertiary sector, while the tertiary sector is generally less labour intensive and therefore economic growth is not linked to job creation. There is therefore decreasing employment for unskilled labourers.
- The primary sector, comprising the extractive industries and agriculture, remain a mainstay of the Western Cape economy. Value-added agriculture (e.g. juice, **wine**, rooibos) is growing strongly, but some traditional strongholds, such as the fruit industry, are under pressure due to lack of new investment, interest rate dependency and international competition.
- The agriculture sector remains an important contributor to the provincial economy, despite its shrinking GRP contribution over the last few years. For example, 20% of manufacturing jobs in the City of Cape Town is agriculture related. The sector also plays a key role as labour intensive employer of unskilled and semi-skilled labour, increased casualization is however increasingly threatening the security of these workers.
- Continued expansion of agricultural exports depends on farmers' ability to maintain their competitive position, the level of the exchange rate and the growth in world markets.
- Agricultural niche markets such as natural products (e.g. honeybush, rooibos tea and buchu), medicinal herbs, essential oils, olives as well as **agri-processing** opportunities should be pursued as ways of expanding the growth and employment extent of the agricultural sector.
- **Tourism** is an important sector with potential for future growth, but labour requirements are mainly seasonal and therefore often on a part-time basis.
- Solving unemployment will require a broader approach, which focuses on a number of sectors, in order to be more successful in addressing job creation and sustained economic growth.
- Policy effort should be focused on supporting the consolidation and clustering of sectors, setting up of institutions and drawing in investment into areas that offer sector comparative advantages and agglomeration opportunities.
- Tourism investment is likely to provide the bulk of investment inflow in the areas outside of the metropolitan area.

(ii) THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK

This document contains certain goals and objectives that serve as a guideline for development in the Overstrand Municipal area. The following is relevant to the proposed development:

Goal: To develop and maintain a strong local economic base in rural areas, through **the promotion of non-consumptive tourism** and the role of agriculture in the municipal economy.

Objectives:

- To develop a clear and appropriate tourism management/capture strategy based on the **natural and heritage resources of the rural areas**;
- To **develop and stimulate economic activity** in a responsible and appropriate manner;
- To market the area more effectively;
- To promote tourism as a community based and community driven industry with substantial potential for providing direct and indirect economic benefits to the community; and
- To investigate opportunities and requirements for **incorporating agricultural activities into the tourism strategy** for the area.

12. DEVELOPMENT OBJECTIVES

On 11 December 2013 the Overstrand Municipality approved the operation of a restaurant on the subject property. Subsequent to this approval, *Springfontein Eats* has started operations as the aforementioned restaurant. Currently *Springfontein Eats* is ranked as the number one restaurant in the Western Cape by TripAdvisor South Africa and has proven to be hugely popular with local residents as well as tourists visiting the Overstrand area.

It is proposed to provide live music within the restaurant to enhance the dining experience for guests. It must be stated from the outset that it is not proposed to hold music concerts within the restaurant. The live music provided will be unobtrusive and limited to the restaurant itself.

The restaurant has a total floor area of approximately 297 m². This includes the kitchen, seating area, bar area, restrooms, etc. The restaurant can accommodate a maximum of 54 seated guests.

The area where the musician/musicians can set up their equipment/instruments is indicated on **Plan 1**. It must be stated that this is not a fixed position and should the need arise, aforementioned musicians will be moved around, within the confines of the restaurant.

It is therefore evident that the proposed land use will not require any additions to the current restaurant. The land use will furthermore not increase the capacity of the existing restaurant.

Application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

12.1 CONSENT USE for a place of entertainment on Portion A (formerly a portion of Portion 1).

As mentioned in previous sections, the wine cellar that is developed on the property has been approved as a departure, which in our opinion is not the correct manner in which to accommodate such a land use on agricultural land. It is therefore proposed to apply for a consent use for an agricultural industry for the footprint of the wine cellar in terms of the Agriculture Zone I: Agriculture.

It is also proposed to establish an olive processing facility in an existing labourer's cottage in the future. A small number of olive trees are present on the property and it is the intention that the processing facility will only be a boutique facility and not a large scale industrial operation. It is proposed to process these olives on the property and to sell the products in the farm store.

Application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

12.2 CONSENT USE for an agricultural industry on a portion of Portion A (649 m²) (formerly a portion of Portion 1) in order to accommodate an existing wine cellar; and

12.3 CONSENT USE for an agricultural industry on a portion of Portion A, (81 m²) (formally a portion of Portion 1) for the establishment of an olive processing facility.

An existing wine tasting facility is developed in the wine cellar. However, planning approval was never obtained for the establishment of this specific land use on the property. The tasting facility consists of a small kitchen and 2 bathrooms on the first floor and the tasting room on the second floor. It is proposed to accommodate this specific land use as a tourist facility on the Agriculture Zone I zoning of the property. The definition of a tourist facility reads as follows:

"Tourist facilities mean amenities for tourists such as lecture rooms, restaurants, gift shops, cafés, restrooms, recreational facilities, animal parks (domestic or otherwise, but do not include a hotel or overnight facilities)".

In light of the above, application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:



WRAP

APPLICATION DETAIL AND MOTIVATION

12.4 CONSENT USE for the establishment of a tourist facility (wine tasting facility) on Portion A (formerly a portion of Portion 1) in order to accommodate an existing wine tasting facility.

It is furthermore proposed to develop a farm store within the old barn, located next to the dwelling unit that was converted into the restaurant.

The store will have an extent of 100 m² and farm products (such as olive oil, bread and wine) will be sold here. Application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

12.5 CONSENT USE for the establishment of a tourist facility (farm store), on Portion A (formerly a portion of Portion 1);

It is also proposed to establish a second wine tasting facility on the property. This facility will only be utilised occasionally and will be located in an old labourer's cottage. The tasting facility will have a footprint of approximately 100 m².

Application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

12.6 CONSENT USE for the establishment of a tourist facility (second wine tasting facility) on Portion A (formally a portion of portion 1) in terms of Cause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013.

A structure, previously used as a labourer's cottage will also be used as a venue where functions and ceremonies can take place in. Last-mentioned unit will be located on Portion A. The venue will have a footprint of only 26 m². Application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

12.7 CONSENT USE for the establishment of a tourist facility (venue) on Portion A (formerly a portion of Portion 1);

Labourer's cottages on Portion A that were renovated, as well as the dwelling unit located on Portion B, have been utilised in the past for overnight tourism accommodation.

However, the labourer's cottages are currently used for the actual housing of labourers on the farm, and the dwelling unit located on Portion B will in the near future also be converted to labourer's accommodation.

