

**CONSENT USE FOR A TOURIST FACILITY
(DELI, WINE TASTING & WINE SALES):
PORTION 6 OF CAPE FARM 1121,
KLEIN CONSTANTIA**

OCTOBER 2014



CLIENT:
MALHERBE RUST ARCHITECTS / KLEIN CONSTANTIA FARM PTY LTD.

**KLEIN
CONSTANTIA**
— 1685 —

TOWN PLANNERS & APPLICANT:



terraplan

Town and Regional Planners
Stads- en Streekbeplanners

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Site Development Plan

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1. INTRODUCTION

1.1 PURPOSE OF THE APPLICATION

Application is hereby made for a consent use to permit a tourist facility (deli, wine tasting and ancillary wine sales) & occasional use, as per Section 3.2.6 of the Cape Town Zoning Scheme regulations, and a parking departure, on Portion 6 of Farm 1121.

The required application form is attached as **Annexure 1**.

1.2 APPLICANT

Mr Hans Astrom on behalf of Klein Constantia Farm Pty Ltd has appointed Terraplan Town Planners to submit this application on their behalf. The relevant powers of attorney giving effect to this appointment are attached as **Annexure 2**.

2. SITE & CONTEXTUAL ANALYSIS

2.1 LOCATION AND ACCESSIBILITY

The subject property is located on the lower slopes of Constantia Nek, and outside of the urban edge. There is limited visibility of the farm buildings from outside of the property, given the site's moderate slope & elevation (the farm buildings are on the 100-130m contours).



FIGURE 1: ELEVATION PROFILE

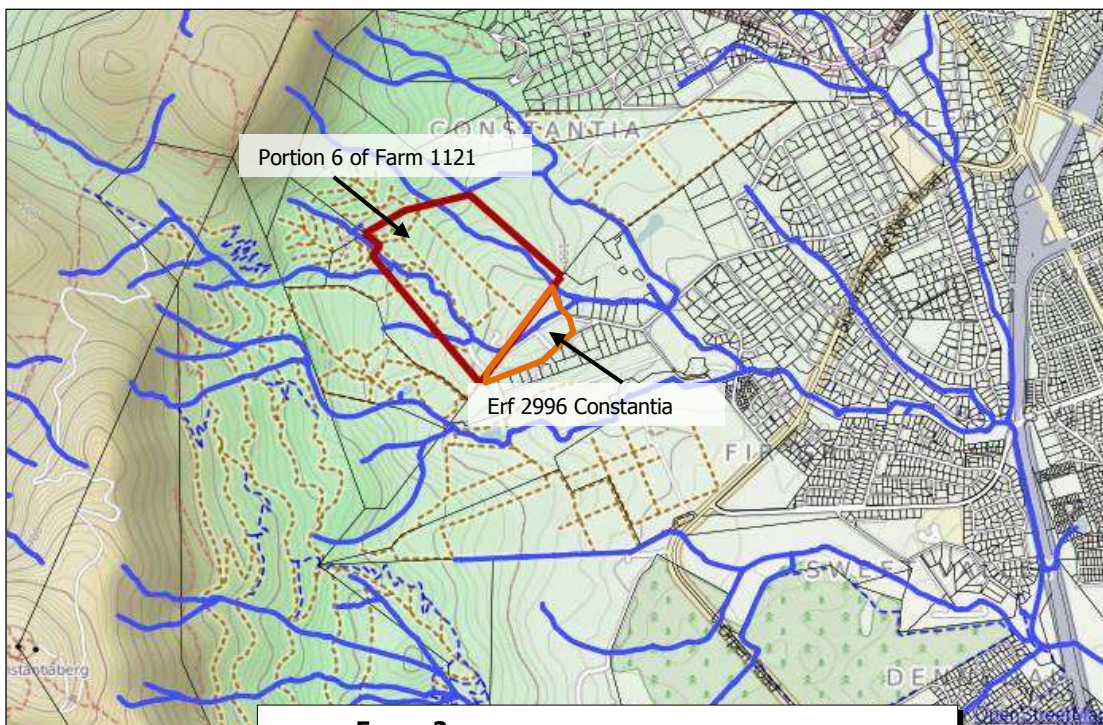


FIGURE 2: CADASTRAL AND TOPOGRAPHICAL CONTEXT



FIGURE 3: SITE OVERVIEW

2.2 REGISTERED DETAIL

2.2.1 TITLE DEED & CONVEYANCER'S INVESTIGATION

Table 1 reflects the current registered detail of Portion 6 of Farm 1121, Constantia.

