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C VD Bank/HK

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Sir

APPLICATION FOR REZONING AND PERMANENT DEPARTURE IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BYLAW ON MUNICIPAL LAND USE PLANNING, 2018 AND TECHNICAL APPROVAL IN TERMS OF SECTION 13 OF THE DRAKENSTEIN MUNICIPAL LAND USE ZONING BYLAW, 2018: FARM 791/57 PAARL DIVISION

I refer to your land use application (collaborator reference 1438917) refers.

1. Approval is hereby granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following land use applications pertaining to the split zoning of Portion 57 of the Farm 791 Paarl Division:
 - 1.1 The rezoning from the split zone area (300m²) from "Conventional Housing Zone" to "Agriculture Zone".
 - 1.2 The permanent departure from the maximum permitted coverage for dwelling houses in the "Agriculture Zone" from 500m² to a maximum coverage of 1207m².
 - 1.3 The permanent departure from the maximum permitted floor area for dwelling houses in the "Agriculture Zone" to 1875m².
 - 1.4 The permanent departure from the 3m building line restriction to 1.5m along the private internal road and 0m along the common building lines in order to accommodate the transgression of the existing dwelling houses and swimming pool, only.
2. Technical Approval be granted in terms of Section 13 of the Zoning Bylaw 2018, in order to use the main dwelling and second dwelling houses on Portion 57 of the Farm 791 Paarl Division for visitors' accommodation comprising of a maximum of seven (7) rooms for fourteen (14) guests.

3. Approval mentioned in the above paragraphs be subject to the following conditions laid down by Land Development Management, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 3.1 Portion 57 of the Farm 791 Paarl Division shall be restricted to the following development parameters per land unit:
 - 3.1.1 Maximum total building coverage (including main dwelling house, second dwelling, one (1) bona vide employee unit, outbuildings, undercover stoeps and garage) shall not exceed $\pm 1207\text{m}^2$.
 - 3.1.2 Maximum total floor area: 1875m^2
 - 3.1.3 Maximum height: 8m
 - 3.1.4 Common building lines: 0m for existing dwelling and swimming pool only and 3m for all new buildings and structures.
 - 3.1.5 Internal private road building line: 1.5m
 - 3.1.6 Permitted additional land uses: visitors' accommodation and agricultural buildings.
 - 3.1.7 No additional dwelling units shall be allowed without consent from the Municipality.
 - 3.2 An employee housing unit for bona fide employees only, shall be limited to a floor area of 120m^2 .
 - 3.3 No buildings or structures may be erected, or existing structures altered, without the approval of building plans by the Municipality.
 - 3.4 Prior to the submission of building plans, the property owner shall be required to obtain and submit consent from the relevant Homeowners' Association, as follows:
 - 3.4.1 Confirmation and consent that the building plans complies with the architectural guidelines for the estate.
 - 3.4.2 Confirmation that sufficient engineering capacity is available in the private services network (water and sewer) to accommodate any such additions to the existing dwellings.
 - 3.4.3 Confirmation whether the portion is subject to the registration of a service servitude by the HOA. The details of a proposed servitude must be indicated on the building plans.

3.4.4 Should the applicant fail to comply with any of the above-mentioned conditions of approval, the Municipality reserves the right to impose further conditions in future if deemed necessary.

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

- 4.1 A transparent and fair process was followed in processing the application in accordance with the Drakenstein Land Use Planning Bylaw, 2018.
- 4.2 The purpose of the application is to facilitate the rectification of historic zoning transgressions and align the existing development on the subject properties with current zoning scheme parameters.
- 4.3 The application was circulated to various internal and external departments for comments and input. No objections were received from the mentioned departments.
- 4.4 The purpose of the application is not to establish further or additional development rights, which could affect service provision.
- 4.5 Consent from the relevant Homeowners Associations has been obtained.
- 4.6 The proposal conforms to the Spatial Planning principles, SDF, and policies for the area.
- 4.7 The proposed zoning scheme parameters and amendment of existing conditions of approval will enable the property owners to submit building plans to rectify existing contravention of the Zoning Scheme Bylaw, 2018.

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** of notification of decision.

The applicant shall be required to notify (**by email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **objectors**, of their right of appeal – proof of notification **must** be provided.

Should there be any appeals against the decision, **the application title (heading)** must be used as reference. The appeal procedures are set out in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



H. G. STRIJDOM (PR. PLN A/1058/1998)
MANAGER: LAND DEVELOPMENT MANAGEMENT