Three additional dwelling units, on Portion A, are also proposed for the shareholders of the company that owns the farm. These units will be utilised by the shareholders for accommodation purposes and will have footprints of 250 m² each.

The coordinates for the units are as follows:

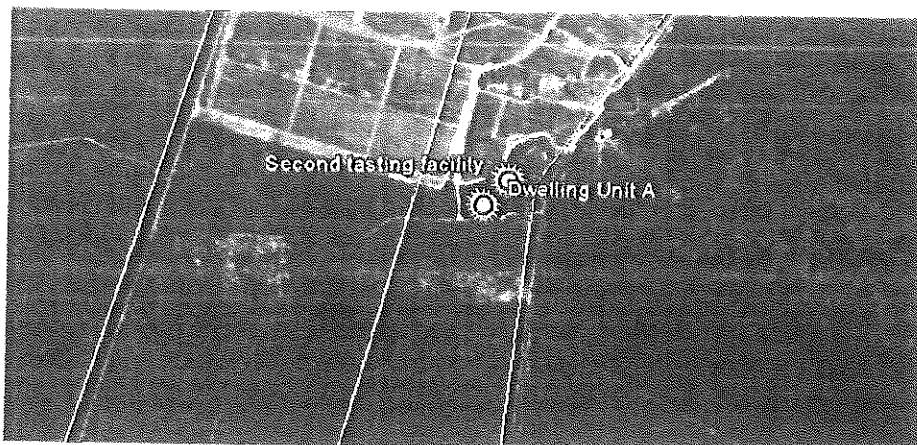
Unit B: 34°26'02.55"S & 19°24'36.70"E; and

Unit C: 34°26'03"S & 19°24'38"E.

In light of the above, application is therefore made in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 for the following:

12.8 CONSENT USE for the establishment of 3 additional dwelling units on Portion A.

Unit A and the second wine tasting facility will be developed in the southern part of the property, alongside existing roads and within already disturbed areas.



(Figure 1: Unit A and second wine tasting facility.)

With the development of the old primary dwelling unit located on Portion A into the restaurant and farm store, Portion A will not have a primary dwelling unit anymore. It is

therefore proposed to establish a primary unit at 34°25'51.49"S & 19°24'44.27"E. The unit has been located 32 meters from the edge of the watercourse that have been identified near this specific unit and also conforms to the prescribed building lines of the property. The unit will have a footprint of 234 m² and will be single storey. The unit is located next to an existing road and within an area that has been disturbed by previous agricultural activities. No indigenous vegetation will therefore be removed.

13. CONSISTENCY WITH SPATIAL PLANNING INITIATIVES AND LEGISLATIVE COMPLIANCE

From the spatial planning documents that have been discussed in Section C10, it is evident that the proposed land uses are indeed consistent with the goals, objectives and strategies of these documents. The proposed land uses will support the existing primary agricultural activities present on the farm, without having a negative impact on last-mentioned activities. The proposals will furthermore contribute immensely towards the tourism sector of the Overstrand Municipality. The economic base of the property is also broadened making the farms more economically viable agricultural units.

All of the proposed land uses have been placed and screened with the listed activities in mind as published under the National Environmental Management Act, 1998 (Act No. 107 of 1998). It can be confirmed that no listed activities, in terms of the above act, are triggered. No indigenous vegetation will be removed for the purposes of this application, no new roads will be constructed and all new buildings have been set back at least 32 meters from any watercourse.

It is furthermore maintained that activities 5 and 6, as contained under Listing Notice 3 of the National Environmental Management Act, 1998 (NEMA) are not applicable. The land use is not located within 10 kilometres from a national park or a world heritage site, nor is it located 5 kilometres from a protected area identified in terms of NEMPAA.

The units are also not located within 5 kilometres from the core area of a biosphere reserve. No units are proposed near the estuary, nor is it located on the seaward side of the development setback line, or 1 kilometre from the high-water mark of the sea. Critical biodiversity areas have not yet been adopted by the competent authority and therefore it is maintained that this specific listed activity is not applicable. It should also be emphasized that the footprint of the wine cellar is well below the prescribed thresholds in terms of NEMA.

Some of the buildings that will be renovated are older than 60 years and therefore the Heritage Resources Act, 1999 (Act 25 of 1999) is applicable. However, Maureen Wolters Architects will be submitting the necessary documentation to Heritage Western Cape for the obtainment of their approval for the proposed development.

14. NEED AND DESIRABILITY OF THE LAND USE PROPOSAL

Considering the fact that tourism contributes significantly towards the GDP of the Overstrand Municipality, it is evident that there is a definite need for this sector to be further developed.

Agriculture, forestry and fishing only contribute 4% of the total GDP for the municipality. It is therefore imperative that this sector be further developed and supported.

The development proposal as it currently stands will certainly contribute towards the development of the tourism sector of the Overstrand Municipality and will certainly promote the further development of the local agricultural sector. A need has also arisen for the consent for the footprint of the wine cellar. As mentioned previously, the wine cellar was accommodated by a departure approval.

The Department of Transport and Public Works has indicated that no tourism roadside signage may be erected, informing road users of the cellar, without the consent in terms of Agricultural Zone 1: Agriculture in place. It is therefore imperative that said consent be approved, as the absence of proper signage has a very negative impact on the "visibility" of the cellar.

The proposal has also been compiled in what is considered the most desirable manner. Land uses have been placed in existing buildings where possible and the greater majority of new buildings have been placed on already disturbed land. It is therefore maintained that the vegetation will not be disturbed by the construction of the units, or by the associated operations thereof.

The units on Portion A will be located in areas where disturbance has already occurred (alien vegetation) and will therefore not necessitate the removal of any indigenous vegetation. Land uses have also been located outside of agriculturally productive areas so as not to interfere with the primary activities of this specific land use.

The application area is located approximately 4 kilometres west of Stanford and is therefore ideally located to contribute and to gain from the tourism sector of this popular tourist destination. The land uses on the property have furthermore been located in such a manner as to have the least possible impact on the natural environment and will also not have any impact on the primary land use rights associated with the existing Agriculture Zone I zoning.

With the approval of the re-alignment application, direct access from Die Plaat road was ensured for Portion A. Even though Die Plaat road is a gravel road, it can be easily navigated with a normal vehicle and therefore it is maintained that the application area enjoys excellent accessibility.

As mentioned in a previous section, the character of the surrounding environment can be described as rural in nature. A number of tourism related activities can be observed in the landscape, functioning alongside agricultural land uses. The proposed land uses, as contained within this development proposal, are all considered as compatible with the character of the surrounding environment. It is also maintained that the land use proposals will not have any negative impact on the natural environment.

