



Col no: 1279627 (1194/2018)
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RM/GS
15/4/1 (F1766/1) P

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Sir

APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION, REMOVAL OF TITLE DEED RESTRICTIONS, CONSENT USE AND DEPARTURE: PORTION 1 & 2 OF THE FARM No. 1766 PAARL.

Your above mentioned application refers.

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 following:
 - 1.2 Consolidation of Farms 1766/1 and 1766/2 Paarl in order to form one land unit measuring approximately 36ha in extent, as indicated on the consolidation plan, (**Annexure B**);
 - 1.3 Rezoning of the consolidated property from "Agricultural Zone I" to "Subdivisional Area" in order to establish a mixed use development, as indicated on the Master Subdivision Plan, (**Annexure B1**);
 - 1.4 Subdivision of the rezoned property (± 36 ha) into seven (7) Portions or Erven, as indicated on the Master Subdivision Plan drawn by TV3 Architects and Town Planners: Plan No. 4 dated 06 September 2018, (**Annexure B1**), as follows:

Portion	Extent
Portion 1/Erf 1 (Residential Zone II)	± 6.23 hectares
Portion 2/Erf 2 (Residential Zone IV)	± 2.07 hectares
Portion 3/Erf 3 (Residential Zone III)	± 7.43 hectares
Portion 4/Erf 4 (Institutional Zone III, Residential Zone V and Business Zone III)	± 5.64 hectares
Portion 5/Erf 5 (Agricultural Zone I)	± 2.99 hectares
Portion 6/Erf 6 (Agricultural Zone I)	± 10.65 hectares
Portion 7/Erf 7 (Transport Zone)	± 0.98 hectares
Total	± 36 hectares

- 1.5 Subdivision of Erf 1/Portion 1, as indicated on the Subdivision Plan drawn by TV3 Architects and Town Planners: Plan No. 5 dated 22 January 2018, (**Annexure B2**), as follows:

PORTION 1/ERF 1				
Erf No.	Number of Erven	Extent (ha)	Zoning	Land Use
1-121	121	4.19	Residential Zone II	Group House
122-128	7	0.62	Open Space Zone II	Private Open Space
129	1	1.42		Private Road
Total	121	6.23		

- 1.6 Consent use in order to develop Erf 3/Portion 3 into a retirement village with associated facilities comprising of 300 two-storey sectional title town houses;
- 1.7 The removal of restrictive title deed conditions of clauses ID as contained in Title Deed No. T28105/83 and T12071/2017 respectively;
- 1.8 The permanent departure from the prescribed 3m zone building line applicable to Erf 1/Portion 1 from 3m to 1m;
- 1.9 It is herewith certified in terms of Section 24 of the Drakenstein By-law on Municipal Land Use Planning, 2018, that the following servitudes be exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein By-law on Municipal Land Use Planning, 2018,

as indicated on the Master Subdivision Plan drawn by TV3 Architects and Town Planners: Plan No. 4 dated 06 September 2018, (**Annexure B**), as follows:

- 1.9.1 A right of way servitude over a portion of Erf 7 and Erf 5 in favour of Remainder Erf 15199 Paarl; and
 - 1.9.2 A right of way servitude over Remainder Erf 15199 Paarl in or to link with existing tarred access road to Erf 29181 Paarl.
2. The approvals mentioned in Paragraphs 1.1-1.9 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 in the memorandums of the Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (Farm 1766/1 &2) P (918) dated 02 June 2021, (**Annexure J**);
 - 2.2 Adherence to the conditions set out in the memorandum of the Drakenstein Municipality: Electro Technical Engineering Department referenced 1766/1 and 2 dated 7 December 2018, (**Annexure K**);
 - 2.3 Adherence to the conditions set in the memorandum of Drakenstein Municipality: Spatial Planning Section referenced 15/4/1 (1766/1) P dated 29 June 2018, (**Annexure L**);
 - 2.4 Adherence to the conditions set in the memorandum of Drakenstein Municipality: Heritage Section referenced 15/3/6/1 dated 11 December 2018, (**Annexure M**);
 - 2.5 Adherence to the conditions set in the memorandum of Drakenstein Municipality: Environmental Management Section referenced 15/4/1 (F1766/1)P (0015) dated 30 April 2018, (**Annexure N**);
 3. The following conditions from a town planning point of view be applicable:
 - 3.1 The consolidation takes place in accordance with the Consolidation Plan, (**Annexure B**);
 - 3.2 The subdivisions takes place largely in accordance with the Master Subdivision Plan, (**Annexures B1**) (**Annexure B2**) respectively;
 - 3.3 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;

