

**PORTION 1 OF THE FARM NO 247,
DIVISION KNYSNA
APPLICATION FOR
REZONING**



CLIENT: YENDOR INVESTMENTS 27 CC
PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



JUNE 2014

CONTENTS

(I) TABLE OF CONTENTS

SECTION A : BACKGROUND	3
1. THE APPLICATION	3
2. PROPERTY DESCRIPTION SIZE AND OWNERSHIP	3
SECTION B : DEVELOPMENT PROPOSAL	4
3. DEVELOPMENT SPECIFICATIONS	4
3.1. Rezoning to Agriculture Zone II.....	5
3.2. Consent Use for Farmstore.....	6
3.3. Building Line Relaxation	6
3.4. National Environmental Management Act Regulations	8
3.5. Provision of Services.....	8
SECTION C : CONTEXTUAL INFORMANTS	9
4. LOCALITY.....	9
5. CURRENT LAND USE AND ZONING	9
5.1. Land Use	9
5.2. Zoning.....	10
6. SITE CHARACTERISTICS.....	10
7. CHARACTER OF THE AREA.....	11
8. EXISTING POLICY FRAMEWORKS	13
8.1. Draft Western Cape Provincial SDF (2013)	13
8.2. Bitou SDF (2013)	15
SECTION D : MOTIVATION.....	17
9. MOTIVATION	17
10. CONSISTENCYV WITH SPATIAL POLICY DIRECTIVES	17
11. CONSISTENCY OF THE DEVELOPMENT WITH THE CHARACTER OF THE SURROUNDING AREA	18
12. CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT.....	18
13. SOCIO-ECONOMIC IMPACT	18
14. POTENTIAL OF THE PROPERTY.....	19
15. VISUAL IMPACT.....	19
16. AVAILABILITY OF SERVICES	20
17. ACCESS AND PARKING	20

18.	NO IMPACT ON EXISTING RIGHTS.....	21
19.	CONCLUSION	21

(II) ANNEXURES

ANNEXURE A.	Power of Attorney and Company Resolution
ANNEXURE B.	Application Form
ANNEXURE C.	Title Deed
ANNEXURE D.	SG Diagram

(III) PLANS

PLAN 1.	Locality Plan
PLAN 2.	Character of Area
PLAN 3.	Site Development Plan

(IV) TABLE OF FIGURES

FIGURE 1.	Site Development Plan	4
FIGURE 2.	Existing Farm Track that will Provide Access to the Property	5
FIGURE 3.	Portion of the Property to be Rezoned to Agriculture Zone Ii	5
FIGURE 4.	Cottage no 1 Distances from the Proposed Boundary	7
FIGURE 5.	Cottage No 2 Distance from proposed Building Lines	7
FIGURE 6.	View if the Application Area	10
FIGURE 7.	Topography of the Site.....	10
FIGURE 8.	Vegetation on the Property	11
FIGURE 9.	Wild Spirit Lodge	12
FIGURE 10.	Lilly pond Country Lodge	12
FIGURE 11.	Tsitsikamma Sunrise Caravan Park	13
FIGURE 12.	Nature’s Way Farmstall.....	13
FIGURE 13.	Extract from the Draft PSDF (2013)	14
FIGURE 14.	Bitou SDF.....	16
FIGURE 15.	Identified Tourism Nodes in Bitou SDF	17
FIGURE 16.	Kurland Township in Relation to Portion 1 of the Farm 247	19
FIGURE 17.	Large Trees Enclosing Site from the View of Surrounding Properties	20
FIGURE 18.	On- Site Parking Provision for Winery.....	20

1. THE APPLICATION

Marika Vreken Urban and Environmental Planners has been appointed by Yendor Investments 27 CC to prepare and submit the required application documentation (refer to *ANNEXURE A*: Power of Attorney and Company Resolution and *ANNEXURE B*: Application Form) for:

- The rezoning of a Portion 1 of the farm 247, Division of Knysna, Bitou Municipality from "Agriculture Zone I" to "Agricultural Zone II" to allow the operation of an "Agricultural Industry" (winery), in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Consent use to allow a "tourist facility" and "farm store" on the "Agriculture Zone II" zoned property; in terms of Clause 4.6 of the Section 8 Scheme Regulations as promulgated in P.N. 1048/1988, to allow the operation of a wine tasting and vending facility.

2. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed which includes all the information outlined below is contained in *ANNEXURE C*. A Surveyor General Diagram for the subject property is contained in *ANNEXURE D*.

Title Deed Number	T76688/2007
Title Deed Description	Portion 1 of the Farm No 247, Situate in the Bitou Municipality, Division of Knysna, Province of the Western Cape.
Property Owner	Yendor Investments 27 CC No: 2006/22108/23.
Title Deed Restrictions	There are currently no title deed restrictions that could prevent the development.
Bonds	There is a bond registered over the property. The bond holder's permission has been applied for and will be provided in due course.
Property Size	21, 5334 Ha (Twenty One Comma Five Three Three Four Hectares).
Servitudes	There is an access servitude registered in favour of Farm 246. The presence of the servitude will have no impact on the application. A copy of the Surveyor General Diagram for the property is contained in ANNEXURE D. It is dually noted that there is an electric line present on the property that is not protected by an electrical servitude.

3. DEVELOPMENT SPECIFICATIONS

(Refer to Plan 33: Site Development Plan)

The development proposal entails the construction of a building on the property to be used for wine making. This building will also be used as a wine tasting facility, allowing members of the public to visit the winery and experience the wine making process. It is envisaged that the public will also be able to purchase wine made on the property at the winery. The owners of the property are also in the process of making application for a liquor licence to enable the sale of liquor from the premises.



FIGURE 1: SITE DEVELOPMENT PLAN

Access to the winery will be from an existing farm road to the north of the property, Optional Road 7223. A garden and parking area will also be created on the property to allow patrons to access the wine tasting area.



FIGURE 2: EXISTING FARM TRACK THAT WILL PROVIDE ACCESS TO THE PROPERTY

3.1. Rezoning to Agriculture Zone II

The application area is currently zoned as "Agriculture Zone I" in terms of the Section 8 Scheme Regulations. The owners envisage building a winery from which wine can be produced and bottled. The winery will be constructed in order to be able to process 35 tonnes of grapes per year, which equates to 600 litres of wine per ton or a total of 21 000l of wine.



FIGURE 3: PORTION OF THE PROPERTY TO BE REZONED TO AGRICULTURE ZONE II

The Section 8 Zoning Scheme Regulations regard the processing of agricultural products as an "agricultural industry" and such uses are only allowed within an "Agriculture Zone

II" zoning. An "Agricultural Industry" is defined as: *"...an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural products and includes, inter alia, wineries and farm pack stores, but does not include service trades..."* In order to allow the proposed winery the portion of land that is used for the making of wine must therefore be rezoned to "Agriculture Zone II".

Three structures will be built on the property that will be involved in the agricultural industry these structures include; the store, labour cottages and the winery the combined footprint of which will be 865m². The farm manager house (Cottage 1) will occupy 150m² and the farm house (Cottage 2) will occupy 400m²

3.2. Consent Use for Farmstore

It is proposed to incorporate a wine tasting facility within the same structures built for the winery. The wine tasting area will be located within the wine cellars so as to provide visitors with the full experience of the working winery. The Section 8 Zoning Scheme Regulations defines a "tourist facility" as: *"...amenities for tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by the Council as a consent use, but does not include overnight accommodation ..."*; and allows for a tourist facility as a consent use within the Agriculture Zone II zoning category. Application is therefore made for this special consent use.

The owners of Portion 1 of farm 247 also propose to sell wine produced in the winery to visitors. The vending of products produced on the farm and/or other products relating to the wine production industry constitutes a "Farmstore" in terms of the Section 8 Zoning Scheme Regulations. Application is therefore made for consent to undertake these uses from the "Agriculture Zone I" portion of the property.

3.3. Building Line Relaxation

The proposed location of the winery, store and labour cottages are within the existing 30m building line applicable to agricultural properties (both Agriculture Zone I and Agriculture Zone II). The Proposed farm manager's house located north-west of the property referred to as 'Cottage 1' on the site development plan will be used as a farm managers house and is approximately 14m from the boundary (see figure 4).