With the approval of this application, a number of additional land use rights will be established. All of the additional land use rights are considered as compatible with the existing land use rights established in the area and therefore no negative impact within this regard are foreseen.

15. IMPACT ON SERVICE INFRASTRUCTURE

Water Supply

Domestic water is pumped from an existing borehole. The owners are in the process of registering a second borehole with the Department of Water Affairs.

Electricity Supply

Units will be developed with electricity and therefore this application has been sent to Eskom for comment. Upon receipt of such comment, it will be circulated to all relevant departments.

Sewage System

Currently the wine cellar is developed with a conservancy tank, while the residential units on the property are developed with soak-away drains (due to the age of the buildings). Last-mentioned is not regarded as desirable and therefore it is proposed to develop all new buildings with conservancy tanks that will be serviced on a regular basis.

16. GRANTING AND REFUSAL OF APPLICATION

The Land Use Planning Ordinance, 1985 (no 15 of 1985) in Section 36 stipulates that:

- o "any application shall be refused solely on the basis of a lack of *desirability* of the contemplated utilization of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned", and
- o "regard shall be had, in considering relevant particulars to only the *safety and welfare of the members of the community* concerned, the conservation of the natural and developed environment concerned or the effect of the application on existing rights concerned".

The acceptance of land use on a specific land portion must be tested in accordance with the physical characteristics of the property, existing planning in the area, and the character of the environment, the potential, location and accessibility of the property as well as the provision of service infrastructure to the proposed development.

It has been motivated in the above sections that the proposal as contained within this application is indeed desirable and that it is consistent with the principles of the applicable structure plan and other spatial initiatives.

It was also shown that the proposal will not have any negative impact on existing land use rights of surrounding property owners or of the land use rights associated with the existing zoning of the property. Lastly it was proven that the proposal will not have a negative impact on the safety and welfare of the members of the community and will not have any detrimental impact on the natural or developed environment.

In light of the above it is maintained that this application complies with the provisions of Section 36 of the Land Use Planning Ordinance, 1985 (no.15 of 1985) and therefore it is our recommendation that this application be approved.

17. RECOMMENDATION

This motivational report has provided a clear and complete analysis of the land use proposal. It was shown that the proposal is indeed consistent with existing spatial planning initiatives and that there is a definite need for development such as this to be approved.

This application furthermore attempts to establish the land use in the most desirable manner. Being located close to an existing tourist destination and enjoying excellent accessibility, it is maintained that the subject property is perfectly located for the proposed development.

It was also shown that the proposed land uses are compatible with the character of the surrounding area and that the approval of this application will not result in negative impacts on existing land use rights. Lastly it was shown that the impact of the development on service infrastructures will be minimal.

In light of this motivational document, it is our recommendation that the following applications in terms of Clause 2.2 of the Overstrand Municipality Zoning Scheme of June 2013 be approved:

1. **CONSENT USE** for a place of entertainment on Portion A (formerly a portion of Portion 1);
2. **CONSENT USE** for an agricultural industry on a portion of Portion A (649 m²) (formerly a portion of Portion 1) in order to accommodate an existing wine cellar;
3. **CONSENT USE** for an agricultural industry on a portion of Portion A, (81 m²) (formally a portion of Portion 1) for the establishment of an olive processing facility;
4. **CONSENT USE** for the establishment of a tourist facility (wine tasting facility) on Portion A (formerly a portion of Portion 1) in order to accommodate an existing wine tasting facility;
5. **CONSENT USE** for the establishment of a tourist facility (farm store) on Portion A (formerly a portion of Portion 1);
6. **CONSENT USE** for the establishment of a tourist facility (second wine tasting facility) on Portion A (formerly a portion of Portion 1);
7. **CONSENT USE** for the establishment of 3 additional dwelling units on Portion A (formerly a portion of Portion 1); and
8. **CONSENT USE** for the establishment of a tourist facility (venue) on Portion A (formerly a portion of Portion 1).

TR A Theert
(S vld merwe)**Alida Calitz - COMMENTS ON PROPOSED CONSENT USES BY FARM
SPRINGFONTEIN**

From: "Valda Finch" <stanfordriverlodge@gmail.com>
To: <alida@overstrand.gov.za>
Date: 2016/03/18 02:53 PM
Subject: COMMENTS ON PROPOSED CONSENT USES BY FARM SPRINGFONTEIN

ATTENTION : SKALK VAN DER MERWE

To whom it may concern

My comments only relate to the noise and visual impact that the proposals have to our property and its value. There is a very noisy generator placed very close to our boundary and there is a lot of vehicular traffic eg. Tractors etc concentrated on a small area that impacts enormously on the peace and tranquility of Stanford River Lodge.

These "new" proposals include an olive processing plant which will add to this noisy hub. Could this not be located elsewhere as the property is surely large enough to accommodate this and at least be considerate to our small property.

We want to build on this side of our farm one day and anyone viewing the storage areas etc at the back of the cellar/winery will understand our concerns.

We have no problem with the restaurants, subdivision; proposed houses etc. – it is just the noise and visuals that impact us unfairly in light of the fact that Springfontein is very large and could have alternative sites that would have less impact on our property. A stone wall should be considered to mitigate the present situation, however, adding further to the "industrialisation" of this area is not fair to us and Stanford River Lodge.

To see this from our point of view it must be remembered that what is put "behind" the cellar / winery is in fact the "front" for us.

I hope our interests are also considered in this application.

We do not therefore agree that "proposed land uses are compatible with the character of the surrounding area and that the approval of this application will not result in negative impacts on existing land use rights" and "that the impact of the development on service infrastructures will be minimal" and we further disagree that the "attempts to establish the land use in the most desirable manner" have been achieved.

Yours faithfully

John & Valda Finch
Erf 643 Portion 6

Stanford River Lodge
 4 Star Guesthouse on the River
 www.stanfordriverlodge.co.za
 028 3410 444 / 072 44 99 557

FILE NO:	Farm 646
SCAN NO:	65
COLLABORATOR NO:	887234

13 MAR 2016

15 MAR 2016



WRAP



TP - A Theart
(S vld Merwe)

ESTABLISHED
2002

Town and
Regional
Planning

Municipal
Legislation
and Procedures

Local Economic
Development
Technical
Assistance

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Web:
www.wrapgroup.co.za

Wright Approach
Investments 134 CC

Reg No
CK 3002/060705/03

Our Reference: 15/011

7 April 2016

The Director: Infrastructure and Planning
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Schalk van der Merwe

Sir

PORTIONS 1 AND 2 OF FARM 641 DIVISION CALEDON OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE

Our application in the above regard and your letter dated 1 April 2016 refers.

We hereby formally respond to the objection that was received against the application from Valda Finch on behalf of Stanford River Lodge.

