

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

15.
**PORTION 383 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON :
PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE
ON BEHALF OF A BORTEGA (WHALE HAVEN WINERY (PTY) LTD)**

Ptn 383/581 RCAL (2773)

H Olivier

(028) 313 8900

Hermanus Administration

14 May 2015

1. Executive Summary

Application has been received on 9 December 2014 from Messrs. Plan Active on behalf of the property owner on Portion 383 of the Farm Onrust River No. 581, to amend the Site Development Plan for the existing Agricultural Industry (winery) on the property to accommodate a new storage and loading area.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 16.3 of the Overstrand Municipality Zoning Scheme Regulations

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Portion 383 of Farm Onrust River No. 581, Caledon is situated on the corner of the R320 Hemel and Aarde Road (R320) and R43 District Road (R43), next to the Hemel and Aarde Village. It is zoned Agricultural Zone I and measures approximately 1 ha in extent.

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The property is developed with an existing winery with wine tasting facility.

The applicant wanted to increase the storage area of the wine cellar, and has constructed a store area and covered loading area for such purposes. In terms of the Overstrand Municipality Zoning Scheme application must be made to increase the footprint of buildings approved in terms of consent uses, which includes a winery.

The property owner then submitted an application for the amendment of the Site Development Plan (SDP) for the property to accommodate (legalize) the store and covered loading area that have been constructed.

The applicant motivates that at this stage the wine is produced on site, but due to a lack in storage space, the barrels and bottled wine are transported off-site to be matured in a warehouse in Elgin. The additional storage space will provide for storage and maturation on site, and the roof covered area would provide for grape processing and wine labelling to be done in a shaded area. This will help to improve the quality of the wine.

Registered notices were sent to all surrounding affected property owners. Three (3) letters of objection were received against the application. The applicant was provided the opportunity to respond to the objections.

The objections and response thereon can be summarized as follow:

- *Negative impact on neighbours with increased activities and hours of activities, increase in noise and unsightly backyard and new building, and thereby impacting on surrounding property values, request a wall be constructed on boundary with Glenfruin Meadows and entrance road to Glenfruin Meadows to lessen impact, and that the opening in the northern side of the building where the bottling process carries on be closed up. Also requested that no machinery (such as refrigeration/air conditioning) which emits noise be placed on the northern side of the property.*

There is no additional increase in activities or production capacity. The noise pollution, out of hours activity and unsightly backyard has remained the same for the last twelve years, the only change is that the new storage have been constructed and the grape crushing and bottling will occur under cover 10m closer to the Glenfruin Meadows boundary.

Mitigation for any increased noise will be to put the refrigerated container on the southern side of the buildings, to brick up the north facing side of the open shed and/or place sliding doors on that side to dampen any sound.

A 2,1m high wooden fence/screen up to the servitude area, will be erected along the northern boundary with Glenfruin Meadows to screen off the

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back yard. Out of hour crushing, which is only a few times in a harvest season, will be minimized. A 2,1m high wooden fence / screen will also be constructed next to the entrance road to Glenfruin Meadows, up to the servitude area to create a visual block.

- *The building was illegally constructed prior to the town planning application*

Due to confusion between Mr Bortega and the people managing the process to finalize building plan approval, he was under the impression that a building plan was approved, which was not the case. Building work was halted when he became aware of this fact.

- *Strong odour or rotting grape skins*

The applicant indicated that he will arrange for the removal of the grape skins as soon as economically possible to reduce fermentation odours, but indicated that it only occurs in the harvest season that is approximately two months in a year.

- *Increase in volume of large vehicle traffic and negative impact on the narrow servitude road*

No increase in production will be created and therefore the same amount of trips with large vehicles will be generated to bring the grapes to the wine cellar and then to transport the wine from the property.

- *Impact on Privacy*

See the response on the first point of objection.

The letters of objection are attached as Annexure D, whilst the applicant's response to the objection is attached as Annexure E.

The application was also circulated to all relevant municipal departments and State Departments. No objections were received against the application.

Evaluation

To evaluate the desirability of this application, it will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

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Location and Accessibility

Portion 383 of the Farm Onrust River No. 581, Division Caledon is situated close to the R43 and R320 intersection, to the west of the road next to the Hemel-en-Aarde Estate and south of Glenfruin Meadows development.

The property obtains access from the R320 via a 10m wide servitude right of way road registered over Erf 4159, which forms part of the Hemel-en-Aarde Village complex. Access onto the property off the servitude right of way is situated approximately 80m from the connection point with the R320.

The objectors, who are all residents of Glenfruin Meadows, indicated their concerns with regard to the existing access/egress situation off the R320. They are also of the opinion that the proposed additions to the wine cellar will increase traffic of large vehicles onto the property, worsening the situation.

The applicant responded to the above-mentioned comments and indicated that no increase in traffic will be created, as the same amount of trips will be made to bring the grapes for processing. Then, instead of removing the bottles and crates immediately from the property to a storage facility, the wine and barrels will now be stored and matured on site, and removed with the same number of trips from the property at a later stage.

The application was circulated to the Municipal Engineering Services Department and the Department of Transport for their comments. Both authorities provided their support for the application in its existing format, and did not request any upgrade to the road or any access/egress points. Considering the above, it is the opinion that the Municipal Engineering Services Department and the Department of Transport do not consider that this application will have a significant impact or the increase in traffic or traffic safety.

It is also to be noted that with the original planning application for the Hemel and Aarde Village, the total impact of such development, Glenfruin Meadows and the wine cellar had to be considered before allowing the access/egress onto the R320.

Considering the above-mentioned information and comments, the assumption is made that this application will have a limited impact on traffic flow and safety, and the existing road infrastructure and access/egress points are sufficient.

Physical characteristics of the property

The property is developed with a wine cellar, a cottage and the storage building and shed structure that has recently been constructed. The buildings are situated on the western side of the site, with a large grassed area on the

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eastern side of the property and parking bays on the southern portion of the property.

The property has a gentle slope from the northern- and eastern boundary towards the south-western corner of the property.

Natural Environment

This is an already developed property. The application is supported by the Municipal Environmental Department, and it is the opinion that it will have no impact on the natural environment.

