



DRAKENSTEIN

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Paarl | Wellington | Gouda | Saron | Simondium

+27 21 807 4500 +27 21 872 8054
www.drakenstein.gov.za
customer@drakenstein.gov.za
Civic Centre, Berg River Boulevard, Paarl 7646

Enquiries: R Mowzer
Contact number: (021) 807-4822
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RM/JA
15/4/1(3686)P

Mr. Willie Steyn
Land Use Planner
1 Flambeau Street North
PAARL
7646

Williesteyn1960@gmail.com

Sir

APPLICATION FOR AMENDMENT OF THE GENERAL PLAN, REZONING, CONSOLIDATION, SUBDIVISION AND NAMING AND NUMBERING OF AN INTERNAL PRIVATE ROAD: ERVEN 3686 AND 3787 AND UNREGISTERED ERF 28667 PAARL

With reference to your application 28 May 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 Amendment of the General Plan for the closure of a portion of Klein Bos-en-Dal Street (Unregistered Erf 28667 Paarl), measuring $\pm 262\text{m}^2$ in extent, as indicated on the proposed Subdivision Plan drawn by Willie Steyn Land Use Planner, Ref RM1 dated 28/02/2020 (**Annexure C to the departmental report**);
 - 1.2 Rezoning of Unregistered Erf 28667 Paarl, from Transport Zone to Conventional Housing Zone;
 - 1.3 Consolidation of Unregistered Erf 28667 Paarl with Erven 3787 and 3686 Paarl, to form one cadastral land unit, measuring $\pm 7642\text{m}^2$ in extent, as indicated on the proposed Subdivision Plan drawn by Willie Steyn Land Use Planner, Ref RM1, dated 28/02/2020 (**Annexure C to the departmental report**);
 - 1.4 Rezoning of the consolidated erf comprising of Unregistered Erf 28667 Paarl, with Erven 3787 and 3686 Paarl, from Conventional Housing Zone to Subdivisional Zone;

- 1.5. Subdivision of the subdivisional zoned property into eight (8) Conventional Housing Zone erven, one (1) private road and one (1) public street reserve, as indicated on dated 28/02/2020 (**Annexure C to the departmental report**);
2. The approvals mentioned in paragraphs 1.1 to 1.5 above be subject to the following conditions laid down in terms of Section 66(1) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 2.1 The approval applies only to the amendment of the general plan, rezoning, consolidation, subdivision and naming and numbering of the internal private road in question and shall not be construed as authority to depart from any other legal prescriptions or requirements;
 - 2.2 Any amendments to the application be subject to the relevant approval;
 - 2.3 No new buildings are to be erected without the approval of building plans by Council;
 - 2.4 Adherence to the following conditions laid down by Drakenstein Municipality: Civil Engineering Services Division:
 - 2.4.1 Streets
 - (a) Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connector.
 - 2.4.2 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.
 - 2.4.3. Stormwater
 - (a) Provision must be made for the management of stormwater run-off from the mountain to prevent it from entering the development;
 - (b) Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors;
 - (c) 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
 - (d) 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.
 - 2.4.4 Water
 - (a) There is insufficient static pressure in the water system, therefore the minimum required pressure for portions G and J must be addressed. This can only be achieved with a booster pump and holding tank connected to the consumer side of the proposed meter. The installation of the tank, meter and booster pump can only be installed

on portion G and/or J individually and not in the municipal servitude. The tank and booster pump are private property and will not be taken over by the municipality;

- (b) All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;
- (c) All the metered connections must be installed one meter inside the erf boundary of each portion;
- (d) Water-saving devices shall be installed in toilets, bathrooms and basins; and
- (e) Any existing system that is to remain shall be upgraded to minimum municipal standards.

2.4.5 Wastewater Services

- (a) All individual portions must be provided with a separate wastewater connection;
- (b) All the connections must be installed one meter inside the erf boundary of each portion;
- (c) A connection manhole must be constructed at each connection point to a maximum depth of 1m; and
- (d) Any existing system that is to remain shall be upgraded to minimum municipal standards.

2.4.6 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;
- (c) Such collection shall be from the kerbside; and
- (d) Municipal refuse trucks will not enter the township (complex) to collect wheelie bins on collection day.

2.4.7 Development Charges

- (a) Based on the information provided in the application, the Development Charge payable by the developer is R337 256.00 (Excl VAT). The levy be valid until 30 June 2021 where after a new calculation be required. The value has been calculated as follows:
 - (i) Water = R73 266.00
 - (ii) Sewer = R47 857.00
 - (iii) Roads = R172 439.00
 - (iv) Stormwater = R8 672.00
 - (v) Solid Waste = R35 021.00
- (b) Note that the Development Charge calculated will only be applicable to the approved SDP provided in the application.

2.4.8 General

- (a) 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;
- (b) 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;
- (c) The developer be responsible for the funding of all connections to the bulk services and all internal works;
- (d) The findings of the bulk service capacity analysis carried out by Council's consultant, GLS Engineers, needs to be implemented simultaneously with the development;
- (e) All of 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;
- (f) The whole of the works shall fall under the control of a single project manager;
- (g) The municipality shall be represented at all site meetings 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;
- (h) All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- (i) 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;
- (j) 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. The constitution shall be notarially linked to each separate title deed;

- (k) A comprehensive operational infrastructure management plan shall be drawn up and submitted for approval by the Civil Engineering Services Division;
- (l) A set of such accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Division's Standard must be submitted at the practical completion inspection; and
- (m) The above conditions are to be complied with in stages;
 - (i) 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
 - (ii) Proof of compliance for the requirements associated with long term operations must be available on request.

