



DRAKENSTEIN

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

Paarl | Wellington | Gouda | Saron | Simondium

Municipal Planning Tribunal Meeting: 16 February 2024

Agenda

(Bundle 1)

Date:	Friday, 16 February 2024
Time:	13h30
Venue:	Public Safety Boardroom, 3rd Floor, Civic Centre, Paarl

A city of excellence

Distribution Date: 8 February 2024

TO: MEMBERS:

D DELANEY: (SENIOR MANAGER: SPATIAL PANNING AND ENVIRONMENTAL MANANGEMENT) (CHAIRPERSON)
B BROWN: (CHIEF FINANCIAL OFFICER)
G ESAU: (EXECUTIVE DIRECTOR: COMMUNITY SERVICES)
LOUIS PIENAAR: (EXECUTIVE DIRECTOR: CIVIL ENGENEERING)

EXTERNAL MEMBERS : D SMIT
S MAGARDIE
W DE KOCK (SECUNDI)

OFFICIALS:

H STRIJDOM: (MANAGER: LAND DEVELOPMENT MANAGEMENT)
R MOWZER: (SENIOR TOWN PLANNER: LAND DEVELOPMENT MANAGEMENT)
J ARENDSE: (SENIOR CLERK: LAND DEVELOPMENT MANAGEMENT)
H KARRIEM: (SENIOR CLERK: LAND DEVELOPMENT MANAGEMENT)

Notice is hereby given that an **ORDINARY** meeting of the **MUNICIPAL PLANNING TRIBUNAL** will be held in the **PLANNING AND DEVELOPMENT BOARDROOM, THIRD FLOOR, CIVIC CENTRE, PAARL** and via Microsoft Teams on **FRIDAY, 16 FEBRUARY 2024** at **13h:30** to consider the enclosed items on the agenda.

Kennis geskied hiermee dat 'n **GEWONE** vergadering van die **MUNISIPALE BEPLANNINGSTRIBUNAAL** gehou sal word in die **BEPLANNING EN ONTWIKKELINGSLOKAAL, DERDE VLOER, BUGERSENTRUM, PAARL** en via Microsoft Teams op **VRYDAG, 16 FEBRUARIE 2024** om **13h30** ten einde die aangehegte items op die agenda te bespreek.

D DELANEY
SENIOR MANAGER: SPATIAL PLANNING AND ENVIRONMENTAL MANAGEMENT

AGENDA/...

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DRAKENSTEIN MUNICIPAL PLANNING TRIBUNAL

16 FEBRUARY 2024

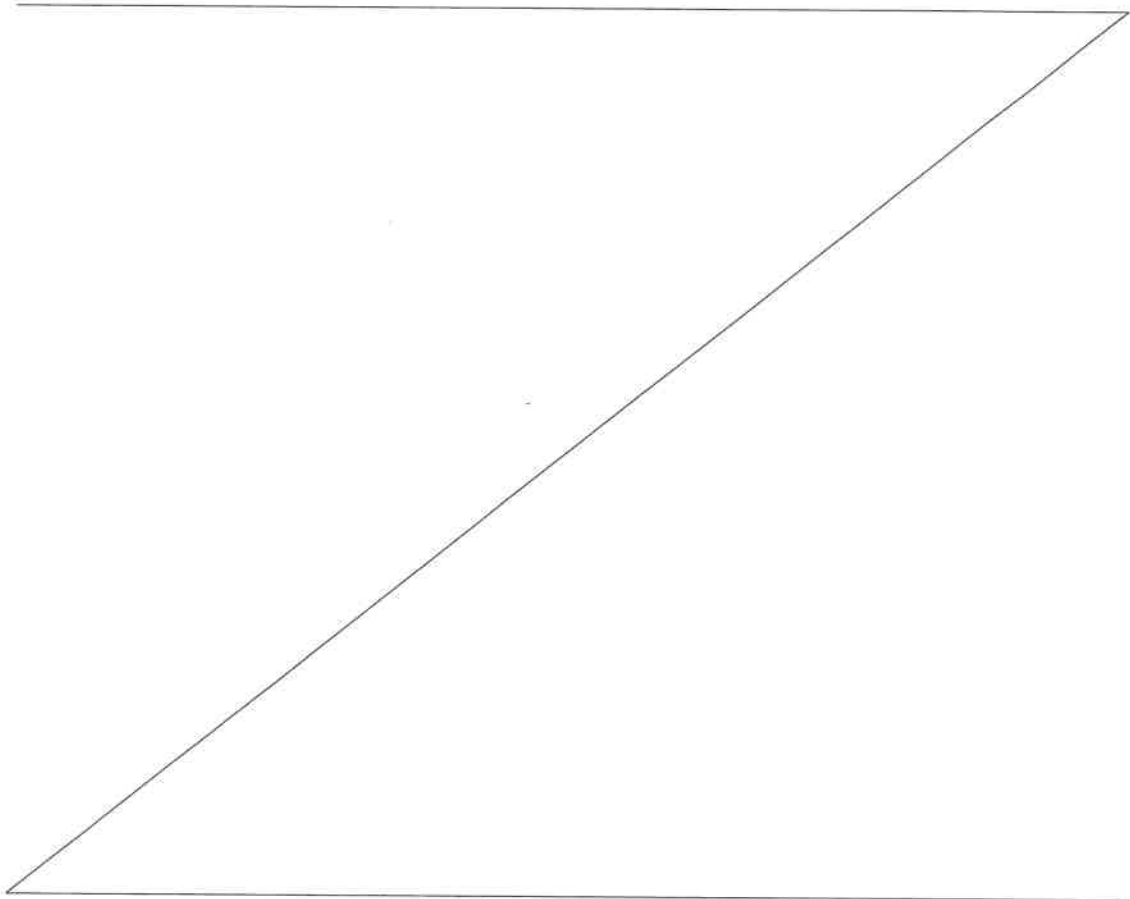
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DRAKENSTEIN MUNICIPAL PLANNING TRIBUNAL: 16 February 2024
CHAIRPERSON: D DELANEY