Provision of Services

The applicant indicates that all services on the subject property already exist and are sufficient to accommodate the storage/warehouse and covered shed area.

Existing Planning and Character of the Surrounding Area

The subject property is developed with a blend of commercial, cottage industry, restaurants and a winery. The properties directly north and east of the subject property are developed for residential purposes. This area has a mixed use character and forms the northern edge of a commercial node at the Sandbaai crossing.

The subject property was developed with a wine cellar in approximately 1995 and therefore this land use has been there for many years.

A fair number of concerns/objections to the application to the cellar are then with regard to the impact of a wine cellar on the surrounding area, being high noise levels, late hours of operation in the harvest time, unsightly yard, large scale industrial like buildings and strong odours of grape skins during harvest season.

It is to be noted that the existing wine cellar also would have already had this impact on the surrounding area. It is however acknowledged that by moving the area where bottling and grape crushing were done closer to the border of Glenfruin Meadows, could have created a greater impact on the residents of the development, and the new building will appear to be imposing as is the case with all new larger unpainted buildings when constructed.

It is however clear from the letters from the objectors and applicant that meetings did take place between role players to mitigate the impact the new extensions to the wine cellar would have on the Glenfruin Meadows complex.

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The property owner indicated that he is willing to implement the following mitigation measures, as was requested by the objectors:

- To construct a screening wall along the northern boundary with Glenfruin the length of the building and along the western boundary up to the new building, thereby screening the back yard.
- Place the refrigerated container on the southern side of the new buildings.
- Brick up the north face sides of the open shed and install a central sliding door, if necessary.
- Arrange for the removal of the grape skins on the farm as soon as economically possible to reduce fermentation odours during the harvest season.
- Minimize out of hour crushing which occur a few times during every harvest season.

Considering the above-mentioned commitments from the property owner, he would be addressing most of the concerns regarding the impact created by the new extensions to the cellar.

A further consultation process took place with the owner of the wine cellar as there is an existing 10m services servitude over the northern portion of the property and no walling/fencing can be constructed in this area. It was also not clear where the refrigeration unit will be placed, because on-site it was placed south of the newly built structure, but in a loading bay area. The applicant therefore submitted a revised Site Development Plan showing the position where the refrigerator will be placed, provided an amended parking layout, showed that the covered area will be closed on its northern side with a wall and sliding doors, and also showing where screening will be placed to visually block activities from Glenfruin Meadows complex. (See Annexure D.)

Existing Planning and Character of the Surrounding Area

There were some concerns about the placement of a refrigerated container unit on the property, and the possible noise impact. The erf is developed with an agricultural industry (winery) and it is not unreasonable to place a refrigeration container unit on the property. Although it will be hidden away between the winery to the north and east of it, and existing vegetation and the existing cottage to the south, it is however recommended that it also be screened off from the road to the west of the property, by placing a screen to the west and south of the refrigerated container unit.

The refrigerated container unit is placed a fair distance from Glenfruin Meadows to the north and the Hemel-en-Aarde Village operations to the south, with only Hornbill House west of it, which is approximately 30 to 35m from the placement of the refrigerated container unit. It is therefore not foreseen that noise levels should impact on the surrounding area, and should it create noise

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levels the property owner will have to comply with the minimum health standards with regard to noise pollution and apply noise dampening.

It is therefore the opinion that with the proposed mitigation measures the application will not have a detrimental effect on the character of the surrounding area.

Policy documents

In terms of the Overstrand Municipal Wide Spatial Development Framework, 2006 the area is earmarked for Commercial. The proposed extension to the winery for storage purposes is therefore in line with such policy plan.

General

The objectors indicated their concerns why the extensions to the winery were constructed prior to the necessary approvals were granted. The property owner clearly admitted it was an error on his side, and even indicated that a work stop order was provided to the property owner by the Municipal Building Control Department.

The mitigation measures proposed by the property owner would resolve most of the objectors' concerns. It is however to be noted that a 10m wide servitude is registered over the northern side of the property, and any future walling/fencing to be constructed in this area must not impede with the registered servitude.

The objectors indicated some concerns regarding the scale of the new buildings. It is to be noted that the building in its existing form was supported by the Building Control Department, who considered the aesthetics of building.

Conclusion

The application was duly advertised and three (3) letters of objection were received. The property owner met with the objectors, and in his response to the objections he submitted mitigating measures he will apply to address the objectors' concerns.

The application is supported by all Municipal departments, relevant State Departments and Institutions.

The application is therefore considered desirable and is supported.

7. Financial Implications

None

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8. Staff Implications

None

12. Comments from other Departments, Divisions and Administrations

Building Control Department

Building complies with Building Standards.

Waste Management

No objection.

Engineering Services

Attached as Annexure J.

District Health

Approved.

Fire Department

No comment.

Environmental Officer

Approved.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Submitted Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Revised Site Development Plan
- Annexure E: Objection received against the application
- Annexure F: Applicant's response against the objection
- Annexure G: Comments from Western Cape Government : Agriculture
- Annexure H: Comments from Western Cape Government : Transport and Public Works
- Annexure I: Comments from Eskom
- Annexure J: Services Report

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RECOMMENDATION:

1. that, in terms of Section 16.3 of the Overstrand Municipality Zoning Scheme Regulations promulgated in accordance with Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application to amend the Site Development Plan on Portion 383 of the Farm Onrus River No. 581 in order to accommodate new storage and loading areas to the existing winery, **be approved**, subject to the following conditions:
 - (a) that the approval is limited to the uses as shown on the revised Site Development Plan j1416-fp01 dated 08/2014 (Annexure D), submitted with the application;
 - (b) that a Site Development Plan submitted to the Municipality be slightly amended to show a screen around the refrigerated container creating a visual block from the western and eastern sides to the satisfaction of the Manager : Building Control Department;
 - (c) that the applicant ensures at all times that the fan motors and the refrigerator unit on the property comply with acceptable noise levels as required by Overberg District Health and in terms of the National Building Regulations;
 - (d) that a wooden fence/screen of 2,1m in height be constructed from the storage warehouse up to the 10m services servitude to act as a visual screen from the Glenfruin Meadows access road, as indicated on the Site Development Plan in (a) above;
 - (e) that a wooden fence/screen be constructed on the northern boundary with Glenfruin Meadows complex from the access servitude to the edge of the wine cellar to the east, in line with the Site Development Plan in (a) above;
 - (f) that the northern side of the covered loading/storage area be enclosed with a wall and large doors, as indicated on the Site Development Plan in (a) above to the satisfaction of the Manager : Building Control Department;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (h) that all other parameters as prescribed in the Zoning Scheme be adhered to;

