

4 FARMS SITE PLOT AREAS

Property Description	Site Area	Qu	Existing Zoning	Proposed Zoning
ERF 4752	93 875	1	Agricultural Zone	Subdivisional Area Limited
ERF 31231	35 194	1	Agricultural Zone	to existing land uses,
ERF 81232	36 409	1	Agricultural Zone	buildings and agricultural
ERF 34864	81 137	1	Agricultural Zone	production only
	246 615 m ²	4		

4 FARMS LAND USE

ERF LAND USE	Qu	Site Area
ERF 4752 Vineyards	3	24 871
ERF31231 Agricultural Land	3	74 551
ERF34864 Agricultural Land	4	42 602
ERF4752 Agricultural Land	5	51 100
	15	193 124 m ²

FARM BUILDINGS

Building Area	Qu
ERF31232 AGRICULTURAL BUILDINGS	488 1
ERF31232 RESIDENTIAL BUILDINGS	533 7
ERF34864 AGRICULTURAL BUILDINGS	1 831 5
ERF34864 RESIDENTIAL BUILDINGS	1 277 8
ERF4752 AGRICULTURAL BUILDINGS	870 4
ERF4752 RESIDENTIAL BUILDINGS	456 7
	5 455 m ² 32



NOTES

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- ALL WORK TO BE DONE MUST STRICTLY ACCORDANCE WITH MUNICIPAL REGULATIONS.
- PLEASE REFER TO THE CONTRACT FOR PRECEDENCE TO SOLUBLE DISPARITY.
- ALL DIMENSIONS ARE TO BE CHECKED BY THE CLIENT ON SITE BEFORE COMMENCEMENT OF WORK.
- ALL DIMENSIONS ARE TO BE CHECKED BY THE CLIENT ON SITE BEFORE COMMENCEMENT OF WORK.

NO.	DATE	DESCRIPTION

CLIENT
Pearl
4 FARMS SDP

PROJECT:
4 FARMS PEARL

CLIENT Full Name:
 Pearl

DATE: 2022/05/10
SCALE: 1:2000
PROJECT NO.: A2
ISSUE DATE: 2022/05/10
DRAWING NO.: C1-01

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Memo

To:	EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE DEPARTMENT (ATTENTION: C. VAN DER BANK)
From:	MANAGER: INFRASTRUCTURE DEVELOPMENT
Enquiries:	L. PIENAAR
Collaborator number:	1725114
Reference number:	15/4/1 (4752, 34864, 31231 & 31232) P (0888)
Date:	21 June 2023
Subject:	APPLICATION FOR A DEVIATION FROM THE DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK (2020) AND REZONING TO SUBDIVISIONAL AREA - ADDENDUM: ALPHOREX – ERF 4752, OLYFBOOM – ERF 34864 AND MORGENZON – ERVEN 31231 & 31232 PAARL

Time Limit on Conditions: These conditions will be limited to a period of 2 (two) years from the date as on the covering memo from this department. If after this period no construction has commenced (this excludes any preparatory work or site clearance) all the studies carried out for the proposed development need to be updated and revised accordingly, this shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

NOTE: This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field co-ordinated by the consultant managing the application. No correspondence will be entered into with individual consultants

THE FOLLOWING CONDITIONS WILL APPLY

1 STREETS & TRAFFIC

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2 *As access is off a proclaimed main road, approval from the Provincial Roads Engineer is required; and*
- 1.3 Any alterations to the existing road network will be the responsibility of the developer which includes design, approval and construction of any additional traffic control and or traffic calming measures.

2 STORM WATER

- 2.1 ***Prior to the approval of any individual SDP, a detailed Stormwater Management Plan is required for approval;***
- 2.2 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 2.3 Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 2.4 Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event; and
- 2.5 Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m³/m² roof area.

3 WATER

- 3.1 ***Prior to the approval of any individual SDP, a GLS report is required is required for approval;***
- 3.2 ***A adequately sized services servitude must be registered for the existing municipal water main crossing erven 4752, 34864, 31231 and 31232 Paarl, in favour of Drakenstein Municipality;***
- 3.3 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 3.4 Any existing system that is to remain shall be upgraded to minimum municipal standards.