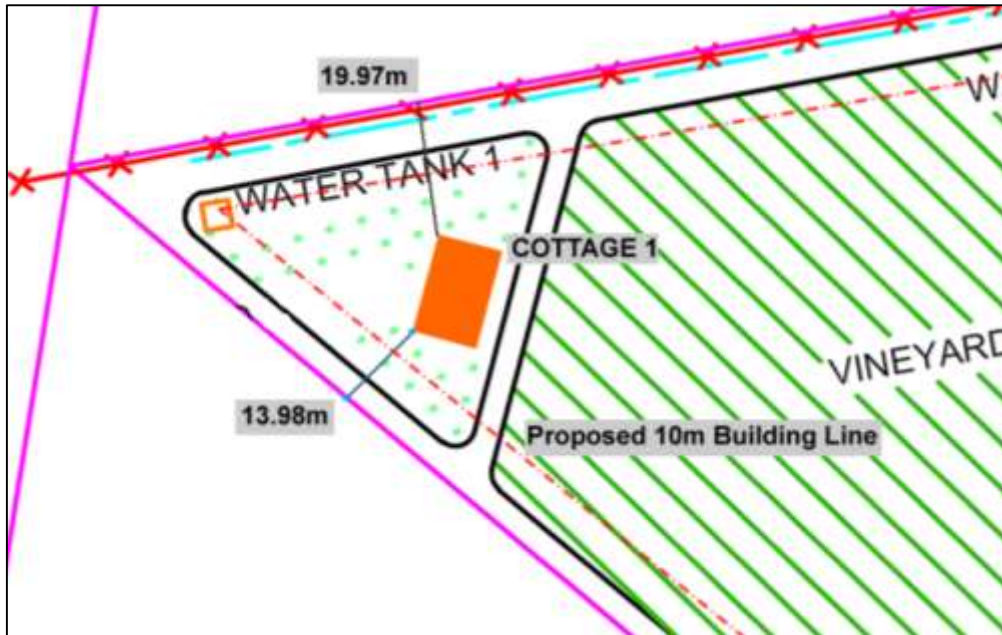


FIGURE 4: COTTAGE NO 1 DISTANCES FROM THE PROPOSED BOUNDARY

The proposed farm house, referred to below as 'Cottage 2' situated north-east of the subject property will also be used as a farm managers house and is situated approximately 17m from the building line (see figure 5)



FIGURE 5: COTTAGE NO 2 DISTANCE FROM PROPOSED BUILDING LINES

Both the farm house and farm manager's house do not comply with the 30m building line for Agriculture Zone I and II properties. It is therefore necessary to relax the 30m building line to 10m in order to accommodate the proposed structures.

3.4. National Environmental Management Act Regulations

At this point it should be noted that Andrew West Environmental Consultancy is presently in the process of undertaking a basic assessment report in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) for the subject property and the record of decision will be made available as soon as possible.

3.5. Provision of Services

3.5.1. Water

The property has registered water rights for 10 000m³ from a water source on a neighbouring property. Water will be drawn from an existing weir and pumped to a 10 000l tower mounted water tank close to the winery.

It is estimated that this winery will use up to 168 000 litres (168m³ which is only 1.7% of their registered right) of water per year with a monthly average of 14 000 litres. This was calculated using industry norms and standards for the proposed winery. Peak periods for water use will be from January until May.

The need for an additional Water Use Licence is also unclear at this point. This licence will likely be for the storage of water as proposed in the dams on the property. If necessary, application will also be made in terms of the Water Act (Act 36 of 1998) as part of the Environmental Authorisation Process.

3.5.2. Wastewater

Winery wastewater will be treated through a 3 phase system which will include:

1. Primary treatment through mechanical screening to remove pips, stalks and skins. Lime will also be dosed into the winery wastewater to neutralize the acidic wastewater.
2. Secondary treatment through a bioreactor which degrades organic matter found in the winery wastewater.
3. Tertiary treatment through a wetland for final polishing of the water.

After the winery wastewater is treated it will be discharge into the natural catchment area as well as stored for irrigation of crops.

Harmful liquids generated in the winery through cleaning processes will be stored in a tank. The local municipality will collect these liquids on an ad hoc basis and dispose of it in the local sewerage works.

3.5.3. Electrical Supply

There is an electricity line but no supply point present on the property, although surrounding properties do have power provided by Eskom. Application will be made for an 80 Amp single phase electrical supply should this proposal be approved.

At this time application will also be made for the registration of a servitude over the unprotected Eskom line on the property

3.5.4. Solid Waste

Disposal of solid waste, including household waste and packaging material, will be undertaken by the Bitou Municipality. The local municipality will remove such waste and dispose of it at the local municipal disposal site.

