



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12968

Our File Reference Number: Farm 1038/8, Paarl Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR REZONING: FARM NO. 1038/8, PAARL DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 1038/8, Paarl Division, namely:
 - 2.1.1 **Rezoning** in terms of Section 15(2)(a) of the said by-law of an $\pm 8200\text{m}^2$ portion of Farm No. 1038/8, Paarl Division from Agricultural and Rural Zone to Industrial Zone to establish a water bottling facility.

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

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

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the development of the land:

- 3.1 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of clearance certificates, any building plans or as may be agreed on in writing with the Director Infrastructure Services.

- 3.2 A final master landscaping plan that sufficiently mitigate the views from all parts of the R45, must be prepared by a registered professional landscape architect, be submitted with the building plans and be implemented before occupation certificates is issued. The master landscaping plan must include visual screening that offset the visual impact of the built form and establish a green network of indigenous vegetation at the site.
- 3.3 A zoning diagram be prepared by a registered land surveyor indicating coordinates of the area to be rezoned and be submitted with the building plan, in order to validate the split zone and for the approval not to lapse.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 3.4 The approval only applies to the proposed rezoning, as indicated on the referenced Project No 1682, Drawing No. 100 & 101, Revision B, dated 2021-03-26 and drawn by Malherbe Rust Architects, attached as **ANNEXURE B** 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.
- 3.5 The development must be undertaken generally in accordance with the zoning plan, as indicated on the referenced plans; Project No 1682, Drawing No. 100 & 101, Revision B, dated 2021-03-26 and drawn by Malherbe Rust Architects, attached as **ANNEXURE B**.
- 3.6 The operating hours of the water bottling plant be restricted to 07:00am to 17:00pm Mondays to Thursdays and Fridays from 07:00am to 14:00pm.
- 3.7 The building footprint of the water bottling facility within the rezoned area be restricted to $\pm 4200\text{m}^2$.
- 3.8 An electronic copy (shp, dwg, dxf) of the zoning diagram be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - 3.8.1 Co-ordinates
 - 3.8.2 Survey dimensions

- 3.9 No bottles be manufactured on site, the facility only be used for water bottling activities (water treatment area, bottling, labelling, dispatching, warehousing, ancillary structures and office space), as long as the water-use licence is valid. The zoning will subsequently revert back to Agriculture and Rural Zone if the water bottling operations has been ceased.
- 3.10 Rezoning approval to Industrial Zone is limited to the water bottling facility and all other primary use rights for the zoning of Industrial Zone in terms of the zoning scheme bylaw, is not permitted and no additional uses (Technical Approvals) and consent uses associated with the Industrial Zone will be permitted.
- 3.11 The proposed solar panels on the roof of the structure are to be specified with anti-reflective glass and coatings to reduce glare and visibility from elevated vantage profiles.
- 3.12 Existing vegetation to be retained, trees must be protected in accordance with a tree survey, a tree management plan and indicated on the final master landscaping plan.
- 3.13 Excessive signage be avoided and applications be submitted to the competent authorities for assessment and approval.
- 3.14 That exterior colours that have low reflectivity value and blend with the surrounding and the contextual character of the area be used at all times for the new building.
- 3.15 Lighting must be low energy and must be shielded down lighting to minimize light impacts and night and light spillage into the surrounding areas.
- 3.16 All areas disturbed during construction activities must be rehabilitated using appropriate vegetation and any damage roads surfaces repaired before occupation certificates is issued.
- 3.17 The conditions listed in the memorandum dated 13/09/2021 from the Municipal Director: Infrastructure Services attached as **ANNEXURE E** be complied with.
- 3.18 The conditions listed in the letter dated 21/09/2021 from the Western Cape: Transport & Public Works: Roads attached as **ANNEXURE F** be complied with.
- 3.19 The conditions listed in the letter dated 19 April 2022 from the Cape Winelands District Municipality (Environmental Health Practitioner) attached as **ANNEXURE G** be complied with.

3.20 The conditions listed in the letter dated 28 June 2022 from Heritage Western Cape attached as **ANNEXURE H** be complied with.

