



**Coll No: 1664758**  
**Enquiries: J Meyer**  
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**Date: 28 January 2021**

JA/  
15/4/1 (F1486) P

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Sir

**APPLICATION FOR AMENDMENT OF CONDITIONS: FARM 1486 PAARL DIVISION (THE RIVER FARM DEVELOPMENT)**

I refer to your application dated July 2021 and have to inform you as follows:

1. Approval has been granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the complete deletion of Condition 2.9.13 (a), as contained in the approval letter with reference 15/4/1 (F1486)P dated 04 March 2020, so as to allow for the erection of a fence below the 1:50 year flood line of the Berg River.
2. The approval mentioned in Paragraph 1 above is subject to the following conditions, laid down in terms of Section 66 of the Drakenstein By-law on Municipal Land Use Planning, 2018:
  - 2.1 Adherence to the conditions set out by the Drakenstein Municipality: Environmental Management Division, as set out in its memorandum 15/4/1 (F1486)P dated 25 November 2020 (**Annexure F**); and
3. The following conditions are applicable from a town planning point of view:
  - (a) No buildings or structures may be erected, or existing structures altered, without the approval of building plans by Council;

- (b) This approval applies only to the amendment of conditions in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements; and
- (c) 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.

4. That the following be regarded as the reasons for the decision:

4.1 The proposal does not affect the approved development in any manner; and

4.2 The removal of the condition in question has been supported from an environmental management point of view.

You are hereby informed of 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, any person whose rights are affected by the decision, within **21 days** from the date of the registration of the letter. This approval is therefore suspended until further notice.

Yours faithfully



**H.G. STRIJDOM**

**MANAGER: LAND USE PLANNING AND SURVEYING**

# Memo

To: Manager: Land Use Planning  
(Attention: Earl Cyster)

From: Manager: Environmental Management

Enquiries: C. Winter

Collaborator number: 1664758

Reference number: 15/4/1 (F1486)P

Date: 25 November 2020

Subject: **COMMENTS – AMENDMENT OF CONDITION OF APPROVAL: REZONING AND SUBDIVISION OF THE REMAINDER OF FARM 1486, PAARL IN TERMS OF DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2018**

Reference is made to the above application for the amendment of condition of approval on an application for rezoning and subdivision of Farm 1486/RE, Paarl.

Environmental Authorisation (EA) for the above proposed development was issued by the competent authority on 29 March 2019.

This Division previously provided comments for an application for rezoning and subdivision of Farm 1486/RE, Paarl from Agricultural Zone I to Subdivisional Area and the subdivision thereof into two portions, i.e. Portion A (Phase I) and Portion B (Phase II) in order to permit the construction of 66 residential dwellings within the River Farm at Val de Vie development. Approval was granted for this application on 04 March 2020 subject to certain conditions, including that of the Environmental Management Division. The applicant is applying to have the following condition deleted:

#### "2.19.3 Fencing

- (a) No fencing may be erected below the 1:50 year flood line;"

It is important to note why the environmental officer stipulated the condition initially.

The Berg River is viewed as the life line of the Drakenstein area and it supports various agricultural and industrial operations in the municipal area. Besides the invaluable economic benefits it supplies to the area, the ecosystem services it supplies cannot be denied. The Berg River and its riparian area has undergone substantial modification over the years and authorities have been battling with pollution issues for quite some time. The Department of Agriculture clears the Berg River and its riparian area on a regular basis throughout the municipal area and other land owners also try to play their part in removing invasive alien vegetation on their properties. However, it has been noted that ecosystem restoration cannot take place without undergoing ecological rehabilitation within the riparian areas of the river.

The municipality started with ecological rehabilitation on the banks of the Berg River within the Paarl Arboretum and this initiative will be expanded further upstream and down stream as funds become available. The aim of keeping the riparian areas of the Berg River open (in areas where this can still be exercised) is to allow for a holistic approach to ecological rehabilitation along the Berg River in future.

However, after reviewing the motivational report prepared by David Hellig and Abrahamse Professional Land Surveyors, the landscaping plan prepared by Uys and White Landscape Architects and the proposal for fencing below the 1:50 year flood line as prepared by Scientific Aquatic Services, this division has no objection to the

removal of the condition that stipulates that no fencing should be erected below the 1:50 year flood line. It should be noted that the following conditions will apply:

1. The area below the 1:50 year floodline be kept clear of invasive alien vegetation.
2. The area below the 1:50 year floodline should be vegetated with indigenous vegetation as set out in the landscaping plan.
3. No concrete works and building to be allowed below the 1:50 year flood line.
4. The mitigation measures as stipulated by Scientific Aquatic Services shall be adhered to:
  - a. Ensure that the construction activities do not encroach on the Berg River and associated riparian area. The Berg River should be demarcated a No-go area;
  - b. No stockpiling of infilling may occur below the 1:50 year floodline;
  - c. No hard infrastructure will be allowed below the 1:50 year floodline;
  - d. All fencing must allow for at least 10cm spacing to ensure movement of small faunal species is not hindered; and
  - e. All other rehabilitation measures as stipulated in the Site specific rehabilitation and monitoring plan (SAS, 2018) must be adhered to.
5. All conditions contained in the Environmental Authorisation, dated 29 March 2019, must be adhered to.

Yours faithfully



C. WINTER  
MANAGER: ENVIRONMENTAL MANAGEMENT