Grape wastes, lees and filter rests will be processed and disposed of on the site. An appropriate site will be established on the farm for the disposal of skins, stems, pips and lees. This grape waste will be heaped on an impenetrable layer (such as a membrane lined concrete slab) and covered against rain, to prevent organic acids from seeping out. Alternatively skins, stems and pips could be sold to the local dairy farmers as animal feed. Pips could also be sold for pressing to produce grape seed oil.

SECTION C :

CONTEXTUAL INFORMANTS

4. LOCALITY

(Plan 1: Locality Plan)

The subject property is located off the Natures Valley Road (TR212), between the N2 National Road and Nature's Valley, approximately 25km from central Plettenberg Bay, 5km from Kurland and or 8km from Nature's Valley. The property is accessed via Optional Road OP7223 off TR212 at approximately Km17. The property is located within the eastern reaches of 'The Crag's' area, which has become a strong centre for local tourism and is home to the burgeoning wine boutique wine industry in the area.

5. CURRENT LAND USE AND ZONING

5.1. Land Use

The site is currently vacant, with no structures on the property. The property has been cleared in the past and used for agricultural purposes, however the site is now somewhat overgrown.



FIGURE 6: VIEW IF THE APPLICATION AREA

5.2. Zoning

Portion 1 of the Farm 247 is currently deemed to be zoned "Agricultural Zone I" in terms of the Section 8 Zoning Scheme Regulations.

6. SITE CHARACTERISTICS

The property is located on the on a plain with fairly level topography, as can be seen in Figure 7 below.



FIGURE 7: TOPOGRAPHY OF THE SITE

Vegetation on the property consists of a mixture of alien and indigenous vegetation including several small to medium sized pine trees, bracken and kikuyu grass.



FIGURE 8: VEGETATION ON THE PROPERTY

7. CHARACTER OF THE AREA

(Plan 2: Character of the area)

The application area and surrounding properties are mostly characterised by agricultural; rural residential and tourism related land uses. 'Wild Spirit' backpackers is directly to the south of the application area and is accessed via a servitude road through the property.



FIGURE 9: WILD SPIRIT LODGE

'The Barnyard' is located west of the application area, which is a rural theatre and popular tourist attraction. Lilly Pond Country Lodge is situated west of the property on the edge of the Tsitsikamma Nature Reserve that offers tourist a contemporary accommodation surrounded pristine natural views.



FIGURE 10: LILLY POND COUNTRY LODGE

The 'Tsitsikamma Sunrise Caravan Park' is located north of the application area. The areas surrounding character of the areas could therefore be regarded as a developing tourism node focussing on the natural environment and lifestyle, with a focus on wild animals, adventure tourism and wine making. .



FIGURE 11: TSITSIKAMMA SUNRISE CARAVAN PARK

The Khoiania self catering cottages and the Heidehof farm stead are located north-east of the subject area. Agricultural tourism related activities are present at Natures Way farmstall on Loredo Farms situated north-west of the subject property.



FIGURE 12: NATURE'S WAY FARMSTALL

8. EXISTING POLICY FRAMEWORKS

8.1. Draft Western Cape Provincial SDF (2013)

Although The Western Cape provincial SDF is still in draft format and subject open for public comment it represents the updated and amended planning framework for policy

and urban planning publicised by the provincial administration that “*communicates the provinces spatial planning agenda*”.

The figure below shows that the PSDF recognises that there are existing farming activities with ‘Orchards & Vines’ being grown in the vicinity.