TABLE 1 : REGISTERED DETAIL			
ERF NO	TITLE DEED NO	REGISTERED OWNER	EXTENT
Portion 6 of Farm 1121, Cape Administrative District	T909/1972	KLEIN CONSTANTIA FARM PTY LTD	57,3839 ha

It must be noted that this property takes access over Erf 2996 Constantia, a 9,8337 ha property which is also owned by Klein Constantia Farm Pty Ltd. (The implications of this are dealt with later in this report.) The Title Deed is attached as **Annexure 3**.

Furthermore, our conveyancer has perused the deeds relating to this property and found no restrictive conditions against the proposed use. The Title Deed is attached as **Annexure 3**.

2.2.2 SURVEYOR GENERAL'S DIAGRAM

Copies of the relevant Surveyor General's Diagrams are attached as **Annexure 4**. It should be noted that this property is entitled to, and subject to, a servitude right of way which connects with Klein Constantia Road.

3. HISTORICAL CONTEXT

The subject property is a 57,3839 ha property which was created in 1956 as a subdivision of Farm 1121, otherwise known as Klein Constantia. Klein Constantia itself was created in 1817, and the manor house was built in 1822.

In terms of recent developments, seemingly a number of the buildings on site were constructed between 1985-1997. This included new labourers cottages, a new wine cellar (the focus of this application), a managers cottage, and a recreation centre / crèche.

4. CURRENT ZONING

The current zoning of Agricultural under the Cape Town Zoning Scheme permits the following primary rights as of right: **Agriculture**, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station. In addition a bed & breakfast facility of up to 6 rooms, and which is not self-catering, is permitted as of right.

Consent uses (uses which may be permitted by Council on application) are:

additional dwelling units / second dwelling unit, guest house, hotel, tourist accommodation, **tourist facilities**, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop (maximum 100m²) and agricultural industry.

In this regard, a tourist facility is defined as follows: 'tourist facilities' means amenities for tourists or visitors such as lecture rooms, **restaurants, gift shops**, restrooms and recreational facilities, but does not include a hotel or tourist accommodation.

In turn restaurants are defined as follows: 'restaurant' means a commercial establishment where meals and liquid refreshments are prepared and/or served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property; but does not exclude the option for some customers to purchase food for consumption off the property.

(In this report we use the term **deli** and **restaurant** interchangeably, specifically as a deli is a type of restaurant, and more true in this instance to the type of offering to be provided at Klein Constantia.)

Therefore, the application being made to permit the restaurant and wine tasting on the subject property is primarily for Council's consent to permit a tourist facility (restaurant) on the subject property. An occasional use application in terms of Section 3.2.6 of the Cape Town Zoning Scheme Regulations is also being applied for, as described in detail below.

5. DEVELOPMENT PROPOSAL

5.1 DELI

The proposal is to permit a 46 seat deli and wine tasting facility (32 seats for the deli and 14 for private tasting area), with wine sales, in the existing cellar building (built in the mid 1980's), as per the attached Site Development Plan. The deli and wine tasting is proposed to operate between 09h00-17h00, and will work in conjunction with the wine-tasting and wine retail area. It is assumed that at least 75% of guests will both attend the wine tasting and deli.

The majority of alterations to effect this proposal are internal alterations, with the exception of the new timber deck, and by and large the estate will remain largely unchanged aesthetically by the proposed new use.

It must be noted that the Deli proposed is a modest (8-12 tables), low-key operation, which is being built mostly to support and enhance the existing winery.

The total floor areas are as follows:

TABLE 2: FLOOR AREAS					
DELI GLA		WINE TASTING GLA		OTHER	
Deli seating	43 m ²	Wine tasting area	116 m ²	Retail	86 m ²
Deli kitchen	65 m ²	Wine tasting kitchen	20 m ²	Circulation space	50 m ²
Timber deck	42 m ²	Private Tasting	65 m ²	Bathrooms	51 m ²
Total	150m²	Total	201 m²		

It must be stressed that the floor area for restaurants on wine farms should not be treated in the same manner when calculating the development contribution for other retail complexes, given that guests will likely visit both the wine tasting and the restaurant area when visiting the property. Similarly, the retail regarded as ancillary to both uses, and hence does not contribute to any increased impact on Council services¹.

