

Application Number: LU/14135 Our File Reference Number: Erf 1665, Franschhoek Your Reference Number: Enquiries: Ulrich von Molendorff Contact No: 021 808 8682 Email address: <u>Ulrich.Vonmolendorff@stellenbosch.gov.za</u>

PER E-MAIL:

Sir / Madam

APPLICATION FOR A CONSENT USE FOR A TOURIST FACILITY AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 1665, FRANSCHHOEK

- 1. The above application refers.
- 2. The duly authorised decision maker hereby decides on the above application as follows.
- 3. That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1665, Franschhoek, namely,
- 3.1.1 A **Consent Use** for a tourist facility which will permit the use of the existing buildings and associated seating areas as a restaurant and wine tasting/sales facility.
- 3.1.2 **Permission required in terms of the zoning scheme** for an additional use to permit the utilization of the existing building as a winery and maturation cellar.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

Page 1 of 5

3.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- i. The approval only applies to the proposed application under consideration, as indicated on the referenced (1665, CHAMONIX, FRANSCHHOEK/JUNE 2023(1)(2)(3)) Site Plan, attached as ANNEXURE C and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- ii. The development must be undertaken generally in accordance with the site plan as referenced 1665, CHAMONIX, FRANSCHHOEK/JUNE 2023(1)(2)(3) and attached as ANNEXURE C.
- iii. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- iv. Building plans must be generally in accordance with the site plan as referenced 1665, CHAMONIX, FRANSCHHOEK/JUNE 2023(1)(2)(3) and attached as ANNEXURE C.
- v. The conditions imposed by **Manager: Electrical Services** as contained in their email dated 02 August 2022, be complied with (see **ANNEXURE F**).
- vi. The condition imposed by the **Manager Health Services (Cape Winelands District)** as contained in their memo dated 03 August 2022, be complied with (see **ANNEXURE G**).
- vii. The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 08 March 2023, be complied with (see **ANNEXURE I**).
- viii. Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services.
- ix. The proposed restaurant be limited to a floor area of $\pm 267m^2$ in extent (maximum of 70 guests).
- x. The proposed wine tasting, and sales facility be limited to a floor area of ±206m² in extent (maximum of 52 seats).
- xi. The primary use must remain agricultural with tourist related activities operating as a secondary use.
- xii. That no event, function, conferences, etc. be operated or hosted on the property without the prior written approval of Council.
- xiii. Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.

3.3 The reasons for the above decision are as follows:

- a) The proposed consent use is ancillary to the existing agricultural activity on the farm and will diversify the existing land use.
- b) The proposal will not have an intrusive impact on the visual landscape and it will not be detrimental to the scenic quality and rural character as it is operated from an existing structure.
- c) The proposal is not in conflict with the principles of the Stellenbosch Municipal Spatial Development Framework.
- d) The proposal is in line with the surrounding land uses and rural character of the area.

4. Matters to be noted:

- 4.1 Building plans be approved by the Municipality prior to any building work commencing.
- 4.2 A business license and a liquor license be applied for if required.
- 4.3 The requirements stated in letter 16/2/7/G10A/A/8 by the **Department of Water and Sanitation**, dated 17 November 2022, and attached as **ANNEXURE K**, be adhered to.
- 5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. <u>Please note</u> that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
- 6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
 - 6.1. The personal particulars of the Appellant, including:
 - i. First names and surname
 - ii. ID number
 - iii. Company of Legal person's name (if applicable)
 - iv. Physical Address
 - v. Contact details, including a Cell number and E-Mail address

- 6.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
- 6.3 The grounds of the appeal which may include the following grounds:
 - i. that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - ii. grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- 6.4 Whether the appeal is lodged against the whole decision or a part of the decision.
- 6.5 If the appeal is lodged against a part of the decision, a description of the part.
- 6.6 If the appeal is lodged against a condition of approval, a description of the condition.
- 6.7 The factual or legal findings that the appellant relies on.
- 6.8 The relief sought by the appellant.
- 6.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 6.10 That the appeal includes the following declaration by the Appellant:
 - i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - ii. That the Appellant is aware that it is and offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
- 7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: <u>landuse.appeals@stellenbosch.gov.za</u>,
- 8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
- 9. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at <u>landuse.appeals@stellenbosch.gov.za</u>.