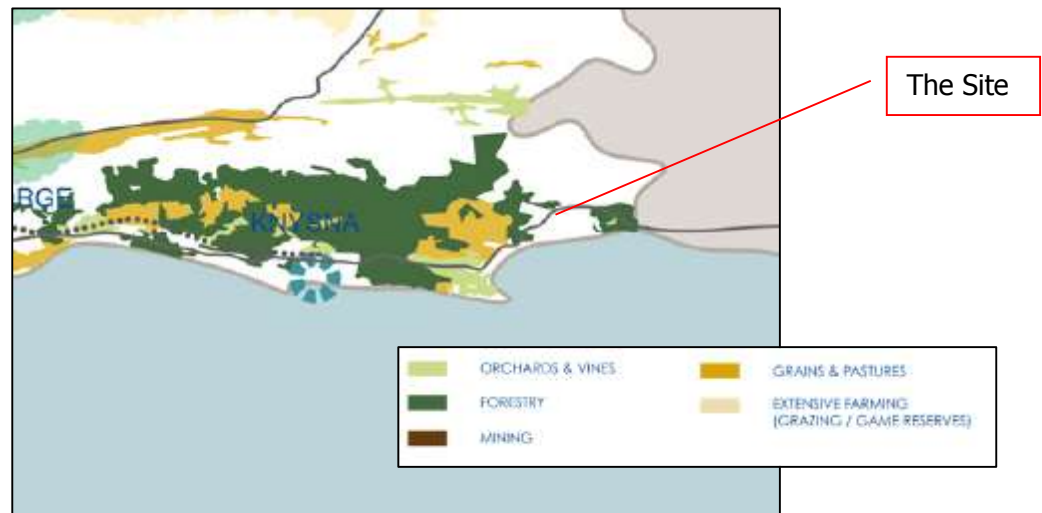


FIGURE 13: EXTRACT FROM THE DRAFT PSDF (2013)

The recent shift in legislative and policy frameworks has clearly outlined the roles and responsibilities of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However it is important to note some of the key policies laid down by the draft PSDF have a bearing on the application.

POLICY E2: DIVERSIFY & STRENGTHEN THE RURAL ECONOMY.

Development outside the urban edge

4. Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and of an appropriate scale and form can be accommodated outside the urban edge.

The 2009 Provincial Spatial Development Framework (PSDF) draft Rural Land Use Planning & Management Guidelines should be reviewed and updated to serve as basis for clarifying the interpretation of this mentioned policy.

The following criteria should be applied in assessing consistency with this policy:

- i. Does not alienate unique or high value agricultural land, or compromise existing farming activities;*
- ii. Does not compromise the current or future possible use of mineral resources;*
- iii. Is consistent with the **cultural and scenic landscapes** within which it is situated;*

- iv. Does not involve extensions to the municipality's reticulation networks (i.e. served by **off-grid** technologies);
- v. Does not impose real **costs or risks to the municipality** delivering on their mandate;
- vi. Does not infringe on the **authenticity of rural landscapes**.

12. Where there is a combination of land suitable for agriculture and raw water available in proximity to settlements, this strategic provincial asset should be **safeguarded for agricultural purposes**.

15. Land targeted for **new commercial** ventures (e.g. farming, fishing, eco-tourism, etc.) should have the same **resource** attributes as existing commercial ventures, and be in **proximity to markets, facilities and transport**.

The proposed winery and associated vineyards will expand the agricultural practices in the area, especially since the property is not currently being used productively, therefore agricultural activities will be augmented rather than compromised. There will also be no compromise to the rural landscape since the only construction required for the winery will be a small agricultural building. No additional services will be required from the municipality and the property is in close proximity to local markets and transport links.

8.2. Bitou SDF (2013)

The Bitou local municipality spatial development framework was adopted by the council in 2013 and serves as regulatory framework for spatial development within the local municipality.

Given the fact that the application area is located outside the urban edge proposed for Plettenberg Bay, very little spatial proposals are made for this area. This SDF has however recommended that the main economic focus of this area should be too strengthened through tourism and agricultural activities.

The Bitou SDF identifies the subject area within the Platbos Platue region which forms part of the critical biodiversity area that constitutes approximately 1% of the entire Bitou municipality natural spatial planning categories

The Bitou municipality is in need of suitable developments that enhance the local economy. The local economic development of the municipality indicate that the tourism and agriculture sectors are the two major drivers in the municipal area. However tourism relies predominantly on the attraction of the natural environment and the topographical features with its unique bio physical features.