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- (i) that all conditions imposed by the Western Cape Government : Transport and Public Works in their letter dated 30 March 2015 (attached as Annexure H), be complied with;
 - (j) that all conditions imposed by Eskom in their letter dated 4 May 2015 (attached as Annexure I), be complied with;
 - (k) that all the conditions in the Services Report (attached as Annexure J) be complied with, and
 - (l) that building plans be submitted for all new structures/buildings to the Building Control Department for approval, and that any conditions by that Department at building plan phase be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2015
TARGET DATE TO INFORM OBJECTOR :	14 OCTOBER 2015

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15.

**PORTION 383 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON :
PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE
ON BEHALF OF A BORTEGA (WHALE HAVEN WINERY (PTY) LTD)**

Ptn 383/581 RCAL (2773)

H Olivier

(028) 313 8900

Hermanus Administration

14 May 2015

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 SEPTEMBER 2015, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

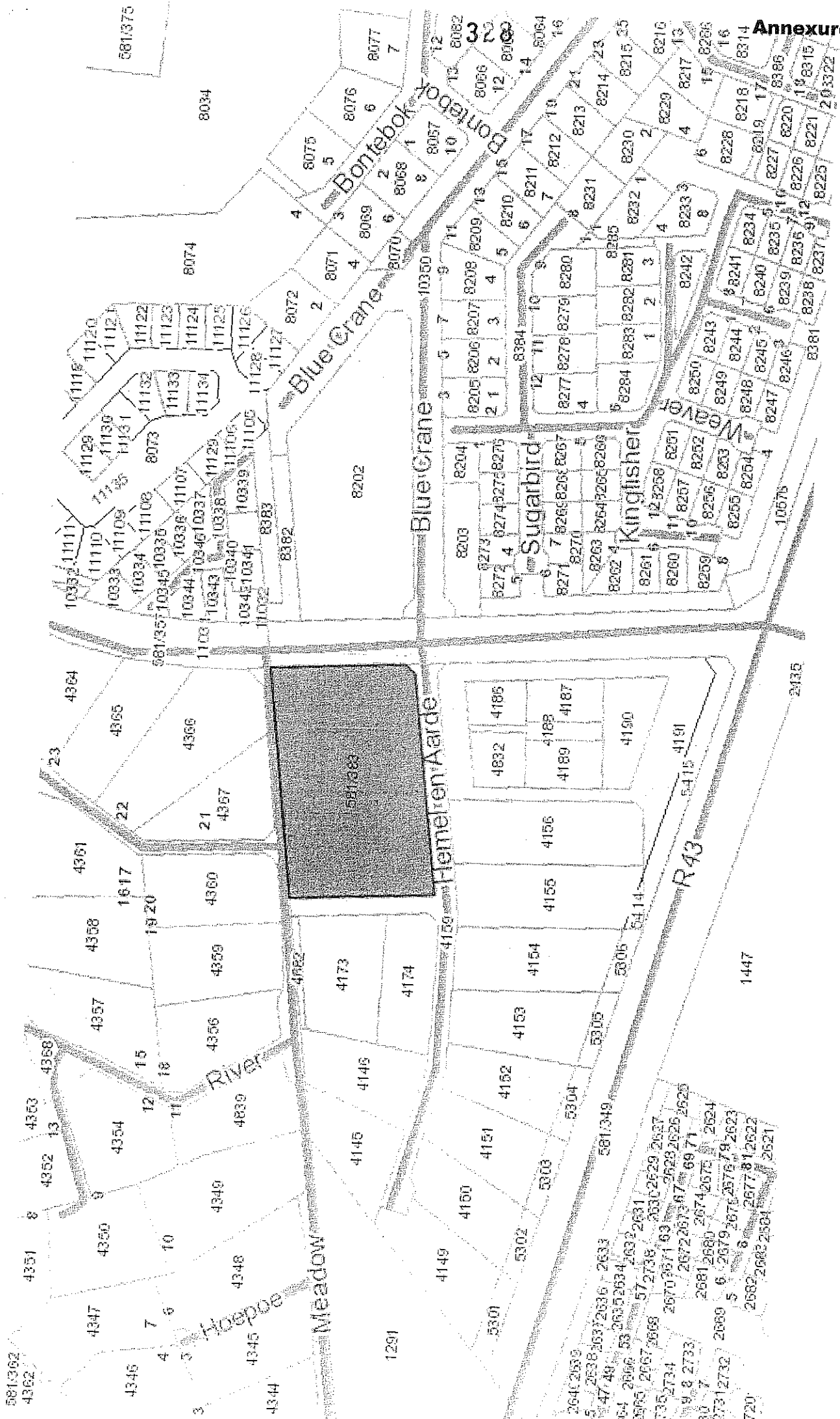
14 OCTOBER 2015

TARGET DATE TO INFORM APPLICANT :

14 OCTOBER 2015

TARGET DATE TO INFORM OBJECTOR :

14 OCTOBER 2015



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Hemelen Aarde

R43

River

Meadow

Hoepoe

Sugarbird

Kingfisher

Blue Crane

Bontebok

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**PROPOSED AMENDMENT OF THE
SITE DEVELOPMENT PLAN
PORTION 383 OF THE FARM
NR.581**

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The owner of Portion 383 of the Farm Nr.581, Mr. A. Bottega, on behalf of Whale Haven Wines (Pty)Ltd appointed Plan Active to apply for the amendment of the site development plan.