4 WASTEWATER SERVICES

- 4.1 ***Prior to the approval of any individual SDP, a GLS report is required is required for approval;***
- 4.2 The applicant shall ensure adherence to the various conditions in the Drakenstein Municipality, Water Services By-law (2014) relating to wastewater effluent discharge;
- 4.3 The developer will be responsible to connect to future municipal networks when it is provided;

- 4.4 No new septic tanks allowed, all old/ existing septic tank and soakway systems must comply with the Water Research Commission Report TT 114/99. No conservancy tank will be allowed within 100m of the 1:50 year flood line;
- 4.5 The municipality cannot guarantee a tanker service at all times and the owner remains responsible for the servicing of the conservancy tank. Any private company used must be registered with the Municipality and must provide the owner of an invoice for services rendered. All invoices must be submitted on a monthly basis to the Waste Water Services section as proof of compliance;
- 4.6 Any upsizing and/ or upgrading required will be for the developer account; and
- 4.7 Any existing system that is to remain shall be upgraded to minimum municipal standards.

5 SOLID WASTE

- 5.1 The Municipality undertakes, after the proclamation of the development, to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of the home owner's organisation in the development, for the removal of such household refuse;
- 5.2 A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out;
- 5.3 Such collection shall be from individual erven/a single centralised waste collection site for the development;
- 5.4 Provision should be made for a waste disposal facility and entrance to the township, with lockable gate for wheelie bins (240l bins) and recyclable bags equal to the number of dwellings per development;
- 5.5 A key should be provided to Drakenstein Municipality to be able to unlock the door/gate to garbage area on collection days, from the kerbside;
- 5.6 The garbage area should be enclosed with a 1.8m high fence and need to provided with the following;
- Tap with running water;
 - A gully which is connected to an approved sewer connection;
 - Concrete floor;

- 5.7 Municipal refuse trucks will not enter the township (complex) to collect wheelie bins on collection days;

6 DEVELOPMENT CHARGES

- 6.1 Development Charges will be calculated when the detailed SDP submissions are submitted.

7 GENERAL

- 7.1 *When at any stage in future the municipality is required to take over ownership and maintenance of civil infrastructure, it will be the responsibility of the property owners to ensure all water and waste water connections adhere to municipal standards and by-laws;*
- 7.2 When any service is to be taken over by Drakenstein Municipality, any damage caused due to the construction of houses or any other construction activity shall be repaired by the Developer. Failure to do so will result in clearances and occupation certificates being withheld and remedial works shall be done by Drakenstein Municipality for the cost of the developer;
- 7.3 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.4 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, Irrigation, etc. shall be designed by a suitably registered (ECSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;
- 7.5 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 7.6 Where applicable all water network, (downstream of the valve immediately upstream of the bulk water meter, upstream of the connection to the existing system or intersection point with the existing road), sewer network, stormwater network and road network components shall be a private combined system and shall be indicated as such on all documents and plans;
- 7.7 All private combined systems (including but not limited to water, sewer, stormwater, roads, irrigation, etc.) shall be the joint and several responsibility (including but not limited to the administration of the joint account and operation and maintenance of the system) of the members of the homeowners association/body corporate and must

be noted as such in any constitution of any such body and any such constitution must be submitted for approval by council. This constitution shall be notarially linked to each separate title deed;

7.8 The above conditions are to be complied with in stages.

7.8.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;

7.8.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and

7.8.3 Proof of compliance for the requirements associated with long term operations must be available on request.


LP PIENAAR (Pr. Eng)

ACTING EXECUTIVE DIRECTOR: ENGINEERING SERVICES

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LP/gm



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Memo

To: Senior Manager: Spatial Planning & Development
 For attention: W Hendricks/H Strijdom/C van der Bank

From: Manager: Planning and Customer Services

Enquiries: L Laing

Reference number: 4752_34864_31231_31232

Date: 16 August 2021

Subject: APPLICATION FOR REZONING TO SUBDIVIDE, ERF 4752, 34864, 31231 AND 31232, PAARL

Time Limit on Conditions: These conditions will be limited to a period of one (2) years from the date as on the covering memo from this department. After this period a re-application has to be submitted for approval by this department.

