

Enquiries: R. Mowzer
Contact number: 021 807 4822
Reference: 15/4/1 (F1426/11) P
Date: 22 November 2023

RM/HK

Andre Roux Town Planning
La Concorde Building
57 Main Road
PAARL
7646

Andre@andreroxplanning.co.za

Dear Sir,

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, PERMANENT DEPARTURE FROM THE LAND USE RESTRICTIONS AND APPROVAL OF STREET NAMES AND NUMBERS: PORTION 11 OF THE FARM NO. 1426 PAARL DIVISION

Your land use application (Collaborator reference 2001613) refers.

1. Approval is hereby granted in terms of Section 60 of the Drakenstein ByLaw on Municipal Land Use Planning 2018, for the following:
 - 1.1 **Rezoning** of Farm 1426/11 Paarl Division from Agriculture Zone to Subdivisional Area, in order to establish a mixed-use residential estate which is to be developed in five phases (Avec La Terre), as indicated on the Site Development Plan dated 26 October 2023 (Drawn by Bruce Wilson Architects, Revision 6), (**See Annexure C**).
 - 1.2 **Subdivision** of the rezoned property (±27.47 ha) into 236 Portions, as indicated on the Subdivision Plan drawn by ARoux Town Planning: Plan No. 22013-003 REV 6 dated 20 September 2023, (**See Annexure B**), as follows:

| SUBDIVISION TABLE | | | | |
|---------------------------|----------------------------|----------------|-----------------|----------------|
| Zoning | Land Use | Portion Number | Number of Erven | Areas (±ha) |
| Conventional Housing Zone | Residential | 1-216 | 216 | 15.5162 |
| Mixed-Use Zone | Mixed-Use | 226 | 1 | 2.7445 |
| Open Space Zone | Private Open Space | 217-228 | 12 | 2.4051 |
| Transport Zone | Private Road | 230-233 | 4 | 5.7516 |
| Utility Zone | Utility Services and Plant | 234-236 | 3 | 0.5270 |
| Transport Zone | Public Road | 237 | 1 | 0.5373 |
| Total | | | 237 | 27.4817 |

2./...

- 1.3 **Consent Uses**, in order to permit utility services and/or plants on Portions 234-236 which will include a storm water pond, electrical substation and refuse room, as indicated on the Subdivision Plan drawn by ARoux Town Planning: Plan No. 22013-003 REV 6 dated 20 September 2023, **(See Annexure B)**.
- 1.4 **Permanent departures** from the following land use restrictions applicable to all the Conventional Housing Zoned properties:
 - 1.4.1 Relaxation of the street boundary building line from 4.5m to 1.5m;
 - 1.4.2 Relaxation of the common boundary building line from 1.5m to 1.0m; and
 - 1.4.3 Relaxation of the maximum building height restriction of 8m to 9m.
2. Approval of the respective street names for the proposed development, together with the proposed numbering of individual erven, as indicated on the street name and numbering plan drawn by ARoux Town Planning: Plan No. 22013-004 REV 2 dated 21 September 2022, **(See Annexure D)**.
3. The approvals mentioned above in Paragraphs 1 to 2, are subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 3.1 Adherence to the conditions laid down in the memorandums of the Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (F1426/11) P (776) dated 09 June 2023, **(See Annexure P)**.
 - 3.2 Adherence to the conditions laid down in the letter of the Drakenstein Municipality: Electro Technical Engineering Department referenced 5/7/2/1/202223/056 dated 03 January 2023, **(See Annexure Q)**.
 - 3.3 Adherence to the conditions laid down in the letter memorandum of the Drakenstein Municipality: Heritage Sub-Section referenced 15/4/1(F1426/11) P dated 09 May 2023, **(See Annexure T)**.
4. The following conditions from a town planning point of view be applicable:
 - 4.1 That the subdivision takes place largely in accordance with the Subdivision Plan, **(See Annexures B)**;
 - 4.2 That the development takes place largely in accordance with the Site Development Plan, **(See Annexures C)**;
 - 4.3 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;

