

4.2

PORTION 63 OF THE FARM ROCKLANDS NO. 633, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : ATLAS TOWN PLANNING ON BEHALF OF EAGLES NEST WINES

Ptn 63/633 (3823)

P Roux

2 April 2019

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received in terms of Section 16(2)(o) and (b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), applicable to Portion 63 of the Farm Rocklands No. 633, Division Caledon in order to accommodate a boutique winery and micro-brewery on the property, which structures encroach the applicable building line from 30m to 20,89m.

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B, while the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Portion 63 of the Farm Rocklands No. 633, Division Caledon is zoned for agricultural use and is developed with a main dwelling and outbuildings. The applicant proposes to convert one of the outbuildings into a boutique winery and micro-brewery. The aforementioned outbuilding is situated within the 30m street building line and therefore the conversion of the use of the structure will require a departure of the 30m street building line which the applicant applied for.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is summarised as follows:

- ❖ Portion 63 of the Farm Rocklands No. 633 is situated adjacent to the R43 between Hermanus and Stanford.
- ❖ The property is used for rural living and limited agricultural use.
- ❖ The purpose of the proposal is to obtain consent to obtain the necessary land use rights for agricultural industry (boutique winery and micro-brewery) and to relax the 30m street building line for the change of use of the existing building.
- ❖ The property is zoned as Agricultural Zone 1 and Agricultural Industry is a consent use under the zoning.

- ❖ Bluegum trees are situated on the property and a portion of the property has been cleared to enable farming activities. Portion 33 of the Farm 633 is situated next to the subject property and is owned and managed by the same entity owner. The agricultural activities occur over both the sites.
- ❖ The outbuilding which is proposed to be used for agricultural industry (boutique winery and micro-brewery) is situated at the north of the property and only has a footprint of less than 100m². Bottling and manufacturing will take place on site with most of the sales being done online. It is estimated that 45000 to 60000 litres of bottles will be produced annually. A borehole will be used for the production process. The water will be tested to ensure it complies with the required standards.
- ❖ The potential of the farm has not yet been reached. The proposed uses will contribute to working capital for the farm to remain sustainable which will lead to employment opportunities.
- ❖ Rest of the buildings clustered south-west of the property.
- ❖ Currently only 1ha of the property is used for agricultural purposes, however it is proposed to expand the use too approximately 4-5ha of mainly grape cultivars.
- ❖ The proposed uses are in line with the rural setting and surround land uses.
- ❖ The existing zoning will remain unchanged.
- ❖ No additional services will be required.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	20/09/2018	26/10/2018
Notices	Yes	20/09/2018	26/10/2018
Ward Councillor	Yes	20/09/2018	26/10/2018
Total letters of support	None		
Total letters of objection	One (1)		
Was public participation undertaken in accordance with Section 47 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
Building Department	09/10/2018	Supported subject to building plans being submitted in compliance with SANS 10400.	Supported
Local Heritage	09/10/2018	Supported.	Supported
Fire Services	25/10/2018	Annexure F.	Supported
Waste Management	29/10/2018	No objection.	Supported
Telkom	02/11/2018	Annexure G.	Supported
Department of Transport and Public Works	06/11/2018	Annexure H.	Supported
District Health	06/11/2018	Approval recommended.	Supported
Environmental Services	09/11/2018	The applicant to ensure that the effluent intended for irrigation adheres to the water requirements of the Breede Gouritz Catchment Management Agency.	Supported
Eskom	13/11/2018	Annexure I.	Supported
Department of Environmental Affairs and Development Planning (DEA&DP) (Component: Development Management Region 2)	03/12/2018	Annexure J.	Supported
Engineering Services	14/12/2018	Annexure K.	Supported
Cape Nature	22/01/2019	Annexure L.	Supported

Breede-Gouritz Catchment Management Agency (BGCMA)	20/02/2019	Annexure M.	Supported
---	------------	-------------	-----------

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The Hermanus Lagoon Property Owners Association (HLPOA) provided comment on the proposed application. The concerns raised by the association is summarised as follows:

The applicant indicated that the property owners themselves are members of the HLPOA and have perused the concerns.

Environmental concern

Portion 63 of the Farm Rocklands No. 633 is situated on the banks of the Kleinriver Estuary and any activity within this area has the potential to impact on the Estuary. The Estuary has scenic beauty and is a habitat for fish and birds. The subject property also is within approximately 2 km of a declared Bird Sanctuary. The activities on the property must therefore be carefully managed and monitored.

The N.E.M.A. Report in 2015, DEA&DP Ref 16/3/3/6/1/E2/15/1162/15 indicated there must be no removal of vegetation from portions of the site due to critically endangered indigenous vegetation and a 32m buffer zone must be maintained from the Rocklands River and wetlands.

The proposed application indicates that there will be an extension of the vineyards from 1ha to 5ha.

Response from applicant

The HLPOA raised questions regarding the environment. Attention is drawn to the letter from the Department of Environmental Affairs and Development Planning (DEA&DP) dated 1 September 2015, of which your office were provided with a copy, in which the proposed activity of clearing land for farming purposes (planting of vineyards) were addressed. DEA&DP confirmed that the proposed activities did not trigger any of their listed activities in response to a Botanical report by Whithers Environmental Consultants. It was stated in this report that 10 – 12ha of land is planned to be cleared in order to plant vineyards. It is therefore the opinion that environmental matters regarding the clearing of vegetation and planting of vineyards have been considered by the relevant authorities and deemed to be in order. This amongst others includes maintaining a buffer area with regard to Rocklands River and wetlands as stated in the letter from the HLPOA. It is therefore trusted that this matter is adequately addressed.

Response from town planner

The letter from the Department of Environmental Affairs and Development Planning (DEA&DP) dated 1 September 2015 is noted. The Department of Environmental Affairs and Development Planning has also been allowed to provide an opportunity to comment on the application and in a recent comment have stated that the proposed uses does not trigger any listed activities in terms of the NEMA Regulations.

Application for consent use for Agricultural Industry

Agricultural Industry must use produce grown on the property; therefore the beer making from imported ingredients does not comply. The boutique winery will produce wine from grapes grown on the property.

In similarity the owners of Crystal Kloof (Portion 1 of the Farm No. 637) applied for permission for a winery on the property and the application was refused because the produce (grapes) was not grown on the property. Further, a Farmstall was refused because the produce was not grown on the property. Considering the aforementioned a concern is raised that the permission will set a precedent for Agricultural Industry which is not appropriate and acceptable in this environment.

Response from applicant

The HLPOA further expresses concern regarding the planned micro-brewery in particular due to the nature and origin of the products used in the brewing process. Whilst this remains an issue for debate with water being the primary ingredient in the brewing process of beer, the owners are willing to utilise the entire area earmarked as "Agricultural Industry" for the proposed boutique winery and to not proceed with the proposal for a micro-brewery. The HLPOA has indicated that they are against the proposed brewery and that it could potentially set an unwanted precedent.

Response from town planner

Although the interpretation made by the HLPOA is not fully agreed with, it is noted that the applicant is willing to forego the micro-brewery and only proceed with a boutique winery. The main objection of the HLPOA is therefore dealt with.

Engineering Services

The motivation states that all services are available and no upgrades will be done at this stage. What is meant with at "this stage?" What prevents upgrades at a later stage?

Water

The proposed water will be from a borehole, has an application for a Water User Licence been approved?

Effluent water as a result of brewing

This is to be treated and again used for irrigation. We require further detail as to how this is to be treated and what impact it will have on the Estuary. What is the risk for a negative impact on the Estuary and what measures are in place to prevent pollution?

Solid waste is to be stored on-site: What measures are to be taken to prevent any accidental pollution of the Estuary? Will the solid waste be visible and impact on the natural beauty?

Traffic: It is stated that there will be a minimum increase in traffic as the sales will be "on-line". Already there are complaints from property owners in that vicinity about the delivery trucks to and from the bottling plant immediately to the north of Property 633/63 and this industry will further increase the number of delivery trucks in that area. R43 is about to be upgraded and note must be taken of the planned access points to R43, and the impact of added delivery trucks in that immediate area.

At this stage a boutique (minimum) and micro-brewery (minimum) are planned but we are greatly concerned that this application will set a precedent for agricultural industry in the Kleinriver area. The introduction of Agricultural Industry has a potential to destroy the present environment. Certain conditions to prevent or contain a negative impact may be imposed but conditions are extremely difficult to monitor and maintain.

Response from applicant

Questions were raised regarding engineering services and particularly with regard to pollution. It was stated that no upgrades are foreseen at this stage and this is based on the limited scale of the activities. Even though it is not envisaged, any increase in the scale of the area to be used will trigger a future land use application. Again, it is reiterated that the client is willing to withdraw the proposal for a micro-brewery. The water use of the property is registered with the Department of Water Affairs and the owners have no problem to accept and enforce conditions pertaining to water use, sewerage etc. as stipulated by the HLPOA in their letter.

