



REPORT

PROPOSED REZONING AND CONSENT USES

FARM 1740, PAARL

BK3

February 2014

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SUMMARY

Summary	Section
Application is being made for rezoning and consent uses in order to permit additional tourist shops, ablution facilities, back-up kitchen, etc. of 475 m ² as well as a new wine tasting venue of 400 m ² at the existing winery on Farm 1740, Paarl.	1
For information on the applicant, property detail, development proposal and background to the application, see Sections 2 – 6.	2 - 6
All the necessary engineering services can be provided to the proposed development.	7
Additional traffic volumes will be negligible and traffic conditions will not be negatively affected by the additional tourist facilities.	8
For the legislative and administrative criteria applicable to the applications refer to Sections 9 and 10.	9 -10
The proposed rezoning is consistent with the Provincial Spatial Development Framework and the Drakenstein SDF.	11
a) The proposed tourist facilities will not be detrimental to the continued agricultural utilisation of the farm, but will in fact explore the full potential of the farm and will fit in with the land use morphology of the larger area and the existing utilisation of the farm. b) The application sites are physically suitable to accommodate the proposed buildings. c) There will be no impact on the natural and manmade environment. d) Use will be made of a sympathetic architectural design and site layout, which will not compromise the integrity of the existing historical farm yard. e) The safety and welfare of the community will not be negatively affected by the proposed development.	12

1. APPLICATION DETAIL

The report has reference to the following application(s):

Application Property	Farm 1740, Paarl
Description	Legislative Reference
Application for rezoning of 400 m ² of the application property to Agricultural Zone 2 to extend the existing winery for purposes of a wine tasting venue as indicated on Malherbe Rust Architect's enclosed Werf Plan.	Section 17(1) of Land Use Planning Ordinance, No. 15 of 1985
Application for consent use to extend the existing Tourist Facilities on the application property for additional tourist shops, ablution facilities and a back-up kitchen, etc. of 475 m ² as well as a new wine tasting venue of 400 m ² as indicated on Malherbe Rust Architect's enclosed Werf Plan.	Regulation 4.6 of the PN 1048/1988 Scheme Regulations

2. PROPERTY OWNER / APPLICANT

Name	Babylonstoren Pty Ltd		
Postal Address	PO Box 167, Simondium, 7670		
Phone Number	021-8631810	E-mail	terry@babylonstoren.com
Contact Person	Terry de Waal		

3. PROPERTY INFORMATION

Property Number	Farm 1740		
Allotment Area	Paarl Division		
Street Address	Main Road 205		
Coordinates	Latitude (S)	33°49'24.90"	
	Longitude (E)	18°55'33.77"	
Municipality	Drakenstein Municipality, PO Box 1, Paarl, 7620		
Magisterial District	Paarl		
Zoning Scheme	PN 1048/1988 Scheme Regulations		
Existing Zoning	Category	Agricultural Zone 1 and Agricultural Zone 2 (2567 m ²) ¹	

¹ Drakenstein Municipality Ref. 15/4/1(F1268)P dd. 3/6/2010

	Primary Use	Agriculture	
	Approved Consent Uses²	Tourist Facilities (1764 m ²), 5 x Additional Dwelling Units (625 m ²), Guest House (375 m ²)	
Existing Utilisation	Buildings	Manor house (455 m ²) with annex (225 m ²), Winery (2172 m ²), Wine shed (395 m ²), Photographic studios (458 m ²), Gift shops (376 m ²), Bistro/Reception/Wine tasting facility (717 m ²), Health spa (213 m ²), Guest house (350 m ²), 5 x Guest cottages (175, 130, 95, 95, and 130 m ²), Agricultural sheds (465 + 1861 m ²), 27 x Labourer cottages, Manager's house (550 m ²)	
	Other	Car park for 50 cars, Vineyards, Orchards, Traditional vegetable garden	
Extent	193,6634 ha		
Existing Access	From Main Road 205/Divisional Road 1099 intersection		
Existing Services	Water Provision	From boreholes	
	Sewage Disposal	Via underground waterborne pipelines to a Biomass Digester located at the lowest lying northeastern corner of the farm	
	Storm Water	Via lined channels and underground pipes to the existing channels feeding the stream over the application property	
	Refuse Removal	Waste is collected and stored in a dedicated area from where it is taken to the waste dump site at Koelenhof on a weekly basis	
	Electricity Provision	From a 500 kVA power supply from the municipal grid as well as a 500 kVA standby generator	
S-G Diagram	373/2009		
Deed of Transfer	T61665/2010		
Restrictive Title Deed Conditions	None		
Servitudes	None affecting the application sites		
Bond Holder	None		
Heritage Status	Grade A Heritage Resource	Yes	The property is located in the Grade 1 Cape Winelands Cultural Landscape
	Grade B Heritage Resource	Yes	The historical farm yard is a recommended Provincial Heritage Resource
	Grade C Heritage Resource	Yes	Some individual farm buildings
	Special Conservation Area	No	
	Structures older than 60 years	Yes	All the historical farm yard buildings

