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RM/JA

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Sir

APPLICATION FOR THE CONSOLIDATION, REZONING, SUBDIVISION, CONSENT USE AND PERMANENT DEPARTURES FROM THE RELEVANT BUILDING LINE RESTRICTIONS: FARMS 1220, 1220/7, 1222/1, 941/4 AND ERF 115 SIMONDIUM

I refer to your application, dated 24 March 2023 and have to inform you that Council's Municipal Tribunal on 10 May 2023, resolved as follows, that:

- "1. Approval be granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for: -
- 1.1 **Consolidation** of Farm 1220 Paarl, Farm 1220/7 Paarl, Farm 1222/1 Paarl, Farm 941/4 Paarl and Erf 115 Simondium in order to form a single land unit measuring ± 23.09 ha in extent;
 - 1.2 **Rezoning** of the consolidated land unit (± 23.09 ha) from Agriculture Zone, Community Use Zone and Open Space Zone to Subdivisional Area in order to develop a residential development with a gross density of ± 22 dwelling units per hectare;
 - 1.3 **Subdivision** of the rezoned property (± 23.09 ha), into six (6) portions, as indicated on the Subdivision and Rezoning Plan drawn by Urban Dynamics Town and Regional Planners (Plan No. 9) dated March 2023, (**Annexure C to the departmental report**); as follows:

2./...

Portions	Approximate Size (ha)
Portion A	12.75
Portion B	0.95
Portion C	5.85
Portion D	1.07
Portion E	0.66
Portion F	1.81
Total	23.09

1.4 **Subdivision** of Portions A (± 12.75 ha), into 388 erven/portions, as indicated on the Subdivision and Rezoning Plan drawn by Urban Dynamics Town and Regional Planners (Plan No. 13) dated 17 March 2023, (**Annexure D to the departmental report**), as follows:

Subdivision of Portion A				
Zoning	Land Use	Number of Erven	Number of Units	Size (ha)
Open Space Zone	Cemetery	2		4.15
Open Space Zone	Open Spaces	3		0.05
Utility Zone	Substation	3		0.21
Community Use Zone	Municipal Offices and Community Hall	1		1.00
Utility Zone	Borehole and Infrastructure sites	2		0.03
Natural Environment Zone	Wetland	1		0.35
Conventional Housing Zone	Residential (6m x 11m)	100	100	0.66
Conventional Housing Zone	Residential (8mX12m/15m)	264	264	3.18
Conventional Housing Zone	Residential (10mx18m)	9	9	0.18

<i>Multi-Unit Housing Zone</i>	<i>Residential</i>	<i>1</i>	<i>1</i>	<i>0.11</i>
<i>Transport Zone</i>	<i>Roads</i>	<i>2</i>		<i>2.83</i>
Total		388	374	12.75

1.5 **Subdivision of Portions B (± 0.95 ha), into 11 erven/portions, as indicated on the Subdivision and Rezoning Plan drawn by Urban Dynamics Town and Regional Planners (Plan No. 13) dated 17 March 2023, (Annexure D to the departmental report), as follows:**

Subdivision of Portion B				
<i>Zoning</i>	<i>Land Use</i>	<i>Number of Erven</i>	<i>Number of Units</i>	<i>Size (ha)</i>
<i>Conventional Housing Zone</i>	<i>Farm worker Housing</i>	<i>10</i>	<i>10</i>	<i>0.71</i>
<i>Transport Zone</i>	<i>Roads</i>	<i>1</i>		<i>0.24</i>
Total		11	10	0.95

1.6 **Consent use in order to make provision for the two existing cemeteries on the Open Space Zoned erven located in Portion A;**

1.7 **Permanent departure from the prescribed land use parameters as follows:**

1.7.1 *Building line departure from the prescribed 5m southern, eastern and western street building line applicable to the Multi-Unit Housing Zone erf to 1m for the existing building;*

1.7.2 *Building line departure from the prescribed 5m northern street building line applicable to the Community Use Zoned erf to 0m for the existing buildings;*

1.7.3 *Building line departure from the prescribed common building lines applicable to the Conventional Housing Zoned erven to 0m in order to accommodate the top structures; and*

1.7.4 *It should be noted that Portions C to F will have a zoning of Subdivisional Area for future development or extension to the human settlement development.*

