



Enquiries: HG Strijdom
Contact number: 021 807 4830
Reference: 15/4/1 (39589) P
Date: 17 October 2023

PJ le Roux Town & Regional Planners
PO Box 3457
Paarl

Dear Sir,

APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BYLAW, 2018: ERF 39631, PAARL (CONSOLIDATION OF ERVEN 39589, 39628 & 39629, PAARL)

Your land use application in the above-mentioned regard, refers.

1. You are hereby informed that approval is granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the amendment of conditions of approval, in order to substitute the previously approved Site Development Plan for the Rembrandt Mall development, with an amended Site Development Plan with reference 2023 16 CS 4b SK001/2/3, dated 16 October 2003 (attached hereto), making provision for a new drive through restaurant measuring approximately 210m² in extent; and
2. The approval mentioned above is subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division as set out in its memorandum 15/4/1(39589)P (1512) dated 16 October 2023 (attached hereto);
 - 2.2 Adherence to the conditions laid down by the Cape Winelands District Municipality Health Department in their letter with reference 17/1/1/4/1/2 (Erf 39589) dated 21 July 2023 (attached hereto);
 - 2.3 Adherence to the conditions laid down by the Drakenstein Municipality: Electrical Engineering Services Division as set out in its memorandum 8/2/5_39589 dated 13 August 2023 (attached hereto); and
 - 2.4 Adherence to the following conditions as laid down by Land Development Management Division:

- 2.4.1 The development shall take place generally in accordance with the Site Development Plan mentioned in paragraph 1 above;
- 2.4.2 No buildings or structures may be erected, or existing structures altered, without the approval of building plans by Council;
- 2.4.3 Should the applicant fail to comply with any of the above-mentioned conditions of approval, the Council reserves the right to impose further conditions in future if deemed necessary;
- 2.4.4 The approval mentioned above is only applicable to the northern side of the development where the new drive through restaurant will be developed, with the re-development of the southern side of the development next to Lady Grey Street to be dealt with at a later stage;
- 2.4.5 The provision of at least one semi mature indigenous tree (at least 2m in height) for every 4 parking bays, to be indicated on the to be submitted Building Plans, to the satisfaction of the Manager: Land Development Management; and
- 2.4.6 Irrespective of the elevations provided, all advertising signs should comply with the Municipal Outdoor Advertising Bylaw and provisions of the Provincial Roads Engineer, to be dealt with during Building Plan stage.

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

- 3.1 The proposed development will strengthen and enhance an existing commercial node;
- 3.2 Adequate on-site parking will be provided;
- 3.3 No objections were received during the public participation process;
- 3.4 The proposed layout is supported by the Civil Engineering Services Division; and
- 3.5 It is not expected that the proposed development will negatively impact on the health, safety and welfare of the surrounding community.

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 notification of the decision.

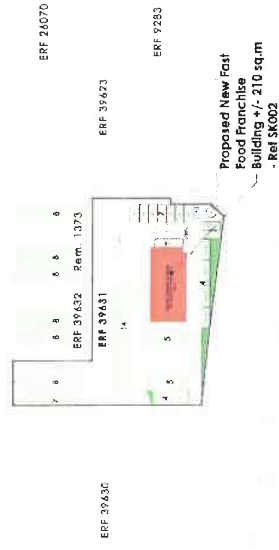
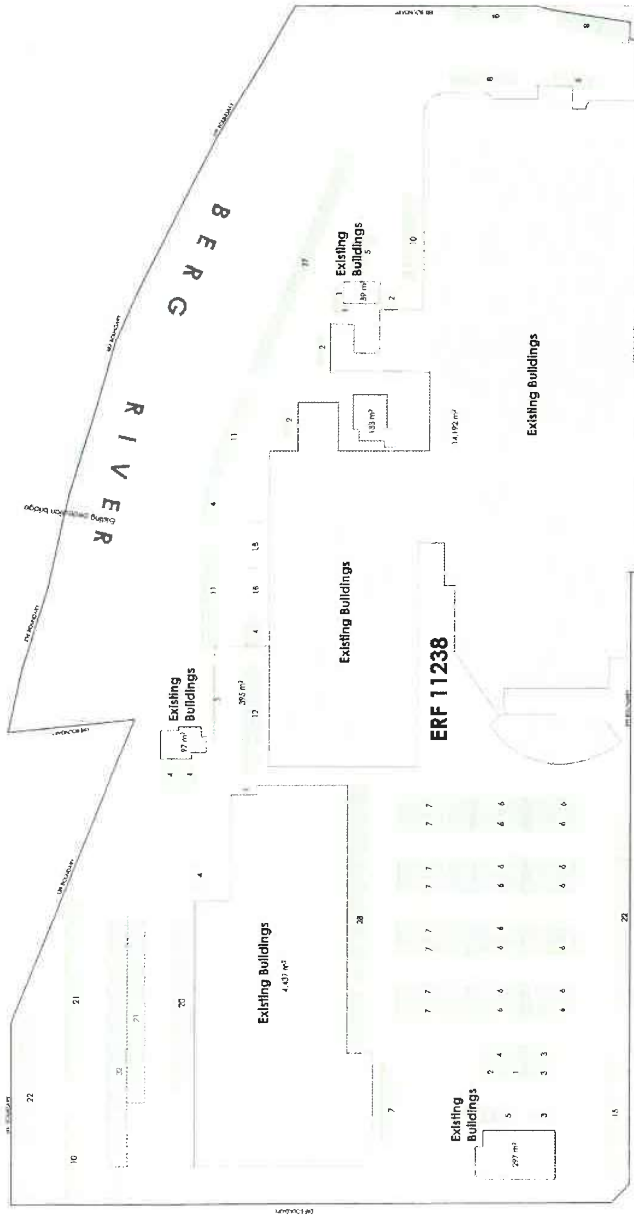
This approval is therefore suspended until further notice. Please also notify (email or per hand) the surrounding property owners who were notified of the application during the public participation process, of their right of appeal – proof of notification must be provided. The appeal procedures are set out in Section 80 of the above-mentioned Bylaw (attached). All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O Box 1, Paarl, 7622 or at customercare@drakenstein.gov.za.