APPOLOGIES

1. **CONFLICT OF INTEREST & ATTENDANCE**
2. **CONFIRMATION OF PREVIOUS MINUTES**
3. **OUTSTANDING MATTERS**

The enclosed minutes of Ordinary Municipal Planning Tribunal virtual meeting held on 2 November 2023 is **submitted for confirmation.**



DRAKENSTEIN MUNICIPALITY**MINUTES: DRAKENSTEIN MUNICIPAL PLANNING TRIBUNAL
2nd NOVEMBER 2023****PRESENT:****Members:**

L Pienaar- (Executive Director: Civil Engineering): Deputy Chairperson

G Esau - (Executive Director: Community Services)

W Hendricks- (Manager: Spatial Planning)

H Louw - (Head Town Planner: Land Development Management)

External Members:

D Smit

S Magardie

Officials:

H Strijdom - (Manager: Land Development Management)

R Mowzer - (Senior Town Planner: Land Development Management)

H Karriem - (Senior Clerk: Land Development Management)

J Arendse- (Senior Clerk: Land Development Management)

ABSENT:

B Brown - (Chief Financial Officer)

D Delaney - (Senior Manager: Environmental Management and Spatial Planning):
Chairperson



DRAKENSTEIN MUNICIPALITY

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2nd NOVEMBER 2023**

1. **CONFLICT OF INTEREST**

None.

2. **CONFIRMATION OF PREVIOUS MINUTES**

The minutes of an Ordinary Municipal Planning Tribunal virtual meeting held on 13 September 2023 was **confirmed as correct and accepted as such.**

3. **OUTSTANDING MATTERS**

4. APPLICATION FOR THE REZONING, SUBDIVISION AND CONSENT USE: REMAINDER OF FARM 486 PAARL DIVISION

This item was dealt by Mr. R Mowzer. After consideration, it was

UNANIMOUSLY RESOLVED that:

1. **Approval has been 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 Remainder of Farm 486 Paarl Division from Agriculture Zone to Subdivisional Area to enable the subdivision and proposed uses;
 - 1.2 **Subdivision** of the Remainder of Farm 486 Paarl into two Portions, as indicated on the attached subdivision plan drawn by Nuplan Africa dated 28 July 2023, (**Annexure E to the departmental report**), as follows:

Subdivision of Farm 486 Paarl Division			
Portions	Zoning	Land Use	Area (m ²)
Portion 1	Transport Zone	Public Road	23 157
Remainder Farm 486 Paarl Division	Open Space Zone	Cemetery and Conservation	118 508
Total			141 665

3./...

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- 1.3 **Consent Use** in order to establish a cemetery on Remainder Farm 486 Paarl Division comprising of approximately 13653 grave sites and approximately 198 parking bays, wall of remembrance, retarding pond and garden areas.

2. The approval mentioned in Paragraphs 1.1 to 1.3 above, be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018 and applicable from a town planning point of view:
 - 2.1 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;
 - 2.2 Any amendments to the application are subject to the relevant approval;
 - 2.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 2.4 That the subdivision takes place largely in accordance with the attached subdivision plan drawn by Nuplan Africa dated 28 July 2023, (**Annexure E to the departmental report**);
 - 2.5 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (F486/0) P (1530) dated 15 September 2021, (**Annexure L to the departmental report**);
 - 2.6 Adherence to the conditions laid down in the collaborator comment of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 5/7/2/1/202021/444 dated 23 June 2021, (**Annexure M to the departmental report**); and
 - 2.7 Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions.

