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] / [redacted]

Dear Sirs

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING: FARM NO. 1038/8, PAARL DIVISION

1. This Municipality's decision letter dated 2 March 2023, refers. The appeal process has now been concluded.

2. The Appeal Authority resolved on 12 July 2024 that the appeals submitted against the approval of the Authorised Decision Maker dated 16 February 2023, in respect of the subject application on Farm No. 1038/8, Paarl Division, insofar as the appeal submitted by the objector, **BE DISMISSED** and, insofar as the appeal submitted by the applicant, **BE UPHELD** to clarify conditions of approval, and for which purpose the subject decision **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:

   2.1 That the application for rezoning in terms of Section 15(2)(a) of the said by-law of an ±8200m² 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 By-law and subject to conditions of approval in terms of Section 66 of the said By-law.

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

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

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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 all activities outside of the water bottling plant building 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 ±4200m².

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, bottle moulding as part of the bottling process, 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.

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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. Reasons for the decision:

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4.1 A water bottling plant is not an unrelated land use in the rural area and is not regarded as inconsistent with the Western Cape Rural Guidelines.

4.2 Mitigating measures are imposed as conditions of approval to limit the scale, visual impact and operational impacts of the proposed buildings and activities. The industrial activities are also restricted to a water bottling facility only and will revert to agricultural uses if no longer required for water bottling activities.

4.3 The concerns raised in the appeal by the objector were adequately addressed by the applicant, the special's studies conducted, the recommendations made and was approved by the competent decision-making authorities. All services could be provided to the satisfaction of all applicable authorities.

5. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

22/7/2024,
DATE

COPIES TO:

Franschhoek Heritage and Ratepayers Association
Email: [redacted] / [redacted]

Moth Property Development Consultants
Email: [redacted]

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www.stellenbosch.gov.za

Stellenbosch Interest Group

Email: [redacted]

Franschhoek Wine Valley Tourist Facility

Email: [redacted]

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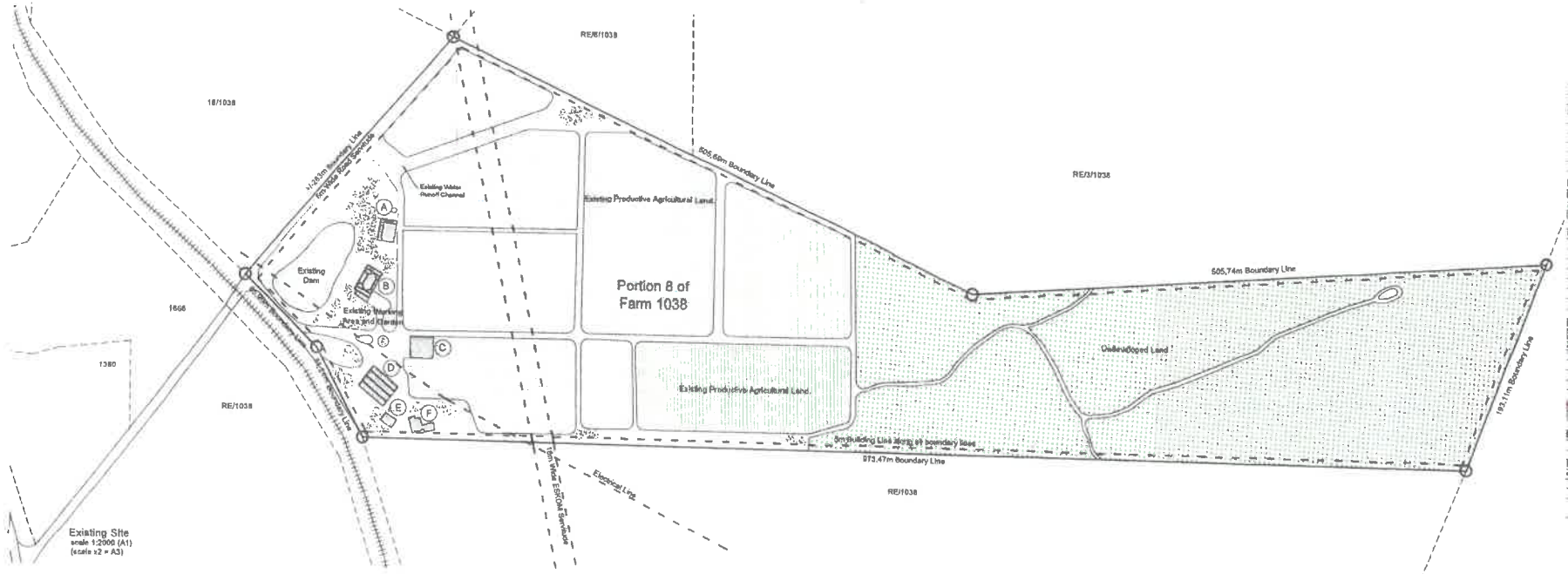
ANNEXURE B