The points of objection have been summarised with our response below.

1. My comments only relates to the noise and visual impact that the proposal have on our property and its value. There is a very noisy generator placed very close to our boundary and there is a lot of vehicular traffic that impacts enormously on the peace and tranquillity of Stanford River Lodge.

As far as this objection is concerned it must be borne in mind that the property is zoned Agricultural Zone 1: Agriculture and the primary right under this zoning is defined as follows: "the cultivation of land for crops and plants including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, and comprises natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property, but excludes intensive horticulture, intensive animal farming, agricultural industry and a farm shop".

Any activity that conforms to this definition for agriculture is acceptable and this would include a generator (only for use during load shedding) and vehicular traffic.

FILE NO: PHS 162/1641
SCAN NO: 14
COLLABORATOR NO: 892107

TP - 8 APR 2016
11 APR 2016

The Springfontein farm has been a working farm since the late 1800 with its main core of business exactly where it is now and is within their primary rights and cannot be moved.

The generator is located at the only point possible and that is where the Eskom line comes unto their property and it covers all the electrical uses on the property which necessitates its location at the feeding point.

The owners have already spent a large sum of money to make the generator as sound proof as possible which was for the sole benefit of their neighbours as they would normally not be required to do so.

As far as the vehicular traffic and noise is concerned, it can be said that the entrance road has been in its present position since the establishment of the farm and the owners have by planting trees and scrubs on the boundary line tried to limit the noise and visual impact of the road.

2. These new proposals include an olive processing plant which will add to the noisy hub. Could this not be located elsewhere as the property is surely large enough?

The owners have paid a significant price premium for a low noise olive press to limit its operational noise. It is similar to the wine press that they use and is will be in the same area. The owners are however prepared to limit the pressing times to acceptable daily hours.

3. We want to build on this side of our farm one day and anyone viewing the storage area at the back of the cellar / winery will understand our concerns.

The Springfontein owners have invested more than R50 000 in the planting of trees and shrubs and erecting fences along the boundary line to respect their neighbours, needs and wishes. Once the objectors start developing their property they are entitled to erect further fencing/walls etc. to protect their view, bearing in mind that the Springfontein operation has been in existence for years and they must have been well aware of this when they bought their farm.

4. We have no problem with the restaurant, subdivision, proposed houses etc. it is just the noise and visual that impact us unfairly in the light of the fact that Springfontein is very large and could have alternative sites that would have less impact on our property. A stone wall should be considered to mitigate the present situation; however adding further to the "industrialisation" of this area is not fair to us and Stanford River Lodge.

These aspects have been dealt with previously but it can just be added again that Springfontein has been in existence for many years in its present position and to expect them to move their core of business to elsewhere on the farm is not feasible.

5. To see this from our point of view it must be remembered that what is put behind the cellar/winery is in fact the "front" of us.

It is unfortunately that every business has a back yard and this even apply to houses as well were one must inevitably look into your neighbour's back yard. Sometimes the onus rest on yourself to do something about it with tree planting and walling.

6. We do not therefore agree that "proposed land uses are compatible with the character of the surrounding area and that the approval of this application will not result in

WRAP

negative impacts on existing land use rights" and "that the impact of the development on service infrastructure will be minimal" and we further disagree that the "attempts to establish the land use in the most desirable manner" have been achieved.

The proposed land uses are in fact compatible with the surrounding land uses and one just have to look at all the properties in the area which include the objector's property and their proposed extensions by their own admission to see this.

The Springfontein wine farm has been in existence for a long time and all infrastructure services have been installed a long time ago and no additional services need to be installed for the new extensions.

The owners have spent millions on the development of the property and to say that they have not established the land use in the most desirable manner is an unfounded statement and a visit to the estate will prove them wrong.

7. Closing remarks

People who buy farm land to use it mainly for residential and guest house purposes, must be aware that they are buying property in an agriculturally active area and that nuisances noises with regard to agricultural production will definitely be present.

On the other hand it can be argued that semi-residential developments, as owned by the objector, within agricultural productive areas are not compatible with the agricultural production or with the agricultural character of such areas.

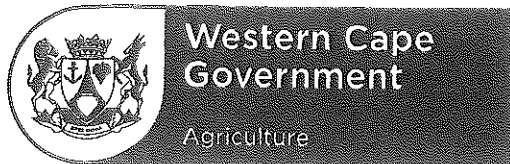
It is therefore recommended that this objection be dismissed.

We trust that you will find the above in order. Should you require any additional information within this regard, please do not hesitate to contact this office.

Yours faithfully



PINE PIENAAR
(Pr.Pln A/409/1985)



Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/2/110
YOUR REFERENCE : 15/011
ENQUIRIES : Cor van der Walt



WRAP
PO Box 1247
HERMANUS
7200

*TP- A Theart
(S vld Mene)*

Att: Pine Pienaar

PROPOSED CONSENT USE: DIVISION CALEDON
PORTION 1 OF THE FARM NO 641
PORTION 2 OF THE FARM NO 641

FILE NO:	<i>Pms 122/641</i>
SCAN NO:	<i>32</i>
COLLABORATOR NO:	<i>857102</i>

Your application of 28 August 2015 has reference.

The Western Cape Department of Agriculture has no objection to the proposed consent uses as applied for.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2015-11-09

Copy:

Overstrand Municipality
PO Box 20
Hermanus
7200

Office of the Director:
Infrastructure & Planning
Building Department

OVERSTRAND BUILDING DEPARTMENT

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Boubeheer

Navrae: Russel Dickson (Building Inspector – Gansbaai/Stanford)
Enquiries:

Lêerverwysing: Erf 641 port 1 & 2, Farms
File Reference:

Datum: 1 March 2016
Date:

Aan: Alida Calitz (Townplanning) – via email
To:

RE: APPLICATION FOR PROPOSED CONSENT USE ON ERF 641 port 1 & 2, FARMS

Herewith comment as requested on 18.02.2016

Overstrand Building Department does not have any objection to the application for consent use. Disable toilet to be provided where the distance is not more than 45 m for a person with disabilities.

Please feel free to contact me should any questions arise.