4. The reasons for the above decision are as follows:

4.1 Water bottling plants are not a foreign land use in the immediate vicinity of the property and the area. It's just a matter of how the scale of the buildings could be mitigate in the rural context, sufficient mitigation measure could be provided and how the activities could be restricted to a water bottling facility only.

4.2 All service could be provided to the satisfaction of all applicable authorities, all proposed road upgrades on provincial and private roads are acceptable to the competent roads authority and onsite accesses are moved to a safer position.

4.3 The objector's concerns were adequately addressed by the special's studies conducted, recommendations made and was approved by the competent decision-making authorities.

4.4 The land portions to be rezoned will also not be registered separately by sectional title, alienated or subdivided and will revert back to agricultural uses if no longer required for water bottling activities.

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. Please note 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:

(a) 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;

- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) 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.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) 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 an 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.

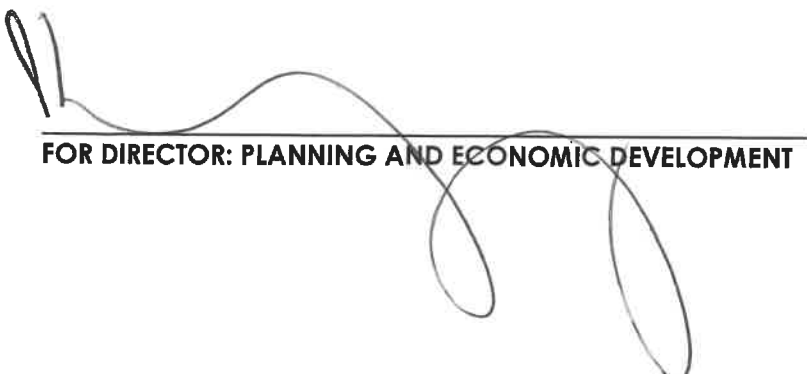
7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za

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

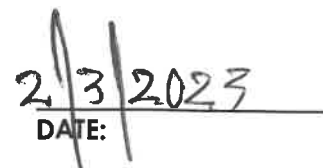
appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
10. An applicant who lodge 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 E-mail 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 is suspended, and in the case of any approval, 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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



DATE:

[REDACTED]

[REDACTED] FBI [REDACTED] Association [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANNEXURE B

Site and Zoning Plans

NOTE: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS PROHIBITED.

TOTAL EXISTING VEHICULAR AREAS	
1. Parking	3,281 m ²
2. Driveway	1,282 m ²
3. Total	4,563 m ²

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EXISTING USES OF THE PROPERTY

