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Date: 14 December 2022

JD/JA
15/4/1 (F1683/2) P

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Sir

APPLICATION FOR CONSENT USE: PORTION 2 OF FARM 1683 PAARL DIVISION

Your abovementioned application refers.

1. **Approval** has been granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, **Consent** in order to construct a new agricultural building on Portion 2 of Farm 1683 Paarl Division, not exceeding 2000m² for the purposes of establishing a water bottling plant for the bottling of “*natural spring water*” in accordance with an abstraction permit as issued the Department of Water and Sanitation.
2. The approval mentioned above shall be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division as set out in its memorandum 15/4/1(F1683/2)P(1429) dated 14 November 2022 (**Annexure F**);
 - 2.2 Adherence to the conditions as set by Land Development Management Division as follows:
 - 2.2.1 A detailed site development plan to be submitted for approval prior to the approval of building plans indicating the following information:

2./...

- 2.2.1.1 Depiction of the footprint of the proposed new building and associated uses, limited to 2000m² and including an office, a staff room, ablution facilities, inside or outside storage areas, parking, and delivery areas.
 - 2.2.1.2 Access to Portion 2 of Farm 1683 Paarl Division, as approved of the Provincial Roads Engineer.
 - 2.2.1.3 The distance from the existing dam to the new building, which may not be less than 40m.
 - 2.2.1.4 The height of the new building.
 - 2.2.1.5 The position of the proposed conservancy tank.
- 2.2.2 The following supporting documents shall be submitted simultaneously with the amended Site Development Plan:
- 2.2.2.1 A permit from the Department of Water and Sanitation (DWS) to transport/convey water from a natural fountain/spring/eye situated on Farm 1815 Paarl Division to Portion 2 of Farm 1683 Paarl Division, via an existing pipeline servitude, even if both properties have the same owner.
 - 2.2.2.2 A permit from the Department of Water and Sanitation (DWS) for permission to abstract water from a natural fountain/spring/eye situated on Farm 1815 Paarl Division, on a permanent basis for bottling purposes, within a bottling plant to be established on Portion 2 of Farm 1683 Paarl Division.
- 2.2.3 Development Charges (DC's) shall be calculated according to the information provided on the Site Development Plan.
- 2.2.4 The operating hours of the water bottling plant will be from 08h00-17h00 weekdays.
- 2.2.5 No other beverages may be bottled, treated, distilled, brewed or stored at this plant.
- 2.2.6 No products other than bottled "*natural spring water*", may be manufactured, produced, assembled, printed, processed, sorted, or packed at this plant.

- 2.2.7 No shop associated with the water bottling plant shall be allowed.
- 2.2.9 The water bottling plant shall not be subdivided, alienated via a registered lease, or sold via sectional title.
- 2.2.10 The existing water bottling plant on Farm 1815 Paarl Division will be permanently closed due to the relocation of thereof to Portion 2 of Farm 1683 Paarl Division.
- 2.2.11 No buildings or structures may be erected, or existing structures altered, without the approval of building plans by Council; and
- 2.2.12 Should the applicant fail to comply with the any of the above-mentioned conditions of approval, the Council reserves the right to impose further conditions in future if deemed necessary.

3. The following be regarded as the reasons for the decision:

- 3.1 Consideration must be given to the precedent that may be set for establishing an industrial land use outside of the urban edge within agricultural areas in the Drakenstein Municipal area. However, upon investigating the water bottling industry, as well as the site inspection at these types of facilities, it became apparent that the certification of "*natural spring water*" depends on the proximity of the water source to the bottling plant. Therefore, strict development controls are proposed to limit the use of this facility to the bottling of water only, in order to protect the surrounding agricultural land uses.
- 3.2 The Department of Agriculture does not support the relocation of the bottling plant. It requires that the water source be located as close as possible to the water bottling plant on the same cadastral unit. However, Portion 2 of Farm 1683 Paarl Division is a registered farm and a pipeline servitude was registered over Farm 1815 Paarl Division from the natural water source in favour of Portion 2 of 1683 Paarl Division. The applicant is therefore required to submit the necessary permits from the Department of Water and Sanitation for the abstraction and transport of the abstracted water from Farm 1815 Paarl Division to Portion 2 of Farm 1683 Paarl Division prior to the approval of the site development plan. The water bottling industry requires that a water classified as "*natural spring water*", be bottled in close proximity to the natural water source.