Kind Regards



R. Dickson
MR S MULLER

- DIRECTOR: INFRASTRUCTURE & PLANNING
- Cc: John Simson: Manager Building Department



ROAD NETWORK MANAGEMENT
 Email: Grace.Swanepoel@westerncape.gov.za
 tel: +27 21 483 4669
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

TR A Theart
 (Suld Merwe)

REFERENCE: 13/3/5/1-21/139 (Job 20608)

ENQUIRIES: Ms GD Swanepoel

DATE: 24 March 2016

The Municipal Manager
 Overstrand Municipality
 Gansbaai Administration
 PO Box 26
GANSBAAI
 7220



Attention: Mr S van der Merwe

Dear Sir



PORTION 1 AND 2 OF FARM SPRINGFONTEIN NO 641: APPLICATION FOR CONSENT USE

1. Your letter Ptn 1&2/641 Caledon (3138) dated 17 February 2016 refers.
2. The subject properties are located adjacent to Minor Road 4017 (Die Plaat Road) and have three accesses at approximately km 4.08, 4.32, and 4.51.
3. This application is for the following:
 - 3.1 Consent Use for Portion A (formerly a portion of Portion 1) in order to establish a place of entertainment (live music within the restaurant), tourist facility (existing wine tasting facility 649m² and wine cellar), olive processing facility (81m²), farm store(100m²), second wine tasting facility (100m²), 3 additional dwelling units and a function venue (25m²) and
 - 3.2 Consent Use for Portion B (formerly a portion of Portion 2) in order to establish 5 additional dwelling units.
4. This Branch offers no objection to the Consent Use application in terms of LUPO, Ordinance 15 of 1985.

Yours faithfully

ML WATTERS
 For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

FILE NO:	Ptns 1&2/641
SCAN NO:	
COLLABORATOR NO:	888557

	<p style="text-align: center;">OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p style="text-align: center;"><small>Municipality of Overstrand</small> OVERSTRAND</p> 
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MEMORANDUM

Date: 29 March 2016

To: Mr. Schalk vd Merwe (Senior Town Planner)

From: J Schoeman (Division Commander – Fire Safety)

Re: **FIRE SAFETY REQUIREMENTS FOR TOWN PLANNING APPLICATION Ptn 1&2 OF Fram 641 STANFORD – DIE PLAAT WINE ESTATE**

Dear Mr. van der Merwe

The following minimum requirements of the National Fire Protection Regulations – SANS10400T:2011 are applicable to the application. Being that the establishment will consist of several different occupancy classifications in terms of the National Building Regulations SANS10400 the overall requirements must be based on the highest risk category. The regulations provide a very little leeway to meet compliance apart from the applicant providing a **Rational Design – Fire Safety** for approval compiled by a registered competent person (fire engineering).

The approval of occupancies is subject to approved building plans that must be submitted to the Municipality.

Please find hereunder the fundamental requirements imperative to the application and the applicant must comply with the requirements as determined:

- **Places of Entertainment & Farm Store/Restaurant A1 – Entertainment/Public Gathering:**
 - Provide fire hose reels in compliance with Section 4.34 of SANS10400T:2011
 - Provide 1 x Fire Hydrants for any building larger than 1000m² or part thereof in compliance with Section 4.35.4 of SANS10400T:2011.
 - Provide a manually activated visual and audible alarm system in compliance with Section 4.31.3 of SANS10400T:2011.
 - Provide 1 x Fire Extinguisher per 200m² of either type: Water - 9litre; Carbon Dioxide CO₂ – 5kg; Dry Chemical Powder – 4.5kg. Locations to be marked by SANS1186-5 (Photoluminescent) signs.
 - Fire protection of air conditioning systems must be in compliance with Section 4.43 of SANS10400T:2011.
 - Stage & Backstage areas: Fire Protection must be in compliance with Section 4.48 of SANS10400T:2011.
 - Provide automatic self-contained emergency lighting in compliance with Section 4.30.2 & 4 of SANS10400T:2011.
 - Provide emergency fire exits in compliance with Sections 4.16; 4.17; 4.18 & 4.21 of SANS10400T:2011 including provision for the escape of persons with disabilities in compliance with SANS10400S.

- All emergency exits must be indicated along the entire route with SANS1186-5 (Photoluminescent) signs and illuminated EXIT signs above exit doors in compliance with Section 4.29 of SANS 10400T:2011.
 - Final escape doors must be provided with a panic bar release system in compliance with Section 4.16.10 of SANS10400T:2011.
 - Seating and furniture arrangement within places of entertainment must be in compliance with Section 4.29 of SANS10400T:2011.
 - The registration for use of any place of entertainment is subject to the issue of a Population control certificate by the local authority for which application must be submitted to the Fire & Rescue Service in terms of the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.
- **Tourist Accommodation H5 – Hospitality:**
 - Combustibility and fire resistance of Floor Coverings shall be in compliance with Table 8 of Section 4.14 of SANS10400T:2011.
 - Combustibility and fire resistance of Internal Finishes shall be in compliance with Table 9 of Section 4.15 of SANS10400T:2011.
 - All accommodation units shall be in compliance with requirements of Section 4.58 of SANS10400T:2011 by provision of:
 - Photoluminescent SANS1186-5 escape route signs above external doors.
 - Self-contained automatic actuating luminaires in all passageways and corridors leading to exits.
 - Provision of EN14604 approved Smoke Alarms (Battery Operated – Stand Alone) in each bedroom, kitchen and central communal area.
 - Fire Hose Reels in accordance with Section 4.34 of SANS10400T:2011.
 - Doors leading to the outside provided with single turn locks that can be opened from the inside in case of an emergency.
 - A suitable approved emergency plan and evacuation that informs guests as to what action should be taken in the event of a fire or other emergency and must be fixed to the back of each guest room/cottage door. Such a plan must include:
 - Emergency numbers of the local Emergency Services and the in house manager
 - The action to be taken by a person discovering a fire
 - The action to be taken for effective evacuation and assembly of occupants
 - The action to be taken pending the arrival of emergency services
 - Floor plan of the building identifying the emergency escape route and doors together with the designated assembly area.
 - Where guest accommodation is semi-detached the occupancy division walls between units shall provide a minimum of 60 minute fire resistance in accordance with test results of SANS10177-2 "Fire Resistance Testing of Building Materials" in compliance with Section 4.8.1 of SANS10400T:2011.
 - No combustible part of any roof assembly of semi-detached dwellings shall pass through the separation wall therefore, as with other recent projects the requirements are that roof purlins may be rested onto the separating wall but that they must be separated by a minimum space of 100mm that is cement filled in order to prevent fire spread between dwelling units in compliance with Section 4.12.7.d of SANS10400T:2011.
 - Each single accommodation unit shall be provided with 1 x 4.5kg Dry Chemical Powder Fire Extinguisher location indicated by Photoluminescent SANS1186-5 signs.

