



# DRAKENSTEIN

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Reference: 15/4/1 (11631) P  
Date: 11 May 2021  
Coll no: 1639919

RM/JA  
15/4/1(11631)P

## **(See attached list)**

Sir

### **APPLICATION FOR REZONING, CONSOLIDATION AND EXEMPTION OF SERVITUDE: REMAINDER ERF 11631 AND ERF 13048 PAARL**

With reference to your application Ref. P3639 dated March 2020, I have to inform you that the Drakenstein Municipal Planning Tribunal on 05 May resolved as follows, that:

1. Approval be granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following:
  - 1.1 Rezoning of the Remainder Erf 11631 Paarl, from Open Space Zone to Community Use Zone;
  - 1.2 Consolidation of Remainder Erf 11631 Paarl and Erf 13048 Paarl, to create one cadastral land unit, measuring  $\pm 1,0833$  hectares in extent, as indicated on Rezoning and Consolidation Plan drawn David Hellig and Abrahamse Land Surveyors (Plan No 2Rev1 dated March-Sept 2020) **(Annexure C to the departmental report)**;
2. It be certified that registration of a municipal water pipeline servitude 2m wide over the consolidated land unit, in favour of Drakenstein Municipality, as indicated on Rezoning and Consolidation Plan drawn David Hellig and Abrahamse Land Surveyors (Plan No 2Rev1 dated March-Sept 2020) **(Annexure C to the departmental report)**, be exempted from Sections 15 and 20 to 23 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018;
3. The approvals mentioned in paragraphs 1 to 2 above 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 The approval applies only to the rezoning, consolidation and exemption of servitude registration in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements;
  - 3.2 Any amendments to the application are subject to the relevant approval;

3.3 No new buildings are to be erected without the approval of building plans by Council;

3.4 Adherence to the following conditions laid down by Drakenstein Municipality: Civil Engineering Services Division:

3.4.1 Streets

- (a) Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- (b) Access to the property can only be provided via the existing access on Erf 13048 Paarl or via Alberts Street. No access or exits will be allowed from or onto Van Der Stel Street; and
- (c) Any upgrading that may be required to Abattoir Street or any other affected streets as a result in the increased traffic will be for the applicant's account.

3.4.2 Traffic

- (a) 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; and
- (b) Parking provisions to be in accordance with the Drakenstein Municipality: Planning and Development Department's zoning scheme.

3.4.3 Stormwater

- (a) Before any civil plans or building plans can be approved, a stormwater management plan must be submitted;
- (b) A stormwater detention facility must be provided on site, along the southern boundary of the subject property;
- (c) Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors;
- (d) Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- (e) 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 the run-off for a 1:50 year storm event; and
- (f) 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  $0.02\text{m}^3/\text{m}^2$  roof area.

3.4.4 Water

- (a) No additional water connection is available;
- (b) A 2m wide servitude must be registered over the existing water main line along the Western boundary of Erf 11631 Paarl. Access to the water main line must be provided to the Municipality at all times;
- (c) Water-saving devices shall be installed in toilets, bathrooms and basins; and
- (d) Any existing system that is to remain shall be upgraded to minimum municipal standards.

#### 3.4.5 Wastewater Services

- (a) No additional wastewater connection is available; and
- (b) Any existing system that is to remain shall be upgraded to minimum municipal standards.

#### 3.4.6 Solid Waste

- (a) The Municipality undertakes to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of the erven for the removal of such household refuse;
- (b) A waste recovery/recycling initiative has been implemented in Drakenstein area and the development will have to be prepared to comply with any requirements as the project is rolled out; and
- (c) Such collection shall be as a kerbside service.

#### 3.4.7 Development Charges

- (a) Based on the information provided in the application, the Development Charges be payable by the developer. Development Charges will be calculated when a more detailed SDP be submitted.