1. Agricultural Land 1,100 m²

2. Residential Land 3,111 m²

3. Driveway 1,282 m²

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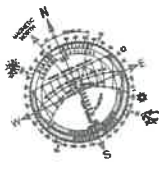
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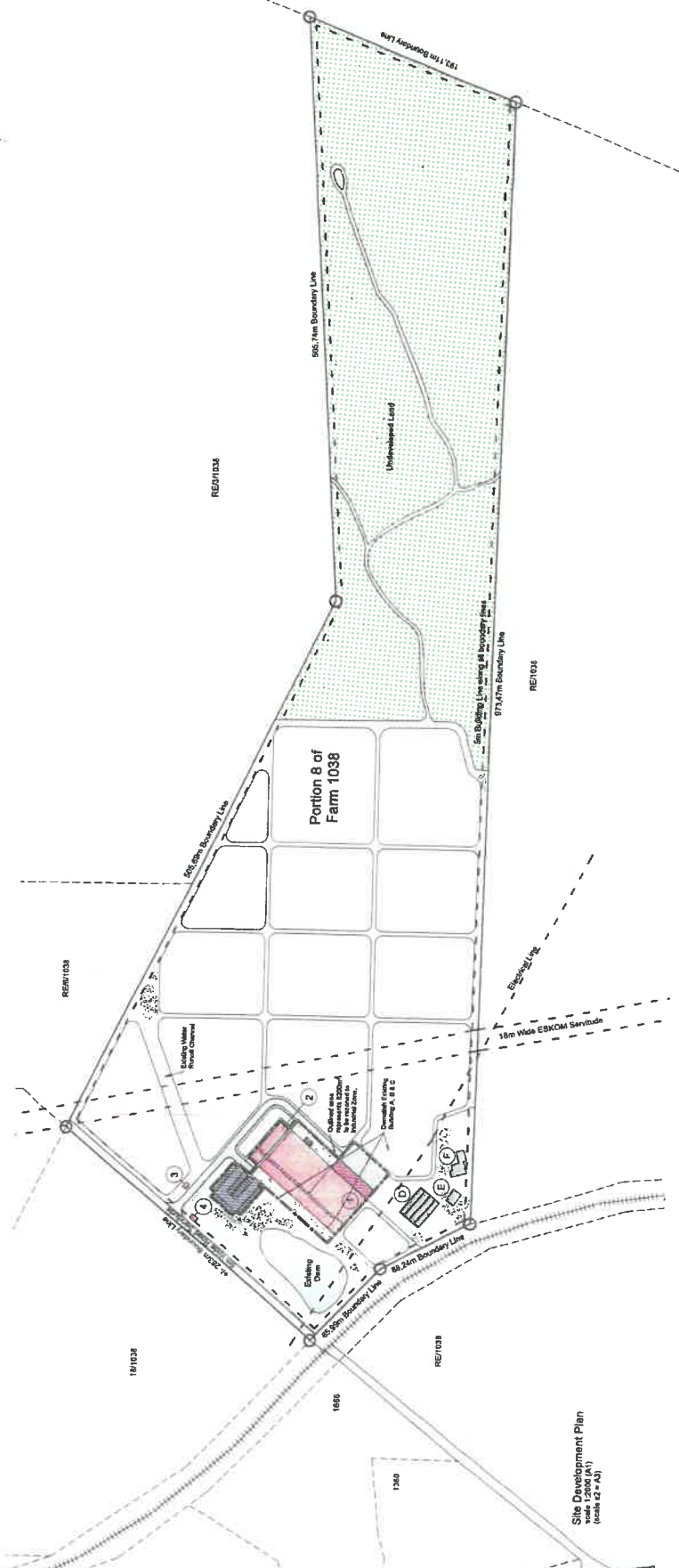
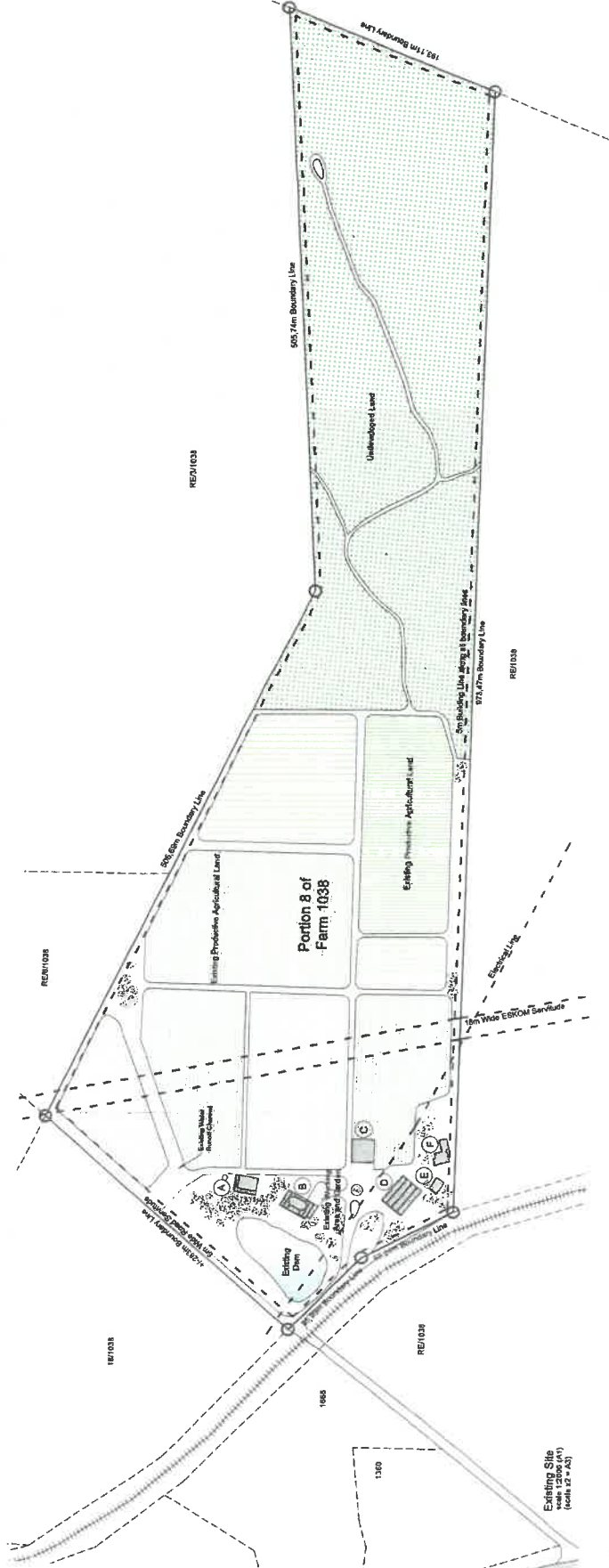
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Existing Site
(Scale 1:2 = A3)