Given this it is proposed that the GLA for the purposes of calculating the development contribution, be calculated as follows:

<p>C1 under the CoCT 2014 Development Charges policy 150m^2 for the restaurant + $25\% \times 201 \text{ m}^2$ for the wine tasting = 200.25 m^2</p> <p>C3 under the CoCT 2014 Development Charges policy $86\text{m}^2 \times 50\%$ for the retail area = 43m^2</p>

This lower 'representative' GLA represents a more accurate estimate of this proposal's impact on Council services (roads, sewers, etc.) than if the 'actual' GLA was used.

¹ Note in this regard that the definition of 'tourist facilities' includes "gift shops." Clearly, this shows that as long as the retail use is ancillary to the main tourist use, retail is permitted under this categorisation. (In any event, the definition of restaurant also includes the off-site consumption of food.)

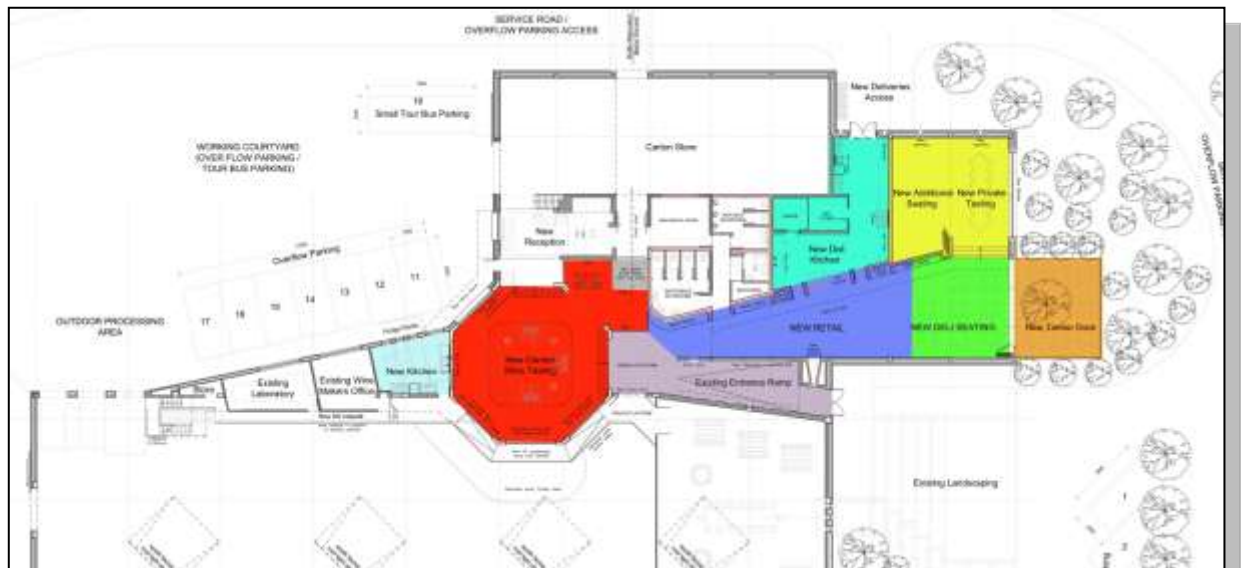


FIGURE 4: EXTRACT OF SITE DEVELOPMENT PLAN

5.2 OCCASIONAL USE

Separate to the conventional tasting area, it is proposed within the cellar area to have a private tasting facility which will only be used at most once a week. This is shown on the SDP by the hatched area. This use has been separated out from the Tourist Facility consent given that its limited usage will have far lesser impact on the bulk services that the restaurant and main wine tasting areas.

5.3 LANDSCAPING

Substantial landscaping already exists, and this proposal will not affect any of the existing landscaped areas.

5.4 HERITAGE

Given that the alterations are internal, and do not affect a building older than 60 years of age, no record of decision is required from Heritage Western Cape. The cellar received an SAIA award of merit in 1989, and the new proposals are designed to have minimal impact on the original building. The proposals were discussed with Gawie Fagan Architect, the original author and the new work found sympathetic and authentic.