2. *The approvals mentioned in Paragraphs 1.1 – 1.7 above be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018 and be applicable from a town planning point of view.*
 - 2.1 *This approval applies only to the application in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements;*
 - 2.2 *Any amendments to the application are subject to the relevant approval;*
 - 2.3 *No new buildings are to be erected or existing structures altered without the approval of building plans by Council;*
 - 2.4 *The submission of a detailed site development plan, to the satisfaction of the Manager: Land Development before the submission of building plans;*
 - 2.5 *The subdivision takes place largely in accordance with the respective subdivision plans (**Annexure C and Annexure D to the departmental report**) respectively;*
 - 2.6 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Civil Engineering Services Division referenced 15/4/1 (F1220/7, 1222/1, 941/4 & Erf 115) P (557) dated 03 May 2023, (**Annexure L to the departmental report**);*
 - 2.7 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Electro Technical Engineering Services Division with collaborator reference number 4703396 dated 11 April 2023, (**Annexure M to the departmental report**);*
 - 2.8 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Environmental Management referenced 15/4/1 (F1222/1) P dated 02 May 2023, (**Annexure N to the departmental report**);*
 - 2.9 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Heritage Services Sub-Section referenced 15/4/1 (1222) P dated 13 April 2023, (**Annexure P to the departmental report**);*
 - 2.10 *The following condition received from Drakenstein Municipality: Parks and Cemeteries be adhered to:*
 - 2.10.1 *The road development should not impede on the grave sites in the dormant cemetery;*

- 2.11 *The recommendations contained in the Traffic Impact Assessment drafted by Liezl Stodart Professional Engineer (Page 3-4), (**Annexure Q to the departmental report**), be complied with;*
 - 2.12 *Any conditions indicated by the Department of Transport and Public Works be adhered to;*
 - 2.13 *An amended Environmental Authorisation be obtained regarding the relocation of the access road;*
 - 2.14 *The Cape Winelands District Municipality: Health Department be informed of the decision and be requested to forward it to the National Health Department with regard to the 500m buffer area, if they wish to do so, together with the legal opinion provided by Du Plessis, Hofmeyr & Malan Attorneys, dated 8 October 2013;*
 - 2.15 *A detailed investigation be conducted to determine the exact location of any unmarked heritage graves within the proposed 16m access road reserve;*
 - 2.16 *If any heritage graves are detected as mentioned in paragraph 2.15 above, it must be dealt with in terms of the relevant Heritage legislation;*
 - 2.17 *Compliance with the conditions stipulated in the comments rendered by Heritage: Western Cape (**Annexure J to the departmental report**), at the Site Development Plan submission stage, as required in terms of condition 2.4 above;*
 - 2.18 *The Provincial Minister of Local Government, Environmental Affairs and Development Planning be informed that the Municipality will initially only be developing 384 opportunities, due to funding constraints, which might increase to 500 opportunities in the event of the surrounding farm owners participating in the project. The remaining 503 units will thus only be developed at a later stage;*
3. *The following will be regarded as the reasons for the decision*
- 3.1 *The application properties are situated within the Simondium node and is not located in an isolated area as in the case of various other housing developments;*
 - 3.2 *The proposed development is considered to be a well thought through integrated/sustainable human settlement as opposed to a monofunctional housing development;*

- 3.3 *The development is considered to be a form of infill development that makes optimal use of urban land;*
- 3.4 *The development provides for a range of housing typologies aimed at the lower end of the market, an area which has been neglected by the free-market system;*
- 3.5 *The property is located within close proximity of available public transportation systems;*
- 3.6 *The development contributes to a live/work/play environment;*
- 3.7 *The development will not detract from the character of the area;*
- 3.8 *No significant impact on heritage and environmental resources are envisaged, hence why heritage and environmental authorisation has been granted in respect of the proposed development;*
- 3.9 *It has been confirmed that the existing road network, will be able to accommodate the additional traffic;*
- 3.10 *All relevant internal and external departments consented to the application;*
- 3.11 *In terms of the Simondium Human Settlements Project Plan, the application area is annotated as part of the 'Integrated Residential Development Programme (IRDP)' that forms part of the Drakenstein Housing Pipeline Projects; and*
- 3.12 *The application is considered to be consistent with the development principles as laid down in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).*

4. *The applicant must take note of the following:*

- 4.1 *The Environmental Authorisation received from the Department of Environmental Affairs and Development Planning (**Annexure H to the departmental report**), together with any amendment thereto;*
- 4.2 *The applicant takes note of the comments received from Heritage Western Cape (**Annexure J to the departmental report**);*

- 4.3 *The applicant takes note of the comments received from The Department of Agriculture, Land Reform and Rural Development (Annexure I to the departmental report);*
- 4.4 *The applicant takes note of the comments received from Cape Winelands District Municipality (Annexure K to the departmental report);*

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(2) of the Drakenstein By-law on Municipal Land Use Planning 2018, excluding the decision for a Technical Approval, by any person whose rights are affected by the decision of an authorized official, within **21 days** of notification of the decision. This approval is therefore suspended until further notice.

the application during the public participation process and the **objectors (if applicable)**, of their general right of appeal – proof of notification **must** be provided. The appeal procedures are set out in Section 80 of the above-mentioned Bylaw (attached).

All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O. Box 1, Paarl, 7622 or on customercare@drakenstein.gov.za

Yours faithfully


PP

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