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

- 2.5.1 The private electrical consultant will have to submit a load requirement estimation;
- 2.5.2 Only one service cable connection per erf be allowed;
- 2.5.3 No trees or any type of structures may be erected under or near any new or existing electrical infrastructure;
- 2.5.4 All electrical equipment shall comply with Drakenstein Municipality Standards and have twenty-four-hour access for maintenance purposes;
- 2.5.5 In the case where other existing services crosses the existing erf, it will have to be removed or relocated at the cost of the owner;
- 2.5.6 The developer will be responsible for all cost in the case where he or she request any infrastructure situated in the road reserve to be moved or relocated to new proposed positions;
- 2.5.7 The developer be required to include measures to improve energy efficiency for this development to reduce consumption of electricity;
- 2.5.8 A service level agreement between the municipality and the owner or developer of above-mentioned erf have to be arranged at the electro-Technical Services Division (Planning and Design Division – Chief Engineering Technician), in the case where a request for the change and or upgrade of the existing supply be required;

2.5.9 General

- (a) NRS069 Network recovery cost will apply 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 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) Attention be drawn to the following electricity by-law:
 - (i) Unless authorise 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;
 - (ii) A reseller must comply with the licensing and registration requirements set out in the ERA;
 - (iii) If electricity be 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 the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Municipality;
 - (iv) 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;
 - (v) 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; and
 - (vii) 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.
- (e) Authorization to re-sell electricity can be obtained by Council approval only;
- (f) Applications to be submitted in writing to the Senior Manager: Electro Technical Services indicating the following:
 - (i) The application must also include a load profile to indicate the power usage per month with peak, standards, off peak loads, etc.
- (g) 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 83

of 1995) and Drakenstein Municipality by-laws prior to the development;

- (h) 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
- (i) The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application.

2.6 Adherence to the following conditions laid down by Drakenstein Park: Paarl Mountain Section:

2.6.1 The top western border of the property has a fence next to the firebreak of Paarl Mountain. Maintenance of the fence and internal firebreak be recommended;

2.6.2 The site is bordering the nature reserve thus human wildlife conflict should be managed in the property with regard to animals like birds, snakes, porcupine, spotted genets and mongoose;

2.6.3 Garden plants and invasive alien plants should be managed on the site and mitigation measures should prevent seed dispersal into the nature reserve. Planting of local indigenous plants be recommended;

2.6.4 The slope aspects and erosion has been addressed in the plans and incorporated into the building and landscaping designs to blend into the area; and

2.6.5 The site falls within an area that has existing municipal services thus no concern.

2.7 The applicant must take note of the following conditions laid down by Cape Nature:

2.7.1 Would insist that the developer factor more specific fire management principles into the development. Firebreak along the western boundary should be maintained and effective fire-fighting mechanisms such as accessible roads and water points that fire-fighting services can access and tap into be considered throughout the development;

2.7.2 Fire management and exotic plant management will be the responsibility of the developer and ultimately the landowners. They must ensure they are familiar and comply with the relevant legislation; and

2.7.3 The developer should also ensure that there are no other NEMA regulations triggered with this development and should there be, is to liaise directly with directly with the Department of Environmental Affairs and Development Planning.

2.8 Adherence to the following conditions laid down by Drakenstein Municipality: Environmental Management Section:

2.8.1 In order to remain in keeping with the character of the surrounding area, where majority of the erven have mature trees located on the properties, it be recommended that mature trees, including exotic trees that are not of an invasive nature, be retained as far as possible on the subject properties;

2.8.2 Trees to be retained must be clearly indicated on the Site Development Plan; and

2.8.3 Care must be taken to sufficiently demarcate trees to be retained during the construction phase in order to protect trees against the impacts of construction activities.

2.9 No structures will be permissible over or within 3 meters of any municipal services. Any construction whether temporary or permanent in nature and/or planting of trees must be done in consultation and with prior approval from the Engineering Services Division to ensure that no services are damaged and any damage to services as a result of such construction will be for the applicant's account;

2.10 The Municipality must have access to all municipal services situated on the application property at all times for required maintenance work and/or upgrading;

2.11 The applicant be responsible for the cost of the publication, in the Provincial Gazette, of the final notice regarding the amendment of the general plan for the closure of a portion of Klein Bos-en-Dal Street (Unregistered Erf 28667 Paarl), which shall be attended to prior to the submission of building plans for approval; and

2.12 Should the applicant fail to comply with any of the conditions laid down, then Council reserves the right to impose further future conditions if deemed necessary.

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

3.1 The proposal is merely to acquire the necessary land use rights in order to facilitate the amendment of the general plan, rezoning, consolidation, subdivision and naming and numbering of an internal private road;

3.2 The proposed amendment, rezoning, consolidation, subdivision and naming and numbering of an internal private road is considered to be compatible with the existing surrounding land uses;

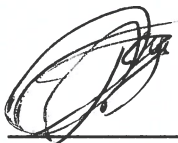
3.3 The proposal is not expected to be out of scale, nor character with the surrounding built and natural environment;

3.4 The proposal is not expected to create traffic congestion, due to the scale thereof and non-requirement of a TIS as the foreseen traffic generation will be below 50 trips per peak hour (at most 16 trips per peak hour);

- 3.5 The application is not expected to negatively impact on the health, safety and wellbeing of the surrounding built and natural environment
- 3.6 The subject properties are located within the delineated urban edge, thus reducing urban sprawl and encouraging urban compaction;
- 3.7 The application is found to be consistent with the Drakenstein Spatial Development Framework; and
- 3.8 All relevant internal and external departments consented to the application.

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 application is therefore suspended until further notice.

Yours faithfully



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

Address all correspondence to the City Manager, P O Box 1, Main Street, Paarl, 7622, or
Customer care, e-mail, customercare@drakenstein.gov.za and Henk Strijdom, henks@drakenstein.gov.za