#### 3.4.8 General

- (a) The developer be responsible for the payment of a Developers Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;
- (b) When any service is to be taken over by the 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;
- (c) All the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered person (ECSA registration for the civil works and SACLAP registration for the landscaping) 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 Division of Drakenstein Municipality for approval prior to the commencement of construction;
- (d) The whole of the works shall fall under the control of a single project manager;
- (e) The municipality shall be represented at all site meetings, and for the duration of the construction of the works and to this end timeous notification of such meetings shall be supplied to the Civil Engineering Services Division;
- (f) All works where applicable shall be constructed to at least the minimum standards laid down in, Engineering Services: Municipal Standards;
- (g) Where applicable all water network, sewer network, stormwater network, 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;

- (h) All private combined systems (including but not limited to the administration of the joint account and operation and maintenance of the system) shall be the joint and severalty responsibility of the members of the homeowner's 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;
- (i) A set of accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Division's Standards must be submitted at the practical completion inspection;
- (j) The above conditions are to be complied with in stages:
  - (i) The requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
  - (ii) 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
  - (iii) Proof of compliance for the requirements associated with long term operations must be available on request.

3.5 Adherence to the following conditions laid down by Drakenstein Municipality: Electro-Technical Services Division:

- 3.5.1 The private electrical consultant will have to submit a load requirement estimation;
- 3.5.2 Only one service cable connection per erf be allowed;
- 3.5.3 No trees or any type of structures may be erected under or near any new or existing electrical infrastructure;
- 3.5.3 All electrical equipment shall comply with Drakenstein Municipality standards and have twenty-four-hour access for maintenance purposes;
- 3.5.4 In the case where existing services crosses the adjacent proposed subdivided erf, it will have to be removed or relocated at the cost of the owner as such that each erf must have its own cable connection from the street boundary;
- 3.5.5 A service level agreement between the municipality and the owner or developer of development have to be arranged at the Electro-Technical Services Division (Planning and Design Division – Chief Engineering Technician), for any request to upgrade and or change to the existing supply;

### 3.5.6 General

- (a) NRS069 Network recovery cost will apply for any additional upgrade to the existing supply and will be calculated according to the following as indicated in the approved tariffs: R3 376.29 per KVA (VAT included) The cost as mentioned above be valid until 30 June 2021 and will escalate thereafter for each upcoming financial year which is between 1 July and 30 June;
- (b) The developer will be responsible to carry all cost of the electrical installation;
- (c) All upgrade and service costs must be paid at the Finance Section in cash before any service connection may be rendered;
- (d) A private installation electrician shall be used to do all installations and alterations according to SANS 10142, Occupational Health and Safety Act (Act 83 of 1995) and Drakenstein Municipality by-laws prior to the development;
- (e) A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical Services Division (Service Section), on the day the service be rendered or as the case may be; and
- (f) The Manager: Planning and Customer Services with reference to the services and conditions have no objection to this application.

3.6 The application properties together with Erven 11629 and 11635 Paarl, be consolidated as they will be utilised as one property;

3.7 An amended SDP indicating trees along the border of the parking area be submitted to the Manager: Parks, for approval prior to building plan submission stage;

3.8 No new buildings are to be erected or existing structures altered without the approval of building plans by Council; and

3.9 The rezoned and consolidated portions may only be utilized for Community Use Zone purposes, limited to the existing mosque with associated classrooms, together with access and parking facilities.

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

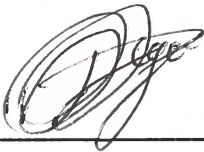
4.1 The proposal is merely to rezone and consolidate a municipal property with an adjacent private property so as to acquire the necessary land use rights in order to develop the subject properties into parking areas with associated uses attached to the private property;

4.2 The proposal will not detract from the amenity of the surrounding area as the subject property has previously been utilized for parking purposes;

- 4.3 More parking will be provided than what is currently available; and
- 4.4 The application is considered to be consistent with the Drakenstein Spatial Development Framework.
5. The applicant be responsible for the cost of the publication in the Provincial Gazette, of the final notice regarding the closure of public street, which shall be attended to prior to the issuing of the final letter of approval;
6. The applicant must take note that the zoning of the consolidated properties will convert to Community Use Zone, in terms of the Drakenstein 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 By-law on Municipal Land Planning, 2018, by any person whose rights are affected by the decision, within **21 days** from, the date of the registration of the letter. The enclosed appeal procedures are set out in Section 80 of the aforementioned Bylaw of which a copy is attached.

Yours faithfully



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**H. G. STRIJDOM (PR. PLN A/1058/1998)**  
**MANAGER: LAND USE PLANNING AND SURVEYING**

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ERF 11653	Mr H J Fredericks 44 Alberts Street, Paarl, 7646, ( Deliver by hand)



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