Site and Zoning Plans



Existing Site
scale 1:2000 (A1)
(scale x2 = A3)

NOTE
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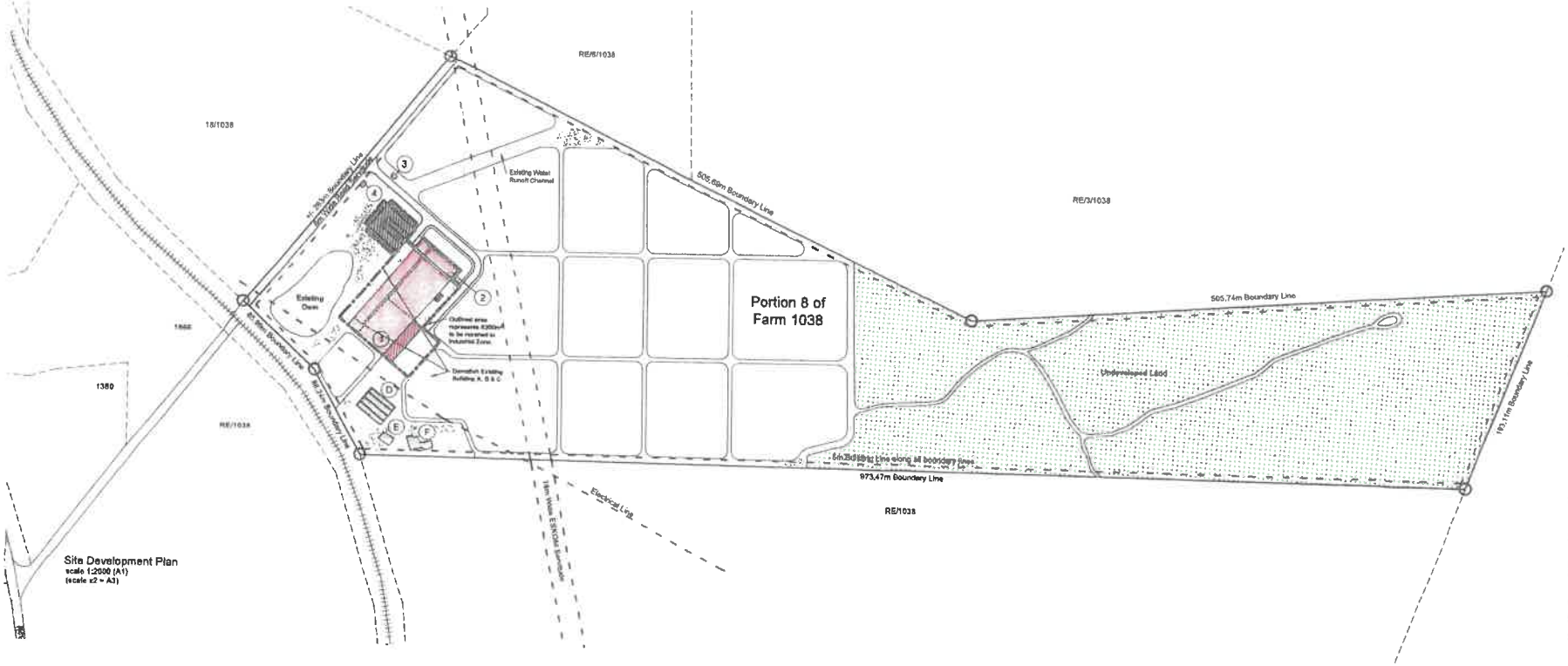
Site Area	224 257m²
A TOTAL EXISTING BUILDINGS	2 666m²
Existing Building A	281m²
Existing Building B	437m²
Existing Building C	382m²
Existing Building D	806m²
Existing Building E	86m²
Existing Building F	1 196m²
B EXISTING AREAS OF USE	
Agricultural Land	125 599m²
Undeveloped Land	93 839m²
Dam	3 119m²
C TOTAL BUILDING AREA ON SDP	5 166m²
Proposed Building 1 (Production Facility)	3 780m²
Proposed Building 2 (Production Office)	420m²
Proposed Building 3 (Gate House)	20m²
Proposed Building 4 (Electrical Utility)	24m²
Existing Building D (Agricultural Barn)	806m²
Existing Building E (Residential Dwelling)	86m²
Existing Building F (Residential Dwelling)	1 196m²
D PROPOSED AREAS OF USE	
Productive Land (Agricultural)	118 451m²
Existing Undeveloped Land	93 839m²
Existing Dam	3 119m²
Total Production Facility Sole Use Areas	8 000m²
Hard surfaced parking areas	1 584m²
Cobbled Hard Stand	848m²
Canopy over Concrete Hard Stand	420m²
Landscaped Parking (24 bays)	1 236m²
E DRIVEWAY	
6m wide	222m
F TOTAL AREA TO BE REZONED	8 200m²
See outlined area on SDP	
Proposed Building 1 (Production Facility)	3 780m²
Proposed Building 2 (Production Office)	420m²
Total Production Facility Sole Use Area	4 000m²