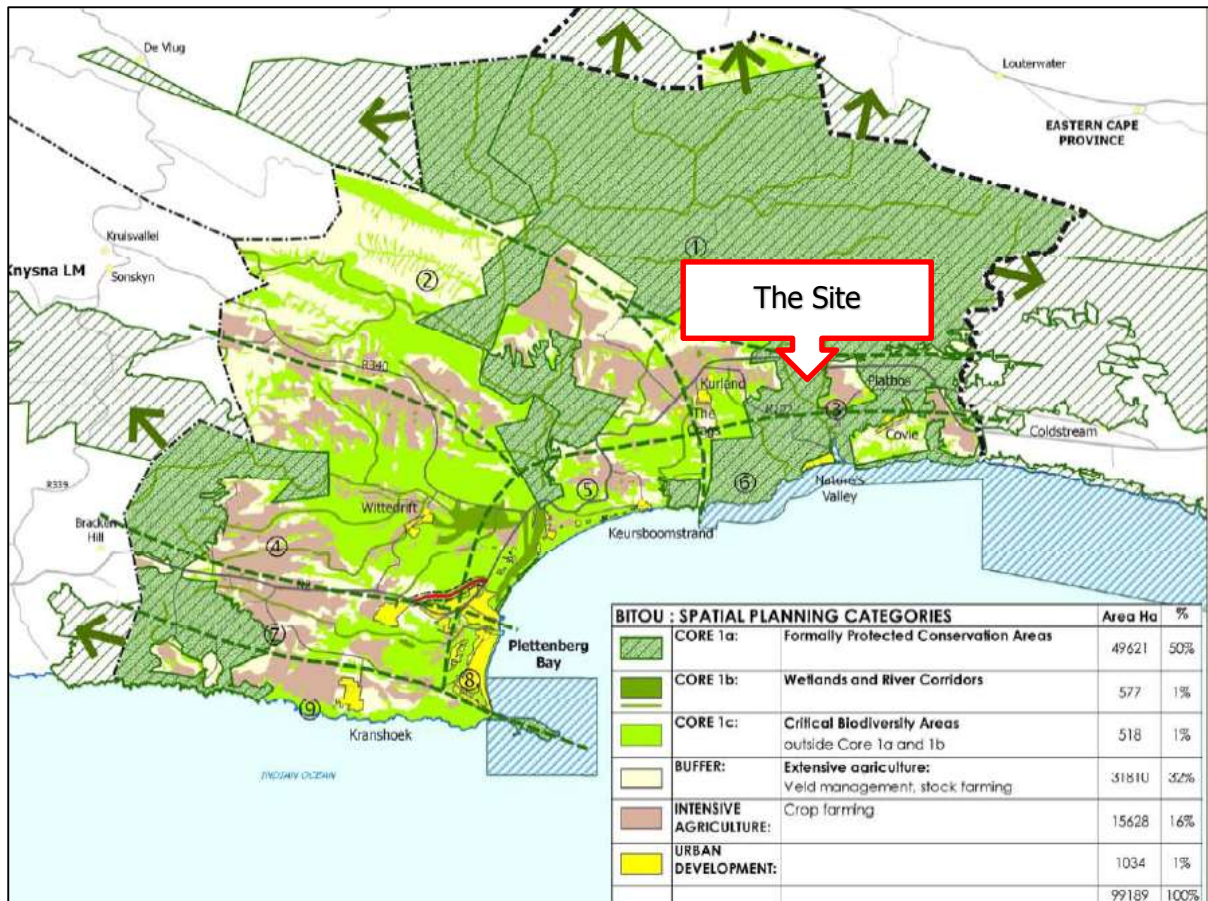


FIGURE 14: BITOU SDF

Kurland and the Crag should be developed as a settlement based on the principles of:

- Walking distance as the primary measure of **accessibility**;
- **Functional integration**;
- **Socio-economic integration**;
- Identify strategies to ensure **maximum use** made of **agricultural land**;
- The municipality should engage with the conservation authorities to ensure that that economic **growth and employment opportunities** from these areas are **maximised**.

Conservation of endangered vegetation areas shall be encouraged through the promotion of conservancies and stewardship projects with limited eco- tourism development rights to formal conservation agencies;

Bitou's economy rests largely on tourism and some agriculture therefore it is necessary to optimise the economic and employment opportunities of the natural environment to the greatest possible extent while making use of sustainable natural resources and tourism

The subject area forms part of the major tourism nodes within the Bitou local municipality;

