

4.4

PORTION 156 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPALITY: APPLICATION FOR CONSENT USE: MESSRS TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF CM RILLEMA

Ptn 156/213 GRBRE (4680/2024)

SW van der Merwe

04 September 2025

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received on 28 May 2024 from Messrs Town and Country Creative Land Solutions for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate agri-industry (winery) on the property.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The property is on the eastern side of Baardskeerdersbos on the corner of Church Street and Uitsig Street. The property is zoned for Agricultural Zone 1 purposes and measures 3,1397ha in extent. The property is developed with a dwelling house and agricultural outbuildings, a barn and a vineyard.

The application is to allow for a small boutique winery with a tasting and sales facility from the existing building on the property. The property owner is an established retailer and boutique wine maker. Wines trade under the name *Celestina* meaning "little celestial one". The owner quired the property during 2004 and established a small vineyard of 1,2ha comprising Sauvignon Blanc, Semillon, Shiraz and Grenache Noir. Irrigation water is obtained from a dam on the property. Currently wine is made at a cellar close to Elim. The owner now intends to make her own wine on site.

In terms of the Overstrand Land Use Scheme, 2020 the proposed consent use for agri-industry is defined as follows:

"agricultural industry" means an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products, whether land or marine-based (such as aquaculture), are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products or promotion of tourism related activities, 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."

The land use scheme defines a winery as follows:

“winery” means a place where wine is made and may include a selling point to the general public, tasting facilities and the provision of light meals but does not include a distillery and restaurant”.

In accordance with the above definition the proposed boutique winery will be situated in the existing barn which will be used as warehouse, refrigeration purposes and cellar with a sales / tasting facility. The proposed winery will have a maximum capacity of 10 ton representing an exclusive niche wine brand of approximately 5000 bottles per year. Tasting will be on appointment.

4. SUMMARY OF APPLICANT’S MOTIVATION

The motivation for the application is as follows:

- Winery will be situated within an existing building.
- Only grapes harvested on the property will be used in the cellar.
- Maximum storage capacity is 5000L.
- Bottling is done with mobile bottling units and does not require permanent infrastructure.
- 6000L water required for wine making and cleaning purposes.
- Grape skins are dried and used in vineyard as compost. Other solid waste is sold to Brenochem.
- Access is taken from Church Street.
- On site parking will be provided at the main house.
- Proposed winery will not attract high volumes of traffic, being small and tasting to occur by appointment.
- Area for servicing and deliveries is available in front of the cellar.
- Water: To be obtained from dam and rainwater harvesting tank on the property.
- Sewage: Closed conservancy tank to be emptied by the municipality.
- Electricity: Provided by Eskom and available in cellar building.
- Solid Waste: To be removed to municipal dumping site.
- Cellar effluent: Estimated at 50m³ / annum will be screened and recycled.
- Proposal does not trigger NEMA.
- Consistent with the SDF, seeing winery will be in an existing building and of a small scale. Tourist facility is of an appropriate scale and will not impact the agricultural or heritage value of the area.
- Being situated outside the urban edge the proposal is consistent with the Baardskeerdersbos Precinct Plan.
- The property is situated within an ecological corridor but has been agriculturally developed more than 20 years ago. The proposed cellar will be located in a shed developed on an old footprint and will not disturb natural vegetation, whilst here is not any heritage conservation worthy buildings on the property.
- No additional permanent structures are proposed. Thus, no impact on the physical character of the property or surrounding area.
- Proposal consistent with the SDF and applicable overhead planning documents for the area by making use of existing infrastructure having an environmentally friendly approach and by maintaining agricultural land.
- Farm diversification without impacting agricultural potential or integrity of the environment.

- Surrounding area characterised by agricultural uses and rural dwellings, thus fitting in with the character of the area.
- No visual impact, being inside an existing building.
- Proposal will make optimum use of resources and not impact on farming activities.
- No undue impact upon existing rights.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	09 August 2024	13 September 2024
Notices and Site Notice	Yes	08 August 2024	13 September 2024
Internal Departments	Yes	08 August 2024	13 September 2024
Ward councillor	Yes	08 August 2024	13 September 2024
Total comments	One (1) letter of objection		
Total letters of support	One (1) letter of support		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment, or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			N/A

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

Name	Date received	Summary of comments
Building Department	12/08/2024	No objection. The building plan must apply with all applicable law.
Local Heritage	13/08/2024	Supported.
Fire Services	22/08/2024	No objection, subject to compliance with the provisions of SANS 10400 A:2016, 10400-T:2024 and the By-Law relating to fire safety.
Waste Management	11/09/2024	No objection.
Environmental Management Services	13/09/2024	No objection.

Engineering Services	26/09/2024	Attached as Annexure F.
Department of Environmental Affairs and Development Planning, <i>Planning</i>	12/08/2024	No objection.
Eskom	30/08/2024	Attached as Annexure G.
OpenServe (Telkom)	29/08/2024	No services affected.
Department of Transport and Public Works	27/09/2024	No objection.
Breede-Olifants Catchment Management Agency	30/09/2024 and 27/11/2024	Attached as Annexure H.
CapeNature	22/10/2024	No objection.
Department of Agriculture (National)	16/07/2024	No objection.
Department of Agriculture (Provincial)	28/08/2025	No objection.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised in the local media and registered notices were served upon interested and affected parties. A letter of support was received from J Biscoff, owner of Portions 236 and 237 of Farm 213.

A letter of objection was received from B Jurkewitz on behalf of Mrs. Jurkewitz and Mr. and Mrs Gani, owners of Portion 159 of Farm 213. The objection / comment letters are attached as Annexure D and the response from the applicant as Annexure E. The main grounds of objection are summarised as follows:

POINT OF OBJECTION

Concerned that a building for wine production was already built so close their property fence.

RESPONSE FROM APPLICANT

The cellar was an existing structure that was restored. The building is more than 14m from the Portion 159 boundary. The prescribed building line is 10m.

RESPONSE FROM TOWN PLANNER

The winery and tasting facility are situated within an existing building that adheres to the development parameters in terms of the Land Use Scheme. It is therefore not clear how the objector's property will be adversely impacted upon.

POINT OF OBJECTION

The application does not describe the detailed wine making process and lacks clarity on Policy, Standards, Principles and Guidelines to ensure adherence and compliance. The rest of the document then elaborated on what additional information in terms of these regulations and guidelines are required.

RESPONSE FROM APPLICANT

Please see below an extract from the liquor license process in which the process is described.

11.2 The applicant's winemaking Process:

The Applicant's manufacturing process entails:

Handpicked

Handpicked in the cool morning hours, to ensure an optimum flavour concentration and natural acidity. Blocks are picked up to 2 – 3 times.

Cooled Over Night

Transported in refrigerated trucks, in 10 - 15 kg lug boxes to avoid bruising. Kept in cold room overnight, at a temperature of 10 Grade Celsius to ensure flavour retention.

Hand Sorted

The grapes are then sorted to remove any leaves and then destemmed. They are then hand-sorted on a vibrating table, guaranteeing that only the best grapes are selected and that no stalks and green matter goes to the fermentation tanks.

Alcoholic Fermentation (1 of 3)**Holding Tank**

Grapes are dropped into a Mechanized Holding Tank and the applicant can then discharge it into either a stainless steel or oak fermented. The applicant then decides when to allow the juice to slowly warm up and begin the alcoholic fermentation in the fermentation tanks in the production area.

French Oak Barrels

The best blocks of grapes are especially destemmed and transferred into 225L French Oak Barrels after sorting. The barrels are fitted with a cylindrical perforated plunger inserted through a hole at the one end of the barrel. It can be clearly seen where the applicant French Oak barrels lying separate from the winemaker's barrels.

Tank Fermentation

During fermentation the sugars (glucose and fructose) are converted into ethanol and carbon dioxide. The CO₂ pushes the skins up to create a "cap". This cap needs to be continually punched down or juice is pumped over to ensure good colour and soft tannin extraction in the resulting wine.

Basket Press

After alcoholic fermentation the resulting wine is drained into barrels and is called "free run wine". The remaining skins (cap) are then transferred into the basket press and are slowly pressed. This results in "pressed wine", which is kept in separate barrels.

Satellite Tank (Sputnik)

During fermentation, the fermenting juice is drained into Satellite Tank, which is then hoisted up so that the fermenting juice can be discharged over the cap without any mechanical pumping. This results in a soft, silky tannin extraction in the resulting wine.

Natural Barrel Fermentation

These barrels are then transferred to the fermentation section, which is kept at 24 Grade Celsius. The fermentation in these barrels starts naturally.