An application was previously lodged for the rezoning of Portion 383 of the Farm Nr.581 to Agriculture Zone II in terms of the Section 8 Scheme Regulations in order to accommodate the winery. Subsequently the application was approved and the Whalehaven Winery was constructed. In terms of the new Overstrand Municipality Zoning Scheme the farm portion now has a zoning of Agriculture Zone I with a consent use for an agricultural industry (winery). They now intend to expand the winery and therefore it would be required that an application be lodged for the amendment of the site development plan.

2. APPLICATION DETAILS

In order to amend the site development plan it would be required that an application be lodged in terms of:

- Section 16.3 of the Overstrand Municipality Zoning Scheme for the amendment of the site development plan.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Portion 383 of the Farm Nr.581 is situated at the entrance to the Hemel & Aarde Village. Please refer to the enclosed locality plan. Portion 383 of the Farm Nr.581 is 1ha in extent and is held by Title Deed Nr. T81186/95.

3.2 ZONING

Portion 383 of the Farm Nr.581 is zoned Agriculture Zone I with a consent use for a winery. Before the new Scheme Regulations were promulgated the property had a zoning of Agriculture II, Agricultural Industry.

3.3 LAND USE

The Whalehaven Winery with the required parking is established on Portion 383 of the Farm Nr.581. The surrounding area consists of mixed land uses which are businesses, residential and tourist related uses.

3.4 PROPOSAL

Application is made in terms of:

- Section 16.3 of the Overstrand Municipality Zoning Scheme for the amendment of the site development plan;

The owner intends to extend the winery by adding an additional covered loading and storage area. Whalehaven Winery currently has a capacity of $\pm 150\ 000$ litres of wine per annum and there are currently no plans to increase their production. They have been leasing storage in Elgin for a number of years and they have now been notified that their lease will not be extended for the year 2015.

Building their own storage / warehouse will significantly reduce unnecessary transport costs and will also improve the effectiveness of their operation. The combined area of the proposed storage and covered loading area is $\pm 622\text{m}^2$ in total. Please refer to the enclosed site development plan that was drawn by Gerard Reuling Architect.

The goal of Whalehaven Wines is to produce and sell quality wines worthy of the Hermanus region. Good barrel and bottle maturation implies storage of $\pm 300\ 000$ litres of bottled wine in addition to the $\pm 150\ 000$ litres of current harvest production. Barrel and bottle maturation can now be done on site instead of transporting the barrels and bottled wine to a warehouse in Elgin.

The new storage / warehouse is designed to replicate and to harmoniously tie in with the existing 3 structures. The additions are being built with isolated double brick walls for better temperature control. The covered open space will improve the quality of wine by allowing grape processing and wine labelling to be done in the shade rather than uncovered in the sun.

The new parking requirements as prescribed in the Overstrand Municipality Zoning Scheme Regulations have been used for the calculations and the amount of parking bays were calculated as follows:

Motivation report

- For the existing cellar that has a gross leasable floor area of 471m², 2 parking bays per 100m² is required. 9 parking bays will have to be provided for the existing cellar.
- For the existing wine tasting facility that has a gross leasable floor area of 90m², 6 parking bays per 100m² is required. 11 Parking bays will have to be provided for the existing wine tasting facility.
- The new warehouse that has a gross leasable floor area of 379m², 2 parking bays per 100m² will have to be provided. 7 Parking bays will have to be provided for the proposed warehouse.
- The new covered loading and storage area has a gross leasable floor area of 206m², 2 parking bays per 100m² will have to be provided. 4 Parking bays will have to be provided for the proposed covered loading and storage area.

In addition to the above mentioned parking requirements it is also a requirement that 2 disabled parking bays are also provided. In total 33 parking bays are required in total and 33 parking bays are provided on site. The existing vehicle entrance and exit will be used to gain access to the existing and proposed new parking bays.

3.5 ACCESS

The existing access as indicated on the enclosed site development plan will be used. No additional access will be required.

3.6 SERVICES

All services on the subject property already exist and are sufficient to accommodate the existing storage / warehouse and covered loading area.

3.7 TITLE DEED

The title deed T81186/95 has no restrictions that need to be removed in order for this application to be approved.

3.8 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates that Portion 383 of the Farm Nr.581 is within planning unit 3 that consist of a portion of the Sandbaai residential area, the Hemel & Aarde Estate and the Hemel & Aarde Village. The subject property falls within an area of economic opportunities.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks the site as commercial. Our application does not constitute a rezoning and the proposed amendments to the approved site development plan can be accommodated within the current zoning.

With reference to the above mentioned forward planning guidelines it is clear that the proposed application for the amendment of the site development plan could be supported.

4: RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- All services on the subject properties already exist;
- The proposal is compatible with the existing built character of the area;
- There will be no additional impact on traffic and services;
- The proposed amendment of the site development plan will not have a negative impact on the current character and land values of the surrounding erven.
- The additions are designed to replicate the three existing structure to ensure that it would harmoniously fit in with the current built character of the Whalehaven Winery.

With regards to the above mentioned it would be appreciated if Council would approve the amendment of the conditions of the site development plan applicable to Portion 383 of the Farm Nr. 581.

336

Annexure E 1/6



TP- A Theart
(H Olivier)

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Overstrand Municipality,
Town Planning Dept.
P O Box 20
HERMANUS
7200

HAND DELIVERY

23 February 2015

Attention: S Muller- Director Infrastructure and Planning.
H Olivier – Town Planner
Letter File Reference: Ptn 383/581 (2773)

Dear Sir/Madam,

I refer to your letter of 25 January 2015 and as the neighbor to Whale Haven Wines would comment as follows:

In the first instance I would ask how a building of such a size can be built, finished, occupied and put into full use without your knowledge and without planning permission. As a consequence of this, I was not afforded my right to raise any issues I might have had at the appropriate time had correct procedures been followed. The application for consent was submitted on the 24th November 2014 at which time the building was already about 90% complete.

Obviously the construction of this building did not go unnoticed and we raised the matter with the site foreman who assured us that permission had been granted and that the approved drawings were in the hands of his employer.

The new structure has had a detrimental effect upon our property. Notwithstanding that the value of our property has been adversely affected, the new building has seen a considerable increase in onsite activity. Now, increased and prolonged noise pollution, air pollution, out of hour's activity, an unsightly industrial operation visible from our property and from the entrance to the Glenfruin Meadows Estate are just some of the issues that concern us.