5.5 PARKING

A parking departure is required given that the Zoning Scheme's definition of restaurant requires 1 parking per every 12.5m² for restaurants, technically meaning that (restaurant / wine tasting) 351m² / 12.5m² = 28.08 + (retail & circulation) 136 m² / 25m² = 5.44 – therefore total parking = 34 parking bays are required. However, as motivated in this report, given that the same customers will migrate from the tasting, to the retail, to the restaurant area, sharing the clientele, **logically, a much smaller number of parking bays are required.**

Given this, we have suggested that the standard of 1 bay per 4 seats (the same standard used by Council for the restaurant at the YMCA Little Streams, which is located in close proximity to this site) **for restaurant patron seating, thus requiring – 46 seats X 0.25 bays per a seat = 11.5 bays.** In addition, the rear outdoor area of the cellar has space for staff parking, tour busses, overflow parking should it be required, and parking for the winery itself. We have thus shown that a total of 17 parking bays can be accommodated on the subject property, and space for 1 small tour bus (approximately 10-16 people). (This leaves 5 bays available for the winery itself.)

In summary, the parking departure is thus for 17 parking bays in lieu of 34 parking bays.

5.6 ACCESS

The site is accessed by Klein Constantia Road, a two lane 16m width road in reasonably good condition. This leads onto a series of private tar and gravel roads within the estate itself. In this regard, it must be noted that while the current access arrangement traverses Erf 2996 Constantia, a property owned by Klein Constantia Farm Pty Ltd., there is a servitude right of way giving access to the property. Should Erf 2996 Constantia be sold to a separate owner, this access route could be used as an alternative routing.

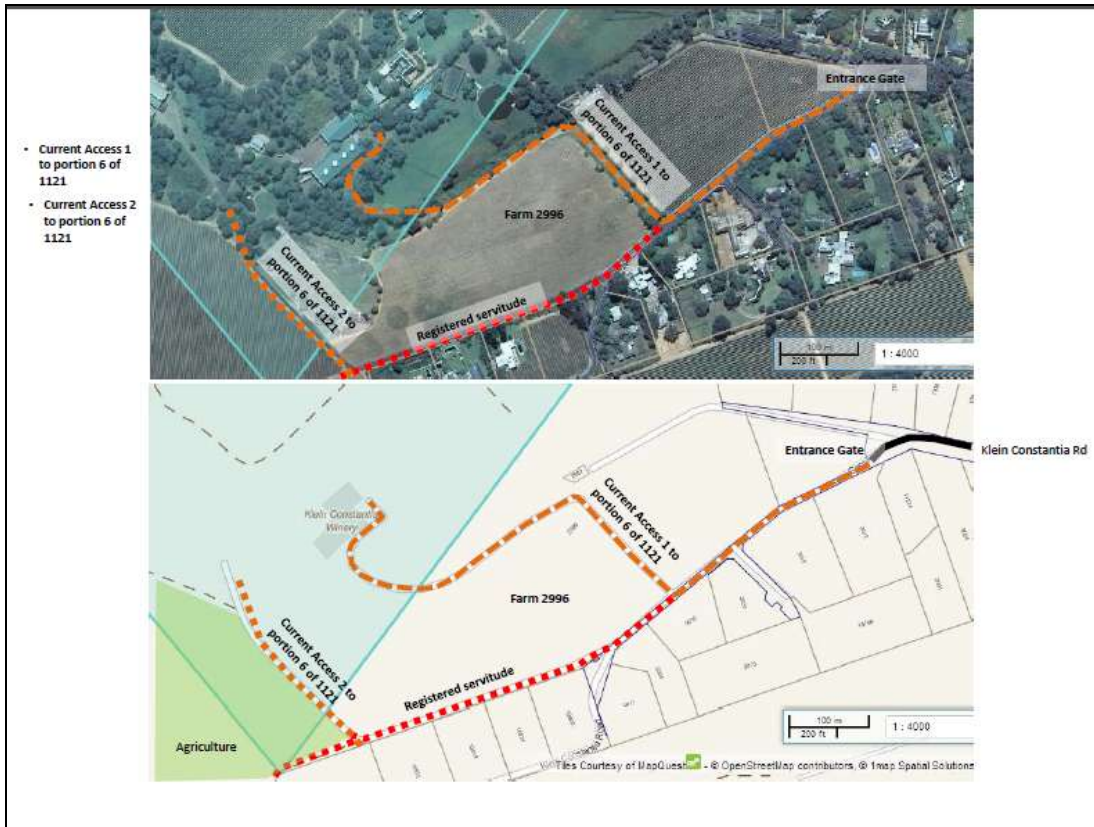


FIGURE 5: ACCESS PLAN

6. IMPACT

6.1 ROADS

It is estimated that even under peak conditions, it is likely that the estate will only generate around ~13.8 trips in the peak hour², assuming full occupancy, a relatively modest vehicular impact.