3. The following will be regarded as the reasons for decisions:
 - 3.1 The application gives effect to a need aimed at servicing the entire Drakenstein municipal area;
 - 3.2 The proposal makes effective use of an existing vacant underutilised property in order provide additional burial opportunities to the people of Drakenstein;

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- 3.3 The proposed development is not one that is aimed at generating capital for one particular owner, but rather the type of use that is aimed at satisfying the need of the surrounding community by making space available to bury their loved ones;
 - 3.4 With the Covid 19 pandemic and the impacts thereof, being sudden death of residents, the establishment of cemeteries are regarded as a top priority for the Municipality;
 - 3.5 The proposal does not impact the surrounding land uses;
 - 3.6 The proposed development will ensure optimal use of existing resources with no major infrastructure upgrades needed; and
 - 3.7 The relevant external and internal departments consented and supported the proposed establishment of the proposed cemetery, subject to certain conditions.
 - 3.8 As the use does not require the provision of bulk Engineering Services which are currently not available, the intended use is regarded as a suitable alternative to a housing development.
 - 3.9 Much needed burial space will be provided in close proximity to all communities in Drakenstein.
 - 3.10 The development of a cemetery on the site will head to cultural and social cohesion, and
 - 3.11 The development is consistent with the developments principles, as set out in SPLUMA and LUPA.
4. That the applicant be informed of 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 the letter. The approval is therefore suspended until further notice;

5./...

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2nd NOVEMBER 2023**

5. That the objector and surrounding properties owners who were notified of the application during the public participation process be informed of 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 affected by the decision, within 21 days from the date of the letter. The appeal procedures are set out in Section 80 of the afore mentioned By-law;
6. That the approval letter be displayed on the notice boards of the municipal offices and libraries and also be posted on the official municipal website;
7. That the applicant take note that an exemption should be obtained from the National Department of Health in terms of the National Health Act, 2003 - ACT No. 61 of 2003 with regard to cemeteries being located within 500m from residential dwellings;
8. That the applicant take note of the Environmental Authorisation received from the Department of Environmental Affairs and Development Planning (**Annexure G to the departmental report**); and
9. That the applicant take note of the comments received from the Department of Transport and Public Works (**Annexure I to the departmental report**).

Meeting: Municipal Planning Tribunal – (2/11/2023)		Submitted by Department:	Planning & Development
Ref No: 15/4/1 (486) P		Author/s:	R Mowzer
Coll No: 1735157		Referred from:	
PARAGRAPH	ACTION Inform parties	RESPONSIBLE DEPT Sen Clerk (HK)	DUE DATE

5. APPLICATION FOR THE AMENDMENT TO THE GENERAL PLAN, REZONING AND CONSOLIDATION: ERVEN 4921, 31222 AND 31389 PAARL

This item was dealt by Mr. R Mowzer. After consideration, it was

UNANIMOUSLY RESOLVED that:

1. **Approval has been granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following:-

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2nd NOVEMBER 2023

- 1.1 **Amendment** of the General Plan No. TP650^{TD} of the Dal Josafat Industrial Township by the creation of two additional erven, being Portion A measuring $\pm 393\text{m}^2$ in extent and Portion B measuring $\pm 941\text{m}^2$ in extent, as indicated on the Amendment to General Plan, Rezoning and Consolidation Plan drawn by David Hellig and Abrahamse Land Surveyors dated April 2023 (Plan No.1 and 1P), **(Annexure D to the departmental report)**;
- 1.2 **Rezoning** of the proposed Portions A and B from Transport Zone to Industrial Zone in order to create a uniform zoning with the adjacent Erven 31222 and 31389 Paarl; and
- 1.3 The following **Consolidations**, as indicated on the Amendment to General Plan, Rezoning and Consolidation Plan drawn by David Hellig and Abrahamse Land Surveyors dated April 2023 (Plan No.1 and 1P), **(Annexure D to the departmental report)**:
 - 1.3.1 Consolidation of Portion A ($\pm 393\text{m}^2$) with Erf 31389 Paarl ($\pm 3919\text{m}^2$) in order to form a new land unit measuring $\pm 4312\text{m}^2$ in extent; and
 - 1.3.1 Consolidation of Portion B (941m^2) with Erf 31222 Paarl ($\pm 9412\text{m}^2$) in order to form a new land unit measuring $\pm 1.0353\text{ha}$ in extent.
2. The approval mentioned in Paragraphs 1.1 to 1.3 above, be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018 and applicable from a town planning point of view:
 - 2.1 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;
 - 2.2 Any amendments to the application are subject to the relevant approval;
 - 2.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 2.4 That the subdivision takes place largely in accordance with the respective Amendment to General Plan, Rezoning and Consolidation Plan drawn by David Hellig and Abrahamse Land Surveyors dated April 2023 (Plan No.1 and 1P), **(Annexure D to the departmental report)**;

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- 2.5 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (4921) P (1385) dated 29 September 2023, (**Annexure H to the departmental report**)
 - 2.6 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 8/2/5_4921_31222_31389 dated 13 August 2023, (**Annexure I to the departmental report**); and
 - 2.7 Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions.
3. The following will be regarded as the reasons for decisions:
- 3.1 The proposal supports the character of the surrounding area;
 - 3.2 The proposal will achieve the desired urban fabric for this specific area being industrial;
 - 3.3 The proposal will not detract from the surrounding character of the area as the sole intention of the application is to change the zoning of the application property to the same zoning of the surrounding area;
 - 3.4 The proposal represents the optimal utilisation of a piece of property that has been vacant and underutilised;
 - 3.5 The proposal represents a logical zoning change best fit to the well-established industrial area;
 - 3.6 The proposal is consistent with the principles and objectives of the SDF; and
 - 3.7 The relevant departments consented to the application, subject to certain conditions.
4. The applicant be informed of the general right of appeal, 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 the notification letter. The approval is therefore suspended until further notice;

8./...