Site Development Plan
scale 1:2000 (A1)
(scale x2 = A3)

#	2021.03.24	FOR SUBMISSION
A	2021.03.12	DRAFT FOR SUBMISSION
DRAFT	2021.02.10	HIGHLIGHT REZONING AREA
SK003	2021.02.01	SKETCH DESIGN
SK002	2021.01.26	SKETCH DESIGN
SK001	2021.01.24	SKETCH DESIGN

Malherbe Rust Architects
229 Main St, Paarl, 7646
P.O. Box 85, Paarl, 7622
T +27 21 872 1621
PM1501
info@mrarch.co.za
CC1999/005378/23

CLIENT: Peninsula Beverage
Ptn 8 of the Farm La Motte Annex No. 1038

PROJECT: Dennehof Production Facility
Planning Application

DRAWING: Site Development Plan
-For Submission-

DRAWN: GM	CHECKED: JM
DATE: 2021-03-26	SCALE: 1:2000
PROJECT No.: 1682	DRAWING No.: 100
	REVISION: B

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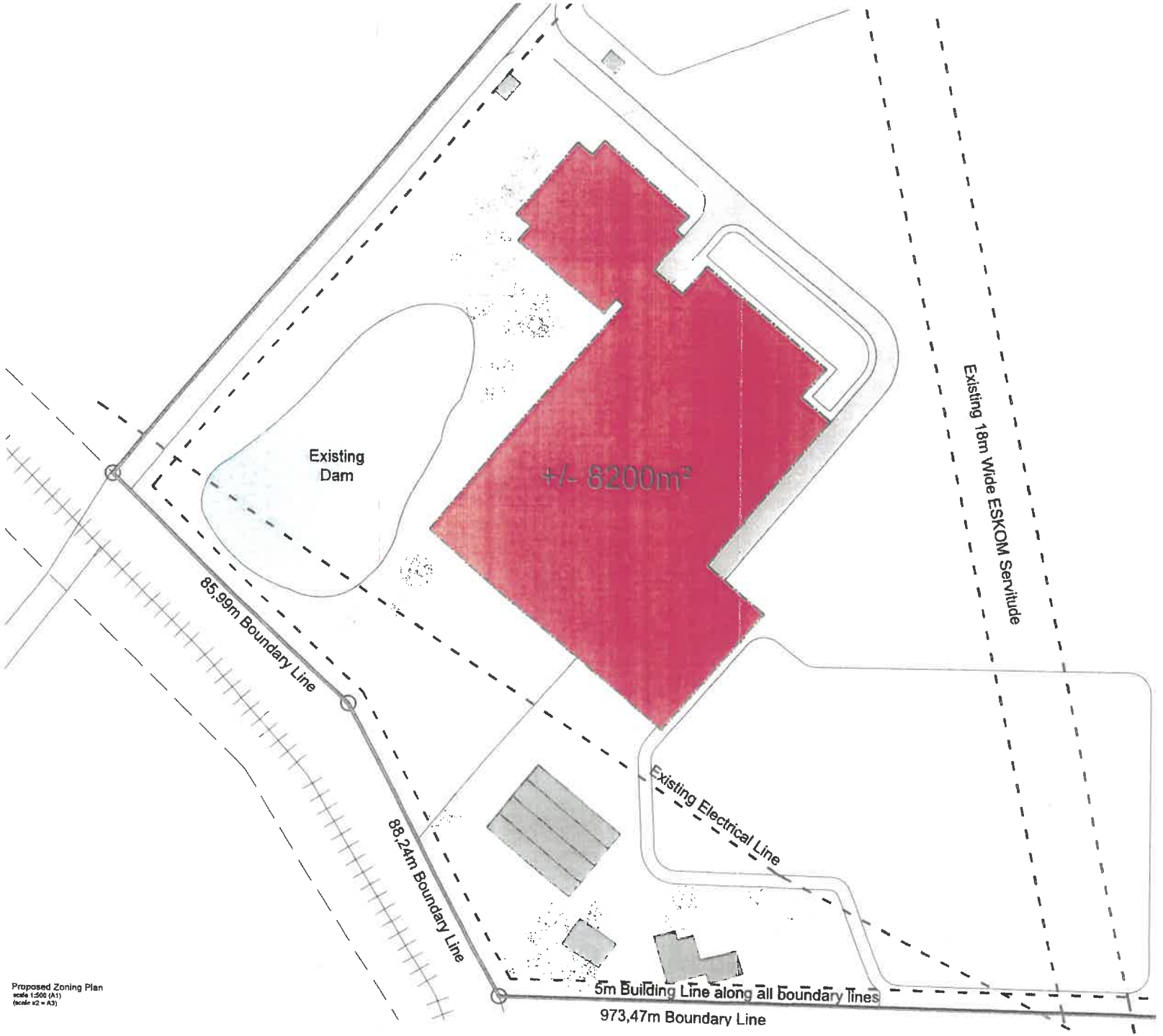