1. INFORMATION REQUIRED/OUTSTANDING

1.1. The private appointed electrical consultant will have to submit an estimated load requirement and load forecast.

2. THE FOLLOWING CONDITIONS WILL APPLY

- 2.1. Only one service cable connection per erf is allowed.
- 2.2. No trees or any type of structures may be erected under or near any new or existing electrical infrastructure.
- 2.3. All electrical equipment shall comply with Drakenstein Municipality standards and have twenty four hour access for maintenance purposes.
- 2.4. Existing and or new electrical services must be allocated in a registered services servitude or as the case may be.
- 2.5. All municipal services on the proposed precinct will have to be removed at the cost of the developer and transport to the municipal stores or location as determine by the Senior Project Implementation Agent.
- 2.6. In the case where existing services crosses the adjacent erf, it will have to be removed or relocate at the cost of the owner.
- 2.7. The developer is required to include measures to improve energy efficiency for this development to reduce consumption of electricity.

- 2.8. Applications for the installation of any photo voltaic (PV) systems must be submitted to the Electro-Technical Services Department (Energy and Efficiency Section).
- 2.9. A service level agreement between the municipality and the owner or developer of the development have to be arrange at Electro-Technical department (Planning and Design division - Chief Engineering Technician).

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply for this development and will be calculated according to the following as indicated in approved tariffs: **R 4 294.00 per KVA (V.A.T. included)**. The cost as mentioned above is valid until 30 June 2022 and will escalate thereafter for each upcoming financial year which is between 1 July and 30 June.
- 3.2. The developer will be responsible to carry all cost of the electrical installation.
- 3.3. Excessive network upgrading is required in order to supply the development of power. The 66/11kV Dalweiding substation, feeder cables to the secondary substations and their respective ring feeds will have to change according to the development requirements and SDF of the area. The previous mentioned also refer to the availability of capacity which is subject to available developers contribution cost and external loans for the installation of infrastructure to provide the development(s) of power.
- 3.4. All upgrade and service costs must be paid at the finance section in cash before any service connection may be rendered.
- 3.5. Your attention is drawn to the following electricity by-law:
 - 3.5..1. Unless authorised by the municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.
 - 3.5..2. A reseller must comply with the licensing and registration requirements set out in the ERA.
 - 3.5..3. If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub meter of a type which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.
 - 3.5..4. The tariff at which and the conditions of sale under which electricity is thus resold, shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality.
 - 3.5..5. Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity customers.

3.5.6. The municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.

3.6. Authorization to re-sell electricity can be obtained by council approval only.

3.7. Applications to be submitted in writing to the Senior Manager: Electro-Technical Services indicating the following:

- The application must also include a load profile to indicate the power usage per month with peak, standards, off peak loads, etc.

3.8. A private registered electrical consultant as well as an installation electrician shall be used to do all designs, installations and alterations according to SANS 10142, Occupational Health and Safety Act (Act 85 of 1993) and Drakenstein Municipal by-laws prior to the development.

3.9. A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical department (Service section) on the day the service is rendered or as the case may be.

The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application but cannot support the approval as proposed due to insufficient availability of power.

Yours faithfully

L LAING

MANAGER: PLANNING AND CUSTOMER SERVICES

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Memo

To: LAND USE PLANNING AND SURVEYING
CORNELIA VAN DER BANK (EXT: x4832)

From: PLANNING AND DEVELOPMENT: SPATIAL PLANNING

Enquiries: ALEXANDER REHDER (EXT: x4813)

Collaborator number: 1725114

Reference number: 15/4/1(F4752)P

Date: 11 SEPTEMBER 2023

Subject: AMENDED COMMENTS: ADDENDUM: APPLICATION FOR SITE SPECIFIC DEVIATION FROM THE DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK, 2020 AND REZONING TO SUBDIVISIONAL AREA: ERF 4752 (ALPHOREX), ERF 34864 (OLYFBOOM), AND ERVEN 31231 AND 31232 (MORGENZON), PAARL