Ageing

Wine is then aged for up to 2 years in French Oak barrels and constantly tasted by the winemakers who then decide when they are ready for bottling, after this period.

The cellar that we are applying for is a very small operation. The safety hazards referred to by the writer are not even applicable to such a small cellar. The water use and water run-off are so small that it doesn't even require a license and falls under a general authorisation at the Department of Water Affairs. There are no activities conducted at the cellar that could impact on any surrounding neighbour, mostly due to the limited nature of what is proposed.

A winery of this size is currently regarded as a primary use under agriculture at a number of Western Cape Municipalities. In those cases, neighbours will not be informed of the intended land use.

The Policy, Standards, Principles and Guidelines referred to by the objector are in part standard requirements that cellars need to comply with. These applications / documentations are lodged by the landowners once they received approval, at the various departments.

Wineries need to comply with the (South African Waste Information System (SAWIS) and Integrated Production of Wines (IPW) guidelines and are audited if required accordingly. The owner is following all the required processes.

Standard conditions that will form part of the planning approval include among other:

Proof that potable water complies with SANS0241 and compliance with conditions of the Department of Water Affairs and BOCMA.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. The proposal is further supported by the National and Western Cape Departments of Agriculture without any conditions. Despite the objectors comment the onus remain on the applicant to comply with all relevant legislation which includes industry norms and standards as well as environmental health requirements.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

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

10.1 Background

N/A

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

The application is in line with the planning objectives applicable to this application.

Spatial Justice

The proposed cellar and tourist facility will strengthen tourist facilities in the area, providing visitors with an alternative experience and reason to visit the area for longer and more often. The proposal will not contribute to spatial imbalances.

Spatial sustainability

The proposal is in line with overhead planning documents. Proposal is sensitive to the natural environment and developed agricultural land accommodating the proposal within an existing building comprising a small services infrastructure footprint that already exists.

Efficiency

Proposal demonstrates efficiency by optimising the use of the existing resources and adds value (i.e. diversification) of farm activities.

Spatial Resilience

The proposal is consistent with the SDF and applicable policies that adhere to the principles of spatial sustainability and considered to make existing farm activities economically more sustainable.

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.

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

Same as Point 10.2.

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

Consistent with the Spatial Development Framework and Western Cape Rural Development Guidelines.

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

N/A

10.6 Impact on Municipal engineering services

No impact upon municipal services.

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

The proposal does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Land Use Scheme that provides for consent use (agri-industry) through an application process.

The application property is situated within the Baardskeerdersbos HPOZ. Being situated in an existing building will not adversely impact upon the HPOZ. The proposal is supported by OHAC.

11. THE DESIRABILITY OF THE PROPOSAL

Grapes from the property is currently harvested and transported to a wine cellar near Elim where wine is manufactured under the label Celestina. The proposed boutique winery will be situated within an existing building which will be used as warehouse, cellar and for refrigeration purposes. The proposed winery will have a maximum capacity of 10 ton delivering 5000 bottles per year. Provision is also made for a selling point and tasting facility.

The property is zoned for agricultural purposes. The proposal is a secondary right under the zoning, thus seen as a value add to an existing resource which is consistent with the provisions of the SDF and applicable policy framework. The proposal will also contribute to employment, the local economy and diversity the tourist offering in the area at a scale which is considered compatible with the rural character of the area.

The property is situated outside the urban edge, although it is accessed via Church Street, Baardskeerdersbos. Due to the small scale of the operations limited to an existing building no unforeseen impacts onto vested rights of adjoining property owners are foreseen in terms of noise, disturbance or the character of the area.

The property is situated within the Baardskeerdersbos HPOZ. Given the location within an existing building no negative impact upon the HPOZ is foreseen.

The proposal is supported by Cape Nature considering the proposal will have minimal impact on the natural environment as the property is indicated as "No Natural" and the proposal does not trigger any listed activities.

Sufficient space is available on the property to accommodate on-site parking in accordance with the requirements of the scheme regulations. The applicant will however be required to submit a detailed parking layout for approval by the Authorised Official, demonstrating compliance with the requirements of the scheme regulations.

Water from existing sources will be utilised, comprising rainwater harvesting (2000L water tank) for wine making purposes, supplemented by water from a dam for cleaning purposes. Effluent will be disposed of by means of a conservancy tank whilst solid waste (stems / skins) will be recycled for use of compost in the vineyards and the remainder transported to an agricultural waste company such as Brenochem. The proposal is supported by BGCMA subject to conditions, amongst others the registration of a Water Use License Agreement.

No municipal services are available, whilst electricity is provided by Eskom.

The application was circulated to the relevant government departments who all support the proposal, including the Department of Environmental Affairs and Development Planning- Land Use Management as well as the National and Provincial Department of Agriculture. None of the stipulated any further requirements.

The proposal does not trigger the provisions of NEMA and is supported by the municipal environmental services department, nor triggers Section 38 of the National Heritage Resources Act.

The Western Cape Department of Infrastructure stated that they have no objection to the proposed winery and tasting facility in terms of Section 41 of LUPA. Access is taken from a municipal road. The title deed conditions in terms of building lines and bona-fide residential use are imposed in terms of Act 21 of 1940 and supported by aforesaid department.

In view of the above, it is the opinion that the application under consideration holds sufficient merit not to be deemed undesirable from a town planning perspective.

12. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 156 of the Farm Baardscheerders Bosch No. 213, Bredasdorp Division for **consent use** (agri-industry) to conduct a boutique winery, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the consent use for agri-industry be limited to the building / structures indicated on the Site Development Plan Drawing No. *BRE/3152* dated *MAY 2024* submitted with the application;
 - (b) that a parking layout be submitted for approval by the Authorised Official demonstrating on-site parking provision in accordance with the provisions of the applicable scheme regulations;
 - (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;
 - (d) that all the conditions imposed by Eskom and Breede-Gouritz Catchment Management Agency (attached as Annexures G and H), be complied with;
 - (e) that the conditions in the Services Report (attached as Annexure F), be complied with;
 - (f) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

- (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The proposal will not adversely impact vested rights or surrounding property owners.
- ❖ The proposal will not adversely impact the character of the rural landscape.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA
- ❖ Proposal is consistent with the SDF and rural guidelines
- ❖ The proposal contributes to tourism, economic development and employment at a scale that is compatible with the character of the area

14. ANNEXURES

- Annexure A: Locality Plan
 Annexure B: Motivation Report
 Annexure C: Site Development Plan
 Annexure D: Objections / Comments received
 Annexure E: Response from applicant
 Annexure F: Services Report
 Annexure G: Comment: Eskom
 Annexure H: Comment: Breede-Olifants Catchment Management Agency