Yours faithfully



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

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



UNREGISTERED EP PLAN: PAAR
 ZONING: Mixed-Use Zone
 AREA SUMMRY:
 ERF 11238: 14,192.07 m²
 COVERAGE: 34.7%
 Existing Covered Area: 1976.18 m²
 GROSS BUILDING AREA: 2108.55 m²

UNREGISTERED EP PLAN: PAAR
 ZONING: Mixed-Use Zone
 AREA SUMMRY:
 ERF 39430: 1,073.00 m²
 ERF 39431: 2,110.00 m²
 COVERAGE: 34.7%
 Existing Covered Area: 210.00 m²
 GROSS BUILDING AREA: 210.00 m²

PROPOSED NEW FAST FOOD FRANCHISE BUILDING - Ref SK002
 AREA SUMMRY:
 ERF 39430: 1,073.00 m²
 ERF 39431: 2,110.00 m²
 COVERAGE: 34.7%
 Existing Covered Area: 210.00 m²
 GROSS BUILDING AREA: 210.00 m²

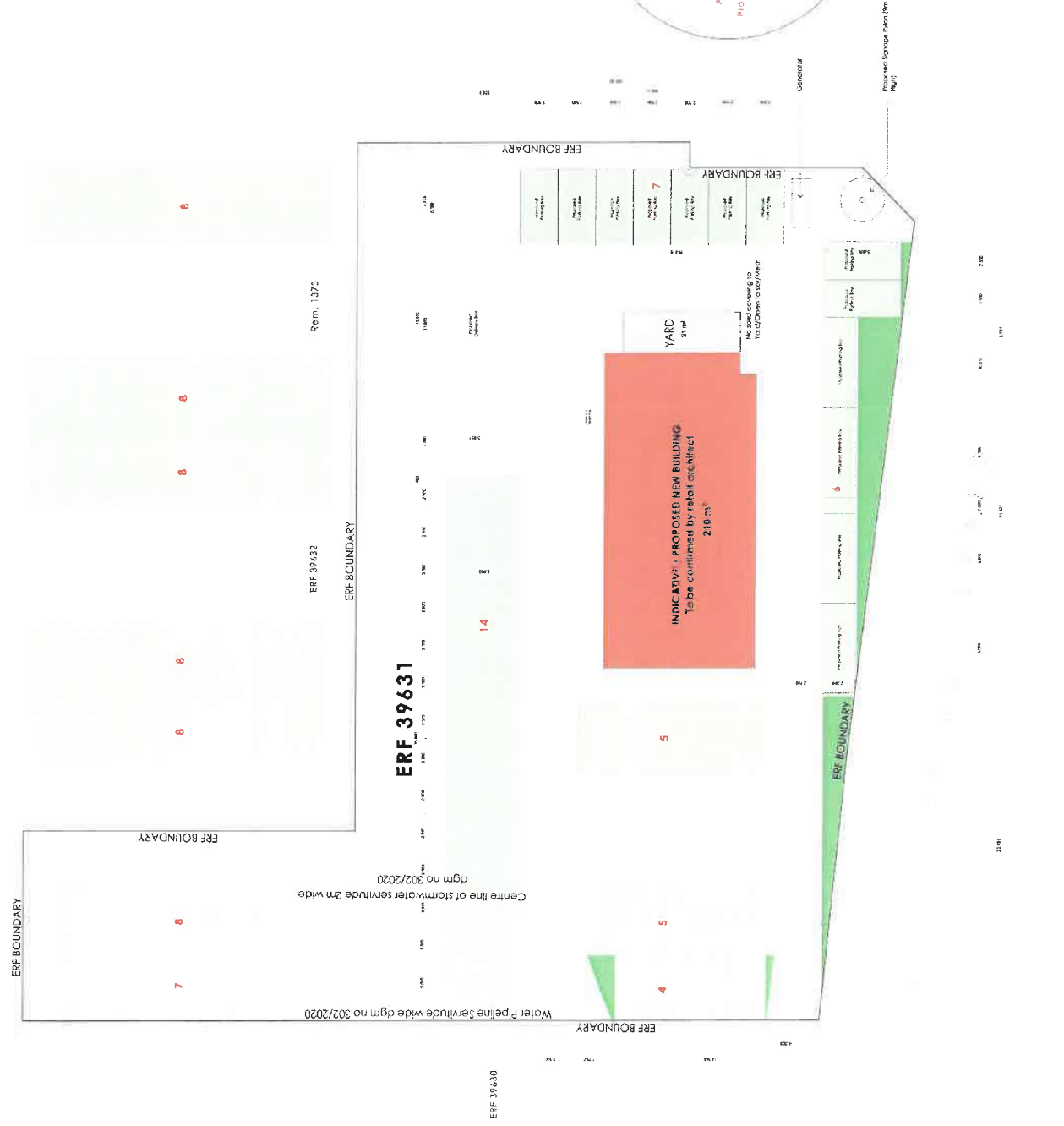
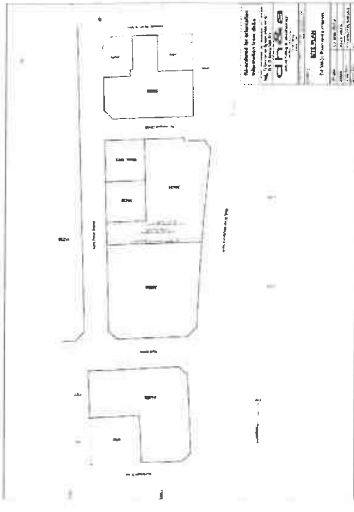
AREA
 Proposed Area: 14,284.2 m²
 ERF 11238: 14,192.07 m²
 ERF 39430: 1,073.00 m²
 ERF 39431: 2,110.00 m²
 TOTAL G.A.: 17,377.07 m²

Parking allocated in per SDP-11 (Occupied parking only)
 Previously approved parking: 200 @ 13.3%



Client: [Redacted]
 Project: [Redacted]
 Date: 11/06/2024
 Drawn: [Redacted]
 Checked: [Redacted]
 Scale: 1:1000
 Project No: 1106/11/24/132
 Drawing No: 1106/11/24/132/001





SDP BUILDING AREA on SITE
 Council Submission
 Date: 11/05/2020
 Page: 1 of 1



Memo

To: EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE DEPARTMENT
(ATTENTION: EJ CYSTER)

From: ACTING MANAGER: INFRASTRUCTURE DEVELOPMENT

Enquiries: L. SMITH

Collaborator number:

Reference number: 15/4/1 (39589) P (1512)

Date: 16 October 2023

Subject: AMENDMENT OF CONDITIONS AND APPROVAL OF SITE DEVELOPMENT
PLAN: ERF 39589 PAARL

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

THE FOLLOWING CONDITIONS WILL APPLY

1 STREETS & TRAFFIC

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2 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;
- 1.3 *This department takes note of the detailed Traffic Impact Assessment (TIA) of ITS dated June 2023 but we do not fully agree with the content therein. An updated TIA must be submitted to this department prior to building or civil engineering plan approval; and*
- 1.4 *This department is in support of the proposed coffee shop and KFC but does not support the amendment of condition 1.3 of this departments memorandum dated 4 July 2013.*

2 STORM WATER

- 2.1 No development is allowed within the 1:50 year flood line and any construction within the 1:100 year flood line must be 1m above the 1:100 year flood line;
- 2.2 ***A updated SWMP for the greater development must be approved by this department prior to the approval of any building or civil engineering plans;***
- 2.3 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 2.4 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
- 2.5 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.