Given the existing infrastructure, and limited increase in vehicular trips, no public road upgrades are thus likely to be required.

In addition, given that the proposed restaurant is around 750m from the entrance gate, it is almost certain that no guests will park on-street. Thus all parking will be accommodated on the subject property.

6.2 ELECTRICITY, ROADS AND STORMWATER

The existing site is fully serviced for a much more demanding land use, namely that of a winery. Given this, the minor impact of having an average of an estimated 26-69 visitor's per a day³ is unlikely to have any substantial impact on the municipal connections or surrounding municipal service network.

6.3 VISUAL, NOISE AND ODOUR

Given that the portion of the site being used for the restaurant is not visible from surrounding properties, and given that mainly internal alterations are being done to an existing building, this proposal will have no significant impact (if any at all) visually.

Similarly, for noise and odour, the far distance from surrounding properties and modest nature of the proposal, no significant impact is anticipated.

7. POLICY

7.1 CAPE TOWN SPATIAL DEVELOPMENT FRAMEWORK

The property falls within an area of the City allocated for intensive agriculture. This is defined as land which has a high potential and unique agricultural land worthy of long term protection given unique production, cultural and heritage attributes.

Appropriate land uses for this type of area are;

² 46 seats at 0.6 trips per an occupied seat = 27.6 trips. Assuming an average visit of 2 hours, this means that the trips must be divided in half, resulting in an estimated 13.8 trips. This is based on the methodology used to calculate the trips for Chapmans Peak Estate, undertaken by Trafficon.

³ The lower figure is taken from Gert Cloete's (2013) thesis on the Stellenbosch Winelands, where in his sample of farms he found that on average wine farm restaurants had an average of 9375 restaurant patrons a year, or in other words 26 visitors. The upper figure was taken based on the Deloitte's (2010) daily average seat occupancy of American restaurants which had 60 seats or less. (There is no South African equivalent.) This study found that average daily seat turnover was 1.5, hence the figure hence $46 \times 1.5 = 96$, assuming the unlikely event of wine tasting and restaurant guests being different.

development associated with farming activities, such as worker housing, sheds, **wineries**, market gardening tunnels and, in certain areas, agro-industrial activities (such as chicken batteries) and small-scale farming;

more general development related to rural landscapes, **such as tourism**, nurseries, mining and recreational activities (equestrian, shooting, mountain and quadbiking, landing strips and cycle routes)."

7.2 CONSTANTIA – TOKAI VALLEY: LOCAL AREA GROWTH PLAN

This policy recognizes that for farms in Constantia / Tokai to remain viable, diversification of farming activities may be required. It makes specific reference to permitting restaurants on farms, where the restaurant relates to the agricultural use of the property (Pg 71 of this policy).

7.3 URBAN EDGE GUIDELINES

Given the limited visibility of the property, and the complementary nature of the proposed land uses to the site's agriculture use, the proposed use is consistent with the recommendations of this policy.

7.4 SOUTHERN DISTRICT PLAN

This policy argues that within intensive agricultural areas, ancillary rural activities that do not detract from the primary agricultural use and character of the area but contribute to local character and associated recreational and tourism potential, can occur. The proposed use is consistent with this stance.