DRAKENSTEIN MUNICIPALITY

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5. The surrounding property owners who were notified of the application during the public participation process be informed of the general right of appeal, 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 the notification letter. The appeal procedures are set out in Section 80 of the afore-mentioned Bylaw; and
6. That the approval letter be displayed on the notice boards of the municipal offices and libraries and also be posted on the official municipal website.

Meeting: Municipal Planning Tribunal – (2/11/2023) Ref No: 15/4/1 (4921) P Coll No: 2046879		Submitted by Department: Planning & Development Author/s: R Mowzer Referred from:	
<u>PARAGRAPH</u>	<u>ACTION</u> Inform parties	<u>RESPONSIBLE DEPT</u> Sen Clerk (HK)	<u>DUE DATE</u>

6. APPLICATION FOR THE SITE-SPECIFIC DIVIATION FROM THE DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK AND REZONING: ERVEN 4752, 34864, 31231 AND 31232 PAARL

This item was dealt by Mr. R Mowzer. After consideration, it was

UNANIMOUSLY RESOLVED that:

1. The application for a site-specific deviation be referred back, as a site-specific deviation cannot be considered at this stage due to inadequate information concerning site specific circumstances being before the MPT and not being adequately proven, or addressed by the applicant and that the applicant be awarded the opportunity to provide the required additional information;
2. That a decision regarding the rezoning to subdivisional area be held in abeyance until such time that sufficient information concerning the site specific circumstances as mentioned in point 1 above have been addressed; and
3. That comprehensive public participation process be undertaken with regard to any amended application, only being for a site-specific deviation and rezoning to subdivisional area.

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2nd NOVEMBER 2023**

Meeting: Municipal Planning Tribunal – (2/11/2023) Ref No: 15/4/1(4752) P Coll No: 1725114		Submitted by Department: Planning & Development Author/s: R Mowzer Referred from:	
<u>PARAGRAPH</u>	<u>ACTION</u> Inform parties	<u>RESPONSIBLE DEPT</u> Sen Clerk (HK)	<u>DUE DATE</u>

The meeting ended at: 10:09 AM

CHAIRPERSON:

DATE:



Drakenstein Municipal Planning Tribunal Meeting Attendance Register

Date: 2nd November 2023

Time: 08:30

Venue: Planning and Development Boardroom 3rd Floor Civic Centre/Virtual

Name and Surname	Signature
David Delaney	Apology
Bradley Brown	Apology
Gerald Esau	T Virtual
Henk Strijdom	
Dennis Smit	
Sheldon Magardie	Virtual
Willem De Kock	
Riyaz Mowzer	
Joan Arendse	
Haneefa Karriem	

Klauné Hendricks

Hamish Louw

Louis Pienaar



**Drakenstein Municipal Planning Tribunal Meeting:
Conflict of Interest Register**

Date: 2nd November 2023

Time: 08:30

Venue: Planning and Development Boardroom, Civic Centre, 3rd floor, Paarl/Virtual Teams Meeting

Name and Surname	Signature
David Delaney	Apology
Bradley Brown	Apology
Gerald Esau	Virtual
Dennis Smit	
Willem de Kock	
Sheldon Magardie	Virtual
Henk Strijdom	
Riyaz Mowzer	
Joan Arendse	Arendse
Haneefa Karriem	