SIGNATURES

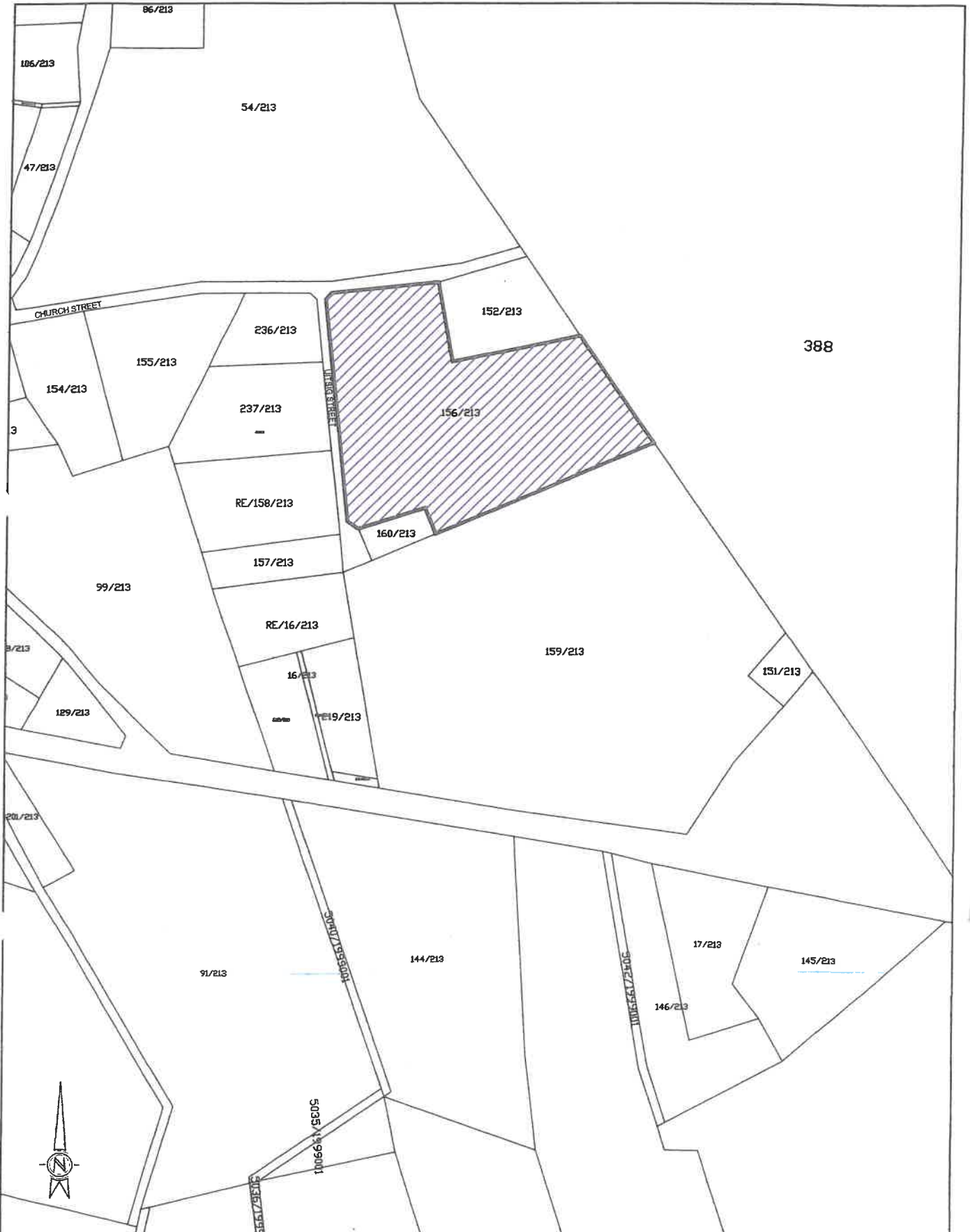
REGISTERED PLANNER

Name: **SW VAN DER MERWE**

SACPLAN registration number: **A/1850/2014**


Signature: _____

Date: _____



Town & Country
 Creative Land Solutions
 P.O. Box 1085
 Bredasdorp
 7280
 Tel. 028 424 1545
 Fax. 028 425 2085
 E-mail: towncountry@vodamail.co.za

PROJECT
LOCALITY PLAN: PORTION 156 OF FARM 213,
BREDASDORP DIVISION
OVERSTRAND MUNICIPALITY

 **Town & Country**
 Creative Land Solutions

Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE 1: 2 500	DATE MAY 2024
DWG No.	REVISION
Notes:	

MOTIVATIONAL REPORT
PROPOSED CONSENT USE FOR A BOUTIQUE WINERY AND TASTING
FACILITY: PORTION 156 OF FARM NR 213, BREDASDORP DISTRICT

Ref. BRE/3152

1. INTRODUCTION & BACKGROUND

This office was appointed by Caroline Rillema to prepare the town planning application for a consent use on Portion 156 of Farm Baardscheerders Bosch No 213, Bredasdorp. The application is required to allow for a boutique winery and very small tasting and sales facility inside the cellar on the farm.

Caroline Rillema is an established wine retailer and also boutique wine maker. Her wine trade under the label Celestina, meaning 'little celestial one'. She bought the property in 2004 and established a small vineyard shortly after. She's now seeking to apply for a winery on the farm from where the grapes of the farm, can be processed. The wine was previously made at a cellar close to Elim. The owner would like to now make her own wine on site in an existing building.

Application is made for a consent use to allow for a small winery and tasting facility on the farm, to ensure that planning approvals and the required liquor licenses are in place.

2. APPLICATION

Application is made for:

- A Consent Use for an agricultural industry (winery), to include a tasting room and sales on the "Agriculture Zone I" zoned property; The Overstrand Municipality Land Use Scheme is applicable.

In terms of the Overstrand Municipality Land Use Scheme: "agricultural industry" means an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products, whether land, or marine-based (such as aquaculture), are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products or promotion of tourism related activities,

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;

“winery” means a place where wine is made and may include a selling point to the general public, tasting facilities and the provision of light meals but does not include a distillery and restaurant’

At this point, it should be noted that the EIA Regulations (Listing notices of 2017), as amended and promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) are not applicable to the subject property as:

Listing Notice 1

(8) the development of related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2000 square meters or more.

The area used for the winery is only 73m² and wil thereforel be less than 2000 square meters.

(27) The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

(i) the undertaking of a linear activity; or

(ii) maintenance purposes undertaken in accordance with a maintenance management plan.

No area will be cleared, as the proposal is inside an existing farm building.

(28) Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:

(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;

or

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

The area is outside an urban area, no new land will be developed.

(56) The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometer-

(i) where the existing reserve is wider than 13,5 meters; or

(ii) where no reserve exists, where the existing road is wider than 8 metres;

excluding where widening or lengthening occur inside urban areas.

No roads will be widened by more than 6 metres, or lengthened by more than 1 kilometre.

All roads are existing.

Listing Notice 3

(4) The development of a road wider than 4 metres with a reserve less than 13,5 metres. Areas outside urban areas;

(aa) Areas containing indigenous vegetation;

(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;

No new roads area created.

3. PROPERTY DESCRIPTION

Portion 156 of Farm 213 Bredasdorp RD is registered under T938/2004. GPS coordinates of the farm is 34°35'16.44"S and 19°34'.30.71"E.

TOTAL AREA	3,1397ha
REGISTERED OWNER	Caroline Maaïke Rillema
Boundaries: North	Church Street and Portion 43 of Farm 213
East	Farm 388
South	Portions 159 and 160 of Farm 213
West	Portions 236, 237, 158, 157, 16 and 213 of Farm 213

The subject property is located on the eastern side of Baardskeedersbos. The farm falls under the jurisdiction of the Overstrand Municipality and is situated amongst other farm portions in this area. The farm is developed with a dwelling and outbuildings, with the majority of the farm planted with vineyards. Please see attached a locality plan.



Aerial image, indicating the farm extent.

4. TITLE DEED CONDITION

There is a condition in the title deed in favour of the Provincial Administration of the Western Cape under the provision of Act 21 of 1940:

1. Daar mag slegs van bestaande toegange tot die Afdelingspaaie gebruik gemaak word. Ingeval dit nodig mag word om 'n bestaande toegang te verskuif of 'n nuwe toegang daar te stel waar 'n erf op die oomblik geen toegang het nie, moet aansoek daarvoor gerig word aan die padowerheid.

2. Met die uitsondering van bestaande strukture mag geen strukture van enige aard op enige erf binne 'n afstand van 95m vanaf die middel van die Afdelingspaaie opgerig word sonder die goedkeuring van die Beherende Gesag nie.

3. Die erwe mag slegs vir bona fide residensiële doeleindes gebruik word en slegs sulke strukture wat daarmee gepaard gaan, mag daarop opgerig word. Waar daar tans grondgebruike bestaan ander as residensiël, moet aansoek vir goedkeuring daarvoor aan die Beherende Gesag gerig word.

In response to conditions 1 and 2, it can be confirmed that no access is taken from any provincial / district road to Portion 156 and that the development is further than 95m.

In response to condition 3, it should be mentioned that the farm is used for agricultural purposes, as per its zoning. Application is then made to allow for the small 75m² winery to be able to process grapes from the farm. It is not believed that this limited activity will have a notable impact on any provincial / district road.

5. CURRENT ZONING

The subject property is zoned as "Agriculture Zone I" in terms of the Overstrand Integrated Zoning Scheme. No change in zoning is proposed and the primary use remains agriculture.

6. THE DEVELOPMENT PROPOSAL

Due to the farm being small, the Remainder of Portion 156 of Farm 213 has limited agricultural potential. The farm was developed with approximately 1,2ha of vineyards and include Sauvignon Blanc, Semillon, Shiraz and Grenache Noir. Water for irrigation is obtained from their own dam, but is hardly ever used since very little irrigation is required after the vines are established in this area.

The application is for a maximum 10-ton boutique winery, that will represent a niche, exclusive, small wine brand. Approximately 5000 bottles of wine will be produced per year. Everything is as far as possible done by hand. The winery is accommodated in the existing barn. A section of the buildings will be used to warehouse the wine, another for refrigeration purposes and the rest as the cellar. Tasting on appointed will also be accommodated inside the cellar area.



Floor plan of the cellar.

Only grapes harvested on Portion 156 of Farm 213 will be used in the cellar. It is not anticipated that any grapes will be bought in. The cellar will have a storage capacity of approximately 5 000 liters.

The barn, in which the cellar is located, has a footprint of 73m². All infrastructure is in place and water and electricity is available at the building. Bottling of the wine will be done with a mobile bottling unit and doesn't require any permanent infrastructure.