- 3.3 It is proposed that the footprint of the water bottling plant, including associated delivery, parking and storage areas be limited to $\pm 2000\text{m}^2$ in extent for the bottling of “*natural spring water*” in accordance with a valid abstraction permit by the Department of Water and Sanitation. A site development plan must be submitted before the approval of building plans indicating more detail of the proposed building and operations. Further, the use of the new building will be restricted to the bottling of “*natural spring water*” only and no other beverages may be bottled, treated, distilled, brewed or stored at this plant. No products other than bottled natural spring water, may be manufactured, produced, assembled, printed, processed, sorted, or packed in this plant.

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein By-Law on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** from the date of this letter up to and including **02 February 2023**. This approval is therefore suspended until further notice. Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the public participation process and **the objectors** of their right of appeal – proof of notification **must** be provided. The appeal procedures are set out in Section 80 of the above-mentioned By-Law (attached).

Yours faithfully


PP

H. G. STRIJDOM (PR. PLN A/1058/1998)
MANAGER: LAND DEVELOPMENT MANAGEMENT



Memo

To: EXECUTIVE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT
(ATTENTION: C VAN DER BANK)
From: MANAGER: INFRASTRUCTURE MANAGEMENT
Enquiries: L. PIENAAR
Collaborator number:
Reference number: 15/4/1 (F1683/2) P (1429)
Date: 14 November 2022
Subject: APPLICATION FOR CONSENT USE: FARM 1683 PORTION 2 PAARL

Time Limit on Conditions: These conditions will be limited to a period of 2 (two) years from the date as on the covering memo from this department. If after this period no construction has commenced (this excludes any preparatory work or site clearance) all the studies carried out for the proposed development need to be updated and revised accordingly, this shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

NOTE: This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field co-ordinated by the consultant managing the application. No correspondence will be entered into with individual consultants.

THE FOLLOWING CONDITIONS WILL APPLY

1. STREETS & TRAFFIC

- 1.1. *Provision should be made for adequate parking on site in terms of the Municipal Zoning Scheme*
- 1.2. Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.3. *As access is off a proclaimed road, approval from the Provincial Roads Engineer is required; and*
- 1.4. Any alterations to the existing road network will be the responsibility of the developer, including design, approval and construction of any additional traffic control and or traffic calming measures.

2. STORMWATER

- 2.1. Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors

- 2.2. Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event;
- 2.3. Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m³/m² roof area.

3. WATER

- 3.1. ***A permit is required from the Department of Water and Sanitation (DWS) to transport/convey water from one property to another property even if both properties have the same owner;***
- 3.2. All potable water supplied to consumers on the farm shall comply with SANS 241 as amended. Proof of compliance test no older than 6 months must be available on request. All testing must be done by an accredited service provider;
- 3.3. The developer will be required to connect to future Drakenstein Municipal networks when it is provided;
- 3.4. Water-saving devices shall be installed in toilets, bathrooms and basins;
- 3.5. Any existing system that is to remain shall be upgraded to minimum municipal standards; and
- 3.6. ***Any abstraction from a natural water source on the property must be metered (type of meter to be confirmed by DWS.)***

4. WASTEWATER SERVICES

- 4.1. The developer will be responsible to connect to future municipal networks when it is provided;
- 4.2. The developer shall be responsible to adhere to all conditions in terms of the Drakenstein Municipality, Water Services By-law (2014);
- 4.3. No new septic tanks allowed, all old/existing septic tank and soakaway systems must comply with the Water Research Commissions Report TT 114/99. No conservancy tank will be allowed within 100m of the 1:50 year flood line;
- 4.4. The municipality cannot guarantee a tanker service at all times and the owner remains responsible for the servicing of the conservancy tank. Any private company used must be registered with the Municipality and must provide the owner of an invoice for services rendered. All invoices must be submitted on a monthly basis to the Waste Water Services section as proof of compliance; and
- 4.5. Any existing system that is to remain shall be upgraded to minimum municipal standards;

5. SOLID WASTE

- 5.1. All solid waste disposal shall comply with, the National Environmental Management Waste Act 59 of 2008. Proof of compliance must be available on request; and

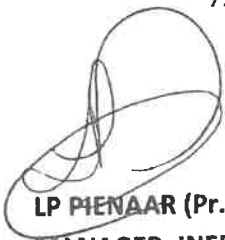
- 5.2. A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out.

6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, Development Charges (DCs) are payable by the developer. A DC calculation can be made once a detailed site development plan is submitted.

7 GENERAL

- 7.1 The developer is responsible for the payment of a Developers Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;
- 7.2 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.3 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered (ECSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;
- 7.4 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 7.5 The above conditions are to be complied with in stages;
- 7.5.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 7.5.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and
- 7.5.3 Proof of compliance for the requirements associated with long term operations must be available on request.



LP PIENAAR (Pr. Eng)

MANAGER: INFRASTRUCTURE MANAGEMENT

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