WAYNE HENDRICKS

Hamish Louw

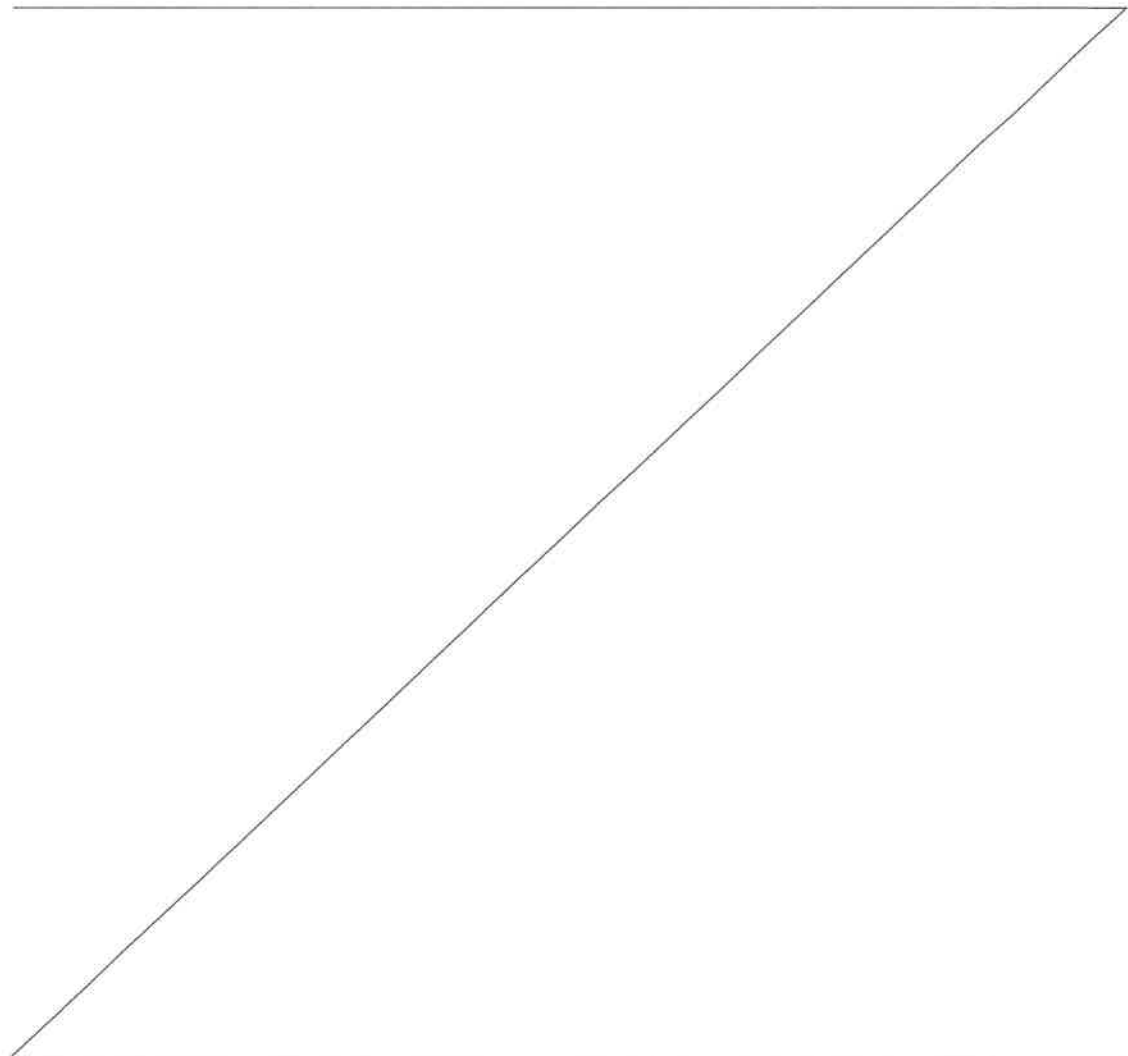
Louis Prensner

AGENDA: DRAKENSTEIN MUNICIPAL PLANNING TRIBUNAL
16 FEBRUARY 2024

4. APPLICATION FOR THE AMENDMENT TO THE GENERAL PLAN, REZONING AND CONSOLIDATION: ERF 2491 MBEKWENI

The enclosed report together with annexures dated 6 December 2023 have been received.

Submitted for consideration.



Meeting: Municipal Planning Tribunal – 14/02/2024
Ref No: 15/4/1 (E 2491) M
Coll No:

Submitted by Department: Planning & Development
Author/s: R Mowzer
Referred from:



REPORT TO: DRAKENSTEIN MUNICIPAL PLANNING TRIBUNAL

File Ref No: 15/4/1 (2491) M

Collaborator No:

IDP KPA Ref No: KPA 5: Planning and Economic Development

Report Date: 06 December 2023

Meeting Date: 14 February 2024

APPLICATION FOR THE AMENDMENT TO THE GENERAL PLAN, REZONING AND CONSOLIDATION: ERF 2491 MBEKWENI

PART A: APPLICATION DESCRIPTION	
<p>The purpose of the application at hand involves the acquisition of the necessary land use rights in order to create one additional erf from Macebo Street (public street) and subsequently consolidating the subdivided portion with the adjacent Erf 2491 in order to form a larger land unit measuring ±222m² in extent.</p>	
PART B: DECISION MAKING AUTHORITY	
<p>In terms of the Drakenstein Municipality: System of Delegations: “the decision-making authority on land development applications, which involves Drakenstein Municipality on its own initiative conducting any land development, vests with the Drakenstein Municipal Planning Tribunal.”</p>	
PART C: PROPERTY DETAILS	
Property description	Erf 2491 Mbekweni; and A portion of a public street (Macebo Street)
Physical address	Located directly adjacent to Macebo Street within Mbekweni Residential Township
Total Extent	Erf 2491: ±161m ² ; and Portion A of Macebo Street: ±61m ²
Applicable Zoning Scheme	Drakenstein Zoning Scheme Bylaw, 2018
Current Zoning	Erf 2491: Conventional Housing Zone; and Portion A of Macebo Street: Transport Zone
Current Land Use	Erf 2491: Residential; and Portion A of Macebo Street: Public Street with illegal residential building
Existing buildings on the properties	Erf 2491: Two storey residential building; and Portion A of Macebo Street: Public Street with illegal portion of residential building