- 10. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above Email address within 14 days of serving the notification.
- 11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- 12. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

1472023 DATE:

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

ANNEXURE C

APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 1665, FRANSCHHOEK.

SITE PLAN/SITE DEVELOPMENT PLAN





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ANNEXURE F

APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 1665, FRANSCHHOEK.

COMMENT FROM THE MANAGER: ELECTRICAL SERVICES

Charlene Williams

From: Sent: To: Subject:

Nolusindiso Momoti 02 August 2022 04:16 PM **Charlene Williams** FW: Application for Consent Use and Additional Use on Erf 1665, Franschhoek: Comment

Hi Charlene,

Please find below comment from Electrical services.

File is with me, thanks.

1 0 AUG 2022 RECEIVE From: Nolusindiso Momoti Sent: Tuesday, 02 August 2022 14:40 To: petergm@fibresky.co.za

Subject: FW: Application for Consent Use and Additional Use on Erf 1665, Franschhoek: Comment

Good day Peter,

Please find below comment from Electrical services.



Kind regards / Vriendelike Groete Nolusindiso Momoti (Sindi) **Administrative Officer** Land Use Management **Planning & Economic Development**

T: +27 21 808 8673: F + 27 21 886 6899 43 Andringa Str, Eikestad Mall, 3rd Floor www.stellenbosch.gov.za



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From: Martin Slabber < Martin.Slabber@stellenbosch.gov.za> Sent: Tuesday, 02 August 2022 14:08 To: Nolusindiso Momoti < Nolusindiso. Momoti@stellenbosch.gov.za> Cc: Development Admin < Development.Admin@stellenbosch.gov.za> Subject: RE: Application for Consent Use and Additional Use on Erf 1665, Franschhoek: Comment

GENERAL: None

| FILE NR: | |
|------------------|---------|
| SCAN NR: |] |
| COLLABORATOR NR: | 1665 FH |
| | 733832 |

STELLENBOSCH MUNICIPALITY PLANNING AND DEVELPOMENT SERVICES CONDITIONS: If any electrical services have to move-, remove-, change or upgrade - apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implimentation and Municipal bylaws - Only existing electrical connection is available.

1.Installation of 10A electrical contole units 2.Solar water heating/heat pump intallation 3.Energy efficient lighting 4.Roof insulation 5.Cooking with gas

fired appliances 6.Controle air condition equipment with energy saving devices 7.Preat at least 50% of hot water with alternative energy savings devices TX

Groete: Martin Slabber Supt. Dwarsrivier Elect. Engineering Services



Martin.slabber@stellenbosch.gov.za C: +27 83603 3431 T: + 27 21 808 8338 wwwstellenbosch.gov.za

www.facebook.com/stellenboschmunicipality

twitter.com/StellMun Hugenote Road 23 Franschhoek 7690 PO Box 18, Franschhoek, 7690 PO Box 17, Stellenbosch, 7599

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From: Nolusindiso Momoti <<u>Nolusindiso.Momoti@stellenbosch.gov.za</u>> Sent: Tuesday, 02 August 2022 14:00 To: Martin Slabber <<u>Martin.Slabber@stellenbosch.gov.za</u>> Cc: Development Admin <<u>Development.Admin@stellenbosch.gov.za</u>> Subject: Application for Consent Use and Additional Use on Erf 1665, Franschhoek: Comment

Good day Martin,

Attached please find the application regarding the above mentioned Erf. Kindly furnish your comment by email, if any, in order to enable to submit the application to the decision making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Erf 1665, Franschhoek (LU/14135)

DESCRIPTION OF THE PROPOSAL:

1. Application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2015 for a **Consent Use** for a tourist facility which will permit the use of the existing buildings and associated seating areas as a restaurant and wine tasting/sales facility on Erf 1665, Franschhoek.

ANNEXURE G

APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 1665, FRANSCHHOEK.

COMMENT FROM THE MANAGER: HEALTH SERVICES (CAPE WINELANDS DISTRICT)



CAPE WINELANDS DISTRICT MUNICIPALITY . MUNISIPALITEIT . UMASIPALA

MEMORANDUM TO : MS. N. MOMOTI OFFICIAL : MR. M. QOTOYI : 15/2/6/1 **REFERENCE NR.** : Erf 1665 YOUR REF. : 03/08/2022

DATE

1.