Area to be rezoned to Industrial Zone

Proposed Zoning Plan
scale 1:500 (A1)
(scale x2 = A3)

B	2021.03.26	FOR SUBMISSION
A	2021.03.25	DRAFT FOR SUBMISSION

Malherbe Rust Architects
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P.O. Box 89, Paarl, 7622
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mra@mrarch.co.za
CC1999/063178/23

CLIENT: Peninsula Beverage
Ptn 8 of the Farm La Motte Annex No. 1036

PROJECT: Dennehof Production Facility
Planning Application

DRAWING: Proposed Zoning Plan
-For Submission-

DRAWN	GM	CHECKED	JM
DATE	2021-03-26	SCALE	1:500
PROJECT No.	1682	DRAWING No.	101
REVISION	B		

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, Paarl 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)

W:\2.0 DEVELOPMENT\00 Developments\2207 (TK) Farm 1038-8 Paarl (LU-12698)\2207 (TK) Farm 1038-8 Paarl (LU-12698).doc

Stellenbosch Municipality - Development Charge Calculation

APPLICATION INFORMATION

Application Number	DC 2207 (TIK) Farm 1038-8 Paarl (LU-12698)
Date	Thursday, 02/Sep/2021
Financial Year	2021/22
Erf Location	
Erf No	1038-8
Erf Size (m^2)	
Suburb	
Applicant	
Approved Building Plan No.	TIS - page 7, section 4: 3780m2 water bottling facility (heavy industrial) ; 420m2 production office

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	ha*C	Unit	trips/day	person	
Total Increased Services Usage	15.120	13.230	0.567	1.512	75.60	75.6	
Total Development Charges before Deductions				R 86 986.93	R 730 970.76	R 56 356.28	R 874 313.98
Total Deductions							
Total Payable (excluding VAT)				R 86 986.93	R 730 970.76	R 56 356.28	R 874 313.98
VAT				R 13 048.04	R 109 645.61	R 8 453.44	R 131 147.10
Total Payable (including VAT)				R 100 034.97	R 840 616.38	R 64 809.73	R 1 005 461.07

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	Water - borehole Sewer - conservancy tanks, but connect to municipal sewer in future - sewer DCs payable at that point.
Amount Paid.	As above
Date Payment Received	
Receipt Number	

Franschhoek

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charges levied (excl VAT)						
Infrastructure Type applicable? (yes/no)									Water	Sewer	Storm-water	Solid Waste	Roads	Community Facilities	Total
	du m2 GLA m2	area (m2)	du/ha m² GLA m²	du/ha % GLA	area (m2)	du/ha m2 GLA	du/ha % GLA	du m2 GLA m2							
Residential	Single Residential >1000m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Town House Residential >250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Town House Residential <250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Group Residential >250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Group Residential <250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential >250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential <250m2	du			0			0	R -	R -	R -	R -	R -	R -	R -
	High Density Residential - flats	du			0			0	R -	R -	R -	R -	R -	R -	R -
	High Density Residential - shared facility	du			0			0	R -	R -	R -	R -	R -	R -	R -
Commercial	Local Business - office	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Local Business - retail	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	General Business - office	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	General Business - retail	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Conference	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Education	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
Industrial	Light Industrial	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	General Industrial - light	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Warehouse	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	General Industrial - heavy	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Agricultural Industrial - heavy	m2 GLA			0%	3 780		0%	3 780	R -	R -	R -	R -	R -	R -
Other	Public	m2 GLA			0%			0%	0	R -	R -	R -	R 86 986,93	R 730 970,76	R 56 356,28	R 874 313,98
	Public Open Space	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Private Open Space	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Natural Environment	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Cemetery	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Private Clinic and Hospital	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Transport Facility	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Unused Land							0%	0	R -	R -	R -	R -	R -	R -	R -
Special	To be determined															
	Based on equivalent demands															
			0			0										