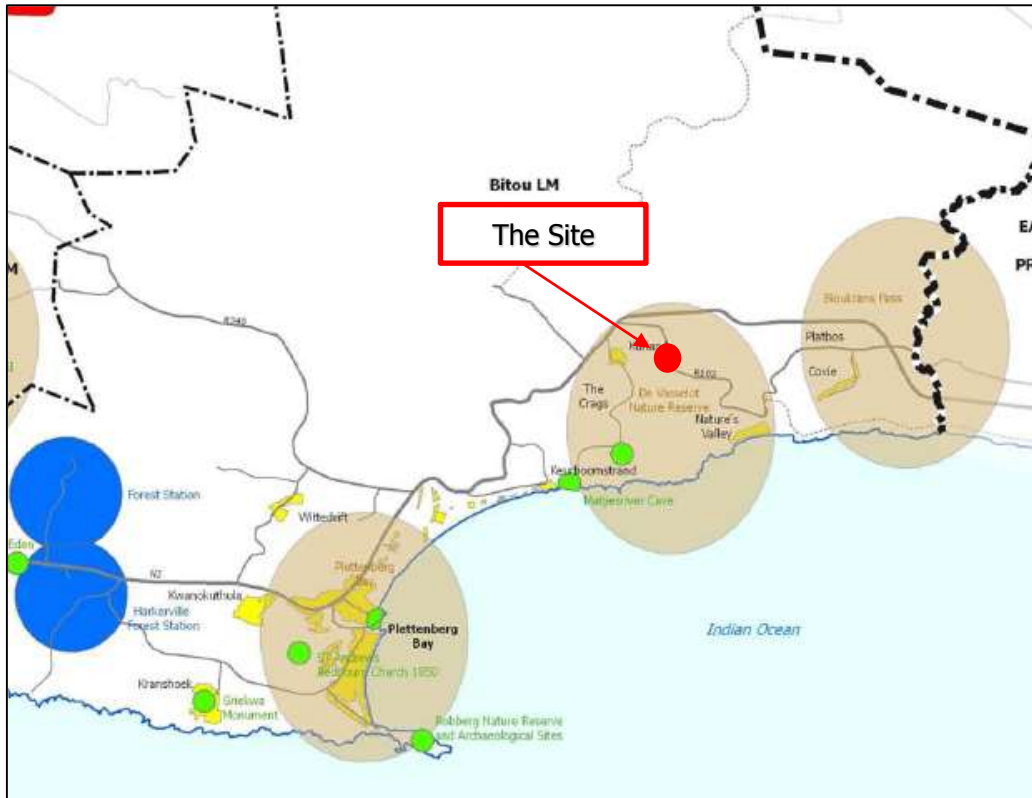


FIGURE 15: IDENTIFIED TOURISM NODES IN BITOU SDF

The proposed wine farming and wine tasting facility on Portion 1 of the Farm 247 will benefit the agricultural productivity of the area and help to diversify the agricultural activities found in the area. This in turn will strengthen and promote wine farming in the area, and contribute to job creation in the rural areas. This development has the potential to attract many additional tourists to the area by furthering the establishment of the area as a viticulture hub

SECTION D :

MOTIVATION

9. MOTIVATION

The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) states in Section 36 that the reasons for refusing an application may only be considered on the basis of the "lack of desirability" of the proposed land use. The following points must be taken into account when evaluating the desirability of this application:

10. CONSISTENCY WITH SPATIAL POLICY DIRECTIVES

This development application is consistent with the Bitou SDF applicable to this area.

11. CONSISTENCY OF THE DEVELOPMENT WITH THE CHARACTER OF THE SURROUNDING AREA

The areas surrounding Portion 1 of the farm 247 is characterised by a well-defined tourism character with numerous accommodation establishments on small holdings and farms. It also accommodates timber and brick yards, diaries, and a winery which give it a different, service industrial agricultural, rural residential and tourism uses. The proposed wine tasting will fit in with the character of the area and will not impact on the character of the area.

12. CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT

The natural environment will be rehabilitated to accommodate vineyards to produce wine on the farm. Since the site has been previously cleared to accommodate agricultural needs the proposed development to accommodate vineyards will therefore have no negative impact on the natural environment.

The built environment will undergo minor changes and that are in line with the character and regulatory frameworks in order to have minimum effect on the rural landscape character and natural environment. Changes to the built environment will include the following

- Winery;
- Farm House (Cottage 2)
- Farm Managers House (Cottage 1);
- Staff and Labour Cottages.

13. SOCIO-ECONOMIC IMPACT

The development of the wine farm, winery and wine tasting facility will help to contribute towards employment growth and strengthen local economic development in the Kurland and Craggs area.

The wine farm will be operational during the year will make use of the following estimated staff members;

- 5 permanent skilled staff;
- 2 permanent unskilled staff;
- In season: 10-15 temporary Skilled vineyard workers;
- Out of Season: 2-5 temporary skilled vineyard workers.