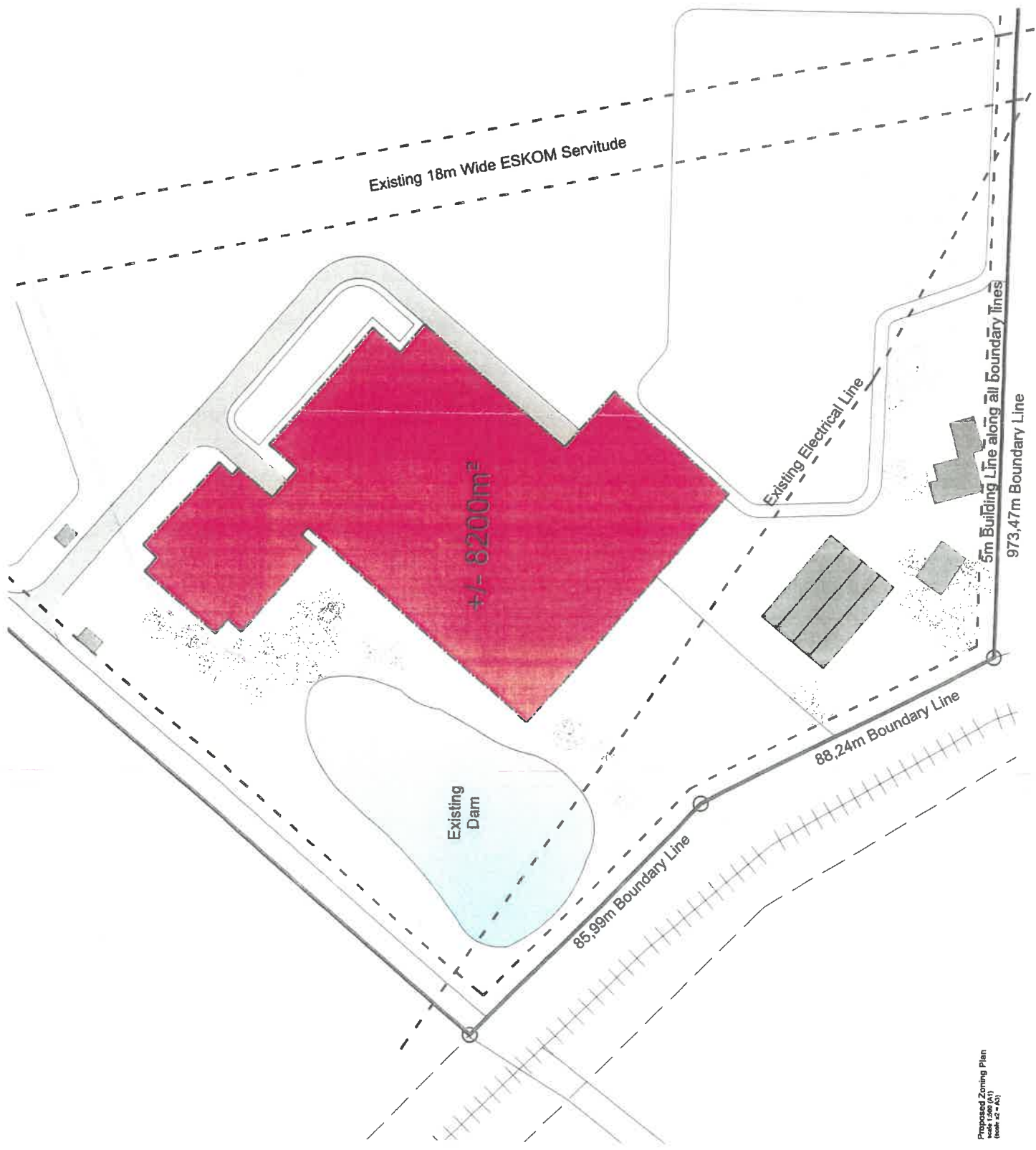
Site Development Plan
(Scale 1:2 = A3)