3 WATER

- 3.1 The development will be provided with a bulk metered connection at actual cost;
- 3.2 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 3.3 Any existing system that is to remain shall be upgraded to minimum municipal standards.

4 WASTEWATER 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 applicant shall install a adequately sized fat and grease trap to the satisfaction of this department;***
- 4.3 The subject property must be provided with a separate wastewater connection;
- 4.4 The connection must be installed one meter inside the erf boundary; and
- 4.5 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 erf for the removal of such household refuse; and
- 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.

6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, 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 The developer is 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;
- 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, (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), sewer network, stormwater network and road network components 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 notorially linked to each separate title deed;
- 7.8 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
- 7.9 The above conditions are to be complied with in stages.

- 7.9.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 7.9.2 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
- 7.9.3 Proof of compliance for the requirements associated with long term operations must be available on request.



LH SMITH

ACTING MANAGER: INFRASTRUCTURE DEVELOPMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2023\comments\Erf 39589, Paarl Amendment of Condition and Approval of SDP (KFC).docx

LHS/



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMBUZO: W. Oosthuizen
TELEFOON/TELEPHONE/UMNXEBA: 870 3245
FAKS/FAX/IFEKSI: 872 1277
U VERWYS/YOUR REF/IREF YAKHO: -
ONS VERW/OUR REF/IREF YETH: 17/1/1/4/1/2 (Erf 39589)

Munisipale Gesondheid/ Municipal Health
Trappesstraat 51 Trappes Street
☒ 91
WORCESTER 7622

Mr. P-J le Roux
P-J le Roux Town & Regional Planners
262 Main Rd
Paarl
7622

21 July 2023

Sir / Madam

**APPLICATION FOR AMENDMENT OF CONDITION AND APPROVAL OF SITE DEVELOPMENT PLAN:
ERF39589, REMBRANDT MALL, SYNAGOGUE STREET, PAARL.**

Your application dated 20 July 2023 in the above regard refers.

An inspection was carried out at the abovementioned erf and this Department has no objection to the application for amendment of condition and approval of the premises and may be recommended for approval provided that the following conditions are complied with:

General conditions

- a. After this application, has been approved in principle, an approved **building plan** indicating all improvements to establish specific health requirements in respect of toilet facilities, sewerage system, kitchen and ventilation, must be submitted to the Building Division of Drakenstein Municipality;
- b. **Refuse** collection and storage must be done in a way that will not cause a health nuisance. Refuse removal must comply with the specifications of Drakenstein Municipality's By-law No 17/2007 – Refuse Removal, i.e. obligatory use of the municipal service;
- c. In terms of the **Noise** Control Regulations of the Environment Conservation Act, 1989, (Act no 73/1989) as well as the provisions of SABS Code 0103 – 1994, the necessary steps must be taken to ensure that no nuisance or disturbing noise are generated for the adjacent businesses and surrounding house owners;
- d. The requirements for **smoking** in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times;
- e. The **sewerage system** from the proposed development must be connected to the Municipal sewerage system according to Drakenstein Municipality's specifications, conditions, and approval.
- f. This Department reserves the right to set further requirements during the running of the **proposed fast-food drive thru facility**.

Yours faithfully

pp MUNICIPAL MANAGER



Memo

To:	Senior Manager: Land Development Management For attention: H Strijdom/C van der Bank/E Cyster
From:	Manager: Planning and Customer Services
Enquiries:	L Laing
Reference number:	8/2/5_39589
Date:	13 August 2023
Subject:	APPLICATION FOR AMENDMENT OF CONDITION AND APPROVAL OF THE SITE DEVELOPMENT PLAN OF ERF 39589, REMBRANDT MALL, PAARL

Time Limit on Conditions: These conditions will be limited to a period of one (1) year from the date as on the covering memo from this department. After this period a re-application must 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. 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. The developer is required to include measures to improve energy efficiency for any additional load requirement to the existing electrical supply.
- 2.6. Register a service servitude where the existing service cable and metering facility has been installed or relocate the previous mentioned service as mentioned in 2.4.
- 2.7. A service level agreement between the municipality and the owner or developer of above-mentioned erf must be arrange at Electro-Technical Service Department (Planning and Design division - Chief Engineering Technician) in the case where a request for the change and or upgrade of the existing supply is required.

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply for any additional load requirement and will be calculated according to the following as indicated in approved tariffs: **R4 317.00 per KVA (V.A.T. included)**. The cost as mentioned above is valid until 30 June 2024 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 registered electrical installation electrician shall be used to do all 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 must 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

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