- 3.4 Any amendments to the application will be subject to the relevant approval;
- 3.5 No new structures are to be erected or existing buildings converted without the prior approval of building plans by the Council;
- 3.6 The landscaping for Erf 1/Portion 1 must take place largely in accordance with the Landscaping plan drawn by Uys and White Landscape Architects, (**Annexure O**);
- 3.7 Detailed site development and landscaping plans for each Erf/Portion (except Erf 1/Portion 1) must be submitted to the Manager: Land Use Planning and Surveying, before the submission of building plans, for approval;
- 3.8 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 from normal agricultural activities;
- 3.9 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;
- 3.10 A Home Owners Association must be established for Erf 1/Portion 1 and be submitted to the Manager: Land Use Planning and Surveying 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;
- 3.11 The sale of electricity to individual residential consumers within the development remain the sole responsibility of the municipality;
- 3.12 No developer, homeowners association or body corporate will be allowed to buy electricity in bulk from the municipality and in turn resell electricity to residential consumers within their respective residential developments;
- 3.13 copy of the approved diagrams be submitted to Council for record purposes;
- 3.14 The applicant are responsible for the cost of the publication, in the Provincial Gazette, of the final notice regarding the removal of restrictive conditions, which shall be attended to prior to the submission of building plans; and

3.15 The applicant is responsible for the submission of the original title deed at the Cape Town Deeds Office for the necessary endorsement by the Registrar of Deeds, together with a copy of the final removal notice as published in the Provincial Gazette. A copy of the endorsed titled deed must be supplied to the municipality for record-keeping purposes.

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

4.1 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 previous SDF as well as the recently approved SDF;

4.2 The application represents a form of urban infill;

4.3 Little to no negative impacts to the natural environment is foreseen by this application;

4.4 The application will not have a significant impact on the visual character of the area;

4.5 The development furthermore is seen as a natural extension to the existing urban area, thus making it more reconcilable with the surrounding area;

4.6 The property is well located and easily accessible;

4.7 The proposed development will create much needed socio-economic opportunities in Drakenstein Municipality in the form of employment; and

4.8 All relevant departments consented to the application, subject to certain conditions.

5. The applicant takes note of the following:

5.1 The conditions laid down by the Department of Environmental Affairs and Development Planning in the Environmental Authorisation (**Annexure D**);

5.2 The conditions laid down by Heritage Western Cape in their letter (**Annexure F**);

5.3 The conditions laid down by SANRAL in their letter (**Annexure G**);

5.4 The conditions laid down by the Department of Transport and Public Works in their letter (**Annexure H**);

6. Kindly note that the zonings will accordingly convert to the following, in terms of the Drakenstein Zoning Scheme By-Law, 2018:

- 6.1 “Residential Zone II”, applicable to Erf 1/Portion 1 (group house erven), will convert to “Conventional Housing Zone” with a deemed consent use for Group House;
- 6.2 “Residential Zone IV”, applicable to Erf 2/Portion 2, will convert to “Multi-Unit Housing Zone”;
- 6.3 “Residential Zone III”, applicable to Erf 3/Portion 3, will convert to “Conventional Housing Zone” with a deemed consent use for Community Residential;
- 6.4 “Institutional Zone III”, “Residential Zone V” and “Business Zone III”, applicable to Erf 4/Portion 4, will convert to “Community Use Zone” for the applicable uses;
- 6.5 “Agricultural Zone I”, applicable to erven 5 and 6/Portions 5 and 6, will convert to “Agriculture Zone”; and
- 6.6 “Transport Zone II”, applicable to erf 6/Portion 6, will convert to “Transport Zone”;

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, 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. Please also notify (email or per hand) the surrounding property owners who were notified of the application during the public participation process, of their general 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 abovementioned By-Law.

Yours faithfully



H.G STRIJDOM
MANAGER: LAND USE PLANNING & SURVEYING