1. INTRODUCTION AND CONTEXT

1.1 COMMENTS SUBMITTED ON ADDENDUM

On 18 July 2023, the Sub-Section: Spatial Planning provided comments on the abovementioned Addendum, and recommended the following:

- 1.1.1 *In lieu of the above, the comments from the Sub-Section: Spatial Planning dated 29 September 2021 are still relevant, and that the agreed-upon four phased approach of the application, and the general principles of the development proposal is supported from a spatial planning point of view;*
- 1.1.2 *However, the proposed urban edge demarcation as illustrated on the amended and attached Site Plan (Paarl 4 Farms SDP dated 2023/05/10) is not supported at this stage/phase. The detailed supplementary studies, as well as comments from relevant provincial and national departments is required before the most appropriate urban edge can be determined.*

1.2 MEETING WITH APPLICANT

On 16 August 2023, a meeting was held between the applicant and Drakenstein officials from the Corporate and Planning Services Department.



At this meeting, the applicant reaffirmed the agreed-upon four phased approach of the application. The applicant emphasised that the primary aim of the Phase 1 application was to obtain in-principle support for the development of the site.

It was agreed by all that an interim urban edge could in-principle be supported however the final delineation of the urban edge will only be determined through detailed studies as required during the future application phases of the application.

2 RECOMMENDATION

In lieu of the above, the comments from the Sub-Section: Spatial Planning dated 29 September 2021 are still relevant, and that the agreed-upon four phased approach of the application, and the general principles of the development proposal is supported from a spatial planning point of view.

The proposed urban edge demarcation as illustrated on the amended and attached Site Plan (Paarl 4 Farms SDP dated 2023/05/10) is in-principle supported since the proposed urban edge can be regarded as a provisional urban edge. No additional land use rights are currently supported. The exact location of the urban edge and additional land use rights will be evaluated during the latter phases when detail investigations and studies are available.

W HENDRICKS
MANAGER: SPATIAL PLANNING



Memo

To: LAND USE PLANNING AND SURVEYING
CORNELIA VAN DER BANK (EXT: x4832)

From: PLANNING AND DEVELOPMENT: SPATIAL PLANNING

Enquiries: ALEXANDER REHDER (EXT: x4813)

Collaborator number: 1725114

Reference number: 15/4/1(F4752)P

Date: 18 JULY 2023

Subject: ADDENDUM: APPLICATION FOR SITE SPECIFIC DEVIATION FROM THE DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK, 2020 AND REZONING TO SUBDIVISIONAL AREA: ERF 4752 (ALPHOREX), ERF 34864 (OLYFBOOM), AND EREVN 31231 AND 31232 (MOREGNZON), PAARL

RECEIVED ON 28 JUNE 2023

1. BACKGROUND

On page 1 of the Addendum, it is *inter alia* stated that one issue pertaining to the potential approval of this application for deviation from the Drakenstein Spatial Development Framework (SDF) and the inclusion of the subject properties to within the Drakenstein urban edge remained unresolved, and that was the uncertainty of the necessary capacity in the local roads infrastructure to support further development of the subject properties.

In addition, it is stated on page 1 of the Addendum that the uncertainty was exacerbated by the fact that a detailed Traffic Impact Assessment to address this issue, was not possible due to the nature of this 'Phase 1 Application' where the application was limited to a site specific deviation from the SDF (specifically the urban edge), and rezoning to Subdivisional Area only, and where no detail subdivision plans or final development proposals were submitted for consideration. By this approval of this application, no additional land use rights would therefore be granted to the subject properties as approval of this application would be limited to policy only.

On page 2 of the Addendum, it is stated that to resolve and to obtain the official support from Drakenstein Infrastructure Management, it was agreed to amend the application to ensure that an approval will restrict zoning and/or development/land use rights to the status quo rights and approvals presently applicable to the subject properties.