Response from town planner

The concerns from the HLPOA regarding the services on site are noted. Various internal and external departments have provided their comments which will be incorporated in the decision of this application. One of the main concerns are the management of waste water, comment from CapeNature

and BGCMA, addresses this and states that effluent must be treated on site and that the relevant licence must be obtained. To this effect a condition can be imposed that states that prior to the approval of building plans and the operation of the boutique winery the applicant/property owner must submit proof of the water use license has been obtained and it must be indicated on the development plan how the effluent will be treated on site and in line with the relevant legislation.

It is noted that the applicant has indicated that the property owners are willing to comply with any conditions determined by the municipal departments and external departments.

The Department of Transport and Public Works have also provided comment on the potential issue of traffic and have provided certain conditions to mitigate potential issues regarding access to the R43.

Conclusion

A boutique winery is acceptable if conditions for the use of water, sewerage, etc. are enforced to prevent the pollution of the Estuary.

However, Hermanus Lagoon Property Owners Association objects to permission being given to the application for a micro-brewery for the reasons given above. The ingredients are imported which sets a precedent for further extension to the brewery, and a precedent for further activities which involve the import of produce.

Response from applicant

The HLPOA objects to the proposed brewery but not the winery. The owners have thus adhered to this by agreeing to only use the area earmarked for "Agricultural Industry" as a boutique winery. They further agree to accept and enforce conditions to prevent any pollution into the lagoon. They acquired the property due to the location in this pristine environment and therefore support the sentiment in this regard.

Response from town planner

The main objection from the HLPOA is the proposed micro-brewery. The applicant has indicated that the property owners are willing to remove the micro-brewery from the applicant and has therefore submitted new Site Development Plans and a revised Motivation Report in order to address the concerns of the HLPOA.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Point 7 above. The applicants' response is also attached as Annexure E.

9. MUNICIPAL ASSESSMENT OF COMMENTS

All of the comments received from the various departments have been positive. Refer to Point 7. for detail regarding the Town Planners' response on the comments received.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is of a small scale and therefore the planning objectives applicable in terms of SPULMA and LUPA cannot be adequately discussed.

The objectives relating to:

Spatial Justice

The application has no impact on the furtherance of spatial injustice of the past.

Spatial sustainability

Vital agricultural property will be enhanced and the land uses will be differentiated to allow the property to be used in a sustainable manner.

Efficiency

The proposal is to make efficient use of the existing resources.

Spatial resilience

The property is located in the Overstrand Municipal area and is therefore guided by the Overstrand Municipality Spatial Development Framework and Integrated Development Plan.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

10.2 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as above.

10.3 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The subject property is located in the Conservation Agricultural Buffer and therefore the proposed application is further in line with the principles and strategies of the Overstrand Municipality Wide Spatial Development Framework, 2006 (OMSDF) and the Overstrand Municipality Integrated Development Framework, 2014 (IDF), as the application seeks to maintain the existing landscape character, and to develop the property in a suitable manner which will not have a negative effect on the eco-system.

10.4 (In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

10.5 Impact on Municipal engineering services

The proposed application will not require additional services.

10.6 Outcomes of investigations/applications i.t.o other legislation

Not applicable.

10.7 Existing and proposed zoning comparisons and considerations

As stated previously the property is zoned as Agricultural Zone 1 and Agricultural Industry is a consent use under the zoning. Under Agricultural Zone 1 a 30m building line is applicable for properties over 10ha.

10.8 The desirability of the proposal

Portion 63, together with Portion 33, of the Farm 633 can be regarded as a working farm which contributes towards the economy of the Greater Hermanus area and the existing land use is in line with the zoning of the property.

The applicant seeks to diversify the existing uses on the property in order to allow the property owner to produce wine on the property. The aforementioned uses will be located within the footprint of an existing outbuilding which is situated within the 30m street building line. No additional footprints will be developed.

The proposed outbuilding in which the winery will be situated is an existing structure which will be altered in order to accommodate the winery, wine cellar and office. All changes to the structure will be minimal and will not have an impact on adjacent property owners or the road users of the R43.

From the comments received from the BGCMA and CapeNature it is evident that the property owners will be required to develop a system onsite to treat the waste water which is created through the wine making process. This will mitigate the negative effects which the effluent might have on the estuary and the natural environment. Further, the property owner will have to obtain the required licences from BGCMA before building plans are submitted and the operation of the boutique winery can begin.

No objection is offered from the Department of Transport and Public Works regarding the conversion of the existing outbuilding into a winery or the consent use, subject to the condition that the subject property gets access to the R43 via right of way servitude.

The comment from DEA&DP has also indicated that the proposal does not trigger any listed activities in terms of the National Environmental Management Act (NEMA).

The comments received from the HLPOA were noted by the subject property owners and the proposal has changed in order not to incorporate a micro-brewery other concerns raised have been sufficiently addressed. Further, the property owners of Portion 63 of Farm 633 have indicated that they are willing to comply with any conditions.

Subject to the above being stated the proposal submitted by the applicant can be considered desirable due to the following reasons:

- Local and provincial departments have provided supporting comments for the development.
- The diversification of the farm will allow for a sustainable development and economical progression.
- The proposal is compliant with the spatial policies contained in the SDF and IDF.
- The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.
- The title deed does not hold any restrictive conditions preventing the proposed development.
- The subject property is optimally located next to the R43 in order to facilitate deliveries of the product produced.
- The uses depicted in the design proposal are that of a rural/agricultural character, which contributes towards the character of the area. Further, the proposed uses will be accommodated in existing structures.
- The conversion of the outbuilding will have minimal impact on the road users of the R43 due to the building being already constructed and the proposed changes being of small impact.

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Not applicable.

11. RECOMMENDATION

1. that the objection be noted;
2. that the application in terms of Section 16(2)(o) and (b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Portion 63 of the Farm Rocklands No. 633, Division Caledon in order to accommodate a boutique winery on the property, which structures encroach the applicable building line from 30m to 20,89m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approvals are for the development as indicated on drawing no 806-1/3,2/3 & 3/3 as submitted with the application (attached as Annexure C);
 - (b) that this approval is only for a boutique winery on the subject property;
 - (c) that prior to the submission of building plans and the operation of the boutique winery a revised Site Development Plan indicating the on-site treatment plant of the waste water and the required water use licences, be submitted to the Town Planning Department;
 - (d) that building plans be submitted to the Building Department for approval;
 - (e) that all the conditions imposed by Fire Services, Telkom, Department of Transport and Public Works, Eskom, Department of Environmental Affairs and Development Planning (Environmental Component), Engineering Services Report, CapeNature, and Breede-Gouritz Catchment Management Area, (attached as Annexures F-M), be complied with;
 - (f) that the additional and existing uses comply with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (g) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval

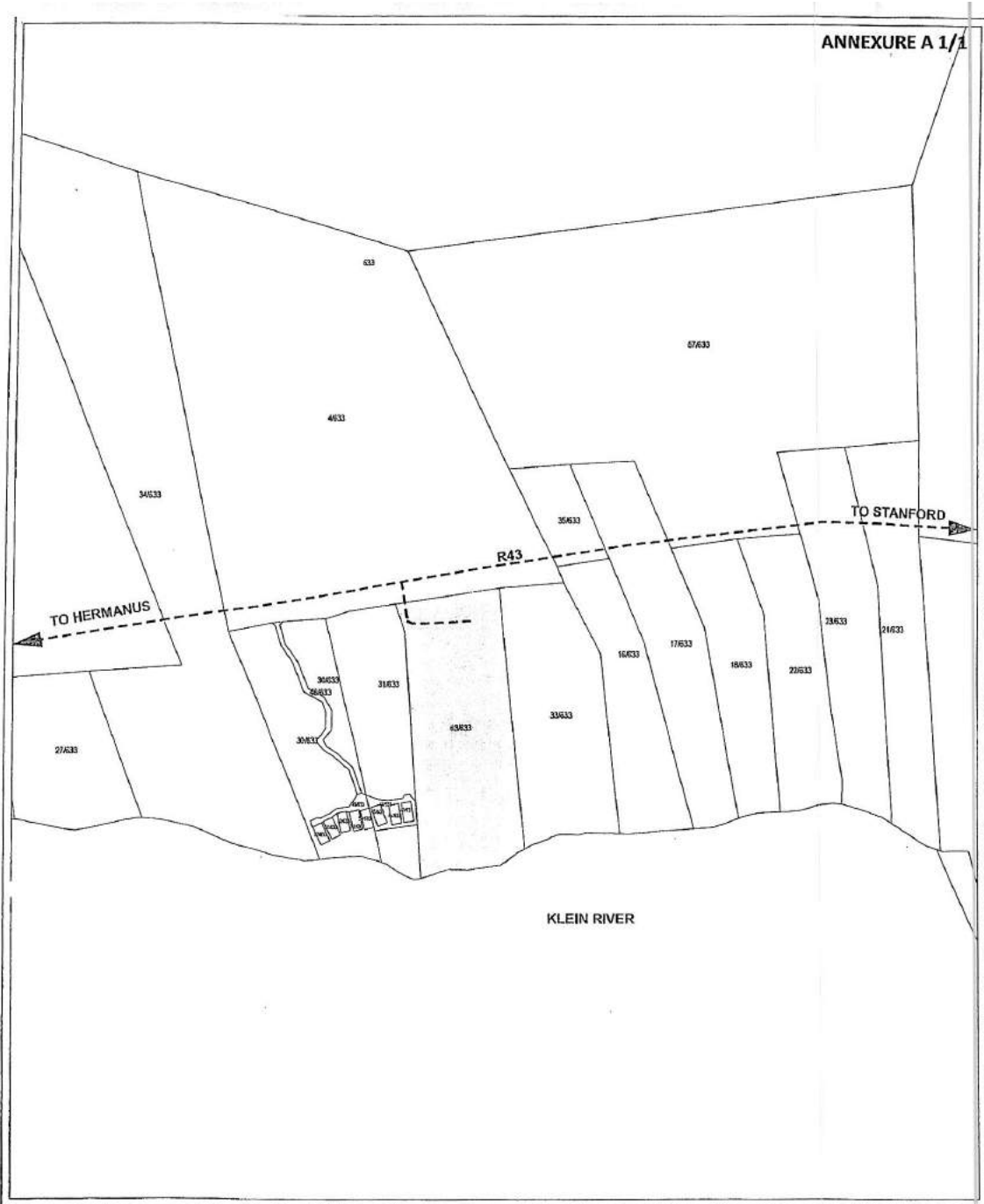
12.1 REASONS FOR RECOMMENDATION

- ❖ The proposed uses will have a minimal impact on the surrounding area.
- ❖ The diversification of uses on the property will positively contribute to job creation, economic growth and sustainability of the farm.
- ❖ The alteration to the existing outbuilding will be minimal and therefore have no impact on the road users of the R43 and adjacent property owners.
- ❖ The objection received has been sufficiently addressed.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ Local and provincial departments have provided supporting comments for the proposed application.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.

13. Annexures

- Annexure A: Locality Plan
- Annexure B: Motivation Letter
- Annexure C: Site Development Plan
- Annexure D: Objection
- Annexure E: Comment on objection
- Annexure F: Fire Services
- Annexure G: Comment: Telkom
- Annexure H: Comment: Department of Transport and Public Works
- Annexure I: Comment: Eskom
- Annexure J: Comment: Department of Environmental Affairs and Development Planning (Environmental Component)
- Annexure K: Services Report
- Annexure L: Comment: CapeNature
- Annexure M: Comment: Breede-Gouritz Catchment Management Area

RESPONSIBLE OFFICIAL :	P ROUX
TARGET DATE FOR IMPLEMENTATION :	13 JUNE 2019
TARGET DATE TO INFORM APPLICANT :	13 JUNE 2019
TARGET DATE TO INFORM OBJECTOR :	13 JUNE 2019



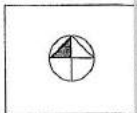
DATE:
SEPTEMBER 2017

PLAN:
LOCALITY

CLIENT:
EAGLES' NEST WINES (PTY) LTD

**PROPOSED CONSENT USE -
PORTION 63 OF FARM 633,
HERMANUS (DIVISION
CALEDON)**

N.T.S



ATLAS
Town Planning
P.O. BOX 300, KUILSRIVIER, 7575 (021) 8017446



Introduction

1.1 Background

The subject property is Portion 63 of Farm Rocklands Nr 633, Hermanus (division Caledon) situated between die R43 en Klein River en-route from Hermanus to Stanford. The farm is commonly known as Stonefields. The property is predominantly used for rural living and limited agricultural use. This includes a small vineyard planted in recent times and the owners are eager to extend the agricultural use and to produce their own wines and craft beers from the premises.

1.2 Brief and application

In view of the above, ATLAS Town Planning was requested to prepare an application to obtain the necessary land use rights for an agricultural industry (boutique winery and micro brewery). The power of attorney is attached as **Annexure 2**.

Application is herewith made:

- i) In terms of Section 16 (2) (o) of the Overstrand By-law on Municipal Land Use Planning of 2015 for a consent use (Agricultural Industry) as allowed for in the Agricultural Zone to accommodate a boutique winery on a portion of Portion 63 of Farm Rocklands Nr 633, Hermanus (Division Caledon).
- ii) In terms of Section 16 (2) (b) of the Overstrand By-law on Municipal Land Use Planning of 2015 for a permanent departure to relax the 30m building line from 30m to 20,89m insofar as it has relevance to the proposed change of use of the existing building to be used as the boutique winery.

Property Details

2.1 Property Description

This application has bearing on Portion 63 of Farm Rocklands Nr. 633, Overstrand Municipality, Division Caledon, Western Cape Province. The subject property measures 10.9503ha and is registered in the name of *Eagles' Nest Wines (Pty) Ltd* (Registration Nr 2008/003795/07). The property is held by Deed of Transfer T13948/2013. A copy of the title deed is attached as **Annexure 3** and it is evident that there aren't any conditions restricting the proposed land use.

2.2 Locality

The locality of the property is indicated on the locality plan attached as **Annexure 5**. The property is located next to the R43 en-route from Hermanus to Stanford. The property also borders onto the Klein Rivier. The property is therefore very accessible and this is beneficial in terms of transportation of manufactured goods.

2.3 Existing land use and zoning

The subject property is zoned Agricultural Zone I in terms of the Overstrand Zoning Scheme Regulations. The property is used accordingly, mainly for rural living but also agricultural use. The particular zoning category provides for an Agricultural Industry as a consent use. The zoning scheme defines an Agricultural Industry as:

Agricultural Industry means an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes, inter alia: dairies, wineries, distilleries, olive processing facilities, breweries and other facilities required for the processing of agricultural products, where produce packed is not produced on the land unit, but does not include service trades;

2.4 Physical characteristics

The property measures approximately 11ha and slopes +/- 40m over a distance of half a kilometre in a southerly direction. A large portion of the property is covered by Bluegum trees and some areas have been cleared to enable farming activities. It should be mentioned that the adjacent property, Portion 33 of Farm Rocklands Nr 633, Hermanus, is owned by the same entity and that farming operations are spread across both properties. The existing use to date was predominantly rural living and the dwellings / outbuildings on the subject property are clustered together in the south-western corner of the property overlooking the lake. A few farm buildings are located on the premises and this application relates to an existing old barn located on the northern portion of the farm. At present, vineyards only account for about 1ha, but it is the intention to expand this to about 4-5ha of mainly white grape cultivars.

Planning context

3.1 Surrounding land uses

The property is located in a rural area and mostly surrounded by bonafide agricultural uses. There are however a number of tourist related uses (holiday accommodation) overlooking the lake, mostly towards the Hermanus side and includes the yacht club. The other smaller farms are mainly used for rural living.

3.2 Existing forward planning and policy frameworks

The Overberg Spatial Development Framework gives guidance in respect to spatial planning and appropriate utilisation of land within the municipality's boundaries. The proposed use is closely linked to the primary land use being agriculture. In this respect, the application for a consent use to permit an agricultural industry is deemed to be consistent with the objectives of the relevant forward planning document.

3.3 Legal aspects

Application is made in terms of Section 16 (2) (o) of the Overstrand By-law on Municipal Land Use Planning of 2015. The Overstrand Zoning Scheme Regulations is applicable and provides for the proposed land use to be permitted as a consent use in the relevant zoning category. The Municipal Systems Act (No. 32 of 2000), in particular Section 62 that deals with appeals, also has relevance to the application at hand.

4. Development Proposal Assessment

The application relates to a change of use to permit the manufacturing of wine from a small shed (measuring less than 100m²). The proposed use will not include a tasting and sales facility and will therefore not be open to members of the public. It is however foreseen that on-line sales will form part of the operations. The bottling and manufacturing will take place on site and the property will be used as a depot from where bulk sales can be despatched from.

As mentioned, it is the intention to establish a vineyard of 4-5ha (mainly white grape cultivars). The annual production is estimated at in the region of 4 500 litres / 6 000 bottles when fully operational. Delivery of goods will be handled by light commercial

vehicles and it is not expected that the proposed land use will have any material impact on the area concerned.

4.1 Economic Impact

The property is not remotely being used to its potential and hence a more optimal use is sought. Sustainable farming requires the keeping up to date with relevant technologies and to be geared in a manner to be competitive in the market. This generally requires substantial capital layouts and associated risk taking. A working farm creates opportunities for employment. In this particular instance it will create employment for general labourers as well as persons associated with the manufacturing process. The opinion is therefore held that this application will have a positive economic impact.

4.2 Social impact

The application does not involve non-agricultural uses and is therefore not expected to have any material social impacts. The proposed use is however not deemed to negatively impact on any of the neighbours.

