

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG

B.Sc., B.Sc. (Land Survey), PR.L. (SA)

SPENCER GRAHAM DREYER

B.Sc. (Survey), PR.L. (SA)

At Cape Town

RICHARD CLIFTON ABRAHAMSE

B.Sc. (Survey), PR.L. (SA)

BRYAN JAMES HANSEN

B.Sc. (Geomatics), PR.L. (SA)

258 Main Street/Hoofstraat

PAARL 7646

✉ P O Box 18 PAARL 7622

Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : david@dhaa.co.za

Our Ref: P2977/01(A12)

05 June 2020

Messrs D G B Production (Pty) Ltd

P O Box 246

WELLINGTON

7654

Dear Sirs

APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018: SUBDIVISION OF ERF 15106 WELLINGTON

Being the owner of Erf 10569 Wellington, in the immediate vicinity of the abovementioned property, you are herewith informed that the above application has been approved by the Drakenstein Municipality as per the enclosed approval letter vide Ref 15/4/1 (15106) dated 03-06-2020.

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 Use Planning, 2018, by any person whose rights are effected by the decision, within **21 days** from the date of receipt of this letter viz **26-06-2020**.

Written appeals must be emailed to the Drakenstein Municipality at customercare@drakenstein.gov.za and Messrs David Hellig & Abrahamse Professional Land Surveyors at plan@dhaa.co.za.

The appeal procedures are set out in Sections 79 and 80 of the aforementioned By-Law, copies of which are enclosed herewith.

Yours sincerely

DAVID HELLIG & ABRAHAMSE



PER : M BOTHA



Coll no: 1615762 x LS2427
Enquiries: J Pekeur
Tell no: (021) 807 4808
Date: 3 June 2020

HK/
15/4/1 (15106) W
David Hellig & Abrahamse
Land Surveyors
PO Box 18
PAARL
7622

Sir

PROPOSED SUBDIVISION: ERF 15106 WELLINGTON, LADY BLAKE ESTATE.

Your letter under reference P2977/01(A12) dated 18 October 2019 refers,

1. Approval has been granted as follows:

1.1 In terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the subdivision of Erf 15106 Wellington into **Portions 1 to 5**, 400m² each, as indicated on Plan of Subdivision No. 42 dated October 2019.

2. The approval granted in paragraph 1 above, is subject to the following conditions laid down in terms of Section 66 of the Drakenstein By-Law on Municipal Land Use Planning, 2018:

2.1 Copies of the approved subdivision diagrams for the newly created erven must be provided to the municipality.

2.2 The owners of Portions 1 to 5 must automatically become members of the Lady Blake Home Owners' Association upon registration of each erf in the Deeds Office.

2.3 Adherence to the conditions laid down by the Manager: Infrastructure Management, Civil Engineering Services, Drakenstein Municipality, in his memorandum referenced 15/4/1 (15106) W (0598) dated 18 March 2020 (See Annexure A).

- 2.4 Adherence to the conditions laid down by the Manager: Planning and Customer Services, Drakenstein Municipality: Electro Technical Engineering Services Department, in his memorandum referenced 15106 dated 16 January 2020 (See Annexure B).
 - 2.5 Energy-saving devices such as contained in the Drakenstein Municipality Green Building Manual (document available at the Spatial Planning Section) must be made use of.
 - 2.6 For the proposed development, the developer must institute water conservation measures such as only using non- potable water for on-site construction activities, rainwater harvesting, grey water recycling and similar technical advancements such as low flow shower heads, dual flush toilets and water-wise gardens.
 - 2.7 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. The applicant must be requested to draw the owner's attention to the following:
- 3.1 No clearance for the registration of the newly created portion will be issued by the municipality until conditions 2.1. to 2.7 have been complied with.
 - 3.2 No building plan will be approved unless each erf has been provided with a metered water and sewer connection.
 - 3.3 The owner is responsible for all engineering installation, alteration and upgrading costs including the costs for new municipal connections (stormwater connections included).
 - 3.4 Plans for any proposed construction or changes to services are to be submitted to the Civil Engineering Services Department for approval prior to construction.
 - 3.5 New street addresses: Portions 1 - 5 – No.'s 68A to 68E Fish Eagle Avenue respectively.
4. The following are regarded as the reasons for the above approval decision:
- The proposal is supported by the Home Owners' Association,
 - The proposal is in line with the Drakenstein Municipality densification policy;
 - The proposal is not inconsistent with the character of the surrounding area;
 - The use of the properties for single residential purposes is expected to have less of an impact on the surrounding area than the land uses allowed in terms of the current zoning of the property.

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 the Land Use Planning, 2018, by any person whose rights are effected by the decision, within **21 days** from the date of registration of the letter. The approval is therefore suspended until further notice.

Yours faithfully

A handwritten signature in black ink, appearing to read 'HS Strijdom', written in a cursive style.