- **Wine Cellar, Olive Processing & Wine Production:**

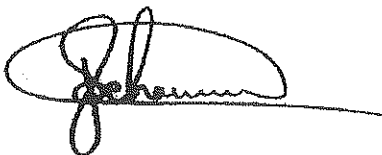
The occupancy risk classification in terms of the SANS10400T:2011 as determined and the fire safety requirements and the applicant shall:

- ❖ Cellar – J2 Moderate Risk Storage
 - ❖ Olive Processing & Wine Production – D2 Moderate Risk Industrial
- Provide a minimum of 1 x SANS543 approved Fire Hose Reel for every 500m² of the area of occupancy for both D2 & J2 occupancies.
 - Provide an approved Flammable Liquid Store for the storage of Alcohol in excess of 200 litres where such products are required to be stored indoors.
 - All external above ground flammable liquid storage tanks (Bulk to Agriculture) shall be located within approved bund walls and be in compliance with SANS10131 and the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.
 - The use and storage of Flammable liquids for processing, commercial and domestic use shall be registered with the local authority and an annual Flammable Substance Certificate shall be applied for at the local authority in terms of the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.
 - Shall provide a minimum of 1 x 9kg Dry Chemical Powder fire extinguisher per 100m² for both D2 & J2 occupancy areas. Locations to be marked by SANS1186-5 (Photoluminescent) signs.
 - Provide minimum of 120 minute fire resistance division walls between the Cellar and Production and abutting Wine Tasting areas in terms of Table 4 of SANS10400T:2011. Where doorways link the abutting compartments they shall be protected by self-closing SANS1253 Class D approved fire doors.
 - Where more than 25 persons occupy D2 & J2 areas an additional exit door that is provided with a locking mechanism approved by the local authority shall be provided that lead directly to external safe areas. All Exits shall be indicated by SANS1186-5 (Photoluminescent) approved signs.

- **Liquid Petroleum Gas (LPG) Use & Storage:**

The use and storage of LPG for processing, commercial and domestic use shall be strictly in accordance with the requirements of National Regulation SANS10187 and that an annual Flammable Substance Certificate shall be applied for at the local authority in terms of the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'J. Schuman', written over a horizontal line.

*TP- A Theart
(Suid Merwe)*

The Municipal Manager
OVERSTRAND MUNICIPALITY
 P O Box 20
HERMANUS
 7200

Date:
 1 April 2016

Enquiries:
 Shaun Swanepoel
 Tel 021 980-3913
 Fax 086 660 0941

Attention: S van der Merwe

Dear Sir / Madame

**PORTION 1 & 2 OF RARM 641, DIVISION CALEDON: APPLICATION FOR CONSENT USE:
 WRAP ON BEHALF OF SPRINGFONTEYN WINE AND MARKETING**

OUR REF: 00658/16

I refer to your application dated 17 February 2016.

This application affects the following Eskom power lines

- HERMANUS STANFORD 66 kV OVERHEAD POWERLINE
- HERMANUS FARMERS 2 11 kV OVERHEAD POWERLINE

I hereby inform you that Eskom approves the proposed work indicated on your drawing in principle subject to the following. This approval is valid for **12 months** only, after which reapplication must be made if the work has not yet commenced.

- a) The following building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11kV	9.0 m
66kV	11.0 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.

- c) No work or no machinery nearer than the following **distances from the conductors**:

Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.

- e) That a **minimum ground clearance** of the overhead power line must be maintained to the following clearances:

Distribution Division - Western Region [Land Development]
Western Region
 Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
 Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30

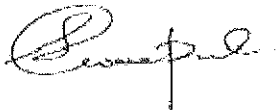
FILE NO: <i>Ptn 192/641</i>
SCAN NO: <i>42</i>
COLLABORATOR NO: <i>892723</i>

Voltage	Safety clearance above road:
11kV	6.3 m
66kV	6.9 m

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) **Dirk Swart, Caledon CNC** must be contacted on **028 212 1665** before working in close proximity to the overhead power lines.

Kindly contact **Shaun Swanepoel** at Tel: 021 980 3913, should you require any further information.

Yours sincerely



Shaun Swanepoel
LAND DEVELOPMENT (BRACKENFELL)

ESKOM (WESTERN REGION)

OCCUPATIONAL HEALTH AND SAFETY ACT (Act No 85 of 1993) WITH REGULATIONS

D16 (7) Excavations

"The builder or excavator shall ascertain as far as possible the location and nature of underground services likely to be affected by the excavation and take such steps as may be necessary to prevent danger to persons".

THE ELECTRICITY ACT (Act No 41 of 1987)

Section 27 (3) : Offences and Penalties

"Any person who without legal right (the proof of which shall be upon him) cuts or damages or interferes with any apparatus for generating, transmitting or distributing electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding twelve months".

FILE NO: Ptns 1 & 2/641
16/1/11

SCAN NO: 29

COLLABORATOR NO: 893787

BREED E-GOURITZ

TP-A Theert
(S. van der Merwe)

H. Blignaut

Catchment Management Agency
Opvandegebied Bestuursagentskap
Arizante yola wutlo lom Mandla nokungqongileyo
51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850



E-mail: fsmith@bgcma.co.za

Cell: 082 445 5059

Navrae: / Enquiries/ Imibuzo:



Verwysing: / Reference/ IlReferenci:

Datum: / Date:

F Smith

023 346 8000

4/10/1/G40L/Farm
Springfonteyn 641/1 & 2,
Stanford

6 April 2016

Overstrand Municipality
P. O. Box 20
Hermanus
7200

For Attention: S. van der Merwe

Sir/Madam,

COMMENTS ON THE PROPOSED CONSENT USE: WRAP ON BEHALF OF SPRINGFONTEYN WINE AND MARKETING – PORTION 1 & 2 OF FARM NO. 641

With reference to your letter with File Reference Ptn 1 & 2/641 Caledon (3138) dated 17/02/2016, including the report by VVRAP consulting, and subsequently received by the BGCMA on 11/03/2016, herewith the following:

The BGCMA in principle has no objection against the proposed consent use provided that the following be adhered to:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No pollution of surface water or ground water resources may occur due to any activity on the property.
- No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
- All relevant sections and regulations of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) regarding the disposal of solid waste, must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of the abovementioned legislation.
- The minimizing of waste must be promoted and alternative methods for waste management must be investigated.

- All relevant sections and regulations of the Environmental Conservation Act, 1989 (Act 73 of 1989) and the National Environmental Management Act No 107 of 1998: Government Notice 386 & 387 must be adhered to.
- No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 399 dated 26 March 2004), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998), and/or if defined and declared an Existing Lawful Use in terms of Section 32 & 33 of the National Water Act, 1998 (Act 36 of 1998).
- The monitoring of water resources in the designated area needs to be done on a regular basis. This monitoring initiative should be managed and driven in a co-operative manner.