Approximately 6000 liters of water is required for wine production and cleaning purposes per year. Water required for the wine production and also cleaning is very little and is mostly obtained from rainwater harvesting. All access water will be collected and recycled for re-use in the cellar. Water will be screened to collect all solid material.

Grape skins will be dried and then sprinkled in the vineyard as compost. Any other solid waste will be sold to Brenochem.

The facility will not have any visual impact since it is located inside an existing building, underneath a clump of bluegum trees. It is not visible from any public road.

The tasting facility will be open on appointment only and will be accommodated inside the small cellar, amongst the wine barrels. Parking will be provided at the main house and visitors will walk to the cellar.



Photo 1. Photo of the barn in which the winery is proposed.

7. ACCESS & ADDITIONAL TRAFFIC

- Access to the farm is existing and taken from Church Street.
- Parking is provided at the main house as prescribed by the relevant regulations.
- The proposed winery will not attract high volumes of traffic, with the winery being small and the wine tasting only available on appointment.
- There is an open area in front of the cellar building, that will be used for loading and offloading.

8. SERVICES

Water

A rainwater harvesting tank are already in place next to the cellar, but water can also be obtained from the dam next to the cellar.

Sewerage

A closed system conservancy tank is used and will be emptied by the Municipality as required.

Electricity

Electricity is provided by ESKOM and already available at the cellar building.

Rubbish removal

All rubbish that cannot be recycled, will be removed to a licensed municipal dumping site.

Cellar Effluent

It is estimated that approximately 50m³ of effluent will be generated annually from the cellar. Effluent will however be screened and recycled.

9. ENVIRONMENTAL APPLICATION

A basic assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) will not be required, since none of the regulations are triggered.

10. EXISTING POLICY FRAMEWORKS**10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK**

From the document the following:

'Overstrand Municipality works towards creating a An Environmentally Sustainable and Resilient Overstrand

Environmental management towards achieving sustainability is a vital component of sound urban and regional planning. It can be explained as a combination of spatial planning and land-use management of urban and rural areas, focused at meeting the needs of the current population without unduly compromising the natural environment or the ability of future generations of meeting their needs. A key component of environmental sustainability is environmental resilience, referring to the ability of ecosystems to recover from the impacts of natural hazards in the short to medium term and to adapt to future scenarios such as climate change in the long term. Some landscape features are more likely to support biodiversity resilience to climate change than others.

The key contributors to achieving an environmentally sustainable and resilient area are spatial planning and design that considers environmental attributes and physical constraints, judicious rural land-use management and the safeguarding of biodiversity features that provide key ecosystem services. Areas important for climate change resilience need to be managed and conserved through a range of mechanisms including land-use planning, environmental impact assessments, protected area expansion, and collaboration with industry sectors to minimise their spatial footprint and other impacts.

One of the important aims will be to Protect Biodiversity and agricultural resources. This can be achieved through:

- i. The existing pattern of development should be maintained and the establishment of new nodes or settlements should not be encouraged. If, however, the Municipality deem a new node or settlement to be desirable, the proposed development thereof should take place in a manner consistent with the overarching long term vision and spatial directives of this MSDF.*
- ii. Ensure that development is confined within urban edges and growth is managed based on sustainable densification principles.*
- iii. Prevent unsustainable change in land use of biodiversity rich rural areas, existing agricultural activity and soil with agricultural potential to other uses.*
- iv. Ensure that existing agricultural activity and soils with high production potential is retained.*
- v. Minimise the fragmentation of rural land by managing rural development based on the Overstrand SDF Rural Land Use Policy.*
- vi. Subdivision of agricultural land should be strongly resisted except where it is consistent with the requirements as stipulated by Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) and the related policy of the responsible department (SDF Policy P.1, 2006).*
- vii. The desirability of designating mining areas should take into account the worth of the material to be extracted against the long term costs to the visual quality of the area, the potential loss in agricultural production, as well as the impacts on existing rights of neighbouring property owners*

The Spatial Development Framework indicates that Baardskeerdersbos has a rural residential and associated agricultural production function. It is noted that: 'The majority of the privately owned land in the northern part of the settlement consist of biodiversity corridors and was therefore included in an urban conservation EMOZ.

The document notes that the following should be promoted:

- the role of the area as an agricultural zone of special significance.
- appropriately scaled tourism development based on the agricultural and heritage value of the region;
- rural cottage industries;
- appropriate residential development on a scale and in a form that retains the village character of Baardskeerdersbos;
- the role of the area as an agricultural zone of special significance;
- appropriately scaled tourism development based on the agricultural and heritage value of the region.

The document indicates Portion 156 of Farm 213 outside the Urban Edge.

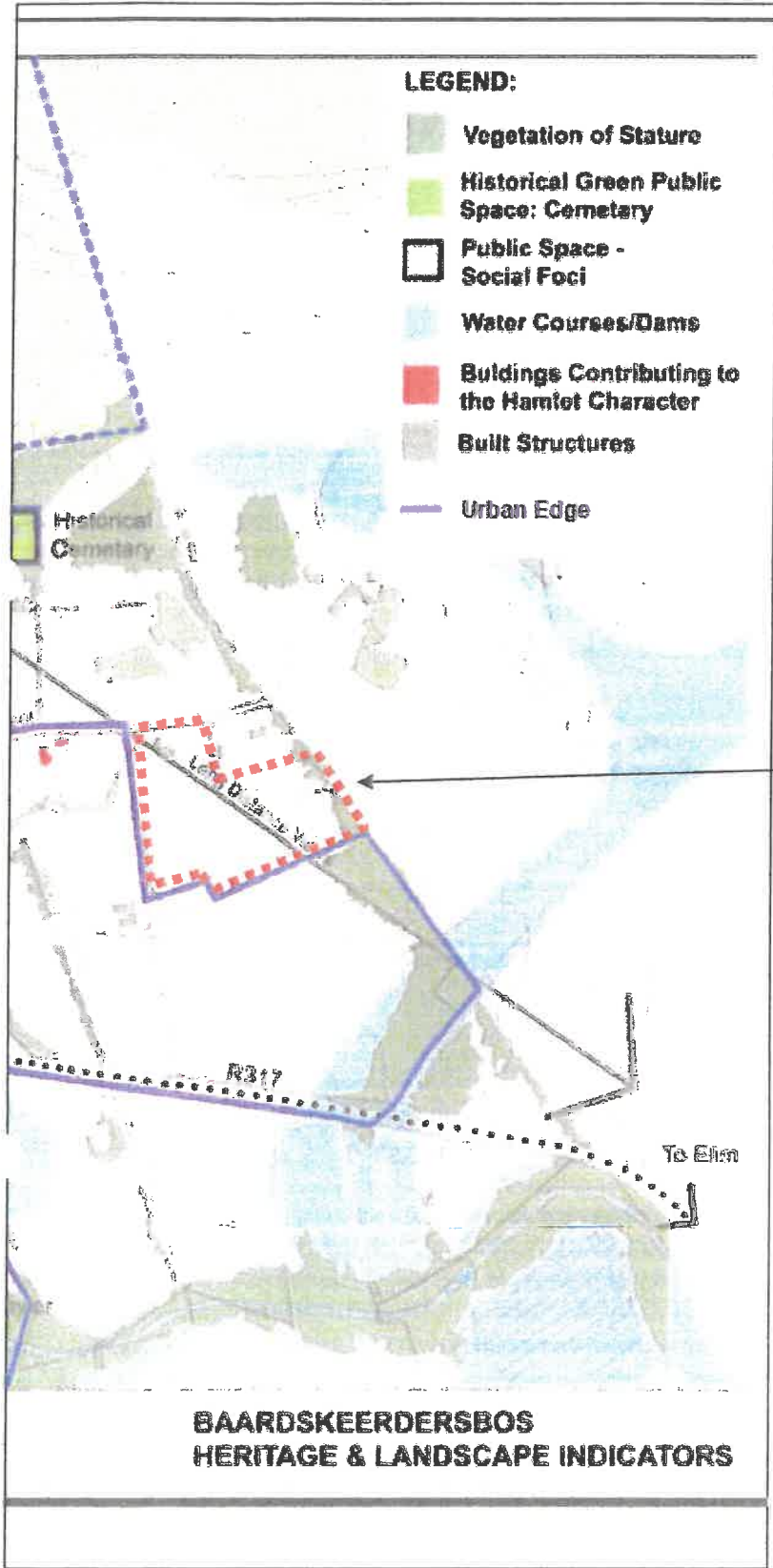
The proposal complies with this document, seeing that the winery is located in an existing building and of a very small scale. The tourist facility is of an appropriate scale and will not have an impact on the agricultural or heritage value of the area.