² Drakenstein Municipality Ref. 15/4/1(F1268)P dd. 3/6/2010 and 15/12/2009

4. APPLICATION AREA

The application area contains the following major spatial and physical elements:

Elements	Description
Land uses	Predominantly agricultural
Built fabric	Scattered farm stead, labourer's cottages and agricultural sheds
Transportation systems	Main Road 205 and Divisional Road 1099
Rivers and streams	An unnamed non-perennial stream bisecting the application property
Ridges, hills and mountains	The Babylonstoren Hill, a prominent topographical feature on the south-eastern boundary of the application property
Vegetation	Orchards and vineyards

5. DEVELOPMENT PROPOSAL

The applications are aimed at permitting the following development:

Proposed Land Use	Additional tourist shops, ablution facilities, back-up kitchen, etc. of 475 m ² at the existing bistro and tourist shops as well as a new wine tasting venue of 400 m ² at the existing winery.			
Proposed Building(s)	Footprint Areas	475 m ² + 400 m ²	Exterior Finish	Plastered and painted
	Total Floor Area	475 m ² + 400 m ²	Roof Material	Corrugated iron
	Height above m.g.l.	5,6 m	Storeys	1 Storey
Design Population	1 person per 10 m ² GLA = 88 people ³			
Proposed Services	Water Provision	From existing boreholes		
	Sewage Disposal	Via existing underground waterborne pipelines to a Biomass Digester located at the lowest lying northeastern corner of the farm		
	Storm Water Disposal	Via lined channels and underground pipes to the existing channels feeding the stream over the application property		
	Waste disposal	Waste will be collected and stored in an existing dedicated area from where it is taken to the waste dump site at Koelenhof on a weekly basis		
	Electricity Provision	From the existing 500 kVA municipal power supply as well as a 500 kVA standby generator		
Proposed Access	Existing access from Main Road 205/Divisional Road 1099 intersection (Approved for use by existing tourist facilities by Dept. Roads under ref 13/3/5/2-10/2 (Taak 17012) dd. 3/9/2009)			

³ SANS Code 0400

Proposed Parking	At an additional car park for 16 vehicles.
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Also see the enclosed Werf and Architectural Sketch Plans.

6. BACKGROUND

- a) Babylonstoren is one of the earliest farms in the Drakenstein valley. The first piece of freehold land of 29 ha was granted to the farm's first owner in 1692. Over the years the farm was extended and improved to a substantial farming unit. Most of the historical farm yard, which is today one of the best examples of an early Cape Dutch farm stead, was erected circa 1777.
- b) In 2007 the farm was sold to the current owner, who started with an extensive program of upgrading and redevelopment of the farm infrastructure.
- c) In 2008 application was made to the Drakenstein Municipality for rezoning and consent uses in order to erect a new winery on the farm, convert existing outbuildings into tourist facilities and redevelop old labourer cottages into tourist accommodation, which was eventually approved in 2009 and 2010 under the Municipality's Reference 15/4/1(F1268)P.
- d) Along with the new winery, other new agricultural buildings and the converted or redeveloped outbuildings and labourer cottages, the manor house has inter-alia also been renovated and a traditional orchard and vegetable garden of ± 2 ha was developed to the back of the manor house.
- e) Today the farm is not only a productive and well operated agricultural unit, but also a well known tourist destination with tourist and accommodation facilities such as a bistro, gift and food shops, guest rooms, guest cottages, health spa, etc., with the traditional orchard and vegetable garden being a particular popular tourist attraction.

7. ENGINEERING SERVICES PROVISION

Engineering services will be provided in the following manner to the proposed development:

	Volume required / generated	Available sources	Comments
Water Provision	1320 l/day (75% of sewage volume)	From existing borehole	Water is treated by pumping it through a sand filter, a carbon filter as well an UV filter before use. The supply from the boreholes is ample for the anticipated use. The water has been tested for potability by Bemlab, and has been found to be suitable.