Drinking water

- Water provided for domestic use/human consumption must comply with the SANS 241: 2011 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Sewage

- For any future development – Please be advised that the BGCMA is not in favour of septic tanks and would rather encourage the use of conservancy tanks with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank and the applicant.
- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.
- A contingency plan and maintenance schedule must be developed and implemented.

Please be advised that no activities may commence without the appropriate approvals/authorizations (where needed) from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorization for.

Also be advised that the comment provided is in the interest of responsible water resource management. The BGCMA will gladly comment on any additional information provided for review. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully,



PHAKAMANI BUTHELEZI
CHIEF EXECUTIVE OFFICER

Telkom

Network Engineering and Build

Telkom SA SOC Limited

10 Jan Smuts Drive
Pinelands
7404



TR A Theart
(S Jd Merwe)

Tel : 021 414 5582
Fax : 086 480 0617
Email : SpammeC1@telkom.co.za

Enquiries : Candice Spammer
Our Ref. : WWIP_WSF1476_16
Your ref. : Ptn 1&2/641 (3139)

14 April 2016

Attention : S van der Merwe

Overstrand Municipality
HERMANUS

Dear Sir/Madam

TELKOM SERVICES: APPLICATION FOR CONSENT USE: PORTION 1 & 2 OF FARM NO. 641, DIVISION CALEDON

With reference to your letter dated 31 March 2016.

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

FILE NO:	Ptns 1&2/641
SCAN NO:	19
COLLABORATOR NO:	894348

Telkom SA SOC Limited: Reg no 1991/005476/30
Directors: JA Mabuza (Chairman), SN Maseko (Group Chief Executive Officer), DJ Fredericks (Chief Financial Officer), S Botha, Dr. CA Fynn, N Kapila*, I Kgaboesele, K Kweyama, K Mzundeki, F Petersen, LL Von Zeuner.
Company Secretary X Mpongoshe Makasi

*India

15 APR 2016

18 APR 2016

Telkom

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

As important cables are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 at least 48 hours prior of commencement on construction work.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully



Daniel Cornelius
Operations Manager
Wayleave Management: Western Region

Wayleave
Telkom S.A Ltd













This wayleave, Ref is WWIP WSFD1476 16 is valid for 12 months from date hereof and is subject to the following conditions.

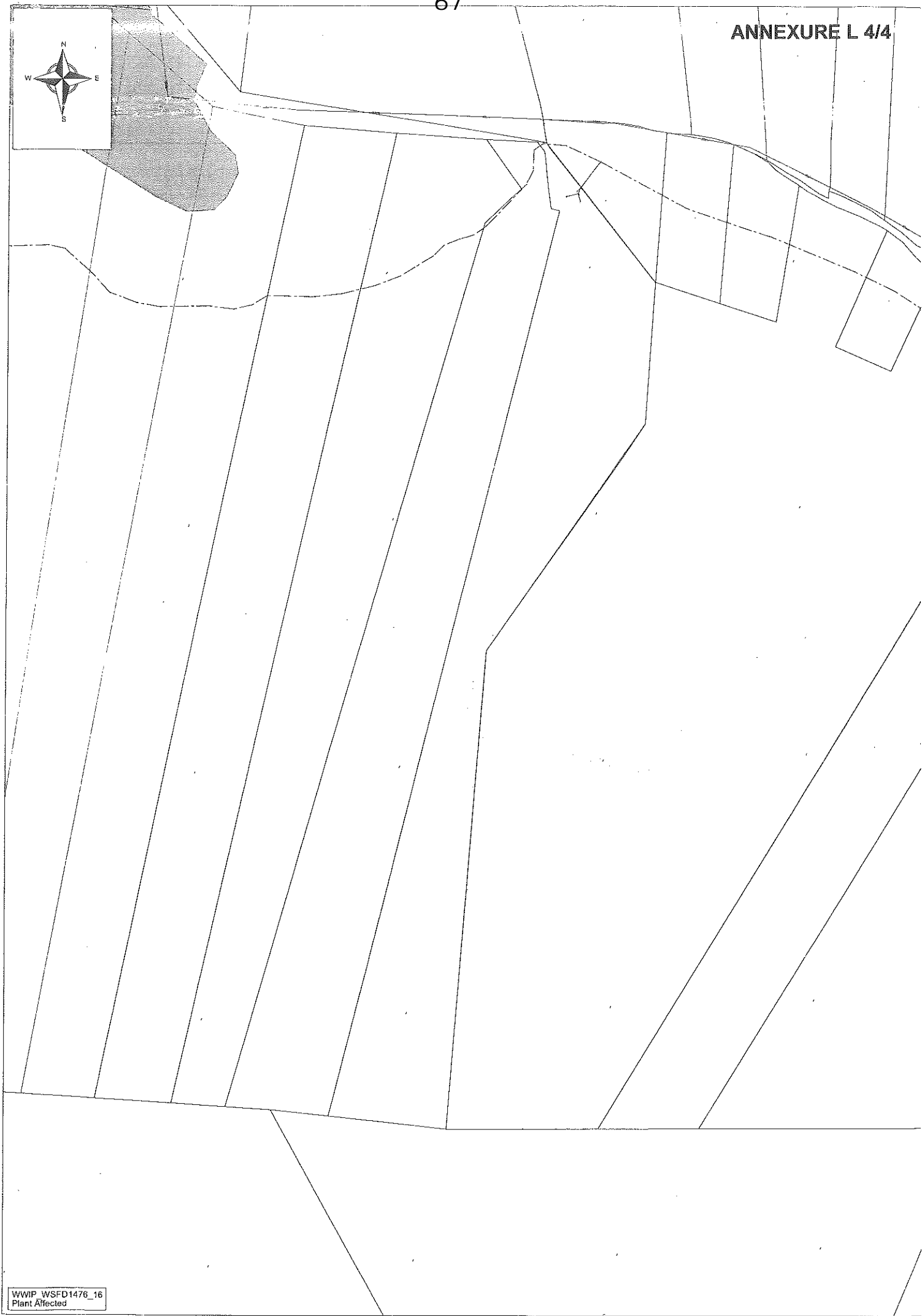
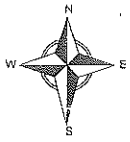
1. No mechanical plant or vibrator type compactors may be used within three metres of any Telkom plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Telkom Plant will be indicated on-site.
3. A written request must be submitted to Telkom for consideration should the applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Telkom immediately should the applicant locate any Telkom plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicants full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for and damage or loss as a result thereof.