APPLICATION LAND USE: ERF 1665, STELLENBOSCH

Municipal Health Department has no objections against this application, but the applicant must comply with all the health requirements.

In the event where food will be prepared or handled and or served to the public the applicant must apply in writing to the Municipal Health Services Department of Cape Winelands District Municipality for a Certificate of Acceptability for food premises (in terms of Reg. 638 of 22 June 2018).

Yours faithfully

M. QOTOYI for MUNICIPAL MANAGER

ANNEXURE I

APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 1665, FRANSCHHOEK.

COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



STELLENBOSCH MUNICIPALITY STELLENBOSCH-PNIEL-FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE DIRECTORATE: INFRASTRUCTURE SERVICES

| To • Aan: | Director: Planning + Economic Development |
|---------------------|--|
| Att Aandag | Nolusindiso Momoti |
| From • Van: | Technician: Development (Infrastructure Services) |
| Author • Skrywer: | Ilze Fillies |
| Date • Datum: | 08 March 2023 |
| Our Ref • Ons Verw: | Civil LU 2354 |
| Your Ref: | LU/14135 |
| Re • Insake: | Erf 1665, Franschhoek: 1. Application in terms of Section |
| | 15(2)(o) of the Stellenbosch Municipal Land Use Planning By- |
| | law, 2015 for a Consent Use for a tourist facility which will permit |
| | the use of the existing buildings and associated seating areas |
| | as a restaurant and wine tasting/sales facility on Erf 1665, |
| | Franschhoek. 2. Application in terms of Section 15(2)(g) of the |
| | Stellenbosch Municipal Land Use Planning By-law, 2015 for a |
| | permission required in terms of the zoning scheme for an |
| | additional use to permit the utilization of the existing building as |
| | a winery and maturation cellar on Erf 1665, Franschhoek. |
| | |

The application is recommended for approval, due to the following:

1. Civil Engineering Services

1.1 No objection, no municipal services are affected.

2. Development Charges (DCs)

2.1 The following DC's are payable: See Development Charge Calculation attached.

- 2.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 2.3 The appropriate DC's are payable before a Section 28 Clearance certificate can be issued.
- 2.4 The appropriate DC's are payable before building plan approval (consent use/sectional title).

3. Electrical Engineering

3.1 Refer to Annexure: Electrical

for

Ize Fillies TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

N:\2.0 DEVELOPMENT\00 Developments\2354 (AD) Erf 1665 Franschhoek (LU-14135)\2354 Erf 1665 Franschhoek (LU-14135) - IF.doc



Stellenbosch Municipality Development Charge Calculation



| | AppL | APPLICATION INFORMATION |
|---|--|-------------------------|
| Application Number: | LÚ 14135. | |
| Development Name: | | |
| Date: | 16 March 2023 | |
| Financial Year. | 2022/2023 | |
| Erf Location (Select from 7 Locations): | Franschhoek | |
| Vehicle Ownership (Select Normal or Low): | Normal | |
| Erf Region (Select Urban or Rural): | Rural | |
| Erf No: | 1665 | |
| DC Parameters Reference: | LU 14135 Chamonix Restaurant and wine tasting/sales floor plan | ales floor blan |

| IARY OF DC CALCULA | TION | | No restriction of | |
|--------------------|--|--|--|--|
| Stormwater | Solid Waste | Roads & Transport | Community | Total |
| r | | | | eleto i |
| ha*C | t/week | trips/day | persons | |
| 0,06765 | 0,0902 | 77.55 | 4.51 | |
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| 0,06765 | 0,090 | 38.8 | <i>π</i> | |
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| Profit Column 1 1 In the California and an and | APPLICANT INFORMATION |
|--|---|
| Application Processed by: | lize Fillies |
| Signature: | ð |
| Notes: | The DC calculation are based on the inforation in the land use application form page 4 and 5.Restaurant 75+17+50+16+178=336 Outdoor seating area 28+87= 115 |

