



Enquiries: Cornelia v/d Bank  
Contact number: (021) 8074832  
Reference: 15/4/1(F791/43) P  
Date: 31 March 2025

CB/JA

Willie Steyn  
Land Use Planner  
348 Helderberg Manor  
Asrin drive  
Heritage Park  
**SOMERSET WEST**  
7130

[Williesteyn1960@gmail.com](mailto:Williesteyn1960@gmail.com)

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: FARMS 791/43, 46 AND 51-55 PAARL DIVISION**

Your above-mentioned application (Collaborator Reference 1713955) refers.

1. **Approval** has been 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 43, 46 and 51 to 55 of the Farm 791 Paarl Division:
  - 1.1 The rezoning from the split zone area (300m<sup>2</sup>) 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 500m<sup>2</sup> to a maximum coverage of 750m<sup>2</sup>.
  - 1.3 The permanent departure from the maximum permitted floor area for dwelling houses in the “Agriculture Zone” to 1150m<sup>2</sup>.

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 43, 46 and 51 to 55 of the Farm 791 Paarl Division for visitors' accommodation comprising of a maximum of seven (7) rooms for fourteen (14) guests.
3. The approvals mentioned in the above paragraphs shall be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
  - 3.1 Adherence to the conditions set by the Drakenstein Municipality: Civil Engineering Services Division as set out in its memorandum 15/4/1 (F791/43) P (0539) dated 1 July 2022, (**Annexure F**);
  - 3.2 Adherence to the conditions laid down by the Drakenstein Municipality: Environmental Management Services Division in its memorandum dated 28 July 2022, (**Annexure G**) as may still be deemed relevant by the Manager: Environmental Management with the approval of building plans.
  - 3.3 Adherence to the conditions as set by Land Development Management as follows:
    - 3.3.1 Portions 43, 46 and 51 to 55 of the Farm 791 Paarl Division shall be restricted to the following development parameters, per land unit:
      - 3.3.1.1 Maximum total building coverage (including main dwelling house, second dwelling, one (1) bona vide employee unit, outbuildings, undercover stoeps and garage) shall not exceed  $\pm 750\text{m}^2$ .
      - 3.3.1.2 Maximum total floor area:  $1150\text{m}^2$
      - 3.3.1.3 Maximum height: 8m
      - 3.3.1.4 Common building lines: 3m
      - 3.3.1.5 Street building lines: 5m
      - 3.3.1.6 Permitted additional land uses: visitors' accommodation and agricultural buildings.
      - 3.3.1.7 No additional dwelling units shall be allowed without consent from the Municipality.

- 3.3.1.8 An employee housing unit for bona fide employees only, shall be limited to a floor area of 120m<sup>2</sup>.
- 3.4 No buildings or structures may be erected, or existing structures altered, without the approval of building plans by the Municipality.
- 3.5 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:
  - 3.5.1 Confirmation and consent that the building plans complies with the architectural guidelines for the estate.
  - 3.5.2 Confirmation that sufficient engineering capacity is available in the private services network (water and sewer) to accommodate any such additions to the existing dwellings.
  - 3.5.3 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.
- 3.6 Should the applicant fail to comply with the 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 from the date of registration of the letter.

This approval is therefore suspended until further notice. Please also notify (email or per hand) the surrounding property owners and objectors who were notified of the application during the public

participation process of their right of appeal – proof of notification must be provided. 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



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**H. G. STRIJDOM**  
**MANAGER: LAND DEVELOPMENT MANAGEMENT**



# Memo

**To:** EXECUTIVE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT  
(ATTENTION: C VAN DER BANK)

**From:** MANAGER: INFRASTRUCTURE MANAGEMENT

**Enquiries:** L. PIENAAR

**Collaborator number:** 1713955

**Reference number:** 15/4/1 (F791/43) P (0539)

**Date:** 01 July 2022

**Subject:** REZONING, PERMANENT DEPARTURE AND TECHNICAL APPROVAL OF FARMS 791/43, 46 AND 51-55 PAARL DIVISION

**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.

## INFORMATION REQUIRED/OUTSTANDING

1. Nil

## THE FOLLOWING CONDITIONS WILL APPLY

### 1. STREETS AND TRAFFIC

- 1.1. Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors; and
- 1.2. Any alterations to the existing road network will be the responsibility of the developer, including design, approval and construction of any additional traffic control and or traffic calming measures.

### 2. STORM WATER

- 2.1. Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;

- 3.1. Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 3.2. Any organic waste (manure, compost, etc.) must be stored in such a way so that between removals there shall be no chance of polluted storm water run-off taking place, especially during the rainy season; and
- 3.3. 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 0.02m<sup>3</sup>/m<sup>2</sup> roof area.

#### **4. WATER**

- 3.1 The existing water meter connections to remain;
- 3.2 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 3.3 Water saving devices shall be installed in toilets, bathrooms and basins;
- 3.4 Any existing system that is to remain shall be upgraded to minimum municipal standards.