* Complete yellow/green cells

** du = dwelling unit, GLA=Gross lettable area.

*** Highlighted if not equal to existing area

Total Development Charges before Discounts	R0.00	R0.00	R0.00	R86 986,93	R730 970,76	56 356,28	R874 313,98
% Discount per service (VA)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
$ Discount per service (excl VAT)	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R0.00
Additional Discount per service - from Services Commercial Items							R0.00
Sub Total after Discounts (excl VAT)	R0.00	R0.00	R0.00	R86 986,93	R730 970,76	56 356,28	R874 313,98
VAT	R0.00	R0.00	R0.00	R13 048,04	R109 645,61	8 453,44	R131 147,10
Total	R0.00	R0.00	R0.00	R100 034,97	R840 616,38	64 809,73	R1 005 461,07

ANNEXURE F

Comments from Western Cape: transport & Public Works: Roads

Western Cape Government

TRANSPORT & PUBLIC WORKS: ROADS
Chief Directorate: Road Planning
Email: grace.swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Room 335 9 Dorp Street Cape Town 8001
P O Box 2603 Cape Town 8000

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), ±1.75km east of the MR191 intersection with MR201 at Wemmershoek, and ±6km 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 (±8200m² 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) ±340m 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 Elroy Smith, e-mail: [redacted]) 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 Swanepoel), the District Roads Engineer, Paarl and the Roads Department of Cape Winelands District Municipality (Mr I van der Westhuizen, e-mail: [redacted]).

Yours Sincerely

SW CARSTENS
***For* DEPUTY DIRECTOR-GENERAL: ROADS**

ENDORSEMENTS

1. Stellenbosch Municipality

   Attention: Mr U von Molendorff (e-mail:)

2. P-J Le Roux Town & Regional Planner

   Attention: Mr P-J Le Roux (e-mail:)

3. Sturgeon Consulting

   Attention: Ms A Krige (e-mail:)

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/IMIBUZO: Mnr. M. Matthee
TELEFOON/TELEPHONE/UMNXEBA: 021-8711001
FAKS/FAX/IFEKSI: 021-8721277
E-POS/E-MAIL/IE-MAIL: matthee@capewinelands.gov.za
U VERW/YOUR REF/IREF YAKHO: Farm 1038/8, Paarl (LU/12698)
ONS VERW/OUR REF/IREF YETHU: 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.

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 Municipall Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only 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

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

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

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

Anne-Marie Fick
fickski@gmail.com; nv@mrarch.co.za

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

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

Heritage Western Cape
Erfenis Wes-Kaap
iLifa leMveli leNtshona Koloni

28 June 2022

APPROVED

Our Ref: HM/ CAPE WINELANDS / STELLENBOSCH / FRANSCHHOEK / PTN 8 PF FARM 1038
Case No.: 21030908SB0309E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

iLifa leMveli / Erfenis / Heritage

Lizemarie Botha
16 Green Street, Knysna, 6571
Lizemarie@vpmsa.co.za, richard@sohn.co.za

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

Our Ref: HM/ CAPE WINELANDS / STELLENBOSCH / FRANSCHHOEK / PTN 8 PF FARM 1038
Case No.: 21030908SB0309E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

iLifa leMveli
Erfenis
Heritage

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 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 as Reasonable time and that these times are factored into the project timeframes.

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

Heritage Western Cape
Erfenis Wes-Kaap
iLifa leMveli leNtshona Koloni

16 April 2021

COPIES TO:

1) Franschhoek Heritage and Ratepayers Association
   Email: [redacted]

2) Tommy Brümmer Town Planners
   Email: [redacted]

3) Moth Property Development Consultants
   Email: [redacted]

4) Stellenbosch Interest Group
   Email [redacted]

5) Franschhoek Wine Valley Tourist Facility
   Email [redacted]