4.3 Scale of capital investment

The proposed use will be accommodated in an existing shed. However, the equipment associated with the production and bottling of wine are very expensive and it is therefore imperative that the necessary land use rights be obtained to justify this long term investment.

4.4 Safety, health and well-being of surrounding community

The subject property measures approximately 11ha. The proposed use will be located in the north-eastern portion of the property. The closest abutting farm is owned by the same entity. The proposed use will be located a fair distance from any of the other abutting properties. It is therefore not foreseen that this application will have any adverse affect on the safety, health or well-being of the surrounding community.

4.5 Consistency w.r.t surrounding land uses

The subject property is located in a rural setting where the predominant use is agricultural. The location overlooking the lake has however resulted in this area becoming a popular holiday destination and this is eminent from the number of properties zoned for resort purposes. The application to permit the manufacturing of wine is closely related to general agricultural activities. It is also clear that the proposed operations will be on a very small scale with the existing barn to be used for these purposes measuring less than 100m². The proposed use will not include a tasting facility and this is what generally leads to increased traffic etc. It is therefore not foreseen that the proposed use will have any material impact on the immediately surrounding properties.

4.6 Traffic and Parking

The property gains direct access from the R43. The owners are aware that future accesses off this road may be limited. It is however the intention that the proposed winery make use of the existing access which offers good sight distances in both directions. Given the intended scale of the operations, transporting of goods will likely be done by light commercial vehicles such as bakkies and small trucks. The frequency of these trips is generally limited to few trips a week and not necessarily even on a daily basis.

The property is very big and no problems are foreseen i.t.o on-site parking or reticulation for vehicles. No problems are therefore foreseen w.r.t traffic and parking.

4.7 Engineering Services

Basic water, sanitation and electricity are available on site and it is not envisaged that any upgrades would be required at this stage. Issues relating to potable water, dealing with surface, ground or stormwater will be dealt with in the same manner as before. The owners obtained the necessary authorisation from the Department of Environmental Affairs and Development Planning pertaining to the clearing of vegetation for the planting of the vineyards. That process and potential impacts on the Klein River estuary was duly covered in the supporting reports and the department's consequent authorisation.

The property has rights to water and these mostly relates to bonafide farming

activities and residential use. Solid waste will be stored on-site in a safe and responsible manner and recycling of in particular glass will be encouraged. Waste will be disposed of at the nearest municipal dumping site on a regular basis.

The owners will adhere to health and other municipal requirements at all times.

4.8 Heritage Impact

The property is fully developed and does not trigger the need for any Heritage applications.

5. Conclusion

The opinion is held that the application should be supported for the following reasons:

- i) The proposed use is directly linked to bonafide agricultural use and is not envisaged that it will have any negative impact on surrounding properties.
- ii) The application is not deemed to be inconsistent with relevant forward planning policies and objectives for the area;
- iii) The proposed use will not have any negative impact on the welfare or well-being of the general public given the location of the building to be used for these purposes, the compatibility of the intended use with the existing land use rights and the fact that it will not lead to an increase in visitors to this tranquil environment;
- iv) The application will have no material impact on the rights of property owners in the immediate area.

It is therefore trusted that the application will receive the necessary support.

ANNEXURE C 1/3

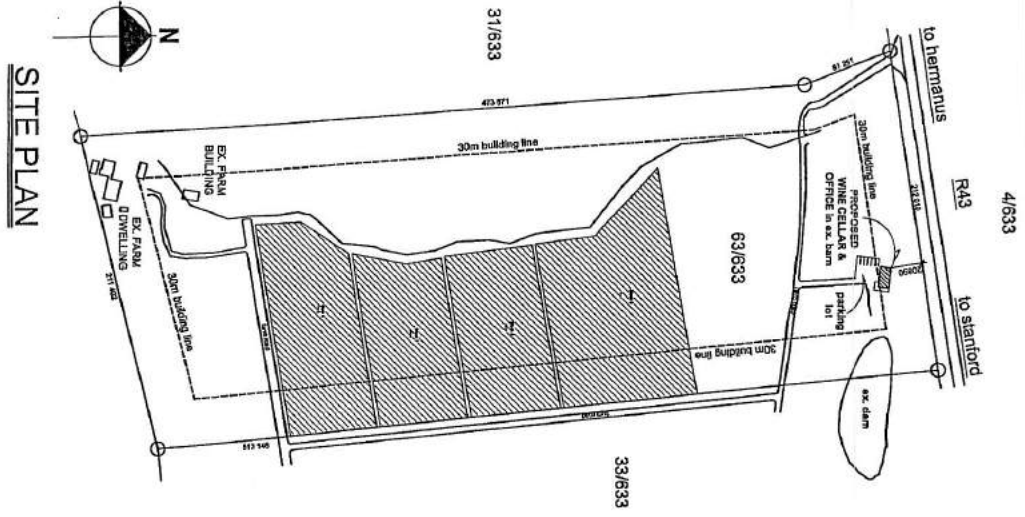
AREA
Site area = 10,95ha

PROPOSED WINE CELLAR = 49,3m²
PROPOSED OFFICE = 16,7m²

EX. BARN, NO ADDITIONAL AREA
6 PARKING BAYS & 1 LOADING BAY PROVIDED

SITE DEVELOPMENT PLAN
STONEFIELD FARM
R43
HERMANUS
ERF- 63/633

Scale: 1:2500
Date: October 2017
Drawn: D. van Dyck
Checked: C. de Beer
Project: T0488
Tel: 071554882
Cell: 084525408
info@kennedysafrica.co.za
DWG. NO. 806-1/3

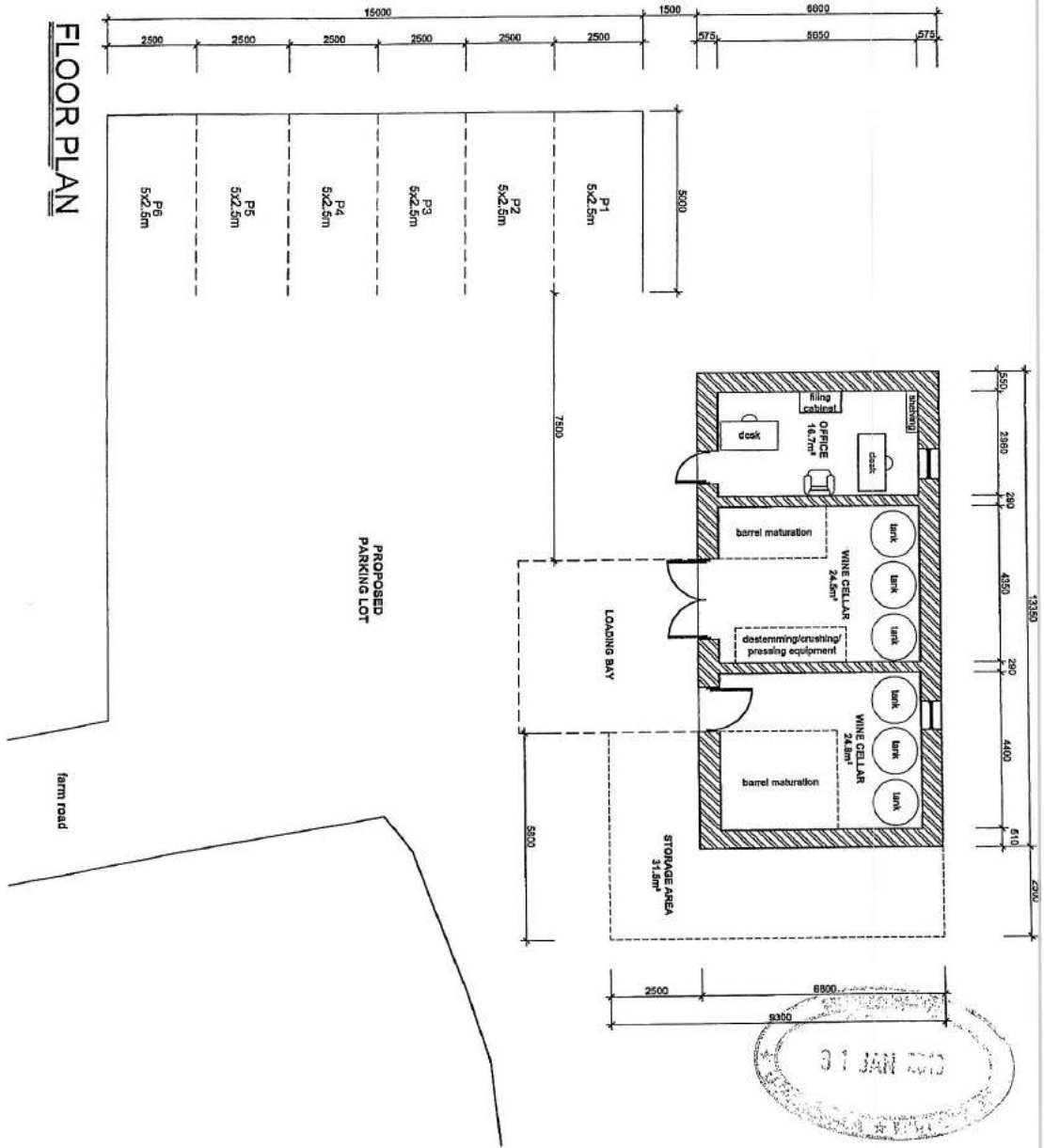


SITE DEVELOPMENT PLAN
STONEFIELD FARM
R43
HERMANNUS
ERF 63/633

Scale: 1:100
 Date: October 2017
 Drawn: D. van Driel
 Checked: C. de Beer
 Title: 07/16/17/23
 Cell: 044025/03
 07/16/17/23