NOTE:
 THE INFORMATION IN THE COMPANION OF THE ARCHITECTS, DO NOT SCALE AND
 APPLY TO THIS PLAN. THE ARCHITECTS, DO NOT SCALE AND APPLY TO THIS PLAN.
 ALL DIMENSIONS ON THIS PLAN ARE TO BE TAKEN FROM THE CENTERLINE OF THE
 DIMENSIONS SHOWN. ALL DIMENSIONS SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.

**Area to be rezoned to
 Industrial Zone**



DATE	2021-02-26	BY	1500
PROJECT NO.	101	SCALE	B
PROJECT NAME	[REDACTED]		
PROJECT ADDRESS	[REDACTED]		
PROJECT CONTACT	[REDACTED]		
PROJECT PHONE	[REDACTED]		
PROJECT FAX	[REDACTED]		
PROJECT EMAIL	[REDACTED]		
PROJECT WEBSITE	[REDACTED]		
PROJECT SOCIAL MEDIA	[REDACTED]		
PROJECT LOCATION	[REDACTED]		
PROJECT STATUS	[REDACTED]		
PROJECT PHASE	[REDACTED]		
PROJECT DESCRIPTION	[REDACTED]		
PROJECT DRAWING NO.	[REDACTED]		
PROJECT DRAWING TITLE	[REDACTED]		
PROJECT DRAWING SCALE	[REDACTED]		
PROJECT DRAWING DATE	[REDACTED]		
PROJECT DRAWING BY	[REDACTED]		
PROJECT DRAWING CHECKED BY	[REDACTED]		
PROJECT DRAWING APPROVED BY	[REDACTED]		
PROJECT DRAWING SCALE	[REDACTED]		
PROJECT DRAWING DATE	[REDACTED]		
PROJECT DRAWING BY	[REDACTED]		
PROJECT DRAWING CHECKED BY	[REDACTED]		
PROJECT DRAWING APPROVED BY	[REDACTED]		



ANNEXURE E

Comments from Director: Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To » Aan: Director: Planning + Economic Development
Att Aandag: Salome Newman
From » Van: Manager: Development (Infrastructure Services)
Author » Skrywer: Tyrone King
Date » Datum: 13 Sept 2021
Our Ref » Ons Verw: Civil LU 2207
Your Ref: LU/12698
Re » Insake: Farm 1038/8, FH: rezoning of a ±8200m² portion of Farm No. 1038/8, Paart Division from Agricultural and Rural zone to Industrial Zone to establish a water bottling facility.

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

1. **Water**
 - 1.1 Water source to be via borehole.
 - 1.2 Owner to ensure that potable water complies with SANS 241 standards.