Date: 14 April 2016

C Spammer

For Regional General Manager
Western Cape

Telkom Symbol Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	



Office of the Director:
Infrastructure & Planning
Environmental Management

OVERSTRAND ENVIRONMENTAL SECTION

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Omgewingsbestuur

Enquiries Benjamin Kondokter
Imibuzo

Ref Farm 641/1&2 Springfonteyn

Datum

Date 12 April 2016

Isuku

To Alida (Town planning) (via email)

APPLICATION FOR CONSENT USE OF PORTION 1&2 OF FARM 641SPRINGFONTEYN

Overstrand Environmental Management Section wish to comment on the application for consent use of portion 1&2 of the farm 641Springfonteyn. The above mentioned application does not trigger any listed activities and therefore has no implication on the NEMA Regulations.

The Environmental Section does not have any objection to the above application.

Please feel free to contact me should any questions arise.

Regards

-
- B.Kondokter
 - MR S MULLER
 - DIRECTOR:INFRASTRUCTURE & PLANNING

- Cc : Liezl Bezuidenhout :Senior Environmental Manager



ANNEXURE N 1/2
TR A Theart
C Suddhane

SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599
physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Rhett Smart
telephone +27 21 866 8017 fax +27 21 866 1523
email rsmart@capenature.co.za
reference SSD14/2/6/1/7/2/641-1&2_consent_Stanford
date 4 October 2017

Overstrand Municipality: Hermanus Administration
P.O. Box 20
Hermanus
7200

Attention: Alida Conradie
By email: alida@overstrand.gov.za

FILE NO:	Ptn 1&2/641
SCAN NO:	13
COLLABORATOR NO:	1082472

Dear Alida

Additional Information for the Application for Consent Use for Tourism and Agri-Processing Facilities on Portions 1 and 2 of the Farm 641, Springfontein Wine Estate, Stanford

(Overstrand Municipality ref: Ptn 1&2/641 Caledon (3138))

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature indicated in our comments on the application that we did not have any concerns with the proposed tourism use for existing dwellings, however we did request further information regarding the new units in terms of potential NEMA triggers related to clearance of natural vegetation and proximity to watercourses, and the associated impacts.

The concerns were more particularly that the northern node would require clearing of a section of the milkwood (*Sideroxylon inerme*) thicket and that units B and C are within 32 m of a watercourse leading to the estuary. According to the updated planning report, there will not be any clearing of natural vegetation and all infrastructure will be more than 32 m from a watercourse. CapeNature assumes that there has been consultation with DEA&DP with supporting information in this determination.

Further supporting information has been provided to CapeNature regarding the placement of Units B and C and according to the information provided the units will be 36 m or more from the edge of the watercourse.

In conclusion, CapeNature does not object to the consent use application, provided DEA&DP issues a determination that no NEMA listed activities will be triggered, as there will not be any significant impacts provided these thresholds are not exceeded. Best practice must however still be adhered to such as ensuring there is no damage to the milkwoods during construction without the necessary permits.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

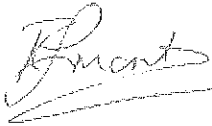
The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks,

Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

L. H. J. J. J.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Scientific Services)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PTN 1 & 2 OF FARM 641
SPRINGFONTEIN, (3138)**

Electricity	:	Eskom area
Stormwater	:	No services available
Water	:	No services available
Sewer	:	In order
Roads and traffic	:	No services available

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2016/2017) is as follows:

Sewerage (SEW5A) R 14 496.00 x 6.096	=	R 88 367.62
TOTAL (inclusive of VAT)	=	<u>R 88 367.62</u>

Note:

- 1.3 The above figures are estimates

2. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
3. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any other water resources and the extraction thereof;
4. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
5. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
6. that the developer complies to all the conditions set by Department Of Water Affairs.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

18 / 8 / 2016

DATE



DEPARTMENT OF ENVIRONMENTAL AFFAIRS: DEVELOPMENT MANAGEMENT
(REGION 2)

TP-ATheart
(S. van der Merwe)

REFERENCE: 16/3/3/6/6/E2/27/1069/16

ENQUIRIES: Mr. D'mitri Matthews

DATE: 2017-09-14

The Municipal Manager
Overstrand Municipality
P. O. Box 20
HERMANUS
7200

FILE NO:	Plus 122/641
	Stanford
SCAN NO:	15
COLLABORATOR NO:	1077551

Attention: Mr. S. van der Merwe

Tel: (028) 313 8179

Fax: (028) 313 2093

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, FOR THE PROPOSED CONSENT USE ON PORTIONS 1 AND 2 OF FARM SPRINGFONTEYN NO. 641, STANFORD

1. The above-mentioned electronic correspondence dated 17 February 2016, as received by this Department on 9 March 2016, the Department's correspondence dated 25 April 2016, the correspondence dated 28 February 2017, as received by this Department on 6 March 2017 and the correspondence dated 5 June 2017, refer.
2. According to the information contained in the aforementioned correspondence, this Department notes the following:
 - 2.1. The proposal entails obtaining consent use for the following:
 - 2.1.1. For a place of entertainment within the existing restaurant (approximately 297m²);
 - 2.1.2. For the existing wine cellar and wine tasting facility (approximately 649m²);
 - 2.1.3. For an olive processing facility within an existing labourers cottage (approximately 81m²);
 - 2.1.4. For the development of a farm store (100m²);
 - 2.1.5. For a second wine tasting facility within a labourers cottage (approximately 100m²);
 - 2.1.6. For a function venue within an existing labourers cottage (approximately 26m²);
 - 2.1.7. Consent use for overnight tourist accommodation within an existing labourers cottage;
 - 2.1.8. Consent use for three additional dwellings for shareholders of the company (approximately 250m² each);
 - 2.1.9. The development of a primary unit of approximately 234m² and will be located adjacent to the second wine tasting facility.
3. On 7 April 2017 the Minister of Environmental Affairs promulgated amendments to the regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998).
 2nd Floor, 1 Dorp Street, Cape Town, 8001
 Tel: +27 21 483 8350/4349 Fax: +27 21 483 3633
 E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eacd

No. 107 of 1998) ("NEMA"), viz, the EIA Regulations 2014 (Government Notice ("GN") No. 326, 327, 325 and 324 in Government Gazette No. 40772 of 7 April 2017). These regulations came into effect on 7 April 2017.

4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in GN No. 327, 325 and 324 of 7 April 2017. Be advised that, based on the information provided, the proposed dam on the above-mentioned property **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended).
5. The above-mentioned is based on the following:
 - No dwellings will be located within 32m of a watercourse.
6. However, should any revision of your development comprise any activities that constitute a listed activity as defined in Government Notice ("GN") No. 327, 325 and 324 in Government Gazette No. 40772 of 7 April 2017, an application for environmental authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.
7. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:

"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. Your interest in the future of our environment is greatly appreciated.
10. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully



HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copy to: (1) Mr. R. Kotze (WRAP)

Fax: (086) 508 3248