DWG. NO. 806-2/3

FLOOR PLAN



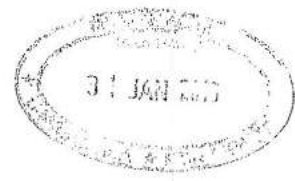
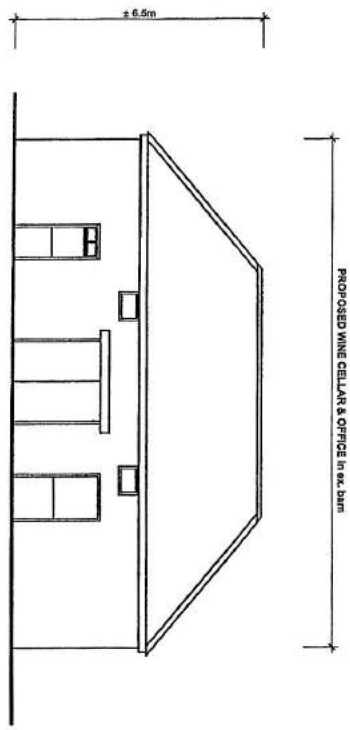
SITE DEVELOPMENT PLAN
STONEFIELD FARM

R43
HERMANUS
ERF 63/633

Scale: 1:100
Date: October 2017
Drawn: D. van Diek
Checked: C. de Beer
Project: T0489
Tel: 021 5544432
Cell: 0646254109
email: drc@tjprinc.co.za

DWG. NO. 806-3/3

SOUTH ELEVATION



ANNEXURE D 1/2

FILE NO: Ptn 63 / 633
Rocklands
SCAN NO:
PTN 63
COLLABORATOR NO:
1227091



P O Box 235
Stanford
7210
23 October 2018

Mr P Roux
Overstrand Municipality
P O Box 20
Hermanus
7200

TRATHA
(P Roux)

Dear Sir

**PORTION 63 OF THE FARM ROCKLANDS NO 633, OVERSTRAND MUNICIPAL AREA
PROPOSED CONSENT USE: ATLAS TOWN PLANNING ON BEHALF OF
EAGLES NEST WINES (PTY) LTD.**

I write on behalf of the Executive Committee of the Hermanus Lagoon Property Owners Association (HLPOA). This Association includes twenty members all of which live on either the north or south side of the Hermanus Lagoon in close proximity to Farm 633 Portion 63.

The executive committee of the HLPOA request that the Association be registered as an Interested and Affected Person with regard to this Application.

Contact person: E L L Ivey (Chairperson)

Address: P O Box 235 Stanford 7210

E-mail: reivey@iafrica.com

phone: 028-3140263 or 082 7707320

Interest: The members live in the same area as the proposed consent use i.e. On properties adjoining the Klein River Estuary (Hermanus Lagoon)

We wish to comment and express our concerns as follows:-

Environment: Portion 63 of 633 is situated on the banks of the Kleinriver Estuary and any activity within this area has the potential to impact on the Estuary. The Estuary is not only recognised as a place of great natural beauty but it is also an important breeding place for fish which inhabit Walker Bay. Property 633/63 also is within approximately 2 kms of a declared Bird Sanctuary. Therefore activities on the property must be carefully managed and monitored to prevent any negative impact on this important natural resource.

An application to grow vines and olive trees triggered an N.E.M.A. Report in 2015, DEA & DP Ref 16/3/3/6/1/E2/15/1162/15 which indicated there must be no removal of vegetation from portion of the site due to critically endangered indigenous vegetation and a 32m buffer zone must be maintained from the Rocklands River and wetlands.

The current application indicates that there will be an extension of the vineyards from 1 ha to 5 ha. **Application for Consent Use for Agricultural Industry:** We realise that the boutique winery will produce wine from grapes grown on the property. However the micro brewery will import the ingredients for the making of the beer. Our understanding is that an Agricultural Industry must use produce grown on the property, therefore the beer making from imported ingredients does not comply. The owners of Crystal Kloof (637 Portion 1) applied for permission for a winery on the property and the application was refused because the produce (grapes) were not grown on the property. Similarly an application for a Farmstall was refused because the produce was not grown on the property.

We realise that this Application is for a micro-brewery but we are concerned that permission will set a precedent for Agricultural Industry which is not appropriate and acceptable in this environment.

Engineering Services: It is stated that water, sanitation, electricity are available and no upgrades

31 OCT 2018

- 2 -

at this stage. What is the time period for "this stage"? What prevents upgrades at a later stage?

Water: It is stated that Borehole water is to be used? Has an application for a Water User Licence been approved?

Effluent water as a result of brewing:: This is to be treated and again used for irrigation. We require further detail as to how this is to be treated and what impact it will have on the Estuary. What is the risk for a negative impact on the Estuary and what measures are in place to prevent pollution.

Solid waste is to be stored on-site: What measures are to be taken to prevent any accidental pollution of the Estuary? Will the solid waste be visible and impact on the natural beauty?

Traffic: It is stated that there will be a minimum increase in traffic as the sales will be "on-line". Already there are complaints from property owners in that vicinity about the delivery trucks to and from the bottling plant immediately to the north of Property 633/63 and this industry will further increase the number of delivery trucks in that area. R43 is about to be upgraded and note must be taken of the planned access points to R43, and the impact of added delivery trucks in that immediate area.

We understand that at this stage a boutique (minimum) and micro-brewery (minimum) are planned but we are greatly concerned that this application will set a precedent for agricultural industry in the Kleinriver area. This area known for its natural beauty and botanical importance and, although zoned Agriculture, it is primarily used as a holiday destination whose attraction is the rural surroundings which offer peace and quiet. The introduction of Agricultural Industry has a potential to destroy the present environment. Certain conditions to prevent or contain a negative impact may be imposed but conditions are extremely difficult to monitor and maintain.

It is noted that the property Portion 63/633 has for many years been used for limited agriculture and that in large part the natural vegetation has been destroyed, therefore a boutique winery is acceptable if conditions for the use of water, sewerage, etc. are enforced to prevent the pollution of the Estuary.

However, we object to permission being given to the application for a micro-brewery for the reasons given above. The ingredients are imported which sets a precedent for further extension to the brewery, and a precedent for further activities which involve the import of produce.

We thank you for this opportunity to comment and to express our concern for the maintenance of a special place of natural beauty and botanical importance.

Yours faithfully,

E L L Ivey
Chair, Hermanus Lagoon Property Owners Association

TPA Theart
(P Roux)

21 January 2019

Overstrand Municipality

P.O.Box 20

HERMANUS

7200



Attention: Mr Petrus Roux / Ms Alida Conradie

petrusroux@overstrand.gov.za / alida@overstrand.gov.za

APPLICATION FOR CONSENT USE (AGRICULTURAL INDUSTRY) – PORTION 63 OF FARM ROCKLANDS NR 633, HERMANUS (DIVISION CALEDON)

Previous correspondence in this regard, refers.

The comments from the Hermanus Lagoon Property Owners Association (HLPOA), was referred to the client. They themselves are members of this association and have perused the issues raised.

The HLPOA raised questions regarding the environment. Attention is drawn to the letter from the Department of Environmental Affairs and Development Planning (DEADP) dated 1 September 2015, of which your office were provided with a copy, in which the proposed activity of clearing land for farming purposes (planting of vineyards) were addressed. DEADP confirmed that the proposed activities did not trigger any of their listed activities in response to a Botanical report by Whithers Environmental Consultants. It was stated in this report that 10 – 12ha of land is planned to be cleared in order to plant vineyards. It is therefore the opinion that environmental matters regarding the clearing of vegetation and planting of vineyards have been considered by the relevant authorities and deemed to be in order. This amongst others includes maintaining a buffer area w.r.t Rocklands River and wetlands as stated in the letter from the HLPOA. It is therefore trusted that this matter is adequately addressed.