2. **Sewer**
 - 2.1 5000 litres per day will be generated from the site.
 - 2.2 The intention is to connect to the municipal sewer network along the R45. This is allowable, but the Wemmershoek WWTW is being upgraded to create spare capacity. The connection to the municipal system will therefore only be allowed once spare capacity is confirmed by the municipality – Mr James Beukes – 021 808 8283; james.beukes@stellenbosch.gov.za
 - 2.3 A sewer DC will be payable prior to the connection being allowed.

2.4 In the meantime, the Owner will have to utilize conservancy tanks to collect the sewer.

3. Roads

- 3.1 Stellenbosch Municipality is not the road authority – final comments and approval to be obtained from WCG: Roads Department.
- 3.2 As per the TIS by Sturgeon dated April 2021:
- 3.3 The servitude road must be upgraded to a hardened surface for the account of the developer. Professional engineer to design and sign off the completed road.
- 3.4 The serviced road approach to the MR191 (R45)/Servitude Road intersection must be upgraded and maintained on a regular basis by the Developer and at his cost.
- 3.5 A stacking distance of at least 18m (one truck) should be provided at the entrance between the gate and the servitude road.

4. Development Charges (DCs)

- 4.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 4.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 4.3 The appropriate DC's are payable before building plan approval.

5. Electrical Engineering (**Martin Slabber – Supt Dwarsrivier Elect**)

- 5.1 General: None
- 5.2 Conditions: Outside electrical network area – ESKOM



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number: DC 2207 (M) Farm 3038-B Paarl (LU-12659)
 Date: Thursday, 07/Sep/2021
 Financial Year: 2021/22
 Erf Location: [REDACTED]
 Erf No: 3038-B
 Erf Size (m²): [REDACTED]
 Suburb: [REDACTED]
 Applicant: [REDACTED]
 Approved Building Plan No.: T15 - page 2, section 4: 3769m² water bottling facility (heavy industrial) ; 420m² production office

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	hwyC	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	kl/day	l/s	l/s	l/s	person	
Total Increased Services Usage	15,120	13,230	0,567	1,872				
Total Development Charges before Deductions								
Total Deductions					R 86 986,93	R 730 870,76	R 56 350,28	R 874 313,98
Total Payable (excluding VAT)					R 86 986,93	R 730 870,76	R 56 350,28	R 874 313,98
VAT					R 13 048,04	R 809 645,61	R 8 453,44	R 131 147,10
Total Payable (including VAT)					R 100 034,97	R 840 516,38	R 64 803,73	R 1 005 461,07

APPLICANT INFORMATION

Applicant Processed by:

Signature

Date

Amount Paid:

Date Payment Received

Receipt Number

Tyrens King

Water - borehole

Sewer - contingency tanks, but connect to municipal sewer in future - sewer DC3 payable at that point.

As above

ANNEXURE F

Comments from Western Cape: transport
& Public Works: Roads



REFERENCE: 16/9/6/1-10/218 (Job 25155)
ENQUIRIES: Ms G Swanepoel
DATE: 21 September 2021

Director: Planning & Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

PORTION 8 OF FARM LA MOTTE ANNEX 1038, PAARL: MAIN ROAD 191: APPLICATION FOR REZONING

1. Letter to this Branch from P-J Le Roux Town & Regional Planner ref. H 10-154 dated 30 July 2021 and attached land use application, including Traffic Impact Statement by Sturgeon Consulting, refer.
2. The subject property is located a short distance north of Main Road 191, (the R45 Franschhoek Road), ± 1.75 km east of the MR191 intersection with MR201 at Wemmershoek, and ± 6 km north-west of the town of Franschhoek.
3. The application is for the rezoning of a portion of Portion 8 of the Farm La Motte 1038, Paarl (± 8200 m² in extent) from Agriculture and Rural Zone to Industrial Zone to establish a water bottling facility.
4. Access to the subject property is via a 6m wide gravel servitude road which also provides access to other properties to the north of Farm 1038/8. The servitude road intersects with Main Road 191 (the R45) ± 340 m south-east of the subject property. The applicant intends surfacing the servitude road from MR191 to a new access point onto the subject property.
5. The volume of traffic generated by the proposed land use is modest and unlikely to cause congestion or to be a road safety hazard. Pedestrians are catered for by way of a paved footpath on the north side of the road, besides which there are few pedestrians on this section of Main Road 191. There are also wide surfaced shoulders on both sides of the road. Westbound through traffic can therefore easily and safely pass to the left of vehicles waiting to make a right turn into the servitude road.