Having anticipated that there would be little or no possibility of the building being removed, we asked for an "on site" meeting with the owner of Whale Haven Wines, Mr. Bottega. At this meeting with Mr. Bottega on the 11th February 2015, he explained the need for the new building and the reason why it had been constructed without any permissions being in place. He has been quite accommodating thus far in listening to our concerns and we do understand and accept that he needs to improve his operation, and that the new building is a necessary part of his plans to do so. During the meeting proposals were discussed that if put in place would help alleviate ours and the Estate residents' concerns.

These issues were, but are not particularly limited to the following:

FILE NO:	Ptn 383/581
SCAN NO:	
COLLABORATOR NO:	787995

23 FEB 2015 TP

23 FEB 2015 ✓

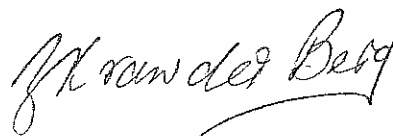
1. A solid fence/wall of a minimum 3m height should be constructed on the north side bordering Glenfruin, from the corner of erf 383/581 to the Glenfruin Meadows main entrance gate.
This to be done to engineers specification with the emphasis on sound deflection and visibility. This will eliminate the eyesore we are currently facing and help to reduce the noise pollution.
2. The bottling process has been moved from the eastern side of the building to the open north side area of the new structure. The noise created during this process is unacceptable and deflects directly into two of our south side bedrooms, making it very uncomfortable for the occupants of these bedrooms.
3. On occasions this bottling process carries on into the night. To overcome this we suggest that the opening on the north side of the building be closed up to contain the noise and deflect it to the south side where there are no homes to be affected.
4. We would ask that no machinery, such as refrigeration/air conditioning or any equipment that may emit noise of an irritating nature be installed on the north side of the property.
5. Mr. Bottega stated that he had previously been considering moving the existing refrigerated container to a position on the south side or the north side of the building. The north side would be unacceptable to us. This container has been there since we purchased our home 2 years ago and has been a constant source of noise irritation to ourselves and other Glenfruin residents. At present the refrigeration unit on the container is running 24/7. The noise emanating through the newly created opening is exacerbated by the echo effect it creates. Is it legal to have a container of this type as a "permanent" fixture on this site?
6. We would also suggest that a palisade fence or similar be erected on the Whale Haven/Glenfruin entry road to obscure the unsightly mess when hundreds of crates are stacked and washed on the open field.

We trust that you will appreciate our concerns and we look forward to this issue being resolved as quickly as possible.

Yours faithfully,



GJ van der Berg.



Z K van der Berg

338



JN & LA Makepeace
Box 1415
Hermanus
7200

Cell: 084 506 8486
Fax: 086 617 9567

Email: makepeace.lou@gmail.com

TP A Theart
(H Olivier)

Attention : Mr S Muller
Overstrand Municipality: Town Planning
P O Box 20
Hermanus
7200

12 March 2015

Dear Sir

FILE NO:	Phn 383/581
SCAN NO:	
COLLABDRATOR NO:	764615

PORTION 383 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE ON BEHALF OF MR A BOTTEGA (WHALEHAVEN WINES PTY LTD)

We refer to the notice dated 28 January 2015 received by registered mail on 3 February 2015 wherein comments are called for with regards to proposed amendment to the site plan as per the above reference.

It is extremely distressing that the applicant has managed to build and start operating in the shed before affected parties have had a chance to give input.

In summary, our residence is being significantly impacted by various environmental and aesthetic aspects of the increased industrial operation. These include the noise of the refrigerated container as well as the machinery being used namely the forklift, the pressing and bottling machinery as well as workers shouting. This has all been particularly noticeable during the abnormal working hours (evenings and weekends) which obviously relate to the harvest period.

The extremely strong odour of rotting grape skins is overwhelming in our garden.

The unsightly backyard we are exposed to particularly when approaching Glenfruin's main gate and from our roads and common area is of great concern as it will surely impact on the value of our property. Our privacy has also been compromised.

Further we are sure that there will be an increase in the volume of heavy vehicles through our access road/servitude through Hemel & Aarde Village which will negatively impact us. As it there is significant encroachment of the servitude area in the way of vegetation and signage on Whalehaven's side. The road is narrow and unsafe and does not cater well to large vehicular traffic.

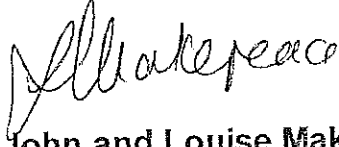
Discussions have been held with Mr Bottega of Whalehaven Winery but no conclusive agreement on solutions has been reached.

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12 MAR 2015

We request that the Municipality's decision be withheld until either an assessment of the impact on our residential environment can be made or agreement can be reached between all parties concerned regarding acceptable remedies to be taken by the applicant.

Yours sincerely



John and Louise Makepeace



Glenfruin Meadows Homeowners Association

Box 1353, Hermanus, 7200

Cell: 084 506 8486

Fax: 086 617 9567

Email: glenfruin.meadows@gmail.com

TP - A Theart
(H Olivier)

Attention : Mr S Muller

Overstrand Municipality: Town Planning

P O Box 20

Hermanus

7200

12 March 2015

FILE NO:	Plan 383 / 581
SCAN NO:	
COLLABORATOR NO:	764617

Dear Sir

PORTION 383 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE ON BEHALF OF MR A BOTTEGA (WHALEHAVEN WINES PTY LTD)

We refer to the notice dated 28 January 2015 received by registered mail on 3 February 2015 wherein comments are called for with regards to proposed amendment to the site plan as per the above reference.

As a result of the building operations which commenced and were far advanced months ago apparently without approval, we find ourselves in a very compromised position. The building is almost complete and is in full use. It is unacceptable that comment as affected property owners is only being called for now (communication received early Feb 2015).

Whalehaven Winery is an industrial operation and Glenfruin Meadows is exposed to the unsightly back yard and noisy working area of the property, far more so than before this new shed was built. There has been significantly more activity and noise impacting us this harvest than ever before and we are of the opinion that capacity has increased despite the assurances given in the application.