The HLPOA further expresses concern regarding the planned micro-brewery in particular due to the nature and origin of the products used in the brewing process. Whilst this remains an issue for debate with water being the primary ingredient in the brewing process of beer, the owners are willing to utilise the entire area earmarked as "Agricultural Industry"

FILE NO:	PTN 633/633
SCAN NO:	01
	Farm 633
COLLABORATOR NO:	1249300

TP

23 JAN 2019

for the proposed boutique winery and to not proceed with the proposal for a micro-brewery. The HLPOA has indicated that they are against the proposed brewery and that it could potentially set an unwanted precedent.

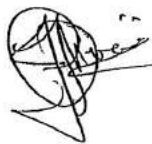
Questions were raised regarding engineering services and particularly w.r.t pollution. It was stated that no upgrades are foreseen at this stage and this is based on the limited scale of the activities. Even though it is not envisaged, any increase in the scale of the area to be used will trigger a future land use application. Again, it is reiterated that the client is willing to withdraw the proposal for a micro brewery. The water use of the property is registered with the Department of Water Affairs and the owners have no problem to accept and enforce conditions pertaining to water use, sewerage etc. as stipulated by the HLPOA in their letter.

The HLPOA has raised issues regarding increased traffic. The matter of access onto the R43 has been dealt with by the relevant roads authority, being the Department of Transport and Public Works (Road Network Management). The owners are aware of the departments' requirement that the existing access be closed and the registration of a servitude access at a revised location. This must be done to improve safety and to regulate the position of access points along this road. The traffic impact of the proposed use was assessed and the relevant department supports the application. The expected impact as a result of this application is not believed to be detrimental to the area.

The HLPOA objects to the proposed brewery but not the winery. The owners have thus adhered to this by agreeing to only use the area earmarked for "Agricultural Industry" as a boutique winery. They further agree to accept and enforce conditions to prevent any pollution into the lagoon. They acquired the property due to the location in this pristine environment and therefore support the sentiment in this regard.

It is therefore trusted that the application will receive the necessary support.

Your's truly

A handwritten signature in black ink, appearing to read 'Koos Olivier', with some scribbles and a small mark above the 'e'.

Koos Olivier
ATLAS TOWN PLANNING

ANNEXURE F 1/1

Munisipaliteit • U-Maxipala • Municipality



File reference:	PTN 63/633 (3823)
Date:	20 Sept 2018

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: P Roux

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor</u> (Cllr. K. Brice)	<u>Waste Management</u>

Applicant	B SCORGIE (obo R DE WET)
Property Details	PORTION 63 OF THE FARM ROCKLANDS NO 633. VOËLKLIP
Application Description	PROPOSED CONSENT USE

ATTACHMENTS:

1.	Notice		Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan		
3.	Site Development Plan		
4.	Motivation		

YOUR DEPARTMENT'S COMMENTS:

Consent use is subject to the proposed development being in compliance with the requirements of National Fire Protection Regulations SANS10400T:2011 for occupancies B2 – Moderate Risk Commercial Service and A1 – Entertainment and Public Assembly for tourist/wine tasting/pub.

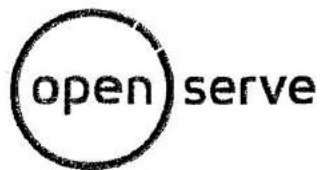
A Fire Plan must be submitted to the Municipality for approval by the Chief Fire Officer prior to commencement of any construction.

Signature:	_____	Date:	_____ 2018
------------	-------	-------	------------

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 26 OCTOBER 2018



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHMN3134_18
Your Ref.: Ptn 63/633 Farm Rocklands 3823

10 October 2018

Attention: S Muller

Overstrand Municipality
HERMANUS

PLANT AFFECTED:

PROPOSED CONSENT USE: PORTION 63 OF FARM ROCKLANDS NO 633, R43 BETWEEN HERMANUS AND STANFORD

With reference to your application received September 2018.

As important COPPER AND OPTIC FIBRE cables and other infrastructure are affected, please contact our representative Frederik Swart at 028 514 1199 / 081 363 7815 / FrederikS@openseve.co.za 48 hours prior to commencement of construction work.

I hereby inform you that Open Serve 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.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

FILE NO:	Ptn 63/633 Rocklands
SCAN NO:	FARM 633
COLLABORATOR NO:	1227912

810Z AON 2 -

As per sketch attached, Open Serve 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.

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.

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 Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully



Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

This wayleave, Reference Number **WWIP WHMN3134 18** is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve 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 number **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve 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 Open Serve immediately, should the applicant locate any Open Serve plant indicated on the provided plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's 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 the damage or loss as a result thereof.

Date: 10 October 2018

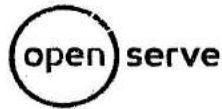
By: C Spammer

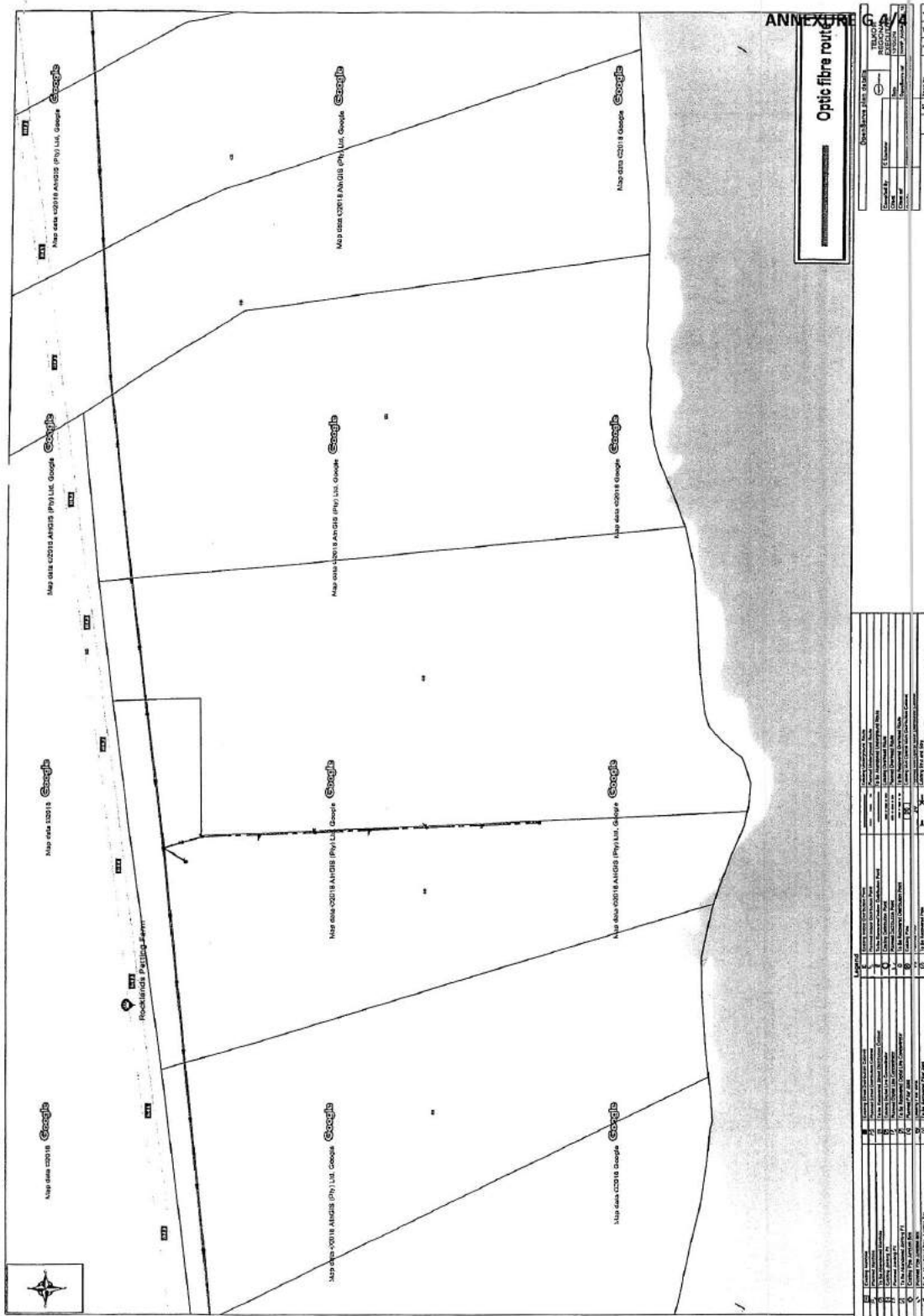
For Regional General Manager
Western Cape (N2W3T1B)

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)	
13. Break in pipe	

The pipeline indicated contains **OPTIC FIBRE** cables.

F Swart - telephone **028 514 1199** must be contacted at least 48 hours before commencement of work.