Any restrictive title conditions applicable	No	If yes, list conditions	n/a
Any third party conditions applicable	No	If yes, specify	n/a
Any unauthorised land use/building work	No	If yes, explain	n/a
PART D: APPLICANT AND OWNERSHIP DETAILS			
Applicant	David Hellig and Abrahamse Land Surveyors		
Owner	Erf 2491: Adriana Mbenenge; and Portion A of Macebo Street: Drakenstein Municipality		
PART E: PRE-APPLICATION CONSULTATION			
Has pre-application consultation been undertaken	No		
Brief summary of outcome	No pre-application consultation was held with relevant departments as the application represents giving affect to a Council Resolution.		
PART F: BACKGROUND			
<p>Erf 2491 Mbekweni, from here on referred to as the application property, is situated with the existing residential neighbourhood of Mbekweni, formerly known as Phola Park. The application property is zoned Conventional Housing Zone and is currently being utilised as such. Erf 2491 Mbekweni is situated directly adjacent to Macebo Street.</p> <p>It is important to mention that the owner of Erf 2491 Mbekweni has illegally built over the respective erf boundary onto the public street, which is owned by Drakenstein Municipality, without any approved building plans. The transgression however does not hinder access to the remaining erven situated in the close or street. The application in its entirety thus represents the alienation of the specific portion on which the part of the illegal structure is situated and which forms part of the existing dwelling essentially situated on Erf 2491 Mbekweni. This being said, the alienation of the respective portion of the public street was approved by Council and awarded to the owner of Erf 2491 Mbekweni. This application will legalise or rectify the infringement of the building over the property boundary. The afore-mentioned alienation measures approximately $\pm 61\text{m}^2$ and will be consolidated with Erf 2491 Mbekweni to form a larger property.</p> <p>David Hellig and Abrahamse has been appointed to obtain the relevant land use rights to formalise the existing situation and to act upon Councils decision, hence the application at hand.</p> <p>Consideration must therefore be given to the application at hand.</p>			
PART G: DEVELOPMENT PROPOSAL			
<p>The application herewith seeks to obtain the necessary land use rights, in order to incorporate a portion of Macebo Street with Erf 2491 Mbekweni. The applicable portion measures $\pm 61\text{m}^2$ and will be consolidated with the adjacent property being Erf 2491 Mbekweni in order to form a new larger residential property.</p>			

In order to give effect to the development proposal above, the following applications have been submitted:

Amendment to the General Plan No 11026/1992

- Amendment to the General Plan No. 11026/1992 by the creation of one additional erf being Portion A (portion of Macebo Street), measuring $\pm 61\text{m}^2$ in extent;

Closure

- Closure of Portion A ($\pm 61\text{m}^2$) as a Public Street

Rezoning

- Rezoning of the proposed Portion A from Transport Zone to Conventional Housing Zone in order to create a uniform zoning with the adjacent Erf 2491 Mbekweni; and

Consolidation

- Consolidation of Portion A ($\pm 61\text{m}^2$) with Erf 2491 Mbekweni ($\pm 161\text{m}^2$) in order to form a new land unit measuring $\pm 222\text{m}^2$ in extent.

PART H: SUMMARY OF APPLICANT'S MOTIVATION

The applicant, David Hellig and Abrahamse Land Surveyors, motivates the desirability of the application as follows:

1. The purpose of the land development application is to give effect to the Council Resolution dated 28/07/2021;
2. The proposal complies with the spatial planning policies for urban infill and development;
3. The development will enable the landowner to expand and optimise the existing residential development;
4. The proposed development will have no impact on safety of the surrounding community;
5. The development will not compromise the residential character of the surrounding area being beneficial to the entire neighbourhood;
6. Desirability has been addressed by Council by granting final approval for a portion of the road reserve to be sold to Mrs Mbenenge; and
7. The proposed land use development squares off Erf 2491 Mbekweni without impeding access to the five land units that gain access from this portion of road.

PART I: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with Sections 45(1) and 46(1) of the Drakenstein By-law on Municipal Planning, 2018? **Y** **N**

Public notices in terms of Section 45(1) and 46(1) of the Drakenstein By-law on Municipal Planning, 2018, was undertaken by means of advertising the application in the Paarl Post and circulated to the surrounding property owners for comment/objections. The application was furthermore made public by being posted on the notice boards of all municipal libraries and municipal offices, as well as on the municipal website. The public participation process commenced on 21 April 2023 and ended on 21 May 2023.

Total valid comments received	0	Total comments and petitions refused/late	0
Community organisations(s) response	¥ N	Valid petition(s)	¥ N If yes, number of signatures
Ward councillor response: Councillor Ludia Sambokwe			¥ N
Portfolio Holder Response: Councillor L Van Niekerk			¥ N
The application was forwarded to Councillors L Van Niekerk and Ward Councillor, Ludia Sambokwe for notification by email which awarded the opportunity for them to comment.			
Councillors L Van Niekerk and Felix Cupido did not give any comment to date.			
Total letters of support	None		
PART J: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION			
None			
PART K: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS			
Name	Date Received	Recommendation	
Drakenstein Municipality: Civil Engineering Services	13 November 2023	Supported and to be laid down as conditions of approval	
Drakenstein Municipality: Electro Technical Engineering Services	13 August 2023	Supported and to be laid down as conditions of approval	
Drakenstein Municipality: Heritage Services Sub-Section	11 August 2023	Supported	
PART L: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS NOT OBTAINED			
N/A			
PART M: MUNICIPAL PLANNING EVALUATION			
1. <u>Assessment in terms of the development principles as prescribed in terms of Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 13 of 2013) (SPLUMA) and Section 59 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)</u>			
a) <u>Spatial Justice</u>			
The principle of Spatial Justice deals with the rectification of past spatial imbalances. Given the location of the property and the nature of the development proposal, the opinion is held that this development principle has limited bearing on the application at hand.			
b) <u>Spatial Sustainability</u>			
The principle of Spatial Sustainability deals with amongst others, the protection of prime and unique agricultural land, upholding consistency of land use measures in accordance with environmental management systems, and the promotion of land development in locations that are sustainable and limits urban sprawl.			