The general operating area in which the pressing, bottling and dumping of grape skins etc takes place has been moved much closer to our boundary and as a result some of our residents are experiencing extreme unpleasantness.

The approach to the entrance to Glenfruin Meadows as well as the common area and roads on the eastern side of Glenfruin are also exposed to the unsightly backyard and operations.

A further negative impact is likely to be on our vehicular access from the R320 through Hemel en Aarde Village which has become increasingly problematic as a result of the development of the

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12 MAR 2015

area (all business related) and disregard for the registered servitude which we have to pass through. The number of large delivery vehicles using this road has increased significantly over the years and will continue to do so. The inevitable increase in the number of trucks needing to deliver to and collect from Whalehaven will surely add further pressure to this roadway which is narrow, unmarked, unsafe, and unmaintained with no sidewalk for pedestrians.

It is extremely concerning that the Municipality continues to allow development in Hemel & Aarde Village this area without stipulating conditions for the upgrading of this roadway even though it is a private road.

Below is a list of most of the aspects of the operation which are negatively impacting on our environment in terms of our enjoyment and value of our estate and homes:

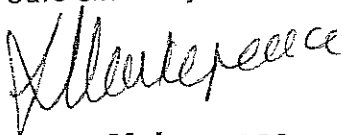
- Noise: fork lift, grape presses, bottling and other machinery
clinking of bottles
workers shouting above the machinery and other noise
abnormal hours of operation – early mornings, evenings and weekends
- Privacy/ Security: leering workers,
exposure to their personal activities including urinating against our fence,
open view of our roads and numerous houses,
winery's messy backyard is open to our entrance road, gate area, internal roads and common areas on the eastern side of Glenfruin,
this backyard – on our boundary - is hidden from the winery's visitors.
- Odour/hygiene: piles of rotting grape skins, seeds and general waste are dumped/stored near our boundary,
casual/contracted workers ablutions and facilities,
litter
- Unsightly: as the property's backyard is facing us, we believe it will always be a mess.
- Access road: inevitable increase in the number of large service vehicles doing deliveries and collections

The Glenfruin Meadows HOA Committee comprising myself, Charles de Villiers and Gilbert van der Berg have had two meetings and some email correspondence with Mr Alberto Bottega of Whalehaven Winery. We have expressed our concerns to him and discussed possible answers thereto.

At this point, there are some remedies we seem to have agreed upon verbally but the most critical in our view is suitable walling/fencing which needs further investigation and discussion in order to find an acceptable solution.

We request that the Municipality's decision be withheld until either an assessment of the environment can be made with recommendations or agreement can be reached between all parties concerned regarding acceptable remedies to be taken by the applicant.

Yours sincerely



Louise Makepeace

Chairperson: Glenfruin Meadows Home Owners Association



16 April 2015

Our reference: PA14072
Your reference: Ptn 383/581(2773)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

For attention Mr. H. Olivier

Sir,

FILE NO:	Ptn 383/581
SCAN NO:	08
COLLABORATOR NO:	776951

**COMMENTS ON OBJECTIONS: PORTION 383 OF THE FARM ONRUST RIVIER NO.581:
PROPOSED AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN**

Your letter dated 17 March 2015 with the enclosed objections that were received refers. We have forwarded the objections to our client and his comments on the objections are as follow:

First, they accept responsibility for commencing building without written approval. The need for the additional storage facilities was pressing and they were advised that the plans submitted had been approved by all the relevant departments and that final approval would be a formality. Only after some time while overseas was our client informed of the need for an approval of a revised site development plan.

The instruction to proceed with such an application immediately was unfortunately not executed until Mr. Bottega returned and was faced with a stop work order. The nearly completed building was enclosed for safety and security. While it is being used for storage, completion of the building has been halted pending approval.

Before responding to the individual objections, Mr. Bottega would like to state that he is a considerate neighbour, aware of and sympathize with being subjected to industrial disturbance and am quite willing to implement a reasonable plan to mitigate concerns.

In fact Mr. Bottega willingly agreed to exchange portions of land with the Glenfruin Homeowners Association to facilitate a more favorable entrance to their estate.

It is also important to note that the proposed building extension is a storage facility, which replaces hired storage and permits them to work more effectively in an un-crowded manner. This does not imply greater activity or production capacity. Their production is set mainly by their vineyard output which varies from 120 to 180 tons of grapes depending on the season. The area under vine has increased from 30 to 35 hectares over the last few years. The amount of grapes processed and the volume of wine bottled at Whalehaven is not impacted by the new storage facilities. Hopefully the quality of the wine will be improved because of better processing.

The noise, air pollution, out of hours activity and unsightly back yard has remained essentially the same as in the past 12 years since Mr. Bottega took ownership. There has been some undesirable activity, noise and untidiness during the building operation but this was remedied as soon as Mr. Bottega was made aware of the problem.

In essence the proposed amendment to the site development plan to include two storage units identical and in harmony with the three existing units and the interconnecting covered open unit, do not introduce any significant additional level of disturbance to that experienced in the past. The only exception is that grape crushing and bottling will occur under cover ten metres nearer to the Glenfruin boundary.

In order to mitigate any increased noise Mr. Bottega offer the following undertakings:

1. To place the refrigerated container on the south side of the new buildings, thereby placing it behind three brick walls away from Glenfruin and in fact further away than in previous years.
2. To brick up the north face sides of the open shed and if necessary install central sliding

doors to insulate noise from crushing and bottling activities.

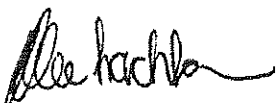
In order to mitigate the other concerns that have been raised Mr. Bottega offers the following undertakings:

1. Erect a screening wall along the north boundary with Glenfruin the length of the building and along the west boundary up to the new building, thereby screening the back yard.
2. Arrange for the removal of the grape skins to the farm as soon as economically possible to reduce fermentation odours. Unfortunately winery fermentation odours will occur during the one/two month harvest season.
3. Minimize out of hour crushing which should only occur a few times in exceptional circumstances during any harvest.