Geographical Data	
Scale	1:1000
Projection	UTM
Zone	18N
Datum	WGS 84
Units	Meters

Legend	Description
[Symbol]	Optic fibre route
[Symbol]	Rockledge Park Drive
[Symbol]	Parcel boundary
[Symbol]	Water body
[Symbol]	Other features

Map Information	
Map Title	Optic fibre route
Map Date	2018
Map Author	Google
Map User	[Name]
Map Scale	1:1000
Map Projection	UTM
Map Datum	WGS 84
Map Units	Meters



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
C Roux

REFERENCE: 16/9/6/1-21/160 (Job 26415)
ENQUIRIES: Ms GD Swanepoel
DATE: 24 October 2018

The Municipal Manager
PO Box 20
HERMANUS
7200

Attention: Mr P Roux

FILE NO:	PTN 63 / 633
	Rocklands ✓
SCAN NO:	PTN 63
COLLABORATOR NO:	1229227

Dear Sir

PORTION 63 OF FARM ROCKLANDS NO 633, OVERSTRAND: TRUNK ROAD 28: PROPOSED CONSENT USE AND DEPARTURE

1. Your letter dated 19 September 2018 refers.
2. The subject property is located 10km east of Hermanus, and takes access off Trunk Road 28 at ±km12.48.
3. This application is for the following:
 - 3.1 Consent Use in order to accommodate a boutique winery and a micro-brewery; and
 - 3.2 Departure to accommodate existing structures that encroach the 30m building line.
4. This Branch is in the process of planning the upgrade of Trunk Road 28.
5. In terms of the plan, the subject property must close its access and arrange a right of way servitude over the adjacent property, Remainder Portion 31 of Farm No 633.
6. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014 subject to the following:
 - 6.1 Permanent closure of its access at ± km 12.48 off Trunk Road 28 and

- 6.2 Registration of a right of way servitude in favour of Portion 63 of Farm No 633 over
Remainder Portion 31 of Farm No. 633.

Yours faithfully



ML WATTERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT



TRATheart
(H Olivier)

BRENDELENE STEWART
OVERSTRAND MUNICIPALITY

Date:
07- 11- 2018

Enquires:
Phumeza Qwashu
Tel: 021 980 3269
Fax: 021 980 3053

SIR/MADAM

PROPOSED DELOPMENT: PROPOSED CONSENT, PORTION 63 OF FARM ROCKLANDS NO 633, R43 BETWEEN HERMANUS AND STANFORD, OVERSTRAND MUNICIPALITY.

OUR REF: 03493-18

Eskom has no objection to the proposed work as indicated in your application provided that the following conditions are adhered to:

- I. No building may be erected within **9 (NINE) metres** from either side of the centre line from any Eskom **11 / 22kV power line** crossing the property involved or within **6 (SIX) metres** from any structure supporting mechanism.
- II. No building, any structures or trees may be erected within **11 (ELEVEN) metres** from the centre of Eskom **66 kV power line** or within **6 (SIX) metres** from any structure supporting mechanism.
- III. No building may be erected within **3 (THREE) metres** from any Eskom underground cable.
- IV. The location of the cable from the Eskom transformer to the distribution box must be pointed out to the contractor by the owner and is the owner's responsibility.
- V. A copy of this letter / documentation must be handed to the contractor who must have it available on site.
- VI. 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.

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.

Western Region
Eskom Road, Brackenfell, 7560
PO Box 222, Brackenfell, 7561

Eskom Holdings SOC Limited Reg No 2002/015527/06

FILE NO:	Pin 63/633 Rocklands ✓
SCAN NO:	PIN 63
COLLABORATOR NO:	1235849



2 6 NOV 2018

- iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- v. 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.
- vi. The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- vii. Eskom shall at all times have unobstructed access to and egress from its services.
- viii. Any development which necessitates the relocation of Eskom's services will be to the account of the developer.

PLEASE CONTACT AND MAKE APPOINTMENT: CALEDON CNC - KAY-ANN OLKERS- 028-212 3010, BEFORE WORKING IN CLOSE PROXIMITY TO ANY ESKOM OVERHEAD POWER LINES.

The above is a requirement under the **Occupational Health and Safety Act (Act No. 85 of 1993)** to ensure safety.

Please apply to your local Eskom office (Sales and Customers) for a new electricity connection or an increase in your supply.

Should it be necessary to move any of the Eskom services a written request must be given to the local Eskom office. It must be noted that it will take 3 month or longer to move any power line and that the cost of moving a power line will be for the applicant's account.

Yours sincerely



**PHUMEZA QWASHU
LAND DEVELOPMENT**

ESKOM (WESTERN REGION)

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

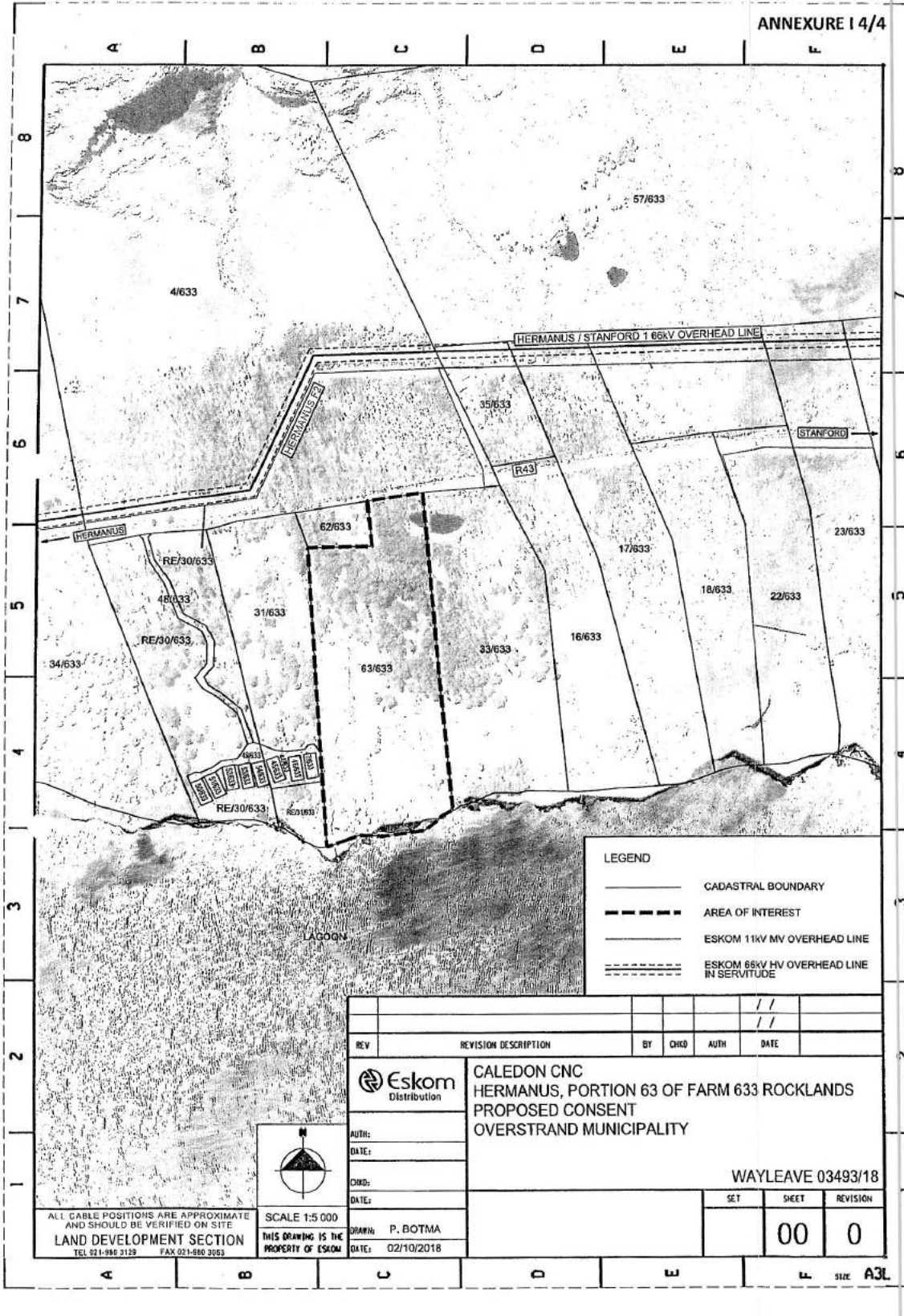
D16 (7) Excavations

"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".