5. Although the existing bellmouth where the servitude road meets Main Road 191 is surfaced, there are several sizeable potholes close to the MR191 carriageway which, if left untreated, may cause damage to the carriageway of MR191.
6. This Branch offers no objection to the proposed rezoning of a portion of Portion 8 of Farm La Motte Annex 1038 Paarl as described above and the associated documentation, subject to the following:
 - 6.1 The existing surfaced bellmouth shall be resurfaced and the surfaced area extended to at least 30m from the edge of carriageway of Main Road 191, at no expense to this Branch.
 - 6.2 The applicant shall appoint an appropriately registered person to submit detailed construction drawings and drawings of proposals for traffic accommodation, for the approval of the District Roads Engineer, Paarl (Mr Eloy Smith, e-mail: eloy.smith@capwin.gov.za) prior to construction.
 - 6.3 The applicant and/or his consultant or contractor accepting the handing over of the sites in writing from the Road Authority prior to construction.
 - 6.4 After completion of the construction phases, the Road Authority accepting in writing the handing over of the site from the applicant and/or his consultant or contractor.
 - 6.5 As built drawings being sent to this Branch (Ms GD Swaneboel, the District Roads Engineer, Paarl and the Roads Department of Cape Winelands District Municipality (Mr I van der Westhuizen, e-mail: ivanderwesthuizen@capwin.gov.za).

Yours Sincerely


SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendoff (e-mail: u.vonmolendoff@st Stellenbosch.gov.za)

2. P-J Le Roux Town & Regional Planner
Attention: Mr P-J Le Roux (e-mail: p.le Roux@st Stellenbosch.gov.za)

3. Sturgeon Consulting
Attention: Ms A Krige (e-mail: akrige@sturgeon.co.za)

4. District Roads Engineer
Paarl

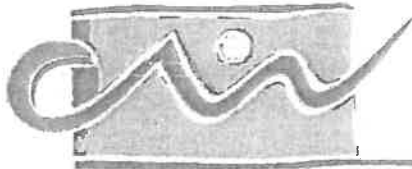
5. Mr E Smith (e-mail)

6. Mr H Thompson (e-mail)

7. Mr SW Carstens (e-mail)

ANNEXURE G

Comments from Cape Winelands District Municipality



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMNKEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/IE-MAIL:
U VERW/YOUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
Farm 1038/8, Paarl (LU/12698)
Plaas No. 1038/8

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

19 April 2022

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Dear Sir

APPLICATION FOR REZONING: FARM 1038/8, PAARL

Your email dated 12 April 2022 refers.

From an environmental health perspective, this application (a new proposed water bottling plant) is recommended for approval on condition that the following conditions are complied with:

1. Environmental Pollution

No pollution i.e. water, air, dust or noise pollution may occur on any part of the premises during the operation of this facility.

2. Sewerage/Sanitary facilities

Sewage and/or effluent disposal on the premises must be nuisance-free at all time and will be the owner's responsibility.

3. Potable Water

The quality of the potable water on the premises must comply at all times with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

4. Solid Waste Disposal

Refuse collection and storage must not create a health nuisance.

lea
19/4/22

5. **Food Handling**

- 5.1 All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972).
- 5.2 The bottling plant may not be operated without prior application being made to the Municipal Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only be issued after inspection and if the premises meets the requirements of Regulation R638.

6. **General Conditions**

The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.