10.2 OVERSTRAND GROWTH MANAGEMENT STRATEGY

—The Overstrand Growth Management Strategy is not applicable to Baardskeerdersbos, since no significant densification is proposed.

10.3 BAARDSKEERDESBOS PRECINCT PLAN

A Precinct plan was drafted by a multi-disciplinary professional team and finalised in 2015. The team was appointed by the Department of Rural Development and Land Reform. In this precinct plan Portion 156 of Farm 213 is indicated as outside the proposed Urban Edge, please see below.



Heritage and Landscape indicators applicable to Portion 156 of Farm 213

From this document no buildings or vegetation were indicated to be of high conservation significance. No vegetation will however be removed for the proposed winery.

10.4 MUNICIPAL HERITAGE AND ENVIRONMENTAL OVERLAY ZONE REGULATIONS

The purpose of the Overlay Zones is 'to protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand'.

An Ecological corridor is indicated on the EMOZ-plan over Portion 156 of Farm 213. The majority of the farm has been agriculturally developed more than 20 years ago, but no additional disturbance is envisioned. The proposed cellar area is in a shed that was developed on an old footprint and did not disturb any natural vegetation. There are no heritage conservation worthy buildings on the farm.

10.5 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)

The PSDF is prepared at a provincial level and therefore sets out important principles that inform decision making at a local level. The document contains a complex set of policies that are applicable to the whole province. The most applicable challenges and opportunities set forth in this case are:

- Undeveloped potential in tourism markets, especially in some rural areas where new product opportunities for cultural, adventure and ecotourism exist. This potential should be utilised, but in an environmentally responsible manner;
- Environmental damage due to inadequate environmental management. Uncontrolled growth and development will start affecting the 'landscape' resource. A symbiotic relationship needs to be developed where features are protected as assets for tourism, while tourism generates the motivation and finances to protect environmental resources;

- Linking of tourism resources by theme, promotion, product differentiation, transportation can create a better offer, thereby drawing a larger market;
- Increase variety of tourist attractions and activities in focus areas to induce tourists to stay longer, and encourage returns;

10.6 SECTION 42 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) AND CHAPTER 6 OF THE LAND USE PLANNING ACT (LUPA)

The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) are applicable. One of the main objectives of these acts is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

Section 42 of SPLUMA and Chapter 6 of LUPA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

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

SPLUMA and LUPA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial justice
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)

5. Good administration

Compliance with SPLUMA & LUPA Principles:

As discussed in this report, this development proposal is consistent with the approved statutory y spatial policy framework for the area, as well as the Provincial Spatial Development Framework. The table below indicates how the proposed development will be consistent with the SPLUMA principles.

SPLUMA & LUPA Principle	Compliance
Spatial Justice	The cellar and tasting facility will contribute towards strengthening existing tourist facilities in the area, by providing visitors with an alternative experience, thereby giving them reason to visit the area for longer and more often.
Spatial Sustainability	<p>The proposal is in line with existing overhead planning documents.</p> <p>The development proposal is sensitive to the natural environment and developed agricultural land by accommodating the proposal inside an existing building.</p> <p>It's got a small infrastructure and services footprint that already exists.</p>
Spatial Efficiency	<p>The proposed uses make use of existing resources.</p> <p>The development add value to the existing farm activities.</p>
Spatial Resilience	The proposed uses will help to make the existing farm activities economically more sustainable.

Good Administration	This principle has no direct bearing on the application; however, the Overstrand Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.
----------------------------	--

11. DESIRABILITY

11.1 Title Deed

- There are conditions in the title deed in terms of Act 70 of 1970. Comment and approval are sought from the Western Cape Department of Road Planning.

11.2 Physical Characteristics of the Property

- The proposed uses will not impact negatively on the physical characteristics of the property, since no additional permanent structures are proposed outside the existing built-up area.

11.3 Overhead Planning

The project complies with the overhead planning for the area:

- The proposal is in line with the Spatial Development Framework and other overhead planning documents for this area by making use of existing infrastructure, having an environmentally friendly approach and by maintaining agricultural land.

11.4 Compliance with SPLUMA & LUPA

The proposal is in compliance with the principles of SPLUMA & LUPA.

11.5 Agricultural Activities

The consent use will diversify the use of the farm, without impacting on the agricultural potential of the farm, or impacting on the integrity of the environment.

16.6 Character of the Area

The area surrounding the farm is characterised by agricultural uses and rural dwellings. With no significant additional structures proposed, the facilities will fit in with the character of the area, without having a negative impact.

11.7 Visual Impact

The proposed use will be entirely inside an existing building and will not have any visual impact. It is also not visible from a public road or surrounding properties.

11.8 Potential of the Site

By making use of existing infrastructure, inside existing buildings, optimal use is made of available resources. The use will not have any impact on existing farming activities or on any sensitive environmental area.

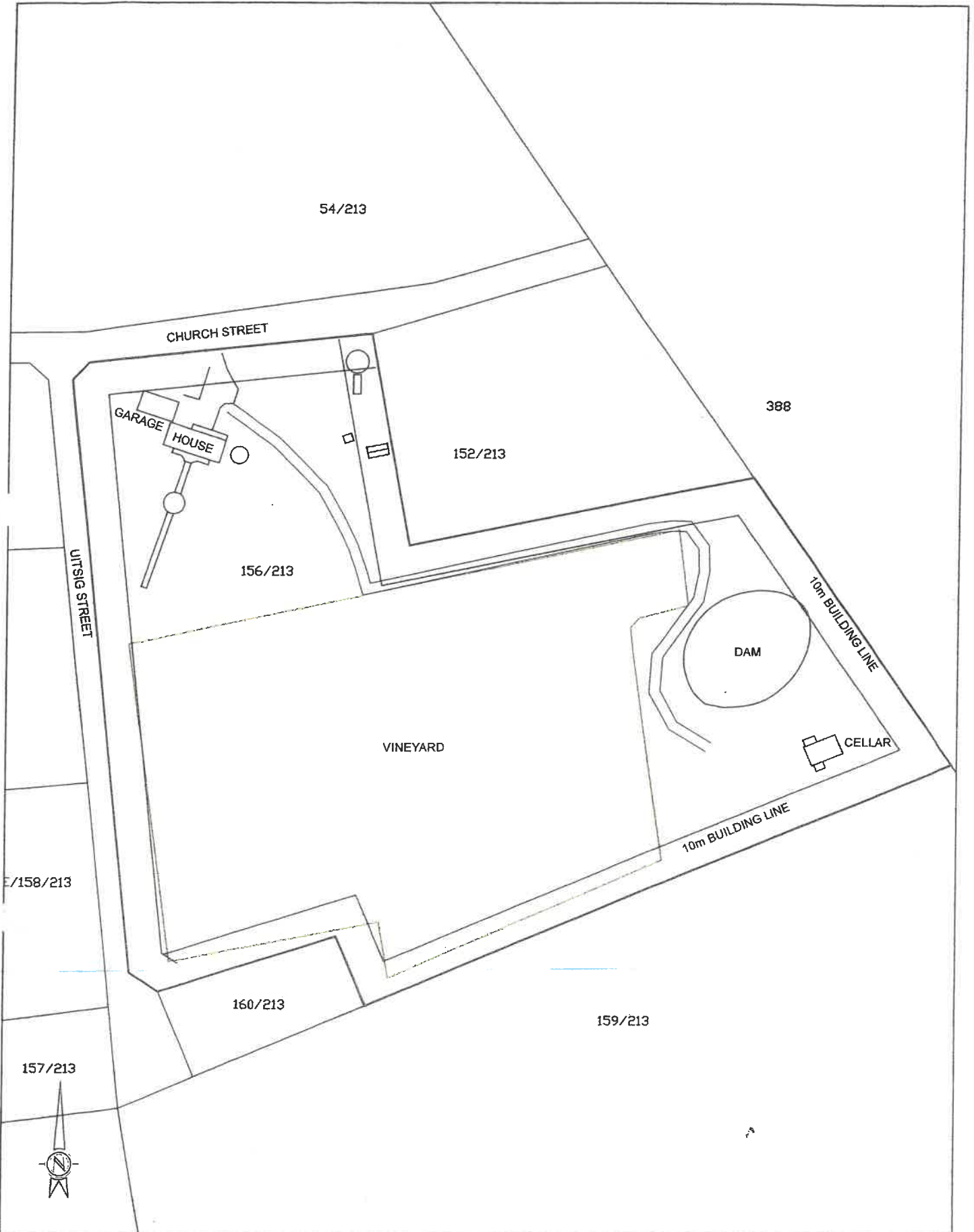
The farm has, as mentioned earlier, limited agricultural potential. The winery, along with the vineyards, will contribute towards making the farm more sustainable.