LEGEND

- CADASTRAL BOUNDARY
- - - - - AREA OF INTEREST
- ESKOM 11kV MV OVERHEAD LINE
- - - - - ESKOM 66kV HV OVERHEAD LINE IN SERVITUDE

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom Distribution

**CALEDON CNC
HERMANUS, PORTION 63 OF FARM 633 ROCKLANDS
PROPOSED CONSENT
OVERSTRAND MUNICIPALITY**

WAYLEAVE 03493/18

SET	SHEET	REVISION
	00	0

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
TEL 021-980 2129 FAX 021-980 2053

SCALE 1:5 000
THIS DRAWING IS THE PROPERTY OF ESKOM

DRAWN: P. BOTMA
DATE: 02/10/2018

SIZE A3L



DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)



E-mail: Dalene.Groenewald@westerncape.gov.za
Tel: +27 21 483 5568 Fax: +27 21 483 3633
Private Bag X9086, 1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

TP - A Theart
C H Olivier

REFERENCE: 15/3/2/12/BO3

TOWN PLANNING ENQUIRIES: Dalene Groenewald Tel: (021) 483 5568

DATE: 21 November 2018

Municipal Manager
PO Box 20
Hermanus
7200

OVERSTRAND MUNICIPALITY: APPLICATION FOR CONSENT USE AND DEPARTURE ON PORTION 63 OF THE FARM ROCKLANDS NO 633, LOCATED ON R43 BETWEEN HERMANUS AND STANFORD

1. Your request for comment, dated 19 September 2018, and received by this Department on 28 September 2018, refers.
2. Based on a review of the information submitted to this Department, the proposal entails the following:
 - (i) Consent use (Agricultural Industry) to accommodate a boutique winery and micro-brewery (craft beers) in the Agricultural Zone; and
 - (ii) A permanent departure to allow for a 20,89m building line in lieu of the 30m building line as it has relevance to the proposed change of use of the existing building on the property.
3. The property is zoned as Agricultural Zone I in terms of the Overstrand Zoning Scheme Regulations. The farm is commonly known as Stonefields.
4. The applicant is Eagles' Nest Wines (Pty) Ltd, the registered owners of the property. The property is located between the R43 and the Klein River, en-route from Hermanus to Stanford. The property measures 10.9503ha.
5. The property is predominantly used for rural living and the owners are eager to extend the agricultural use in order to produce their own wines and craft beer on the premises.
6. Environmental Comment

Applicability of the National Environmental Management Act ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended):

According to the information provided, the proposed development does not trigger any listed activities in terms of the NEMA Regulations.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3544 Fax: +27 21 483 3363

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

Page 1 of 2

- 3 DEC 2018

FILE NO:	Phn 63/633 Rocklands
SCAN NO:	24
COLLABORATOR NO:	1237979

7. Planning Comment

7.1 Western Cape Provincial Spatial Development Framework (PSDF) (2014)

To deliver on the strategic objectives of the Western Cape Government, the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. The framework also focuses on the important role of tourism as part of a growing economy. The proposed development will contribute to tourism in a positive manner without being detrimental to the surrounding area or population.

7.2 Overberg Spatial Development Framework

The proposed land use is considered to be compatible with the primary land use, being agriculture. The consent use to permit an agricultural industry is deemed to be consistent with the objectives of the relevant forward planning document.

7.3 General

The subject property is zoned as Agricultural Zone I. According to the Overstrand Zoning Scheme, this zoning category allows for an Agricultural Industry as a consent use. The proposed consent use is therefore compatible with the planning policies in the area, provided that the character of the area and the amenity of the zone is not adversely affected.

The departure to allow for a 20,89m building line in lieu of the 30m building line, will not have a significant impact on the character of the area or a negative impact on the community in general.

8. Conclusion

In view of the above, the application for consent use on Portion 63, Rocklands No 633, Hermanus/Stanford to allow for an agricultural industry is regarded as a compatible land use in the area and is supported. The permanent departure to allow for an amendment of the building line is supported.

This comment is based on information currently available. Comment of all interested parties, those potentially affected by the application and other role players are not available at this stage.

This Department reserves the right to submit contradictory and/or amended comment should any additional or new information be submitted. The above-mentioned comment is also not binding on any component within this Department, nor on the Minister, responsible for Environmental Affairs and Development Planning.


DIRECTOR: DEVELOPMENT MANAGEMENT
REGION 2

DATE: 27.11.2014

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 63 OF THE FARM
ROCKLANDS NO. 633 (3823)**

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

Conditions:

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. 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 Manager: Water Infrastructure & Quality , Overstrand Municipality;
4. that no sewerage 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 sewage disposal;
5. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;
6. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
7. that the disposal of effluent from the site must comply with all relevant legislation, as well as with the *Municipal By-law: Water Supply & Sanitation Services (2009)*, and in light of the proposed wine making activities on site, with specific reference to Section 58: *Objectionable discharge*, Section 72: *Application for the disposal of Industrial effluent*, Section 73: *Unauthorised discharge of Industrial effluent*, Section 76: *Conditions for disposal of industrial effluent* and Annexure A: *Acceptance of industrial effluent for discharge into sewerage disposal system*;

07 JAN 2019

8. *that the acceptance of industrial effluent for discharge into the sewage disposal system: Special Limitations specifically exclude acceptance of, amongst others, any yeast and yeast wastes as well as molasses (spent or unspent) for disposal into the sewage disposal system;*
9. *that, in light of proposed wine making activities on site, the owner is to ensure that all contaminated stormwater run-off from any relevant open areas and wash bays are contained and treated in accordance with the relevant Environmental legislation, SANS 10400: National Building Regulations (more specifically but not restricted to Section R – Stormwater, as well as Section PP11 – Run-off from Washing Area), and the Municipal By-law: Water Supply & sanitation Services (2009), more specifically but not restricted to Section 48: Owner to prevent pollution of water and Section 58: Objectionable discharge. All costs in this regard will be for the owners account;*
10. *that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road;*
11. *that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility.*


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE



SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599
 physical Assegaibosch Nature Reserve Jonkershoek
 website www.capenature.co.za
 enquiries Chanel Rampartab
 telephone +27 21 866 8017 fax +27 21 866 1523
 email crampartab@capenature.co.za
 reference SSD14/25/1772/633-63_cons_winery_Hermanus
 date 8 January 2019

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

Attention: Alida Conradie

Dear Ms Conradie

Application for consent use for winery and micro-brewery on FA 633/63, Hermanus
 (Overstrand Municipality ref: Ptn 63/633 Farm Rocklands (3823))

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.

The application is for the consent use for a winery, micro-brewery and associated parking lot (total area 100 m²) on FA 633/63, Rocklands, Hermanus.

While vulnerable Agulhas Sandstone Fynbos would have occurred naturally, the site has been cleared for vineyards and has a high density of Invasive Alien Plants (IAP). Note that in terms of the Conservation of Agricultural Resources Act (CARA 1983) and National Environmental Management: Biodiversity Act (NEM:BA) Alien and Invasive Species Regulations (2014), all landowners are required to implement an IAP management plan. According to the Western Cape Biodiversity Spatial Plan (CapeNature 2017), the site contains very small patches of a Critical Biodiversity Area with restoration potential (CBA2).

The property is currently demarcated as FA 633/62, which is part of the Kleinriviersberg Conservancy. Effluent water is to be treated on site and used for irrigation; whereas solid waste will be stored on site and disposed of at the municipal sites.

CapeNature does not object to the application provided that (i) the development is aligned with the objectives of the Kleinriviersberg Conservancy; and (ii) the water treatment site and waste storing site will be within the 100 m² footprint.

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

Yours sincerely

Rampartab

Chanel Rampartab
 For: Manager (Scientific Services)

FILE NO:	Ptn 63/633
	Farm Rocklands ✓
SCAN NO:	
	PTN 63
COLLABORATOR NO:	
	1248730

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Bond-Smith, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Stack

22 JAN 2019

TRA Theart
 (H Olivier)



ANNEXURE M 1/1


BREED-GOURITZ
 CATCHMENT MANAGEMENT AGENCY

51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850



Enquiries: V Ligudu Tel: 023 346 8000 Fax: 023 347 2012 E-mail: vligudu@bgcma.co.za

REFERENCE NO: 4/10/1/G40L/Farm 633/63, Rocklands

Date: 11 February 2019

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

 TR. A Theart
 (P. Roux) ✓
 H. Bignant

Attention: P. Roux

APPLICATION FOR CONSENT USE: PORTION 63 OF THE FARM ROCKLANDS NO 633, CALEDON.

 With reference to the application received by this office on the 25/09/2018, the comments sent out by this office dated 14/11/2018 and the email received on the 31/01/2019 refers.

1. The copy of the letter from Department of Environmental Affairs and Development Planning (DEADP) addressing the issue of Environmental Authorisation and the borehole water analysis is noted.
2. Please note that this office do not have a record of water rights registered for this property.
3. No additional use of surface/groundwater 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 538 dated 02 September 2016), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).
4. Please note that irrigating with effluent is regarded as a Section 21 (e) water use in terms of National Water Act, Act 36 of 1998 and as such requires authorisation.

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

Please contact the above-mentioned official if you have any queries.

Yours faithfully

LignotvC
MR JAN VAN STADEN
 ACTING CHIEF EXECUTIVE OFFICER

FILE NO:	Ph 63/633 ✓
	16/1/11
SCAN NO:	PTN 63
COLLABORATOR NO:	1258014

www.bgcma.co.za

21 FEB 2019