1.1 AMENDED AND UPDATED SITE PLAN

Attached to the Addendum is an amended and updated Site Plan (Paarl 4 Farms SDP dated 2023/05/10) that also indicates the proposed urban edge demarcation. Refer to Figure 1 below.



Figure 1: Amended and Updated Site Plan (Paarl 4 Farms SDP dated 2023/05/10).



2 COMMENTS FROM THE SUB-SECTION: SPATIAL PLANNING

On 29 September 2021, the Sub-Section: Spatial Planning supported the agreed-upon four phased approach of the application, and the general principal of the development proposal. The four phased approach entails the following:

- a) **Phase 1 application:** Application for a Site Specific Deviation from the Drakenstein Spatial Development Framework and Rezoning to Subdivisional Area. This application entails limited and high level background investigations (including high level environmental and heritage indicators) and development concepts which includes reference to maximum development parameters (i.e. proposed land uses, maximum number of units, maximum height of buildings, and limits of the development), and serviceability of the proposed development (i.e. access, civil and electrical services), etc.;
- b) **Phase 2 application:** Application in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) to the National Department of Agriculture;
- c) **Phase 3 application:** Application in terms of the National Environment Management Act, 1998 (Act 107 of 1998) and the Land Use Planning Act, 2014 (Act 3 of 2014) to DEADP; and
- d) **Phase 4 application:** Application in terms of Drakenstein Municipality Planning Bylaw, 2018 for final submission and associated approvals (i.e. Site Development Plans, etc.).

3 MATTERS TO BE ADDRESSED/DEMONSTRATED WITH REFERENCE TO A SITE SPECIFIC DEVIATION FROM THE SDF

In the comments that were submitted by the Sub-Section: Spatial Planning dated 29 September 2021, it was mentioned that it is important to note that the following matters need to be addressed/demonstrated with reference to a site specific deviation from the Drakenstein SDF:

- 6.1 Why a site specific deviation can be justified;
- 6.2 That unusual and unique characteristics or circumstances exist;
- 6.3 That the proposed development will not lead to a negative cumulative impact;
- 6.4 The proposed development will promoted integration and re-inforce the functioning of the town;
- 6.5 That the proposed development will not detract from or be in conflict with the overall objectives of the Drakenstein SDF (2020);
- 6.6 Compliance with the SPLUMA development principles; and
- 6.7 That the proposed development must be considered desirable in terms of Section 65(b) of the Drakenstein Municipal Land Use Planning By-law, 2018. The following *inter alia* criteria are used to assess an application in terms of desirability:



- a) Physical characteristics;
- b) Character of the area;
- c) Accessibility;
- d) Economic impact;
- e) Scale of the capital investment;
- f) Impact on safety, health and well-being of the surrounding community;
- g) Impact on heritage;
- h) Impact on agricultural land;
- i) Traffic impact;
- j) Social impact; and
- k) Objections received.

3.1 JUSTIFICATION FOR A SITE SPECIFIC DEVIATION FROM THE SDF

Furthermore, in the comments by the Sub-Section: Spatial Planning dated 29 September 2021, the following was noted with regards to the justification for a site specific deviation from SDF:

- 2.1.1 The subject property is bounded by existing urban areas on three sides, which is thus not considered as urban sprawl but merely urban infill aligning to the surrounding urban character;
- 2.1.2 The proposed development footprint is positioned on a relatively small portion of mostly unused agricultural land (± 26 hectares), on which currently only ± 2.7 hectares of vineyards remain;
- 2.1.3 The proposed development will contribute to the efficient use of four farms that are smaller than other farms listed in the Paarl Farms Study, and the optimum use of infrastructure by prioritising infill development, intensification, integration and restructuring of urban areas;
- 2.1.4 The subject properties are significantly smaller than the norms as determined by the Western Cape Government: Department of Environmental Affairs and Development Planning to enable an agricultural unit to be farmed in a sustainable manner (Agri-Economical Assessment conducted by AgriWealth, 2019);
- 2.1.5 The proposed development concept is based on specialist assessments undertaken to ensure sustainable development and ultimate mitigation. Every specialist report identified site specific circumstances and assessed those circumstances (i.e. soil potential, agri-economical criteria, topography, visual sensitivities, availability of municipal bulk services, etc.);
- 2.1.6 Furthermore, all the specialist assessment concluded that the proposed development will not cause a negative impact on abutting properties or the surrounding area;
- 2.1.7 On page 15 of the Socio-Economic Impact Assessment (Urban-Econ, 2019) it is estimated that *the proposed development has the potential to boost economic growth through new business sales (R2.38 billion during construction R80 million per annum during operation) as well as contribute to the GDP (R1,16 billion during construction and R39 million per annum during operation); and*
- 2.1.8 According page 15 of the Socio-Economic Impact Assessment (Urban-Econ, 2019) *the proposed development will significantly increase the existing rates and skills base within the Drakenstein Municipality. This is estimated to be in excess of R13,3 million per annum for rates and R5,25 million per annum for utility taxes.*



4 AMENDMENT OF THE URBAN EDGE

The amended and attached Site Plan (Paarl 4 Farms SDP dated 2023/05/10) that was submitted as part of the Addendum report, illustrates a proposed urban edge line. In this case, the amendment of the urban edge is regarded as an extensive amendment within an area that has high visual, heritage and environmental qualities. In addition, the subject properties are indicated as 'Paarl Farms' in terms of the Paarl Farms Land Use Management Policy, 2005, and have a high conservation value.

To amend the urban edge, a detailed motivation must be provided that explains and describes the justification to amend the urban edge. The detailed explanatory justification must look at the heritage, visual, agricultural, environmental, etc. aspects of the subject property and of the surrounding area. In this case, a detailed motivation with supplementary studies must be provided in order to justify the amendment of the urban edge.

As stated above, support is given to agreed-upon four phased approach of the application. However, the delineation of where the urban edge should be annotated in terms of this application cannot now be determined as more studies and input/feedback from the relevant and national departments (e.g., Western Cape Department Planning and Environmental Affairs, Heritage Western Cape, National Department of Agriculture, Land Reform and Rural Development, etc.) is required.

5 RECOMMENDATION

In lieu of the above, the comments from the Sub-Section: Spatial Planning dated 29 September 2021 are still relevant, and that the agreed-upon four phased approach of the application, and the general principles of the development proposal is supported from a spatial planning point of view.

However, the proposed urban edge demarcation as illustrated on the amended and attached Site Plan (Paarl 4 Farms SDP dated 2023/05/10) is not supported at this stage/phase. The detailed supplementary studies, as well as comments from relevant provincial and national departments is required before the most appropriate urban edge can be determined.

W HENDRICKS
MANAGER: SPATIAL PLANNING

Memo

To: LAND USE PLANING AND SURVEYING
C VAN DER BANK (EXT: x4832)

From: HERITAGE RESOURCES SUB-SECTION

Enquiries: CLIVE THEUNISSEN (EXT: x4818)

Collaborator number: 1713602

Reference number: 15/4/1 (F1796)P

Date: 16 NOVEMBER 2021

Subject: APPLICATION FOR SITE SPECIFIC DEVIATION, REZONING AND SUBDIVISION IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BYLAW ON MUNICIPAL LAND USE PLANNING 2018: ERF 4752, 34864, 31231 & 31232, PAARL

RECEIVED APPLICATION ON 17 MARCH 2021

1. PROPOSAL

The proposal entails a site-specific deviation from the Drakenstein Spatial Development Framework 2020, rezoning and subdivision of Erf 4752, 34864, 31231 and 31232, Paarl.

2. EVALUATION

2.1 NATIONAL HERITAGE RESOURCES ACT No. 25 of 1999

In terms of section 38 (1) of the National Heritage Resources Act No. 25 of 1999,

- *"subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized as—*
 - (c) any development or other activity which will change the character of a site—*
 - (i) exceeding 5000m² in extent;" or*
 - (ii) involving three or more existing erven or subdivisions thereof; or*
 - (d) the rezoning of a site exceeding 10 000m² in extent;" and*
- *"must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."*

Therefore, the proposed new development can trigger section 38 of the Act.