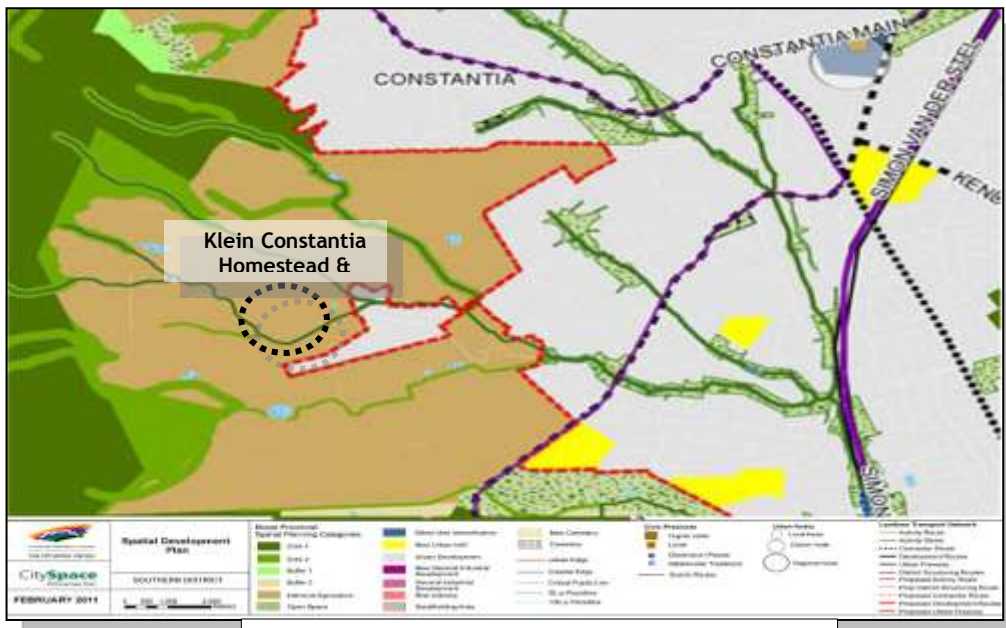


FIGURE 6: EXTRACT OF SOUTHERN DISTRICT PLAN

8. DESIRABILITY

- This report has so far done three things, it has explained the proposed land use, justified that the proposed development will have no significant impact on the surrounding properties, and shown that the application is line with the policies for this area. This final section shifts to show why this proposal is desirable.

CONSENT USE : PORTION 6 OF FARM 1121, KLEIN CONSTANTIA

- The first motivation for this desirability of this land use is that it strengthens the overall viability of the Klein Constantia Farm farming enterprise. For instance, an average cellar in South Africa made around R812,667 a year (off R66,078,036 of sales⁴). Contrast this against a restaurant/deli where the average expenditure is R150 per a patron, and 46 patrons visit daily (on average). This would result in a turnover of 2.5185 million annually, which at an average profit margin of 2.3%⁵, equates to a profit of R57,926, or around 7.1% of the overall profit of the wine farm. This does not count all the other financial spin-off's, such as wine sales from the property, and marketing of the brand.
- In addition, restaurant/delis are a more stable form of income than wine farming – for instance, below table shows the average profit of a wine cellar in South Africa, and how much in each year the restaurant would have supplemented the said farms income. As can be seen, cellar profit is highly variable, varying from a high of R1,327,267 in 2009 to a low of a loss of R-13,910 in 2011. Given the more stable nature of restaurant profits, restaurant's on farms play an important role in lean years (such as 2011), allowing (theoretically) for a farm to continue making a profit, even when wine sales on average are running at a loss. For instance, in 2011 a wine cellar with a restaurant/deli making a profit of R57,926 would have made an overall profit of R44,016, as opposed to a wine cellar without a restaurant that would have made, on average, a loss of R-13,910.

	2008	2009	2010	2011	2012
Cellar Profit in South Africa (Average) ⁴	R898,655	R1,327,267	R477,490	R-13,910	R812,667
Restaurant/ Deli Profit (theoretically)	R57,926	R57,926	R57,926	R57,926	R57,926
Possible % contribution of restaurant/deli to cellar	6%	4%	11%	100%	7%

- **In other words, restaurants/delis are a critical element in maintaining the viability of a wine farm in that they provide a stable form of income which can support the wine farm in lean years, and a valuable addition to the wine farms overall profitability in plentiful years. Thus, in order to maintain the long term survival and functioning of the Constantia Winelands, a goal clearly desired by policy and the community at large, it is critical that these types of land uses be permitted.**
- Furthermore, restaurant/delis on wine farms open up access to these unique cultural assets to the local community and the City, and provide a key leisure facility. Without such facilities such as restaurants at wine farms, most residents would not be able to access and enjoy the rich, beautiful farms that surround them.

9. CONCLUSION

We have shown in this report that the proposed land use is desirable, in line with policy and unlikely to have any negative impacts on surrounding property owners. Given that this application has satisfied the criteria set out in Section 36 of the Land Use Planning

⁴ PwC 2013, <http://www.pwc.co.za/en/assets/pdf/south-african-wine-industry-survey-2013.pdf>

⁵ StatsSA, 2013, <http://www.statssa.gov.za/publications/P6421/P64212012.pdf>

CONSENT USE : PORTION 6 OF FARM 1121, KLEIN CONSTANTIA

Ordinance No 15 of 1985, and Section 36 of the Municipal Systems Act No 32 of 2000, it is motivated that this application should be approved.



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