The proposed application will not lead to the loss of prime agricultural land or cause any form of urban sprawl.

c) Efficiency

The principle of Efficiency deals with land development that optimises the use of existing resources and infrastructure, as well as streamlined development application procedures, and decision-making that minimises negative financial, social, economic or environmental impacts.

In relation to the above property, the proposed development will not require additional infrastructure as the existing residential is in a fully serviced neighbourhood.

d) Spatial Resilience

The principle of Spatial Resilience largely deals with the ability of spatial plans and policies, and land use management systems to ensure sustainable livelihoods in communities that are most likely to suffer from economic and environmental shocks.

Considering the nature of this development principle, the opinion is held that the principle of Spatial Resilience has limited bearing on the application at hand.

e) Good Administration

The application was processed strictly in accordance with the prescribed application procedures as stipulated in the Drakenstein By-law on Municipal Land Use Planning, 2018. The application included a transparent public participation process that afforded all parties the opportunity to provide input on matters affecting them.

2. Assessment in terms of the general criteria for consideration of applications as prescribed in terms of Section 65 of the Drakenstein By-law on Municipal Land Use Planning, 2018

a) Application procedures

The application was submitted and processed strictly in accordance with the prescribed application procedures as stipulated in the Drakenstein By-law on Municipal Land Use Planning, 2018.

b) Intergovernmental Relations

Given the nature of the application and the location of the application properties, the department deemed it appropriate to only forward the application to the internal municipal departments for comment. No intergovernmental departments were consulted as part of this application.

c) Impact on Municipal Engineering Services

The Drakenstein Municipality: Civil Engineering and Electro Technical Engineering Divisions both rendered positive comments to the application subject to certain conditions. It can therefore be argued that the proposed development will not have a negative impact on any of the municipal engineering services.

d) Policy Assessment

The Drakenstein Spatial Development Framework (SDF) serves as the primary guiding policy document in evaluating land use applications. In terms of the Drakenstein Spatial Development Framework, 2022 (SDF), the application properties are located within the urban edge and forms part of the existing urban footprint of Mbekweni.

The alienation property was dealt with by Council in terms of the asset transfer policy.

3. Assessment in terms of the level of desirability as prescribed in terms of Section 65 of the Drakenstein By-law on Municipal Land Use Planning, 2018 and Section 49 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)

From a desirability point of view, the proposed application can be supported from a land use planning point of view, based on the following reasons:

- The application stems from a Council Decision to alienate the proposed Portions A and to consolidate it with the adjacent property, being Erf 2491 Mbekweni;
- The proposal will not hinder access to the adjacent properties in the immediate vicinity;
- The relevant departments consented to the application, subject to certain conditions; and
- No objections were received as part of the public participation process.

4. Assessment in terms of site-specific circumstance required in order to deviate from the provisions of the Drakenstein Spatial Development Framework

Not applicable

PART N: RECOMMENDATION

1. That **approval be granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the Amendment of the General Plan No. 11026/1992 of the Mbekweni Township by the creating one additional erf, being Portion A measuring $\pm 61\text{m}^2$ in extent, as indicated on the Amendment to General Plan No 11028/1992, Closure, Rezoning and Consolidation Plan drawn by David Hellig and Abrahamse Land Surveyors dated October 2022 (Plan No.1 Rev1), attached hereto as "Annexure D";

2. That **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 Portion A, measuring $\pm 61\text{m}^2$ in extent, as a Public Street;
3. That **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 the proposed Portion A from Transport Zone to Conventional Housing Zone in order to create a uniform zoning with the adjacent Erf 2491 Mbekweni; and
4. That **approval be granted** in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the Consolidation of Portion A ($\pm 61\text{m}^2$) with Erf Erf 2491 Mbekweni ($\pm 161\text{m}^2$) in order to form a new land unit measuring $\pm 222\text{m}^2$ in extent, as indicated on the Amendment to General Plan No 11028/1992, Closure, Rezoning and Consolidation Plan drawn by David Hellig and Abrahamse Land Surveyors dated October 2022 (Plan No.1 Rev1), attached hereto as "Annexure D"
5. That the approvals mentioned in Paragraphs 1-4 above are subject to the conditions contained in "Part O", laid down in terms of Section 66 of the Drakenstein By-law on Municipal Land Use Planning, 2018.