11.9 No impact on Existing Rights

Given the fact that the proposal is consistent with spatial planning policy, and the fact that these facilities are located inside existing buildings, it is the considered opinion that the proposed application will not have an undue impact on any of the existing land use rights.


12. CONCLUSION

The proposed consent use will result in a low impact development, making use of infrastructure and resources that are already available and in place. The proposal will not have an undue negative impact on surrounding neighbours. The consent use will not impact negatively on the character of the farm. The proposal is in line with national and provincial legislation, as well as policy documents and is acceptable in terms of desirability. A use of this nature contributes towards strengthening the entire tourism market.



Town & Country
 Creative Land Solutions
 P.O. Box 1085
 Bredasdorp
 7280
 Tel. 028 424 1545
 Fax. 028 425 2085
 E-mail: towncountry@vodamail.co.za

PROJECT
 SITE PLAN: PORTION 156 OF FARM 213,
 BREDASDORP DIVISION
 OVERSTRAND MUNICIPALITY

 **Town & Country**
 Creative Land Solutions

Land Surveys • Town Plans

DRAWN LT	CHECKED LT
SCALE 1:1500	DATE MAY 2024
DWG No. BRE/3152	REVISION
Notes: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	

12 AUG 2024

Alida ConradieTP - A Theart
(Suid Merwe)

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From:
Sent: Monday, 12 August 2024 12:14
To: Marlize Miller; Alida Conradie
Cc:
Subject: FW: PORTION 156 OF THE FARM NO. 213, BAARDSCHEERDERS BOSCH - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: NOTICE 213-156 GRBRE (Consent use).pdf; Untitled attachment 00012.htm

Good day, Marlize Miller mmiller@overstrand.gov.za, and Alida Conradie alida@overstrand.gov.za

Kindly acknowledge receipt of this notices within 7 working days

We, the owners of portion 159 of the farm Baardscheerders Bosch NO. 213 – which lies immediately adjacent and down-stream from portion 156 of the farm Baardscheerders Bosch NO. 213 raise a critical objection against the application ID 4680/2024 submitted to the Overstrand Directorate: Planning & Development Town & Spatial Planning as per notification received via email, dated 8th August 2024

We are very concerned that a building for wine producing has already being built in very close proximity to our property fence – with a clear intent to initiate wine manufacturing, which will adversely impact our property which lies directly downstream from this building

Whilst this application loosely describes wine manufacturing intent, it is not supported by facts and lacks clarity on Policy, Standards, Principles and Guidelines to ensure adherence and compliance to:

- ISO 45001:2018 - Occupational health and safety management systems – compliance within the manufacturing industry for small organizations
- No clarity on quality management within the principles and framework of ISO 9001:2015 Quality Management System and subscribing to process implementation to manage and mitigate environmental risk within a process approach, which incorporates the Plan-Do-Check-Act cycle and risk-based thinking to mitigate potential spillage and environmental risks that could readily impact our property which is located downstream from the said wine manufacturing facility
- In terms of good wine manufacturing practices – no detailed information in terms of mechanisms and processes have been defined to identify hazards, the establishment of critical control points, their mitigation and management plans as recommended within the wine industry, nor planned for
- We do not see that the applicant has a clearly defined wine safety management system that indicates how the applicant will plan, implement, operate, maintain and update a WSMS in accordance with the principles of the Hazard Analysis and Critical Control Points (HACCP) of the Codex Alimentarius in terms of food hygiene, food additives, residues of pesticides, contaminants, and methods of analysis and sampling, and import and export inspection and certification to ensure compliance

In terms of the required HACCP system, we do not see information, plans, methodology nor detailed implementation and maintaining plans nor strategy that is compliant with:

- A prerequisites program containing all the elements that can ensure wine safety or make up the hygiene system in a winery
- Detailed processes of grape production according to Good Agricultural and Viticultural Practices (GAVP) and the OIV criteria

FILE NO. Ptn 156/213
Baardscheerders bosch
SCAN NO.
2100068

- Implementation of the standards of the International Code of Oenological Practices of the OIV and of Codex Alimentarius

There is no detailed plan for analysis of the hazards, based in the HACCP system, no risk assessment methodology, and the determination of the critical control points as well as the resulting actions. There is not detailed development of a self-control plan that mitigates and eliminated potential risks associated with wine production

The WSMS must be compatible and referable to the OIV rules and the code of oenological practices. It has also to comply with the national legislation and the specific winemaking orientations and other standards of quality as defined within the South African legislation

A clear and concise plan for good agricultural and viticulture practices is lacking and needs to be verified and signed off by an independent auditor to ensure regulatory compliance to ensure HACCP-based principles apply from the onset of the vine cultivation, harvesting as well as the whole wine production process:

- Hazard analysis and critical control point (HACCP) system and guidelines for this application Annex to CAC/RCP 1-1969. Amendment 1999 and Revisions 1997 and 2003. Codex Alimentarius
- The implementation of food safety management systems covering prerequisite programs and procedures based on the HACCP principles
- ISO 22000:2018(E): food safety management systems — which is a requirement for any organization in the food chain

Details lacking in the proposal:

- Control point: any step at which biological, chemical, or physical hazards can be controlled
- Corrective action: action to take when the results of the monitoring of the critical control points or operational prerequisite program indicate loss in the control of the process or that a monitored parameter exceeds the pre-fixed critical limit
- Critical Control Point: step in the process at which control measurements are applied to prevent or reduce a significant wine safety hazard not to exceed a critical limit, and measures enable the application of corrections.
- Critical limit: value that separates the acceptability from the unacceptability in a certain phase of a process. Critical limits are established to determine whether a critical control point remains in control. If a critical limit is exceeded or not met, the products affected are to be handled as potentially unsafe products.
- Decision tree: logical sequence of questions and answers that allow to make an objective decision on a specific question.
- Flow diagram: schematic and systematic representation of the sequence and interactions of steps in the production and commercialization process.
- Good manufacturing practices: work practices in the wine industry, including the design of a product, the use of ingredients that meet the established standards, the observation of codes of hygiene practices in the transformation of the product and the adequate distribution systems that ensure that the product reaches the consumer in satisfactory conditions.
- Gravity/Severity/Adverse effect: impact of the potential outcome of the hazard on a consumer's health & environmental impact
- Hazard analysis: The process of collecting and evaluating information on hazards and conditions leading to their presence to decide which are significant for wine safety and therefore must be addressed in the HACCP plan.
- Hazard analysis and critical control points (HACCP) system: procedure that allows to identify, evaluate, and control significant hazards for the wine chain of products.
- HACCP plan: document prepared in accordance with the principles of the HACCP system, to ensure control of the hazards that are significant for wine safety.
- Lot: defined quantity of a product produced and/or processed and/or packaged essentially under the same conditions. The lot is determined by parameters established beforehand by the organization and may be described by other terms, e.g. batch.
- Operational Prerequisite Program control measure or combination of control measures applied to prevent the occurrence of a significant wine safety hazard and for which an action criterion and a measure or observation allows effective control of the process and/or product.
- Prerequisite Program: basic conditions and activities that are necessary within the organization and throughout the wine chain to maintain wine safety. The PRPs needed depend on the segment of the wine chain in which the organization operates and the type of organization.
- Preventive measure: any activity or action that has the purpose of preventing a wine safety hazard or that its critical limit is not exceeded.