| | Total | NA1 | Sub Total after Deductions (excluding VAT) | requipined Deduction per service - from Service Agreement (sum) | Deductions per service (amount) | Iotal Development Charges before Deductions | | pased on equivalent demands | TO DE CARCUNICAD | THE ROBUS AND PAINING | Natural Environment | Private Open Space | Public Open Space | Warehousing/Light Menufacturing | industrial - heavy | Industriel - Igni | School/University/College/Day Care | Hospital/Clinic/Medical Roome | Conference Facility/Place of assembly | Restaurant | RetailShop | Office | General Business | Hotel, Residential | Converted Guest House | Guest House | Student Accommodation/Commune | Old age home | Retirement Village | Apartmenta | Group Residential | Less Formal Residential | Second Dwelling | argle Residential <250m2 | Sirula Residential >250m2 | Single Residential >500m2 | Single Residential >1000m2 | Distriction of the second seco | And and see much |
|--|-----------|--------------|--|---|---------------------------------|---|--------------|-----------------------------|------------------|-----------------------|---------------------|--------------------|-------------------|---------------------------------|--------------------|-------------------|------------------------------------|-------------------------------|---------------------------------------|------------|------------|---------|------------------|--------------------|-----------------------|-------------|-------------------------------|--------------|--------------------|------------|-------------------|-------------------------|-----------------|--------------------------|---------------------------|---------------------------|----------------------------|--|--------------------|
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APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 1665, FRANSCHHOEK.

COMMENT FROM THE DEPARTMENT OF WATER AND SANITATION



water & sanitation

Department: Water and Sanitation REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION

Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530 Tel #: (021) 941 6000 Fax #: (021) 941 6077

> Enquiries Tel No. Email Reference

: Mr. T Mohun : (021) 941 6359 : <u>MohunT@dws.gov.za</u> : 16/2/7/G10A/A/8

For Attention: Mr Peter Mons

Town Planning Consultant PO Box 851 **ROBERTSON** 6705

Dear Sir

APPLICATION FOR A CONSENT USE AND AN ADDITIONAL USE ON ERF 1665 FRANSCHHOEK CHAMONIX TO PERMIT A RESTAURANT, A WINE TASTING/SALES FACILITY AND WINERY, SITUATED IN THE G10A QUATERNARY CATCHMENT.

Reference is made to the abovementioned document dated May 2022.

This Department has perused the submitted report and has the following comments:

1. Based on the locality map provided, the winery and related activities are situated within the regulated area of a watercourse, i.e., the Varkblaardrif River.

Please note that any development within the 1:100 year flood line or within 500m from any boundary of a wetland or watercourse triggers water use activities in terms of Sections 21 (c) "impeding or diverting the flow of water in a watercourse" and (i) "altering the bed; banks, course or characteristics of a watercourse" of the National Water Act, 1998 (Act No. 36 of 1998). A water use authorisation must be applied for and obtained prior to commencement of activities.

A Water Use Authorisation application can be made following the following link: <u>http://www.dwa.gov.za/ewulaasprod/</u>.

A Risk Assessment Matrix must be submitted as part of the Water Use Authorisation Application.

- 2. It is noted that the sewage is disposed of using the Municipal sewer line. Take note that a signed agreement between the Stellenbosch Municipality and the winery stating that there is sufficient capacity to accept and treat the sewage must be submitted to this Department.
- 3. Please note that discharging industrial effluent from the winery into the sewer requires a written agreement between the winery and the Municipality and must be forwarded to this Department.



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NATIONAL DEVELOPMENT PLAN Our Future - make it work 4. It is noted in the report that the property is supplied with water from boreholes on the property, and also includes the source of water for the water bottling plant. Please note that abstracting water via boreholes triggers Section 21 (a) of the National Water Act 1998 (Act No. 36 of 1998) "taking water from a water resource" and must be authorised before the activities can commence.

If there is a Water Use Authorisation, kindly forward it to the Department before 30 November 2022.

If not, a Water Use Authorisation will need to be applied for before the activities can commence.

A Water Use Authorisation application can be made online using the following link: <u>http://www.dwa.gov.za/ewulaasprod/</u>.

- 5. Note that no abstraction of surface or groundwater may be done or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998).
- 6. No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.
- 7. The person who owns, controls, occupies, or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.
- 8. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
- 9. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.
- 10. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.

Please do not hesitate to contact the above office should there be any queries.

Sincerely,

ś

PROVINCIAL HEAD: Signed by: Designation: Date:

WESTERN CAPE Nelisa Ndobeni Control Environmental Officer 17 November 2022