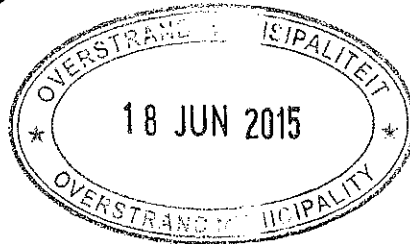
The only other concern raised is the feared increase in large service vehicles using the Hemel en Aarde village road. As mentioned before there is no plan to increase capacity or throughput at Whalehaven. The amount of grapes brought in and the amount of wine transported out remains the same and dependent on the particular harvest and not on the new storage facilities.

We trust that you would find the comment on the objections in order and that the application will be dealt with favorably.

Yours faithfully



John Mc Lachlan



Our reference: PA14072

17 June 2015

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

TP- A Theart
(H Olivier)

FILE NO:	Ptn 383 / 581
SCAN NO:	
COLLABORATOR NO:	792417

For attention: Mr. Henk Olivier

Sir,

PORTION 383 OF THE FARM NR.581

Our meeting with reference to the amendment of the site development plan as mitigating measures against the objections that were received and our comments on the objections refer.

Enclosed please find a copy of the revised site development plan indicating the following structures that will be erected:

- A 2.1m wooden fence / screen that will act as a screen from the Glen Fruin access road towards the back of the storage warehouse and covered loading and storage area. The proposed screen runs from the storage / warehouse up to the 10 servitude situated on the northern boundary of the subject farm portion.
- A 2.1m wooden fence / screen that runs from the access servitude (Point c2 on the enclosed plan) up to the edge of the existing wine cellar that will screen the covered loading / storage area from Glen Fruin. The owner will negotiate the exact position of the screen with the owners of Glen Fruin to erect the screen on the boundary of the access servitude demarcated as a1, d2, e2, and a2.
- A wall to enclose the northern section of the covered loading / storage area and a large door.
- The existing steel structure that is affixed to the northern wall of the existing wine cellar.

The owner has agreed that he will tidy up the area north of the cellar, semi open loading / storage and storage / warehouse area. The 10m servitude area situated on the northern boundary of the subject farm will also be made and kept unobstructed.

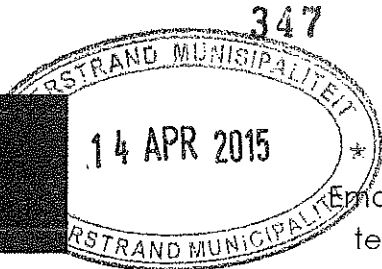
Yours faithfully

John Mc Lachlan



Western Cape Government

Agriculture



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

OUR REFERENCE : 20/9/2/4/2/748
YOUR REFERENCE : Ptn 383 of Farm 581 (2773)
DEA&DP REFERENCE : 16/3/1/1/E4/2102/14
ENQUIRIES : Cor van der Walt

TR-ATheart
(H Olivier)

FILE NO:	Ptn 383/581
SCAN NO:	34
COLLABORATOR NO:	775807

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: H. Olivier

**PROPOSED AMENDMENT OF SITE DEVELOPMENT PLAN: DIVISION CALEDON
PORTION 383 OF THE FARM ONRUST RIVER NO 581**

Your application of 29 January 2015 has reference.

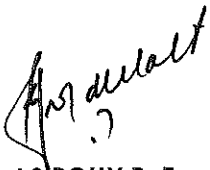
The Western Cape Department of Agriculture has no objection.

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

2015-03-24

Copies:

Department of Environmental Affairs & Development Planning
1 Dorp Street
CAPE TOWN
8001

Cape Nature Stellenbosch
Private Bag X5014
Stellenbosch
7600

Plan Active
PO Box 296
HERMANUS
7200



ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za
 tel: +27 21 483 4669 fax: +27 21 483 2166
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-21/34 (Job 22894)

ENQUIRIES: Ms GD Swanepoel

DATE: 30 March 2015

The Municipal Manager
 Overstrand Municipality
 Hermanus Administration
 PO Box 20
HERMANUS
 7200

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	773190

Attention: Mr H Olivier

Dear Sir

PORTION 383 OF FARM ONRUST RIVER 581, CALEDON DIVISION, PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN (WHALE HAVEN WINES PTY LTD)

1. Your letter Ptn 383 of Farm 581 (2773) dated 29 January 2015 refers.
2. The subject property is located 3 km West of Hermanus. The property fronts onto Main Road 269, however access is off a municipal road.
3. This application is for an amendment of the site development plan to include a new loading and storage area ($\pm 622\text{m}^2$).
4. It is noted that 33 parking bays will be provided on site.
5. This Branch offers no objection to the Land Use application in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985, subject to the provision of 33 on-site parking bays.

Yours faithfully

ML WATTERS
 For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT



350
TP-A Theart
(H Olivier)

FILE NO:	PTN 383/581
SCAN NO:	
COLLABORATOR NO:	782265
Date:	04.05.2015



OVERSTRAND MUNICIPALITY

P.O. Box 20

HERMANUS

7200

Attention: Mr. H. Olivier

Enquiries:

Mr. DJ. Louw

Tel: 021 980 3042

Fax: 021 980 3053

DIRECTOR: INFRASTRUCTURE AND PLANNING

PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN: PORTION 383 OF THE FARM ONRUST RIVER NO. 581 DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA ON BEHALF OF MR. A BOTTEGA (WHALE HAVEN WINES PTY)

YOUR REF: PTN 383 OF FARM 581 (2773)

OUR REF: 00209/15

I refer to your letter dated 29 January 2015 and include the following drawing, indicating existing Eskom 11kV / LV underground and O.H. line services with the exception of possible LV / streetlight services:

- **Drawing Number: Wayleave Request: 00209/15**

Eskom has no objection to the proposal provided that the following requests are adhere to:

- Should it be necessary to relocate / support or protect any of the existing Eskom services, notice in writing is required and the costs will be for the account of the Developer / Applicant.
 - Eskom must at all times have unrestricted access to the abovementioned property to enable maintenance to existing installations and possible extensions to the existing network (underground/ O.H. lines)
- Eskom's right on the properties not to be affected.
- All services indicated on included drawing are approximate; to be verified on site.
- Enclosed find a copy of the **Occupational Health and Safety Act (Act No. 85 of 1993)**
- Note: (i) Included drawing indicates existing Eskom services in the vicinity and is for information/ planning only and should not be issued.
 - (ii)(a) This is not an approval for applicant / future owner to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.
 - (b) Formal application must be made to Eskom, Land Development, P.O. Box 222, Brackenfell, 7561 – **Attention: Rochelle McPherson.**
 - (iii) Should you require any further information please contact Dirk Louw, Land Development, Brackenfell – Tel: (021) 980 3019.