2.2 DRAKENSTEIN MUNICIPAL ZONING SCHEME BYLAW 2018

In terms of the Drakenstein Municipal Zoning Scheme Bylaw 2018, the proposal abuts the Special Character Protected Area Overlay Zone of Paarl, however it is located along the Main Road Scenic Route Overlay Zone.

The site of the proposal is listed as Protected Paarl Farms in terms of the approved Drakenstein Spatial Development Framework 2020 and located outside of the urban edge of Paarl.

2.3 DRAKENSTEIN MOUNTAIN SLOPE POLICY 2019

The study highlights that the four affected erven are regarded as highly sensitive from a heritage and visual point of view.

2.4 PAARL FARMS LAND USE MANAGEMENT STUDY 2005

The study highlights that the Paarl's "town" farms, contribute considerably to the character of the Paarl's townscape. It therefore lists the farms of Lusthof, Alphorex, Olyfboom, Morgenzon and Excelsior as being considerably significant from a visual perspective, as together they form an important scenic background to the townscape of Paarl Main Road, especially when viewed from Optenhorst Road.

From a historical perspective the study notes that the farms are of considerable significance as a group, as they represent historical agricultural activities and patterns, on the slopes of Paarlberg, which contribute to the spirit and quality of the Paarl townscape.

2.5 DRAKENSTEIN HERITAGE SURVEY 2013

In terms of the Drakenstein Heritage Survey 2013, the proposal is located within the proposed Paarl Heritage Overlay Zone, which is noted as a proposed Grade 1 or 2 heritage resource. It also abuts the Mountain Comanage of Paarlberg, which is a Provincial Heritage Site. The werf of the farm Morgenzon is noted as a Grade 3B heritage resource.

The Paarl Farms as a collective, contributes to the unique urban pattern of Paarl's townscape. The survey highlights that the urban/ agricultural slopes of Paarl Mountain is a fine example of a historically evolved landscape incorporating suburban development patterns with surviving rural settlement and cultivated landscapes that are layered, intact and authentic. The landscape has been shaped by agricultural use and settlement for ±300 years, therefore producing a distinct pattern of historic farm werfs set within productive vineyards and between treed suburbia. This landscape comprises an outstanding record of the historical built environment within a Cape rural context, which is historically layered, and with a fine collection of well-preserved farm werfs and related structures.

The survey adds that the natural scenic qualities of this agricultural environment are derived from its distinctive location against the undulating slopes of the landmark Paarlberg, which contributes to scenic visual linkages from Main Road towards Paarlberg and significant panoramic views of the mountain slopes.

Although the potential for new development is not dismissed within the survey, it is recommended that the erosion of farm land and the establishment of non-agricultural development, which is unresponsive of the sustainability of the farming unit, should be avoided, to protect the sustainability and agricultural productivity of the landscape.

Visually intrusive and over-scaled new development within and adjacent to natural areas must be avoided to protect the integrity of the mountain backdrop as largely undeveloped space and to preserve the context of the Paarlberg Mountain Commange.

The open space provided by the farms provide an important agricultural buffer or transition zone between the historical townscape of the town and the natural wilderness of Paarlberg.

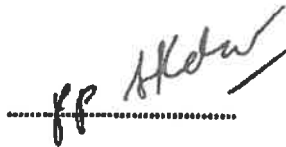
3. CONCLUSION

In view of the above, the site-specific deviation from the Drakenstein Spatial Development Framework 2020, rezoning and subdivision on Erf 4752, 34864,31231 and 31232, Paarl, is **supported** on condition.

Section 38 the National Heritage Resources Act (Act 25 of 1999) is potentially triggered, therefore, the applicant must confirm with Heritage Western Cape whether a Notice of Intent to Develop is required.

The proposal will have a significant impact on the cultural heritage significance of the proposed Paarl Heritage Overlay Zone, the Special Character Protected Area Overlay Zone of Paarl and the Scenic Route Overlay Zone of Main Road, Paarl. Mitigation of the development impact must be provided.

