



Enquiries: Riyaz Mowzer
Contact number: (021) 807-4822
Reference: 15/4/1 (4752) P
Date: 11 March 2024
Coll no: 1725114

RM/HK

First Plan Town Planners
8 Essenhout Crescent
PLATTERKLOOF
7500

info@firstplan.co.za

APPLICATION FOR THE SITE-SPECIFIC DEVIATION FROM THE DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK AND REZONING: ERVEN 4752, 34864, 31231 AND 31232 PAARL (ADDENDUM REPORT)

With reference to your application, dated 21 January 2021, I have to inform you that the special Drakenstein Municipal Planning Tribunal on 6 March 2024 resolved as follows, that:

1. The site-specific deviation from the provisions of the Drakenstein Spatial Development Framework 2020-2025, in order to include Erven 4752, 34864, 31231 and 31232, Paarl into the urban edge of Paarl, **be supported**;
2. **Approval has been granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the Rezoning of Erven 4752, 34864, 31231 and 31232, Paarl from Agriculture Zone to Subdivisional Area only limited to the existing dwellings/buildings as well as the agricultural uses, as indicated on the site plan drawn by Craft of Architecture (Drawing Number: C1-01, Project Number 23-057) dated 10 May 2023, (See Annexure C).
3. The approval mentioned in Paragraph 2 above, be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018 and applicable from a town planning point of view:
 - 3.1 That it be clearly noted that no building development rights are awarded/granted by this approval.
 - 3.2 That it be clearly noted that the development might be impacted by any of the specialist studies to be undertaken as part of the Subdivisional application(s) to follow, especially the Traffic Impact Assessment, to such an extent that very limited or even no building development might be possible.

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- 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 are subject to the relevant approval;
- 3.5 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
- 3.6 That the development be limited to the 160m contour line or until such time that it can be proven otherwise with the submission of detailed studies,
- 3.7 That only the uses permitted under the agricultural zone zoning may be exercised at this time and no additional uses exercised;
- 3.8 This approval together with future approvals applies to the all the properties as a whole and not as individual entities.
- 3.9 That all future detailed site development plans and subdivision plans submitted undergo a full public participation process and be forwarded to the Drakenstein Municipal Planning Tribunal for final decision making;
- 3.10 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (4752, 34864, 31231 and 31232) P (0888) dated 21 June 2023, (**See Annexure K**)
- 3.11 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 4752_34864_31231_31232 dated 16 August 2021, (**See Annexure L**);
- 3.12 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Spatial Planning referenced 15/4/1 (F4572) P dated 11 September 2023, (**See Annexure M**);
- 3.13 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Heritage Services Sub-Section referenced 15/4/1 (F1796) P dated 16 November 2021, (**See Annexure N**);
- 3.14 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Environmental Management referenced 15/4/1 (4752) P dated 20 January 2023, (**See Annexure O**);
- 3.15 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Community Services: Social Development, Library & Information Services (Parks and Cemeteries) in their email dated 17 March 2021, (**See Annexure P**);
- 3.16 Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions.

4. The following considerations can be regarded as the reasons for the decision:
 - 4.1 The application only represents an in-principle approval for the establishment of development;
 - 4.2 The site-specific deviation from the provisions of the Drakenstein Spatial Development Framework 2020 was also supported in principle by the Drakenstein Municipality: Spatial Planning Section;
 - 4.3 No additional land use rights are awarded as part of the application;
 - 4.4 No direct impact is foreseen on the surrounding area as part of this application;
 - 4.5 The proposed development does not entail the establishment of a new building or use; and
 - 4.6 No negative impact on heritage and/or biophysical resources are foreseen.

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 Bylaw 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 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.go.za.

Yours faithfully



H.G. STRIJDOM
MANAGER: LAND DEVELOPMENT MANAGEMENT

Please address all correspondence to the City Manager, P O Box 1, Main Street, Paarl, 7622, or Customer care, e-mail, customercare@drakenstein.gov.za, and Henk Strijdom, henks@drakenstein.gov.za