Sewage Disposal	1760 l/day (1,8 kℓ/day) ⁴	Via existing underground waterborne pipelines to a Biomass Digester located at the lowest lying northeastern corner of the farm	The Biomass Digester has sufficient capacity to receive a peak daily flow of 50 kℓ, made up of 14 kℓ from the winery effluent and 36 kℓ from the various other sewage sources. ⁵ The additional 1,8 kℓ/day run-off should place no strain on the system.
Storm Water		Via lined channels and underground pipes to the existing channels feeding the stream over the application property	
Electricity Provision		From the existing 500 kVA municipal power supply as well as a 500 kVA standby generator	
Refuse Removal		Waste will be collected and stored in an existing dedicated area from where it is taken to the waste dump site at Koelenhof on a weekly basis	

Also see the Services Report submitted with the 2008 rezoning and consent use application on Dakenstein Municipality file 15/4/1(F1268)P.

8. ACCESS AND TRAFFIC CONDITIONS

The access and traffic conditions associated with the proposed development are as follows:

		Comments
Status and number of access roads	Main Road No. 205 Divisional Road No. 1099	
Condition of access roads	MR205: Asphalt with gravel shoulders in good condition DR1099: Gravel	Main Road 205 serves as the main access route, being the main tourist route between Klapmuts and Simondium.
Access road hierarchy	MR205: District distributor DR1099: Local distributor	
Roadside environment	Rural	
Road operating speed	MR205: 100 km/h DR1099: 80 km/h	
Sight distances	Required	200 m

⁴ SANS Code 0800

⁵ Services Report, May 2009, Gerard de Villiers Consulting Engineer

	Available	300 m	
Access spacing	Required	450 m	
	Available	720 m and 440 m	
Traffic generation	36 trips/day		Based on an anticipated trip generation of 4,1 trips/100m ² GLA, with a 34/66% AM/PM split ⁶ , i.e. 12 AM and 24 PM trips
Access point	Existing, at DR1099/MR205- intersection		Right turning lanes available. The access was approved for use by the existing tourist facilities by Dept. Roads under reference 13/3/5/2-10/2 (Taak 17012) dd. 3/9/2009.

Also see the Traffic Impact Assessment submitted with the 2008 rezoning and consent use application on Drakenstein Municipality file 15/4/1(F1268)P as well as the Department of Roads file 13/3/5/2-10/2 (Taak 17012).

9. OTHER LEGISLATIVE REQUIREMENTS

- a) The property is located in the Grade 1 Cape Winelands Cultural Landscape.
- b) The farm yard where the proposed additional tourist shops, ablution facilities, back-up kitchen, etc. will be located, is a recommended Provincial Heritage Resource and some individual buildings on the yard are recommended Grade C buildings i.t.o. the Drakenstein Heritage Survey, but not proclaimed yet as such.
- c) Most, but not all, of the buildings on the historical farm yard, are also protected structures i.t.o. Section 34 of the National Heritage Resources Act, 1999. New additions are connected to werf walls that have remnant portions or foundations older than 60 years.
- d) The proposed additional tourist facilities do not represent a change in character of the existing farm yard, which is already being used as a tourism hub.
- e) The property falls therefore under the control of SAHRA in respect of heritage matters and the proposed additions to the "kraal" and "stable" buildings do require a permit i.t.o. Section 34 of the National Heritage Resources Act, 1999.
- f) The application sites are located in the Act 21 of 1940 building control area around the Main Road 2015 / Divisional Road 1099 intersection.

10. EVALUATION CRITERIA

The legislative criteria for the evaluation of the applications are:

⁶ TIS, May 2009, ITS Engineers (Project No, ITS 2570)

Legislation	Criteria
Section 36 of the Land Use Planning Ordinance, 1985	An application for rezoning shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to the protection of trade competition). When an application is not refused, regard shall be had to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (except any alleged right to the protection of trade competition).
Regulation 4.6 of the PN 1048/1988 Scheme Regulations	In considering consent use applications, regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

11. SPATIAL PLANNING FRAMEWORKS

In terms of Section 36 of the Land Use Planning Ordinance of 1985, an application for rezoning or land use departure shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability.....

The structure plans (spatial planning frameworks) relevant to the application(s) and /or application site are being complied with as follows:

11.1 Provincial Spatial Development Framework

(Western Cape Department of Environmental Affairs and Development Planning, June 2009)

In terms of Section 1.3 of the Statutory PSDF, the PSDF is a policy document that is to be applied in terms of the conformity principle, i.e. the upgrading of existing rights will have to conform to the PSDF. However, the PSDF must not be applied rigidly but in a developmental way that takes account of the particular circumstances of each case, which is to be achieved through the consistency principle.