Yours faithfully



**ENVIRONMENTAL HEALTH PRACTITIONER
for MUNICIPAL MANAGER**

ANNEXURE H

Comments from Heritage Western Cape

Our Ref: HM/ CAPE WINELANDS/ STELLENBOSCH/ FRANSCHHOEK/ FARM 10388
Case No.: 21030908SB0309E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel 021 483 5959



Anne-Marie Fick, Applicant: fickski@gmail.com; udp@mrarch.co.za;
Barry Phillips, Appellant: barryphillips505@gmail.com;
Quintus Thom, Appellant: quintus@mothconsulting.co.za;

Outcome of Appeal lodged in terms of Section 49 of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 3(3)(a) of PN 298 (29 August 2003)

APPEAL: PROPOSED DEVELOPMENT OF NEW FACILITIES FOR AN EXISTING WATER BOTTLING PLANT FARM 10388, R45, FRANSCHHOEK, SUBMITTED IN TERMS OF SECTION 34 OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21030908SB0309E

The matter above has reference.

This matter was discussed at the Appeals meeting held on 10 August 2022.

DECISION

The appeal is dismissed and the decision of IACom is upheld.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

**Penelope E
Meyer**

Digitally signed by
Penelope E Meyer
Date: 2022.08.25
11:51:40 +02'00'

.....
Penelope Meyer
Deputy Director: Legal Services

www.westerncape.gov.za/cas

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Our Ref: HM/ CAPE WINELANDS/ STELLENBOSCH/ FRANSCHHOEK/ FARM 10388
Case No: 21030908SB0309E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
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Anne-Marie Fick
fickski@gmail.com; nv@mrarch.co.za

RESPONSE TO HERITAGE IMPACT ASSESSMENT: DECISION
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSED DEVELOPMENT OF NEW FACILITIES FOR AN EXISTING WATER BOTTLING PLANT FARM 10388, R45, FRANSCHHOEK, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 15 June 2022.

RECORD OF DECISION:

The Committee confirm that the HIA prepared by Anne-Marie Fick and dated April 2022 meets with the requirements of S.38.3 of the NHRA. The Committee resolved to approve the design proposal and SDP on condition that:

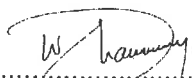
1. The final design of the warehouse structure is generally in accordance as identify in the HIA drawing numbers 100 by GM
2. Detailed landscaping plans are submitted to IACom for endorsement prior to local authority building plan submission and which include mitigation measures identified in the HIA and VIA.

NOTE:

- This decision is subject to an **appeal period of 14 working days. Kindly note that the appeal period is calculated from the date indicated on the HWC date stamp, which is the date the appeal is sent, and not the date of signature**
- Appeals to HWC are to be submitted to HWC.Appeals@westerncape.gov.za
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date, and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- **Work may NOT be initiated during this 14-day appeal period.**
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.


.....
Waseefa Dhansay
Acting Deputy Director



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PAGE 1 OF 2

Our Ref: HM/ CAPE WINELANDS / STELLENBOSCH / FRANSCHHOEK /
PTN 8 PF FARM 1038
Case No.: 21030908SB0309E
Enquiries: Stephanie Barnardt
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Lizemarie Botha
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RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED DEVELOPMENT OF BOTTLING PLANT ON PTN 8 OF FARM DENNEHOF 1038, FRANSCHHOEK, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21030908SB0309E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 23 March 2021. This matter was discussed at the Heritage Officers Meeting held on 29 March 2021.

You are hereby notified that, since there is reason to believe that the proposed development of bottling plant on Ptn 8 of Farm Dennehof 1038, Franschhoek will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

- (3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): **Provided that the following must be included:**
- (a) The identification and mapping of all heritage resources in the area affected;
 - (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;
 - (c) an assessment of the impact of the development on such heritage resources;
 - (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
 - (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
 - (f) if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and
 - (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

This HIA must in addition have specific reference to the following:

- Archaeological Impact Assessment
- Visual impact assessment

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PAGE 2 OF 2

Our Ref: HM/ CAPE WINELANDS / STELLENBOSCH / FRANSCHHOEK / PTN 8 PF FARM 1038
Case No.: 21030908S80309E
Enquiries: Stephanie Barnard
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The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

If applicable, applicants are strongly advised to review and adhere to the time limits contained in the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within a Reasonable time and that these times are factored into the project timetables.

HWC reserves the right to request additional information as required.
Should you have any further queries, please contact the official above and quote the case number.

Colette Scheermeyer
Acting Chief Executive Officer



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