Yours faithfully

Dirk Louw - LAND DEVELOPMENT (BRACKENFELL)

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 2002/015527/06



ESKOM (WESTERN REGION)

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

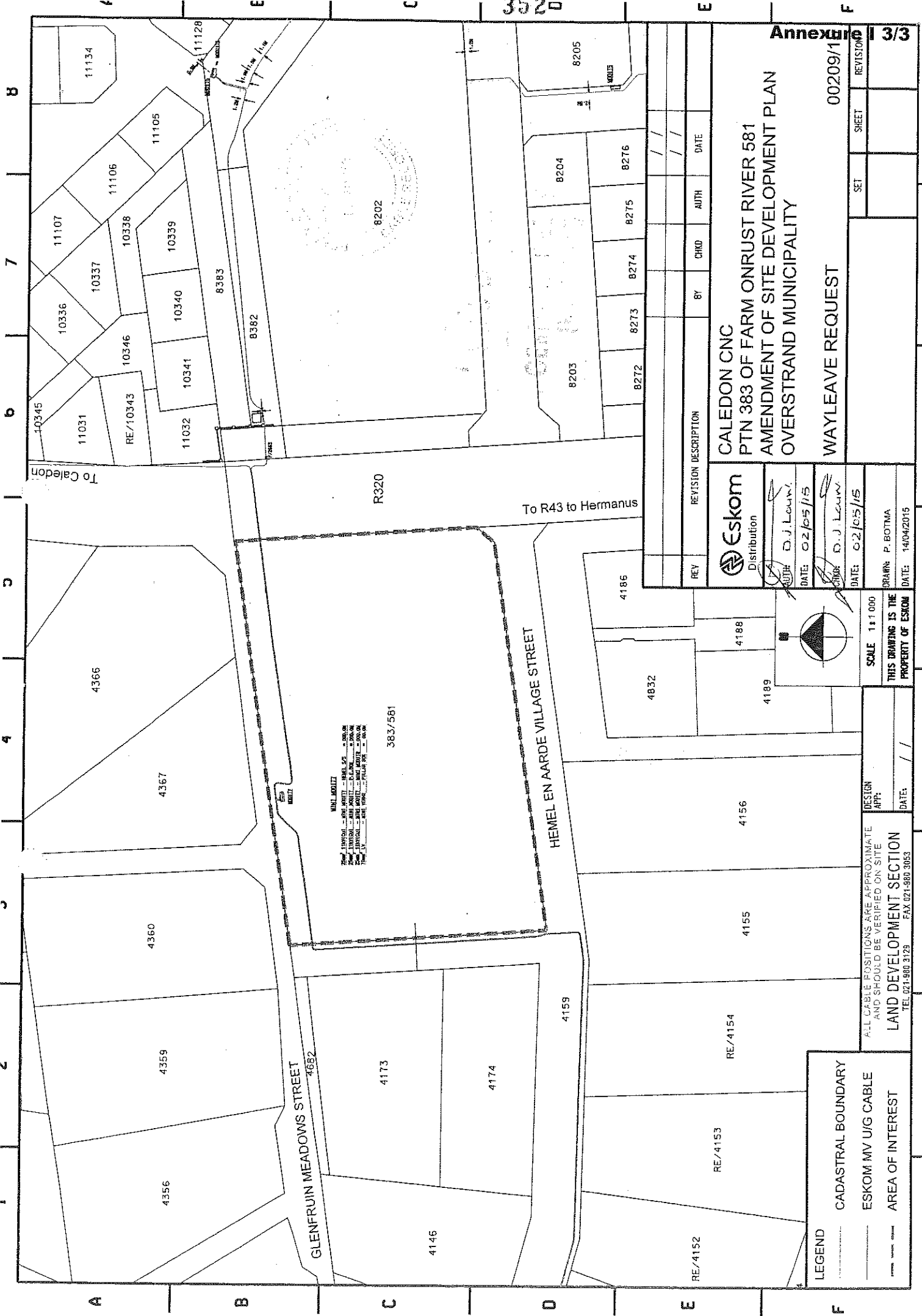
D16 (7) Excavations

"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".



CALEDON CNC
PTN 383 OF FARM ONRUST RIVER 581
AMENDMENT OF SITE DEVELOPMENT PLAN
OVERSTRAND MUNICIPALITY

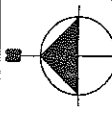
WAYLEAVE REQUEST

00209/1

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom
Distribution

AUTH: *D.J. Louw*
 DATE: 02/05/15
 CHKD: *D.J. Louw*
 DATE: 02/05/15



SCALE 1:1000
 THIS DRAWING IS THE
 PROPERTY OF ESKOM

DESIGN APP: / /
 DATE: / /

ALL CABLE POSITIONS ARE APPROXIMATE
 AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
 TEL: 021-980 3129 FAX: 021-980 3063

LEGEND

- CADASTRAL BOUNDARY
- ESKOM MV U/G CABLE
- AREA OF INTEREST

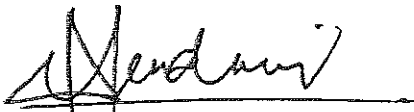
Drawn: P. BOTMA
 Date: 14/04/2015

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN:
PORTION 383 OF FARM 581, RCAL (2773)

Electricity	:	Escom area
Water	:	In Order
Sewer	:	In Order
Stormwater	:	In Order
Roads and traffic	:	In Order

Conditions:

1. that no additional services will be available for the proposed development.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

25/2/2015
DATE