- Probability/Frequency/Likelihood: magnitude of possibility occurrence of the hazard in the product.
- Risk: A function of the probability of the occurrence of an adverse health effect and the severity of that effect, consequential to presence hazard(s) in wine / and environmental impact
- Step: A point, procedure, operation, or stage in the wine chain including raw materials, from primary production to final consumption.
- Traceability: the possibility of finding and following the track - through all the stages of production, transformation, and distribution of a wine.
- Wine chain: sequence of the stages in the production, processing, distribution, storage and handling of a wine and its ingredients, from primary production to consumption.
- Wine safety: guarantee system that wine will not cause an adverse health effect for the consumer when it is prepared and/or consumed in accordance with its intended use.
- Wine safety hazard / Hazard: biological, chemical, or physical agent in wine with the potential to cause an adverse health effect.
- Wine Safety Management System (WSMS): The combination of preventive control measures; traceability, recall and communication as preparedness and HACCP plan defining CCPs and/or oPRPs as control measures linked to the production process. The WSMS is the combination of control measures, surveillance and assurance activities and must provide evidence that control measures are working properly such as validation and verification, documentation and record keeping

Conclusion:

- We, the owners of portion 159 of the farm Baardscheerders Bosch NO. 213 – which lies immediately adjacent and down-stream from this proposed wine manufacturing facility, categorially object against the proposed development
- We require detailed evidence that is verified and signed off by an independent auditor to ensure regulatory compliance and concise a mitigation plan that manages the observations and objections as defined within this correspondence

Regards

Bernhard Jurkewitz, on behalf of
Mrs Jurkewitz, Mr, and Mrs Gani

278

TP - A Theart
(Suid Merwe)

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER 5/5

16 AUG 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Alida Conradie

From:

Sent:

To:

Cc:

Subject:

Attachments:

Thursday, 15 August 2024 08:03

Alida Conradie

Marlize Miller; hermanb

Re: PORTION 156 OF THE FARM NO. 213, BAARDSCHEERDERS BOSCH - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

20240806_Portion 156 of the Farm 213 (Consent use).pdf

PORTION 156 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF CM RILLEMA

Goeiemore Alida,

Ek is eienaar van Erf 237 en mede-eienaar van erf 236, Baardskeerdersbos. My broer (Herman Bisschoff - hierby ingesluit) is mede-eienaar van erf 236.

Ek ondersteun hierdie aansoek ten volle - dit is 'n stap in die regte rigting om B-Bos se toerismepotensiaal te ontsluit en broodnodige 'voete' na die dorp te bring om die algemene ekonomie van B-Bos te ondersteun. Sonder inisiatiewe van hierdie aard sal B-Bos 'n weggesteekte juweel bly en die dorp sal sukkel om permanent ontslae te raak van die onverdiende en ongeregverdigde etiket van 'n "gemarginaliseerde/agtergeblewe gemeenskap".

Mens glo en vertrou dat Overstrand die ontwikkeling van B-Bos oor die langtermyn sal ondersteun met die opgradering van paaie, dienste en verwante infrastruktuur.

Dankie vir die geleentheid om inset te lewer.

Groete

Johan Bisschoff

FILE NO. Ptn 156 / 213

Baardscheerdersbosch

SCAN NO.

COLLABORATOR NO.

2103517

OVERSTRAND ²⁷⁹MUNISIPALITEIT
REKORDBEHEER
17 OCT 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY



Land Surveyors • Town Planners

TP - A Theart
(S vld Merwe)

REF: BRE/3152

7 October 2024

For Attention: Mr Schalk van der Merwe
Overstrand Municipality
P.O Box 20
Hermanus
7200

FILE NO. Ptn 156 | 213
GBB
SCAN NO.
COLLABORATOR NO.
2141441

Sir

PROPOSED CONSENT USES FOR A BOUTIQUE WINERY AND TASTING FACILITY: PORTION 156 OF FARM BAARDSCHEERDERS BOSCH NO 213, DIVISION BREDASDORP

With reference to the above and comments received during the public participation process. Comments were received from:

1. Johan Bisschoff (Owner of Portion 237 and co-owner of Portion 236)
2. Bernhard Jurkewitz, on behalf of Mrs Jurkewitz, Mr and Mrs Gani (Owners of Portion 159)

A summary of the comments and our response as follows.

1. Johan Bisschoff

COMMENT RECEIVED	OUR RESPONSE
Mr Bisschoff welcomes the development and mentions that similar uses could help to improve Baardskeerdersbos.	Noted

2. Bernhard Jurkewitz, on behalf of Mrs Jurkewitz, Mr and Mrs Gani

COMMENT RECEIVED	OUR RESPONSE
Concerned that a building for wine production was already built so close their	The cellar was an existing structure that was restored. The building is more than 14m from

17 OCT 2024

TP

property fence.	the Portion 159 boundary. The prescribed building line is 10m.
<p>The application does not describe the detailed wine making process and lacks clarity on Policy, Standards, Principles and Guidelines to ensure adherence and compliance. The rest of the document then elaborated on what additional information in terms of these regulations and guidelines are required.</p>	<p>Please see below an extract from the liquor license process in which the process is described.</p> <p>The cellar that we are applying for is a very small operation. The safety hazards referred to by the writer are not even applicable to such a small cellar. The water use and water run-off is so small that it doesn't even require a license and falls under a general authorisation at the Department of Water Affairs. There are no activities conducted at the cellar that could impact on any surrounding neighbour, mostly due to the limited nature of what is proposed.</p> <p>A winery of this size is currently regarded as a primary use under agriculture at a number of Western Cape Municipalities. In those cases, neighbours will not be informed of the intended land use.</p> <p>The Policy, Standards, Principles and Guidelines referred to by the objector are in part standard requirements that cellars need to comply with. These applications / documentations are lodged by the landowners once they received approval, at the various departments.</p> <p>Wineries need to comply with SAWIS and IPW guidelines and are audited if required accordingly. The owner is following all the required processes.</p> <p>Standard conditions that will form part of the planning approval include among other:</p> <p>Proof that potable water complies with SANS0241.</p> <p>Compliance with conditions of the Department of Water Affairs and BOCMA.</p>

11.2 The applicant's winemaking Process:

The Applicant's manufacturing process entails:

Handpicked

Handpicked in the cool morning hours, to ensure an optimum flavour concentration and natural acidity. Blocks are picked up to 2 - 3 times.

Cooled Over Night

Transported in refrigerated trucks, in 10 - 15 kg lug boxes to avoid bruising. Kept in cold room overnight, at a temperature of 10 Grade Celsius to ensure flavour retention.

Hand Sorted

The grapes are then sorted to remove any leaves and then destemmed. They are then hand-sorted on a vibrating table, guaranteeing that only the best grapes are selected and that no stalks and green matter goes to the fermentation tanks.

Alcoholic Fermentation (1 of 3)

Holdin Tank

Grapes are dropped into a Mechanized Holding Tank and the applicant can then discharge it into either a stainless steel or oak fermented. The applicant then decides when to allow the juice to slowly warm up and begin the alcoholic fermentation in the fermentation tanks in the production area.

French Oak Barrels

The best blocks of grapes are especially destemmed and transferred into 225L French Oak Barrels after sorting. The barrels are fitted with a cylindrical perforated plunger inserted through a hole at the one end of the barrel. It can be clearly seen where the applicant French Oak barrels lying separate from the winemaker's barrels.

Tank Fermentation

During fermentation the sugars (glucose and fructose) are converted into ethanol and carbon dioxide. The CO₂ pushes the skins up to create a "cap". This cap needs to be continually punched down or juice is pumped over to ensure good colour and soft tannin extraction in the resulting wine.

Basket Press

After alcoholic fermentation the resulting wine is drained into barrels and is called "free run wine". The remaining skins (cap) are then transferred into the basket press and are slowly pressed. This results in "pressed wine", which is kept in separate barrels.

Satellite Tank (Sputnik)

During fermentation, the fermenting juice is drained into Satellite Tank, which is then hoisted up so that the fermenting juice can be discharged over the cap without any mechanical pumping. This results in a soft, silky tannin extraction in the resulting wine.

Natural Barrel Fermentation

These barrels are then transferred to the fermentation section, which is kept at 24 Grade Celsius. The fermentation in these barrels starts naturally.

Ageing

Wine is then aged for up to 2 years in French Oak barrels and constantly tasted by the winemakers who then decide when they are ready for bottling, after this period.

Extract from the Liquor License application.

The wine industry in South Africa is carefully regulated by SAWIS. It was established to maintain the integrity of the wine industry, to provide accurate information, and to ensure that wines comply with international standards. The owner is following all the requirements as indicated by them.

We hope you find the above in order.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'L. Truter', written in a cursive style.

Louna Truter
For Town & Country

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 156 OF THE FARM
BAAARSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION
(4680/2024)**

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

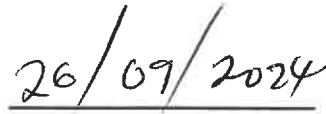
Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
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 Senior Engineer: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, of Farm 708 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. 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;
11. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL
SERVICES**



DATE



Overstrand Municipality
alida@overstrand.gov.za

TP-A Theart
(Svd Merwe)

Date: 2024/08/30

Enquiries:
WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION:

CONSENT USE TO ACCOMMODATE A WINE FARM AND
YOUR REF: Portion 156 of the Farm No. 213, Baardscheerders Bosch

ESKOM REF: 15934-24

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to 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.

1. Eskom services are affected by your proposed works and the following must be noted:

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom Overhead and underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon
Dirk Swart / Francois Swart
028 214 5710 / 028 214 5713 / 083 502 2590
SwartDi@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

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

Eskom Holdings SOC Limited Reg No 2002/015527/30

FILE NO. Ptn 156/213
GBB
SCAN NO.
COLLABORATOR NO.
2112688

30 AUG 2024
TP

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Nancy Piliso from the Land Development Office to be contacted at PilisoN@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Nancy Piliso at PilisoN@eskom.co.za to arrange a site visit.