- 4.4 Any amendments to the application will be subject to the relevant approval;
- 4.5 No new structures are to be erected or existing buildings converted without the prior approval of building plans by the Council;
- 4.6 That only Phases 1-4 may be developed at this stage until such time that a site development plan gets approved for phase 5 (mixed-use property);
- 4.7 That a detailed site development plan for the mixed-use property be submitted to the Manager: Land Development Management, before the submission of building plans, for approval;
- 4.8 That the mixed-use property (Phase 5) be limited to the following:

| Mixed-use Portion | |
|--------------------------|--------------------------------|
| Land Use | Total Floor Space/Units |
| Office | ±200m ² |
| Retail | ±200m ² |
| Hotel | 40 rooms |
| Apartments | 100 units |

- 4.9 The landscaping throughout the entire development must take place largely in accordance with the Landscaping Master Plan report and landscaping plan drafted by Viridian Consulting (Pty)Ltd, (**See Annexure V**);
- 4.10 The development takes place in accordance with the architectural guidelines drafted by Bruce Wilson Architects (Pty)Ltd, (**See Annexure W**);
- 4.11 The developer must ensure that all the necessary measures should be put in place, within habitable buildings, to ensure that the indoor air quality is not affected by emissions and noise from normal agricultural activities;
- 4.12 The developer must ensure that the increased traffic flow from the development during construction phase does not create disturbance for the existing surrounding residents;
- 4.13 Consideration of the following water conservation measures must be given: Rainwater harvesting, grey water recycling and similar technical enhancements such as low flow shower heads, dual flush toilets and water-wise gardens;

- 4.14 No developer or homeowners association will be allowed to buy electricity in bulk from the municipality and in turn resell electricity to residential consumers within their respective residential developments;
 - 4.15 The sale of electricity to individual residential consumers within the development remain the sole responsibility of the municipality;
 - 4.16 A Home Owners Association together with the constitution must be established and be submitted to the Manager: Land Development Management for approval, for all inter alia maintenance of internal services, bulk services accounts and homogeneous development control, prior to the transfer of the first erf;
 - 4.17 That a copy of the approved diagrams be submitted to Council for record purposes;
 - 4.18 Purchaser of properties in the development must in the deed of sale be made aware of the existing emissions and noise generated by the existing farming and industrial activities and their acknowledgment or acceptance thereof; and
 - 4.19 The findings and recommendations contained in the Transport Impact Assessment prepared by ITS be implemented.
5. The following considerations can be regarded as the reasons for the decision:
- 5.1 The proposed development is in line with the approach of the SDF to promote appropriate optimal use of land within the urban edge and is therefore consistent with the SDF;
 - 5.2 The application represents a form of urban infill;
 - 5.3 Little to no negative impacts to the natural environment is foreseen by this application;
 - 5.4 The application will not have a significant impact on the visual character of the area;
 - 5.5 The development furthermore is seen as a natural extension to the existing urban area, thus making it more reconcilable with the surrounding area;
 - 5.6 The property is well located and easily accessible;
 - 5.7 All the concerns raised by the objector were sufficiently addressed by the applicant;
 - 5.8 The proposed development will create much needed socio-economic opportunities in Drakenstein Municipality in the form of employment; and

- 5.9 All the relevant departments consented to the application, subject to certain conditions.
6. The applicant take cognisance of the conditions laid down by the Department of Environmental Affairs and Development Planning in the Environmental Authorisation (See Annexure I);
 7. The applicant take cognisance of the conditions laid down by Heritage Western Cape in their letter (See Annexure L);
 8. The applicant take cognisance of the conditions laid down by The Department of Transport and Public Works in their letter (See Annexure M); and
 9. The applicant take cognisance of the conditions laid down by The South African Heritage Resources Agency in their letter (See Annexure O).

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 Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** of notification of decision. This approval is therefore suspended until further notice.

Please notify (email or per hand) the **surrounding property owners** who were notified of the application during the initial public participation process and **the objectors** (if any), of their right of appeal – proof of notification **must** be provided. Note that the 21-day appeal period will commence the day after all the property owners have been notified.

The appeal procedures are set out in Section 80 of the above-mentioned By-Law (attached). All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O Box 1, Paarl, 7622 or at customercare@drakenstein.gov.za

Yours faithfully



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