HS STRIJDOM (Pr. Pln A/1058/1998)

MANAGER: LAND USE PLANNING & SURVEYING

Memo

To: EXECUTIVE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT
(ATTENTION: J PEKEUR)

From: MANAGER: INFRASTRUCTURE MANAGEMENT

Enquiries: L. PIENAAR

Collaborator number: 1615762

Reference number: 15/4/1 (15106) W (0598)

Date: 18 March 2020

Subject: SUBDIVISION OF ERF 15106 WELLINGTON

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

Note that all conditions set out in the letter with reference 15/4/1(10567)W(1538) dated 1 December 2010 and the letter with reference 15/4/1(10567)W(0998) dated 11 July 2013 are still applicable.

THE FOLLOWING CONDITIONS WILL APPLY

1 STREETS

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors.

2 TRAFFIC

- 2.1 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.

3 STORMWATER

- 3.1 Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors;

- 3.2 Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 3.3 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
- 3.4 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.

4 WATER

- 4.1 All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;
- 4.2 The service must connect to the water reticulation system of Lady Blake Residential Development
- 4.3 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 4.4 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 4.5 Any existing system that is to remain shall be upgraded to minimum municipal standards.

5 WASTEWATER SERVICES

- 5.1 All individual portions must be provided with a separate wastewater connection;
- 5.2 The service must connect to the wastewater reticulation system of Lady Blake Residential Development;
- 5.3 All the connections must be installed one meter inside the erf boundary of each portion;
- 5.4 A connection manhole must be constructed at each connection point to a maximum depth of 1m; and
- 5.5 Any existing system that is to remain shall be upgraded to minimum municipal standards.

6 SOLID WASTE

- 6.1 Solid waste removal shall form part of the service provided to Lady Blake Residential Development.

7 BULK INFRASTRUCTURE CONTRIBUTION LEVY

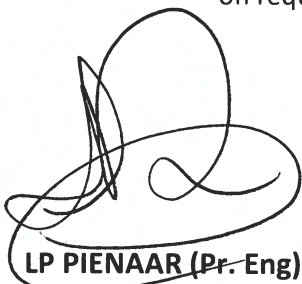
- 7.1 Based on the information provided in the application, the Bulk Infrastructure Contribution Levy payable by the developer is **R 157 086.60 (Excl VAT)**. The levy is valid until **30 June 2020** where after a new calculation is required. The value has been calculated as follows:

- 7.1.1 Water = R 39 271.65
- 7.1.2 Sewer = R 39 271.65
- 7.1.3 Roads = R 39 271.65
- 7.1.4 Stormwater = R 39 271.65

8 GENERAL

- 8.1 The developer is responsible for the payment of a Bulk Infrastructure Contribution Levy (water, sewer, stormwater and roads) which can be discounted against the bulk service cost needed for the development;
- 8.2 The developer is responsible for the funding of all connections to the bulk services and all internal works;

- 8.3 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;
- 8.4 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 8.5 Where applicable all water network, sewer network, stormwater 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;
- 8.6 All private combined systems (including but not limited to water, sewer, stormwater, roads, irrigation, etc.) shall be the joint and severalty responsibility (including but not limited to the administration of the joint account and operation and maintenance of the system) of the members of the home owners 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;
- 8.7 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
- 8.8 The above conditions are to be complied with in stages.
- 8.8.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 8.8.2 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
- 8.8.3 Proof of compliance for the requirements associated with long term operations must be available on request.



LP PIENAAR (Pr.-Eng)

MANAGER: INFRASTRUCTURE MANAGEMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2020\comments\Erf 15106, Paarl - Subdivision.docx

LP/rv

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: 15106

Date: 16 January 2020

Subject: APPLICATION FOR SUBDIVISION, ERF 15106, WELLINGTON

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. None.

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. In the case where existing services crosses the adjacent proposed subdivided erf, it will have to be removed or relocate at the cost of the owner as such that each erf must have its own cable connection from the Street boundary.
- 2.5. A service level agreement between the municipality and the owner or developer of the development have to be arrange at Electro-Technical Services Department (Planning and Design division - Chief Engineering Technician).

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply and will be calculated according to the following as indicated in approved tariffs: **R 6 974.12 (V.A.T. included)**. The cost as mentioned above is valid until 30 June 2020 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. All upgrade and service costs must be paid at the finance section in cash before any service connection may be rendered.
- 3.4. A private 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.
- 3.5. A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical Services Department (Service section) on the day the service is rendered or as the case may be.
- 3.6. The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application.

Yours faithfully



L. LAING

MANAGER: PLANNING AND CUSTOMER SERVICES

I:\BEPLAN_3\Sub_Divisions_Rezoning\2020\15106

Sections 79 and 80 of the Drakenstein Municipal Land Use Planning By-Law, 2018

Appeals

- 79.** (1) The Executive Mayor of the Municipality is the Appeal Authority in respect of decisions-
- (a) of the Tribunal;
 - (b) of an authorised employee; or
 - (c) in case of a failure to decide on an application as contemplated in section 58.
- (2) The Appeal Authority referred to in section 62(3) of the Municipal Systems Act applies where an appeal has been lodged against a decision of the Executive Director in respect of applications referred to in section 68(c).
- (3) A person whose rights are affected by a decision contemplated in subsection (1) may appeal in writing to the Appeal Authority within 21 days of notification of the decision.

