



17 December 2019

Manager: Land Use Planning  
Drakenstein Municipality  
Berg River Boulevard  
Paarl  
7622

Dear Sir / Madam

**AMENDMENT OF CONDITION IN RESPECT OF AN EXISTING APPROVAL: PORTION 38 OF THE FARM KUNNENBURG NO. 811, PAARL**

**1. Introduction and Applications Required**

This letter serves as formal application in terms of Section 15(2)(h) of the Drakenstein Municipality Municipal Land Use Planning By-Law, 2015, for the following:

- Amendment of Condition 1.2 of Annexure Q, requesting that conditions from the Provincial Roads Engineer be adhered to, with specific reference to clause 14.2, relating to the 15m public servitude road, before the approval of any civil or building plans” to read “before the approval of Phase 2 building plans” or “before applying for additional trips that will require a major intersection”.
- Amendment of Condition 4.1 of Annexure K, requesting that comments and approval from the Department of Water and Sanitation (DWS) on the proposed treatment works needs to be provided prior to approval of any civil or building plans, to read “prior to occupation”.

The following documents are attached to this letter in support of the content and application:

Annexure A: Windeed Ownership Report and Power of Attorney  
Annexure B: Locality Map  
Annexure C: Decision Letter dated 12 November 2019

## 2. Motivation

The proposed application and erf description titled above, has reference. The application for the rezoning of Portion 38 of the Farm Kunnenburg No. 811 (hereafter referred to as 'the application site' – see **Annexure B** for the Locality Map) was approved as per letter dated 12 November 2019 (**Annexure C**). Please note that the 21-day appeal period have now concluded, and no appeals were lodged against the decision.

It is, however required to address certain conditions of approval in order to be in line with what is proposed. Therefore, the following is to be considered by the Drakenstein Municipality, in respect of the amendments proposed:

2.1 *Amendment of Condition 1.2 of Annexure Q, requesting that conditions from the Provincial Roads Engineer be adhered to, with specific reference to clause 14.2, relating to the 15m public servitude road, before the approval of any civil or building plans" to read "before the approval of Phase 2 building plans" or "before applying for additional trips that will require a major intersection".*

Clause 14.2 read as follows: *"The Applicant shall register a public servitude road 15m in width from the access at ±km 1.62 across the property to its north-eastern corner to serve through traffic in the event that a future major intersection on Main Road 191 is at some future date located at the access to the subject property."*

This condition only realizes in the event that a future major intersection is at some future date located at the Green School access point. The Provincial Roads Engineer is in what we believe to be the final stages, to determine the position of the main access points from the R45. This should therefore not be a condition for the approval of the Green School Phase 1 building plans. We can confirm that there will be no new buildings in the proposed 15m servitude area.

If we must wait for this condition to be implemented, it will cause excessive delays to the construction phase of the project with the possible result that the school would not be able to open in 2021. It is therefore respectfully requested to amend the condition to allow for this to be a requirement when more clarity regarding the main access points are available. Alternatively, this could be a condition of Phase 2 to allow some time to get the servitude registered.

2.2 *Amendment of Condition 4.1 of Annexure K, requesting that comments and approval from the Department of Water and Sanitation (DWS) on the proposed treatment works needs to be provided prior to approval of any civil or building plans, to read "prior to occupation".*

This process will require a Water Use License application to be approved by DWS. Please note that this process is a lengthy process and may take up to 6 months. The client has appointed a Water Specialist, Kim Marais, from FEN Consulting, to undertake this process and to obtain formal approval from the DWS. Kim has confirmed that she has already

engaged with the DWS and that they verbally confirmed that they do not have an in-principle objection to water or waste water treatment plants, such as the plants envisaged for the school. It was agreed in a meeting between Lawrence Smith from Drakenstein Municipality and Kim Marais on 12 December 2019, that Kim should set up a formal meeting with the DWS to discuss the process and to submit the minutes of this meeting to Drakenstein Municipality as an indication of support from DWS.

Based on the feedback from Kim Marais, with reference to her discussions with DWS, we are confident that we will be able to obtain approval from the DWS by ensuring we meet all water and waste water treatment plant requirements, with the course of 2020. However, we respectfully request that this should not be a condition of approval for the building plans as this will cause extreme delays to our construction process. We therefore request that this condition be amended to read as follows:

Comments and approval from the Department of Water and Sanitation (DWS) on the proposed treatment works needs to be provided "prior to occupation".

### **3. Conclusion**

To ensure the operation of the school by the beginning of 2021, we respectfully request the Drakenstein Municipality's urgent attention to amend the following conditions of approval in terms of Section 15(2)(h) of the By-Law:

- Condition 1.2 of Annexure Q, requesting that conditions from the Provincial Roads Engineer be adhered to, with specific reference to clause 14.2, relating to the 15m public servitude road, before the approval of any civil or building plans" to read "before the approval of Phase 2 building plans" or "before applying for additional trips that will require a major intersection".
- Condition 4.1 of Annexure K, requesting that comments and approval from the Department of Water and Sanitation (DWS) on the proposed treatment works needs to be provided prior to approval of any civil or building plans, to read "prior to occupation".

Yours sincerely

Marike Bolz and Wilhelm Esterhuizen  
For Arch Town Planners (Pty) Ltd  
17 December 2019