#### **5. WASTE WATER SERVICES**

- 4.1 The applicant shall ensure adherence to the various conditions in the Drakenstein Municipality, Water Services By-law (2014) relating to wastewater effluent discharge;
- 4.2 ***The Akarana HOA (or alternatively the La Bella Vita HOA) shall appoint a suitably qualified consultant to design and oversee the upgrading of the existing treatment capacity of the WWTW for the La Bella Vista Estate, to meet the load demands of the estates serviced by the WWTW, and proposed building extensions therein and obtain a report from the consultants confirming the existing and anticipated future flows from the contributing estates and the intended capacity of the upgraded WWTW;***
- 4.3 ***The WWTW must be registered with the Department of Water and Sanitation;***
- 4.4 ***The Akaran HOA (or alternatively the La Bella Vita HOA) must attend to the approval and registration of servitude areas for the WWTW and associated infrastructure in favour of Akarana HOA (or alternatively the La Bella Vita HOA);***
- 4.5 ***The aforementioned conditions must be complied with and the upgrading of the WWTW be completed before the approval of building plans in accordance with the rezoning approval;***
- 4.6 No new septic tanks allowed, all old/existing septic tank and soakaway systems must comply with the Water Research Commissions Report TT 114/99. No conservancy tank will be allowed within 100m of the 1:50 year flood line;
- 4.7 All the connections must be installed one meter inside the erf boundary of each portion;
- 4.8 Any upsizing and/or upgrading required will be for the developer account; and

4.9 Any existing system that is to remain shall be upgraded to minimum municipal standards.

## **5 SOLID WASTE**

5.1 The Municipality undertakes to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of erven/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 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 door the/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; and

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

## **6 DEVELOPMENT CHARGES**

6.1 Based on the information provided in the application, no Development Charges are payable by the developer.

## **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, sewer network, storm water network and road network components (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) 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 A comprehensive operational infrastructure management plan shall be drawn up and submitted for approval by the Civil Engineering Services Department;
- 7.9 A set of accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Department's Standards must be submitted at the practical completion inspection; and
- 7.10 The above conditions are to be complied with in the applicable stages.
  - 7.10.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
  - 7.10.2 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
  - 7.10.3 Proof of compliance for the requirements associated with long term operations must be available on request.

  
**LP PIENAAR (Pr. Eng)**

**MANAGER: INFRASTRUCTURE MANAGEMENT**

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Technical Approval.docx  
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Enquiries: Cornelia Vd Bank  
Contact number: 021 807 4832  
Reference: 15/4/1 (791/57)  
Date: 31 March 2025

C VD Bank/HK

Willie Steyn  
Land Use Planner  
348 Helderberg Manor  
SOMERSET WEST  
7130

[williesteyn1960@gmail.com](mailto:williesteyn1960@gmail.com)

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 (300m<sup>2</sup>) 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 500m<sup>2</sup> to a maximum coverage of 1207m<sup>2</sup>.
  - 1.3 The permanent departure from the maximum permitted floor area for dwelling houses in the "Agriculture Zone" to 1875m<sup>2</sup>.
  - 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.



# Memo

<b>To:</b>	<b>Manager: Land Use Planning and Surveying (Attention: C van der Bank)</b>
<b>From:</b>	<b>Manager: Environmental Management</b>
<b>Enquiries:</b>	<b>C. Winter</b>
<b>Collaborator number:</b>	<b>1713955</b>
<b>Reference number:</b>	<b>15/4/1 (F791/43P)</b>
<b>Date:</b>	<b>28 July 2022</b>
<b>Subject:</b>	<b>APPLICATION FOR REZONING AND PERMANENT DEPARTURE IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2018 AND TECHNICAL APPROVAL IN TERMS OF SECTION 13 OF THE DRAKENSTEIN MUNICIPAL LAND USE ZONING BY-LAW, 2018: FARMS 791/43, 46 AND 51-55, PAARL DIVISION</b>

Reference is made to the memorandums sent to the Manager: Land Use Planning and Surveying, dated 13 April 2021 and 26 August 2022, for the above application by the Environmental Management Section.

This Section would like to retract the previous memo and issue this memo with updated comments instead, based on new information that came to light as well as additional information that was provided to this Section by the applicant.

Reference is made to the previous conditions proposed for this application for rezoning and departure on portions 43, 46 and 51 - 55 of Farm 791, Paarl which stated the following:

1. There are concerns about the status of the existing waste water treatment works on the site. This Section has been involved in discussions with the Department of Water and Sanitation (DWS), complainants living in the La Bella Vita Estate, Paarl and representatives of the estate regarding various complaints about alleged sewerage pollution on the site resulting from ineffective treatment of sewerage (amongst other concerns). This Section is herewith requesting that authorization for the existing waste water treatment works on the site, as issued by the DWS, be provided.
2. No mention is made about the impact that the proposed expansions of this application will have on the existing waste water treatment works and whether the current works has sufficient capacity to accommodate this.
  - a. This aspect needs to be addressed as part of the application; and
  - b. Comment from the DWS should be obtained that addresses this current application and its associated impacts (if relevant) on the existing waste water treatment works on the site.

3. Roles and responsibilities associated with the management of the waste water treatment works should be clearly defined. This should be submitted as part of this application and be included in the Constitution of the Home Owners Association (HOA).
4. The infrastructure associated with the waste water treatment works should be protected by servitudes and this requirement should also be adopted in the Constitution of the Home Owners Association.

Mr. W. Steyn submitted a letter from the Akarana HOA stating that a suitably qualified consultant will be appointed to undertake the design and all associated approval processes for the expansion of the existing waste water treatment works.

The above-mentioned conditions, the upgrading of the waste water treatment works as well as the authorization thereof with the DWS shall be completed prior to building plan approval (in accordance with land use approval).

Yours faithfully



**C. WINTER**  
**MANAGER: ENVIRONMENTAL MANAGEMENT**