The proposed development will as follows be consistent/compliant with the relevant mandatory objectives and strategies of the PSDF:

a) Social and economic development

Objective 1: Align the future settlement pattern of the province with economic potential and the location of environmental resources

Strategy and reasons for irrelevance, consistency or compliance	Not Applicable	Consistent	Compliant
<u>Economic development locations</u> Tourism in general is identified in the PSDF as one of the main economic backbones of the Cape Winelands. ⁷ The application site is furthermore located in the Winelands Triangle Tourism Development Area as depicted on the PSDF Composite Map where tourism should be promoted in particular. ⁸			X

Objective 5: Conserve and strengthen the sense of place of important, cultural and productive landscapes, artefacts and buildings

Strategy and reasons for irrelevance, consistency or compliance	Not Applicable	Consistent	Compliant
<u>Heritage resources</u> Although the proposed kitchen and other facilities will be located on the historical farm yard, none of the historical buildings will be affected by the new buildings.		X	
<u>Appropriate architectural character</u> The proposed buildings will be designed to fit in with the architectural fabric of the farm yard and existing winery by the use of similar dimensions, height, exterior finishes and roof shapes.		X	
<u>Scenic quality</u> The application sites are not visible from any scenic routes.		X	
<u>Trees and greening for amenity</u> The proposed buildings will be set in a green landscape between vineyards and trees and not in an urban environment which need greening.		X	

c] Environmental sustainability

Objective 8: Protect biodiversity and agricultural resources

Strategy and reasons for irrelevance, consistency or compliance	Not Applicable	Consistent	Compliant
<u>Intensive agriculture and agro-forestry areas</u>			

⁷ Sect. 2.3.4 and 2.4.3.2 of the Statutory PSDF

⁸ Figure 2.1 of the Statutory PSDF

Although the application buildings are located in a larger area which is to be reserved for intensive agricultural purposes, no productive agricultural land will be lost due to the application.		X	
<u>Development outside urban edge</u> Tourism facilities are identified as a desirable activity outside the urban edge.		X	

Consistent means that the designation and/or text of the PSDF do not explicitly provide for the proposal, but the proposal is not in conflict with the intent and purpose of the designation and/or text of the PSDF concerned.
Compliant means that the designation and/or text of the PSDF provide for the proposal.

11.2 Drakenstein Spatial Development Framework
 (Drakenstein Municipality, 2010)

In respect of tourism related development, the framework states that the intensity and density of development, the locational factors and the nature of the development must be guided, in order to prevent development of such density and intensity that it detracts from the natural appeal of the environment which is the resource that in the first instance attracts the development.

11.3 Draft Rural Land Use Planning and Management Guidelines
 (Western Cape Department of Environmental Affairs and Development Planning, May 2009)

Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income and add value to locally produced products are identified as land uses are to be permitted in agricultural areas. These activities should be located within or peripheral to the farmstead precinct (preferably in re-used or replaced farm buildings and disturbed areas), not on good or moderate soils, linked to existing farm road access and the services network. It should furthermore be in scale with and reinforce the farmstead precinct, enhance the historic built fabric and respect conservation worthy places.⁹

12. LAND USE DESIRABILITY / MARRING OF THE NEIGHBOURHOOD

In terms of Section 36 of the Land Use Planning Ordinance of 1985, an application for rezoning shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to the protection of trade competition). When an application is not refused, regard shall be had to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (except any alleged right to the protection of trade competition).

⁹ Table 2.3 of the Draft RLUP&MG

In considering consent use applications, Regulations 4.6 of the scheme regulations promulgated at PN 1048/1988 determines that regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

From a land use management perspective, the proposed utilisation of the application property is considered to be desirable for the following reasons:

Compliance with the authorities' spatial planning objectives for the town is addressed under Spatial Planning Frameworks.

13.1 Land Usage

- a) The application property is an established wine farm and tourist destination, as is evident by the existing winery, restaurant, tourist shops and accommodation facilities located on the property. The proposed additional tourist shops, kitchen and other auxiliary facilities will be merely supplementary facilities for the existing tourist facilities, while the wine tasting venue will provide a more comprehensive marketing outlet for the existing winery.
- b) These additional facilities will be contained to the existing farm yard and dedicated tourism hub on the farm and will not have any impact on the farming operations on the remainder of the farm, neither on the broader agricultural morphology of the area.
- c) As is the case with the existing tourist facilities, the proposed additional tourist facilities tap into the fact that the farm offers all three of the major draw cards for tourists to the region (i.e. wine industry, cultural attractions and scenic landscapes), being an operational historic wine farm with authentic Cape Dutch buildings in a beautiful location. This makes the property noticeably different from many other farms in the region and offers a suitable recreational source for the development of additional tourist facilities on the farm.
- d) It is furthermore a generally accepted fact that tourism is a desirable rural land use component that could grow the economy and improve human welfare. This fits in with the generally accepted view that the local economy is principally based on agriculture and tourism. Internationally, tourism is now the economic sector with the most growth potential and greatest ability to create jobs. The development and expansion of rural tourism developments should therefore not be viewed as necessarily in conflict and detrimental to the region's agricultural economic base, but rather as a method to diversify and strengthen the economy of the region as a whole.