- (4) An applicant may appeal in writing to the Appeal Authority in respect of the failure of the Tribunal or an authorised employee to make a decision within the period contemplated in section 57(1), (2) or (3), any time after the expiry of the period contemplated in those sections.
- (5) An appeal is lodged by serving the appeal on the City Manager in the form determined by the Municipality and subject to section 80(1).
- (6) When the Appeal Authority considers an appeal, it must have regard to—
 - (a) the provisions of section 65, read with the necessary changes; and
 - (b) the comments of the Provincial Minister contemplated in section 52 of the Land Use Planning Act.

Procedure for appeal

- 80.** (1) An appeal may be refused if—
- (a) in the case of an appeal contemplated in section 79(2), it is not lodged within the period referred to in that section; or
 - (b) it does not comply with sections 79(2) - (4) and 80(2) - (7).
- (2) An appeal must set out the following—
- (a) the grounds for the appeal which may include the following-
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the Tribunal or authorised employee erred in making the decision concerned;
 - (b) whether the appeal is lodged against the whole decision or a part of the decision;
 - (c) if the appeal is lodged against a part of the decision, a description of the part;
 - (d) if the appeal is lodged against a condition of approval, a description of the condition;
 - (e) the factual or legal findings that the appellant relies on;
 - (f) the relief sought by the appellant; and

- (g) any issue that the appellant wishes the Appeal Authority to consider in making its decision; or
 - (h) in the case of an appeal in respect of the failure of a decision-maker to make a decision, the facts that prove the failure;
- (3) An appeal must be lodged with the City Manager within the period referred to in subsection 79(2), together with proof of payment of appeal fees, as determined by the Municipality.
- (4) An applicant who lodges an appeal must simultaneously serve notice of the appeal on any person who commented on the application concerned and any other person as the Municipality may determine.
- (5) The notice must be served in accordance with section 35.
- (6) The notice contemplated in subsection (5) must invite persons to comment on the appeal within 21 days of the date of notification.
- (7) The appellant must submit proof of service of the notice as contemplated in subsection (5) to the City Manager within 14 days of the date of notification.
- (8) If a person other than the applicant lodges an appeal, the City Manager must give written notice of the appeal to the applicant within 14 days of receipt thereof.
- (9) An applicant who has received notice of an appeal in terms of subsection (8) may submit comment on the appeal to the City Manager within 21 days of the date of notification.
- (10) The Appeal Authority may refuse to accept any comments on an appeal submitted after the closing date for comments on an appeal.
- (11) The Appeal Authority—
 - (a) may request the Provincial Minister within 14 days of the receipt of an appeal to comment in writing on the appeal within 60 days of the date of notification of the request;
 - (b) may notify and request the Provincial Minister within 14 days of the receipt of an appeal to comment on the appeal within 60 days of the date of notification in respect of appeals relating to the following applications:
 - (i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;
 - (ii) if the Municipality has no approved municipal spatial development framework, a development outside the physical edge;

- (iii) a rezoning of land zoned for agricultural or conservation purposes;
 - (iv) any category of land use applications as may be prescribed by the Provincial Minister; and
 - (c) must on receipt of an appeal in terms of this section notify the applicant in writing whether or not the implementation of the approval of the application is suspended.
- (12) The authorised employee must draft a report assessing an appeal and must submit it to the City Manager within—
 - (a) 60 days of the closing date for comment requested in terms of subsections (6) and (9), if no comment was requested in terms of subsection (11); or
 - (b) 60 days of the closing date for comments requested in terms of subsection (11).
- (13) The City Manager must within 30 days of receiving the report contemplated in subsection (12) submit the appeal to the Appeal Authority.
- (14) The City Manager or an employee designated by him or her must—
 - (a) liaise with the Appeal Authority and the parties concerned regarding any appeal lodged with the Appeal Authority;
 - (b) maintain a diary of meetings of the Appeal Authority;
 - (c) allocate a meeting date for, and appeal number to, an appeal;
 - (d) arrange the attendance of members of the Appeal Authority at meetings;
 - (e) arrange venues for the Appeal Authority;
 - (f) perform the administrative functions in connection with the proceedings of the Appeal Authority;
 - (g) ensure that the proceedings of the Appeal Authority are conducted efficiently and in accordance with the directions of the Appeal Authority;
 - (h) arrange the affairs of the Appeal Authority so as to ensure that time is available to liaise with other organs of state regarding the alignment of integrated appeal procedures;
 - (i) notify the parties concerned of decisions and procedural directives given by the Appeal Authority;
 - (j) keep a record of all appeals lodged as well as the outcome of each, including—

- (i) decisions of the Appeal Authority;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions;
 - (iv) proceedings of the Appeal Authority; and
 - (v) keep records by any means as the Appeal Authority may deem expedient.
- (15) An appellant may, at any time before the Appeal Authority makes a decision on an appeal submitted by the appellant, withdraw the appeal by giving written notice of the withdrawal to the Authorised Employee.
- (16) The appellant must in writing inform the Appeal Authority if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the appeal.