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Date: 16 April 2021

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15/4/1 (Erven 7527-7530 and 7541-7543) P

The City Manager
Drakenstein Municipality
Bergriver and Boulevard
Paarl
7646

Sir

APPLICATION FOR CLOSURE OF A PUBLIC PLACE AND REZONING: ERVEN 7527-7530 AND 7541-7543 PAARL

I refer to your application dated 29 October 2020 and have to inform you that Council's Municipal Tribunal on 30 March 2021, resolved as follows, that:

- “1. *Approval be granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the closure of the following erven as a public place:*
 - 1.1 *Erf 7527 Paarl ($\pm 793m^2$), Erf 7528 Paarl ($\pm 793m^2$), Erf 7529 Paarl ($\pm 793m^2$), Erf 7530 Paarl ($\pm 795m^2$), Erf 7541 Paarl ($\pm 841m^2$), Erf 7542 Paarl ($\pm 793m^2$) and Erf 7543 Paarl ($\pm 793m^2$);*
2. *Approval be granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the rezoning of Erven 7527-7530 and 7541-7543 from “Open Space Zone” to “Conventional Housing Zone” in order to develop residential dwellings on the said properties;*
3. *The approval mentioned in paragraphs 1-2 above be subject to the following conditions laid down in terms of Section 66(1) of the Drakenstein By-law on Municipal Land Use Planning, 2018 and applicable from a town planning point of view:*
 - 3.1 *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;*

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- 3.2 *Any amendments to the application are subject to the relevant approval;*
- 3.3 *No new buildings are to be erected or existing structures altered without the approval of building plans by Council;*
- 3.4 *Erven 7531 and 7532 Paarl be consolidated in order to minimise development pressure;*
- 3.5 *Adherence to the following conditions laid down by Drakenstein Municipality: Civil Engineering Services Division:*

3.5.1 Streets

- (a) *Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connector;*
- (b) *Construction of driveway access to the properties are available at actual cost, and*
- (c) *The properties along Gabbema Doorsdrift, which obtains access over the existing stormwater channel, shall construct driveway access to the properties according to the specifications set out by this Department.*

3.5.2 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.*

3.5.3 Stormwater

- (a) *Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors;*
- (b) *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*
- (c) *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.*

3.5.4 Water

- (a) *All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;*
- (b) *New water connections and water meters to a maximum size of 20mm are available at actual cost;*
- (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.*

3.5.5 Wastewater Services

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

3.5.6 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) *New bins to be applied for all erven; and*
- (c) *On refuse removal days, the residents will be responsible to ensure that their bins are placed on the sidewalks to be serviced.*

3.5.7 Development Charges

- (a) *Based on the information provided in the application, the Development Charge payable by the developer for the 7 erven is R197 606.00 (Excl VAT). The levy is valid until 30 June 2021 where after a new calculation be required. The value has been calculated as follows:*
 - (i) *Water = -R15.00*
 - (ii) *Sewer = R48 038.00*
 - (iii) *Roads = R172 439.00*
 - (iv) *Stormwater = R52 210.00*
 - (v) *Solid Waste = -R77 066.00*
- (b) *The Development Charge payable for each individual Erf is R28 229.42 (Excl VAT).*

3.5.8 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) *The developer be responsible for the funding of all connections to the bulk services and all internal works;*
- (c) *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;*
- (d) *All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;*
- (e) *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*
 - (iii) *Proof of compliance for the requirements associated with long term operations must be available on request.*

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

- 3.6.1 *Only one service cable connection per erf is allowed;*
- 3.6.2 *No trees or any type of structures may be erected under or near any new or existing electrical infrastructure;*
- 3.6.3 *All electrical equipment shall comply with Drakenstein Municipality standards and have twenty four hour access for maintenance purposes;*
- 3.6.4 *In the case where other existing services crosses the adjacent erven, it will have to be removed or relocate at the cost of the owner;*

- 3.6.5 *The current mini-substation is situated on Erf 7542 Paarl and will have to be relocated or a servitude must be registered for an area of at least 4mx6m (24m²). The minimum clearance distance of at least 3m from any temporary and or permanent structure must be adhere to at all times. Any future entrances or access must be indicated on the building plans as such not to be a direct contravention with the Occupational Health and Safety Act (Act 85 of 1993);*
- 3.6.6 *The developer or owner will be responsible for all cost in the case where he or she request any infrastructure to be moved or relocated to new propose positions;*
- 3.6.7 *A service servitude of 2m need to be registered on Erf 7541 Paarl for existing underground feeder cables crossing on the Northern side boundary of the said erf. Existing services will be indicated by the respective department before a finalizing the subdivision diagram;*
- 3.6.8 *A service level agreement between the municipality and the owner or developer of above mentioned erf have to be arrange at Electro-Technical Engineering Services Division (Planning and Design Section - Chief Engineering Technician) for any request to upgrade of existing supply;*
- 3.6.9 General
- (a) *NRS069 Network recovery cost will apply and will be calculated according to the following as indicated in approved tariffs: R3 376.29 per KVA (VAT included) including a percentage of the mini-substation. The cost as mentioned above is 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 85 of 1993) and Drakenstein Municipal by-laws prior to any additions made to the current dwelling;*
- (e) *A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical Engineering Services Division (Service Section) on the day the service is rendered or as the case may be; and*
- (f) *The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application.*

3.7 *Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions.*

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

4.1 *The application represents the utilisation of properties, as was initially intended with the development of Courtrai Township Extension No. 2 and as indicated on General Plan No. 1041LD;*

4.2 *The application can be seen as a form of infill development;*

4.3 *The application properties size as well as potential dwellings which will eventually be erected will fit in with the existing character of the surrounding area thus having no negative impact on the sense of place currently experienced;*

4.4 *The proposal will not have a detrimental impact on the existing traffic and engineering services;*

4.5 *The proposal is consistent with all the relevant town planning policies/regulations;*

4.6 *Utilising existing erven within the urban edge, especially for residential purposes helps mitigate urban sprawl; and*

4.7 *The relevant departments consented to the application, subject to certain conditions."*

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 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. This approval is therefore suspended until further notice.

Yours faithfully



H STRIJDOM

MANAGER: LAND USE PLANNING & SURVEYING

DMPT (6) – 30/03/2021