13.2 Physical Site Conditions

- a) The development site has a flat topography. No cut and fill are consequently needed to accommodate the proposed development.
- b) Soil conditions appear to be stable and suitable for construction purposes.
- c) No natural vegetation or any of the planted Oak trees need to be removed to accommodate the proposed development.

- d) The application sites are at least 100 metres and 200 respectively from the water stream running past the farm yard. The development should therefore have no impact on the stream.

13.3 Transportation and Traffic Conditions

- a) It is anticipated that the traffic volumes will increase from the 61 trips/day¹⁰ generated by the existing tourist and accommodation facilities to 97 trips per day (i.e. 36 additional trips per day) as a result of the additional tourist facilities. These trips are anticipated to be split into a total of 33 AM and 64 PM trips, or 12 AM and 24 PM trips additional trips, which represents an insignificant increase in traffic volumes.
- b) The property enjoys a safely positioned and configured access of the highest standard directly from Main Road 205, which was specifically upgraded in 2010 in accordance with the road authority's requirements to accommodate the existing tourist and accommodation facilities on the farm. The impact on existing traffic volumes on Main Road 205, being a district distributor, will therefore be negligible.
- c) 16 Additional parking bays will be provided to bring the total formally dedicated parking bays to 74 bays, which represent an available parking ratio for the tourist facilities facility at 1 parking space per 35 m² GLA. However, there is plenty informal parking space available on the edges of the internal roads to increase the available parking well beyond the Provincial Roads Department's standard parking requirement of 1 bay per 25 m² GLA.

13.4 Natural and Manmade Environment

- a) There will be no impact on surrounding land uses as the application site is surrounded by large tracks of cultivated land which will be retained and the application will have no impact on the retention of the broader rural morphology.
- b) As the development will be contained to the existing farm yard and disturbed land, there will be no impact on the natural landscape.
- c) The application site is covered by matured trees. The proposed buildings will be set back at least 200 metres from the public road and located behind these trees and existing buildings. Due to these visual screens and the flat topography, the application sites are not visually exposed or prominent and the impact of the proposed development on the road scene will therefore be negligible.
- e) The application sites are at least 100 metres and 200 respectively from the water stream running past the *werf*. The development should therefore have no impact on the stream.
- f) Building coverage on the farm yard is to increase from ± 8767 m² to 9674 m², which represents an unsubstantial increase in building foot print of $\pm 10\%$ and overall coverage of only 0,5%.

13.5 Cultural and Heritage Resources

¹⁰ TIS, May 2009, ITS Engineers (Project No, ITS 2570)

- a) Although there will be some changes to the form of the existing farm yard, these changes will be similar to organic changes that occur to farm yards on all farms and will not deviate from the typical farm yard layout on Boland farms.
- b) The proposed new buildings will furthermore be of similar form and size as the historical buildings and positioned in the same historical *werf* configuration, thereby maintaining a traditional *werf* layout and built form.

13.6 Safety and Welfare of the Community

- a) The application site is located at least 600 metres from the closest neighbouring buildings. The proposed development will accordingly not affect the privacy or living conditions on neighbouring properties.
- b) The existing tourist facilities have no noticeable noise and vibration impact on the environment and it is therefore not expected that the rural tranquillity will in any way be compromised by the proposed additional tourist facilities.

14. CONCLUDING REMARKS

- f) The application is consistent with the spatial planning guidelines for the area.
- g) The proposed tourist facilities will not be detrimental to the continued agricultural utilisation of the farm, but will in fact explore the full potential of the farm and will fit in with the land use morphology of the area and the existing utilisation of the farm.
- h) The application sites are physically suitable to accommodate the proposed buildings.
- i) Additional traffic volumes will be negligible and traffic conditions will not be negatively affected by the additional tourist facilities.
- j) All the necessary engineering services can be provided to the proposed development.
- k) There will be no impact on the natural and manmade environment.
- l) Use will be made of a sympathetic architectural design and site layout, which will not compromise the integrity of the existing farm yard.
- m) The safety and welfare of the community will not be negatively affected by the proposed development.



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Tch. PIn (B/8074/1998)
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