3. O.H. Line Services:

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

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

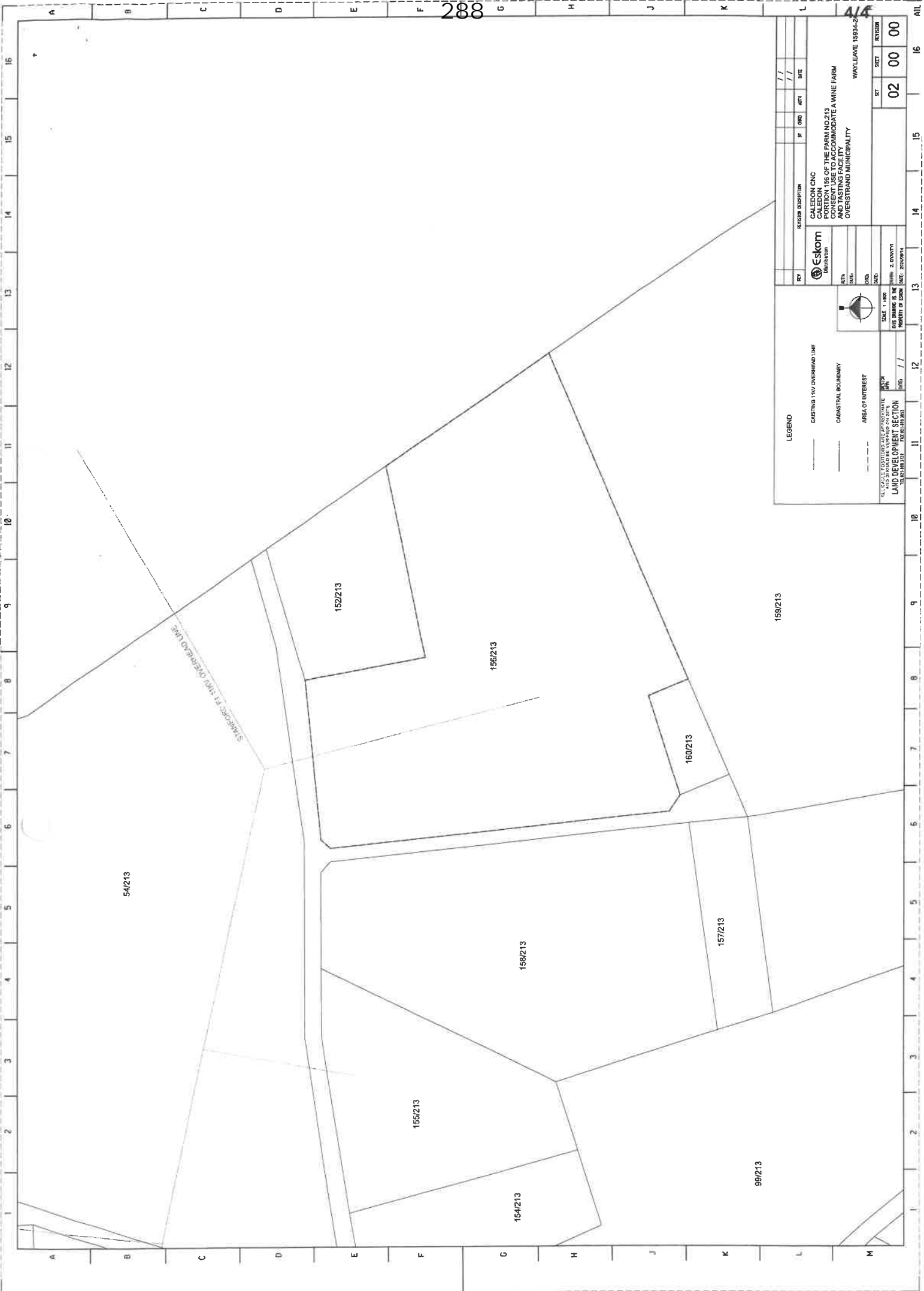
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
 - i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisL@ntcsa.co.za. Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

- EXISTING 11KV OVERHEAD LINE
- CADASTRAL BOUNDARY
- AREA OF INTEREST

SCALE 1:1000
 DATE DRAWN IS THE PROPERTY OF Eskom (SHEET 2000094)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED AND IS TO BE RELEASED TO THE PUBLIC BY THE NATIONAL ARCHIVES OF SOUTH AFRICA (SHEET 2000094)

REVISION DESCRIPTION

REV	BY	CHKD	DATE
1			11/11
2			11/11
3			11/11

Eskom
 Distribution

CALEDON CNC
 CALEDON
 PORTION 156 OF THE FARM NO.213
 AND TASTING FACILITY
 AND TASTING FACILITY
 OVERSTRAND MUNICIPALITY

WAYLEAVE 15934-2

REV	BY	CHKD	DATE
01			02/00/00
02			00/00/00
00			00/00/00

Alida Conradie

From: Town & Country <towncountry@vodamail.co.za>
Sent: Wednesday, 27 November 2024 08:45
To: Alida Conradie
Subject: Portion 156 of the Farm 213

Môre Alida

Sien asseblief Mnr le Roux, VAN BOCMA, se kommentaar hieronder. Hy gaan nie op hierdie stadium addisionele kommentaar lewer, op die inligting wat ons vir julle op die 4de November aangestuur het nie.

Is daar nog enige ander kommentare uitstaande op hierdie aansoek?

Baie dankie

Groete

.ouna

From: Rafeeq le Roux <rleroux@bocma.co.za>
Sent: Wednesday, 27 November 2024 06:47
To: Town & Country <towncountry@vodamail.co.za>
Subject: RE: Portion 156 of the Farm 213

Good day Ms Truter

The water user will need to apply for and obtain water use authorisation before the activity can commence.

Thanks and regards

Rafeeq Le Roux | Water Use Officer | Breede-Olifants Catchment Management Agency
Reg. EAP (EAPASA) - 2020/666
Prof. Sci. Nat. (SACNASP) - 128582
Tel: 023 346 8000 | Fax: 023 347 2012 | Email rleroux@bocma.co.za
Corner of East Lake View & Mountain Mill Roads, Worcester, 6850 | Private Bag X3055, Worcester, 6850



BREED-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

From: Town & Country <towncountry@vodamail.co.za>
Sent: Tuesday, 26 November 2024 12:08
To: Rafeeq le Roux <rleroux@bocma.co.za>
Subject: FW: Portion 156 of the Farm 213

Good Afternoon Mr le Roux

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 SEP 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY



TP-A Theart
(Suid Merwe)

BREEDE-OLIFANTS

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Enquiries: Rafeeq Le Roux

Tel: +27 23 346 8000

Fax: +27 23 347 2012

E-mail: rleroux@bocma.co.za

Reference No: 4/10/1/G40M/BAARDSKEERDERS BOSCH 213/156, BREDASDORP

Date: 30th September 2024

Overstrand Municipality

P.O. Box 20

Hermanus

7200

mmiller@overstrand.gov.za

Attention: Ms M Miller

FILE NO. Ptn 156/213
GBBOS
SCAN NO.
COLLABORATOR NO.
2131309

COMMENT ON THE APPLICATION FOR PROPOSED CONSENT USE: PORTION 156 OF THE FARM BAARSKEERDERS BOSCH NO 213, BREDASDORP.

With reference to the above application received on 13/08/2024, this office comments as follows:

1. Kindly provide an updated layout plan clearly indicating the location of all conservancy tanks and associated infrastructure.
2. Kindly provide a water balance.
3. Kindly provide proof of the lawfulness of abstraction and storage of water contemplated as Section 21 (a) and (b) water uses in terms of the National Water Act, 1998 (Act 36 of 1998).
4. Kindly provide a Waste and Water Quality Management Report indication how cellar waste and waste water will be managed and disposed of.
5. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.

6. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
7. No permanent structures maybe constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).
8. The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998 that need to be registered. The relevant registration forms may be accessed on the www.breedegouritzcma.co.za website or alternatively this office may be approached for assistance.
9. Where the applicant has an existing lawful registered water use, used for agricultural purposes thus far, application should be made to the Responsible Authority to amend such use proportionally per annual volume for domestic, commercial, industrial and/or agricultural, if this is applicable.
10. No pollution of surface water or ground water resources may occur due to any activity.
11. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
12. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
13. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for

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

Please ensure to quote the above reference in doing so.

Yours Faithfully



MR. JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)