In lieu of the phased approach to the application, the necessary studies and proposed mitigation will only occur in phase 3 and 4 of the development approval process, therefore our comments and conditions must be addressed in those phases.



MR. W HENDRICKS
MANAGER: SPATIAL PLANNING AND HERITAGE


DRAKENSTEIN

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 Civic Centre, Berg River Boulevard, Paarl 7646

Memo

To:	Manager: Land Use Planning and Surveying (Attention: C van der Bank)
From:	Manager: Environmental Management
Enquiries:	C. Winter
Collaborator number:	1772741
Reference number:	15/4/1 (4752)P
Date:	20 JANUARY 2022
Subject:	APPLICATION FOR SITE SPECIFIC DEVIATION FROM THE SDF AND REZONING: ERVEN 4752, 34864, 31231 AND 31232, PAARL

Reference is made to the above application on Erven 4752, 34864, 31231 and 31232, Paarl for:

- A site-specific deviation from the Drakenstein Spatial Development Framework 2020
- Rezoning to Subdivision Area on Farms Alphorex – Erf 4752, Olyfboom - Erf 34864 & Morgenzon - Erven 31231 & 31232, Paarl

Having reviewed the above application, the Environmental Management Section has the following comments:

- According to the Draft Drakenstein Environmental Management Framework (2015), the subject properties contain no sensitive environmental vegetation, wetlands, water courses or other sensitive environmental features that would require management.
- A detailed landscape plan, compiled by a registered Landscape Architect is to be submitted for approval by the Environmental Management Section, prior to building plan approval. Such a plan is to indicate, *inter alia*, the extent, location and design of the following:
 - existing vegetation to be retained or removed, indicating the types of all vegetation and trees;
 - all proposed newly planted vegetation, including types (species) and planting specifications;
 - tree staking details;
 - the size of all trees to be planted (if any);
 - density of plant species/plant mixes to be planted;
 - all landscaping features, including fences, walls, retaining walls, paving, street furniture and lighting;

- All Sustainable Drainage Systems (SuDS), including a cross-section of a detention pond (if implemented) and indicating landscaping and slope of embankments;
 - Irrigation plan (alternative water sources to be indicated); and
 - Phasing and timing of implementation of the landscaping plan.
-
- Please note that the approval for the site-specific deviation from the Drakenstein SDF might inform the possible requirement for environmental authorisation for the proposed development. The applicant should take this matter up with the Department of Environmental Affairs and Development Planning to obtain confirmation of this possible requirement.

Yours faithfully



.....

C. WINTER
MANAGER: ENVIRONMENTAL MANAGEMENT

2021-03-17: Comment: Parks

Reply Reply All Forward

Lindsay Lewis Cornelia van der Bank; Portia Bolton; Noluvuyo Melani

Wed 3

RE: REQUEST FOR COMMENT:EMAIL 3 OF 3: LAND USE PLANNING: ERVEN 4752, 3-4864, 31231 ...

Good day Cornelia

I hope this email finds you well

Please see below comments for the proposed development application

As suggested by the Environmental baseline survey there is no significant ecological areas (i.e. no watercourses, CBAs, ESAs) that would limit development of the site as it has been previously cultivated. No natural environmental features remains on site that would require specific management action or protection. However provisions should be made for adequate fire breaks next to the mountain as it contains very high fuel loads and large pine trees. This area is also next to CBA1 categorized sensitive area according to the Western Cape Biodiversity spatial plan.

Fynbos corridors from the mountain are addressed and should be maintained and unfenced to allow movement of small mammals.

Fencing in the area should consider burrowing mammals like porcupines and honey badgers that dig under it. Damage causing animals like rodents, insects, birds and small mammals have to be managed.

No rivers or wetlands transect the area however contouring, windbreaks and landscaping designs to blend in with the surroundings are suggested in the plans.

Regards

Mr Lindsay Lewis
Nature Conservationist
Paarl Mountain Nature Reserve

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