Therefore, the farm has the potential and employ approximately 22 workers in season and 12 workers out of season. Farm workers employed by the winery will also develop certain skill sets accustomed to the wine industry. Figure 16 below indicates that Portion 1 of the farm 247 is located close to the Kurland low income or township area. Due to the limited employment opportunities available in the area, the development of a wine farm with wine tasting facilities can be seen as a positive contributor of work and socio economic opportunities in the region.



FIGURE 16: KURLAND TOWNSHIP IN RELATION TO PORTION 1 OF THE FARM 247

14. POTENTIAL OF THE PROPERTY

The property has tremendous eco-tourism and agri-tourism potential. The proposed wine tasting area will be an opportunity for the public to access this unique area and provide an experience of the wine culture whilst participating in various tourism products on offer within close proximity to Kurland, Plettenberg Bay and Tsitsikamma.

The property is not currently a viable concern, with no agricultural activities taking place, the proposed rezoning will allow the owners need to diversify the source of income of the farm in order to be in a position to financially maintain it. The proposed agricultural and tourism uses are an ideal opportunity to diversify the income of the property, whilst maintaining and enhancing the agricultural character of the property.

Given the fact that the property will facilitate a winery and a wine tasting facility the proposal will enhance rather than be detrimental to the agricultural character of the area and simultaneously diversify the land use of the property to accommodate tourists and exploit the agriculture potential of the property.

15. VISUAL IMPACT

Furthermore the vegetation and height of the pine trees located on the boundary of the property effectively encloses its position. This will result in a minimalistic visual impact to the surrounded properties as the building is centrally located on the property with vegetation surrounding it.



FIGURE 17: LARGE TREES ENCLOSING SITE FROM THE VIEW OF SURROUNDING PROPERTIES

16. AVAILABILITY OF SERVICES

There are no municipal services on the farm; however sufficient measures have been taken to provide for the farm. Section B (3.5) describes that there are sufficient measures in place to provide the necessary service the property. The development proposal is not dependent on any municipal infrastructure services nor the expansion of current capacity.

17. ACCESS AND PARKING

Access to the subject property will be accessed via Optional Road OP 7223 of TR 212 which is approximately 3km of the N2 National Route. The necessary parking provision will be made to accommodate the required parking bays for the wine tasting facility.

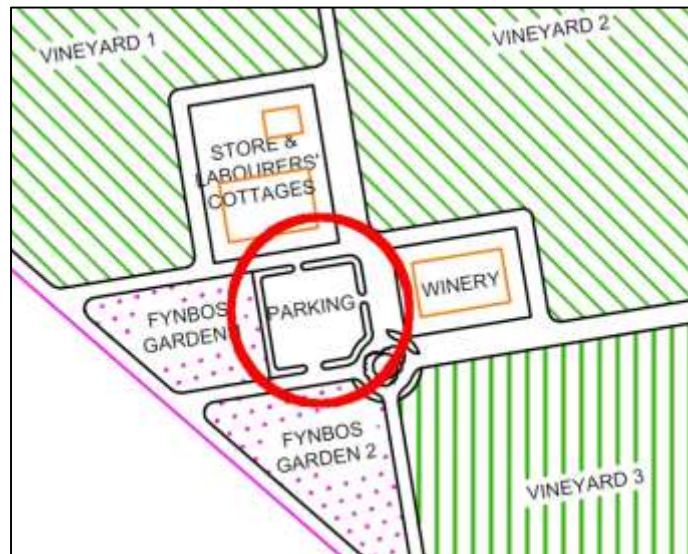


FIGURE 18: ON- SITE PARKING PROVISION FOR WINERY

18. NO IMPACT ON EXISTING RIGHTS

Given the fact that the proposal is consistent with spatial planning policy, and the small scale of the "development" on a relatively large property, it is the considered opinion that the proposed winery and wine tasting facility will not impact on any of the existing land use rights.

19. CONCLUSION

In light of this motivation, it is clear from the foregoing report that the application for:-

- The rezoning of a Portion 1 of the farm 247, Division of Knysna, Bitou Municipality from "Agriculture Zone I" to "Agricultural Zone II" to allow the operation of an "Agricultural Industry" (winery), in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Consent use to allow a "tourist facility" and "farm store" on the "Agriculture Zone II" zoned property; in terms of Clause 4.6 of the Section 8 Scheme Regulations as promulgated in P.N. 1048/1988, to allow the operation of a wine tasting and vending facility.

is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Council.

Marike Vreken Urban and Environmental Planners
June 2014