PART O: CONDITIONS OF APPROVAL

1. Compliance with the following conditions from a town planning point of view be applicable:
 - 1.1. 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;
 - 1.2. Any amendments to the application are subject to the relevant approval;
 - 1.3. No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 1.4. That the subdivision takes place largely in accordance with the respective Amendment to General Plan No 11028/1992, Closure, Rezoning and Consolidation Plan drawn by David Hellig and Abrahamse Land Surveyors dated October 2022 (Plan No.1 Rev1), attached as "Annexure D";
 - 1.5. That the property may only be utilised for residential purposes;
 - 1.6. Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (2359) P (1624) dated 13 November 2023, attached hereto as "Annexure H";
 - 1.7. Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 8/2/5_2359 dated 13 August 2023, attached hereto as "Annexure I"; and

- 1.8 Should the applicant fail to comply with any of the conditions laid down, then Council reserves the right to impose further future conditions.

PART P: GENERAL ADMINISTRATIVE CONDITIONS

1. That the applicant be informed of the general right of appeal, 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 the notification letter. The approval is therefore suspended until further notice;
2. That the surrounding property owners who were notified of the application during the public participation process be informed of the general right of appeal, 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 the notification letter. The appeal procedures are set out in Section 80 of the afore-mentioned Bylaw; and
3. That the approval letter be displayed on the notice boards of the municipal offices and libraries and also be posted on the official municipal website.

PART Q: REASONS FOR RECOMMENDATION

1. The application stems from a Council Decision to alienate the proposed Portions A and to consolidate it with the adjacent property, being Erf 2491 Mbekweni;
2. The proposal will not hinder access to the adjacent properties in the immediate vicinity;
3. The relevant departments consented to the application, subject to certain conditions; and
4. No objections were received during the public participation process.

PART R: ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Aerial photography of the site
Annexure C:	Applicant's motivation
Annexure D:	Amendment to General Plan, Closure, Rezoning and Consolidation Plan
Annexure E:	Notification letter sent to surrounding property owners
Annexure F:	Advertisement of application in Paarl Post
Annexure G:	Owners notified
Annexure H:	Drakenstein Municipality: Civil Engineering Services Department
Annexure I:	Drakenstein Municipality: Electro Technical Engineering Services Department
Annexure J:	Drakenstein Municipality: Heritage Services Sub-Section
Annexure K:	Council Decision for Alienation

PART S: ASSESSOR AND RECOMMENDER

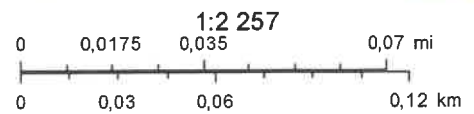
Assessed by: Hamish Louw	SACPLAN Reg. No: Pr. Pln	Signature: 	Date: 06 December 2023
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Recommended by: Henk Strijdom	SACPLAN Reg. No: Pr. Pln A/1058/1998	Signature: 	Date: 11/12/2023
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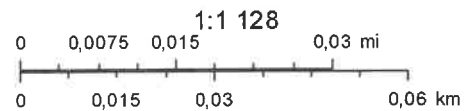
- Land Parcels _Query result
- Ward Councillors
- Street Names
- Land Parcels
- SG Approved Erven
- Urban Edge 2022



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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- Land Parcels _Query result
- Ward Councillors
- Street Names
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Land Parcels
- SG Approved Erven
- Urban Edge 2022

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

PLANNING REPORT

PROPOSED AMENDMENT TO GENERAL PLAN,
CLOSURE, REZONING AND
CONSOLIDATION OF A PORTION OF THE
REMAINDER OF ERF 2359 MBEKWENI

OUR REF: P3688/22

Compiled by:
David Hellig and Abrahamse
Land Surveyors

APRIL 2023

1. INTRODUCTION

1.1 Application

A land development application is hereby submitted in terms of the following provisions of the Drakenstein Municipal Land Use Planning By-law, 2018 for approval, viz:

- (i) **Section 15(2)(j)** for the Amendment to General Plan No 11026/1992 by the creation of one additional erf viz Ptn A measuring \pm 61 square metres in extent.
- (ii) **Section 15(2)(m)** for the **Closure** of Portion A being Public Street.
- (iii) **Section 15(2)(a)** for the **Rezoning** of the Portion A from Transport Zone to Conventional Housing Zone.
- (iv) **Section 15(2)(e)** for the **Consolidation** of the Portion A measuring \pm 61 square metres in extent and Erf 2491 Mbekweni measuring 161 square metres in extent to form a land unit measuring \pm 222 square metres in extent.

The purpose of the land development application is to give effect to the Council Resolution dated 28-07-2021 granting the approval of the alienation of a portion of road reserve (Macebo Street) being municipal land and represented by Portion A to the adjoining landowner of Erf 2491 Mbekweni.

2. PROPERTY DETAILS

Description	The Remainder of Erf 2359 Mbekweni
Registered owner	Drakenstein Municipality
Existing zoning	Transport Zone

Table 1: Property details

Amendment to General Plan, Closure, Rezoning and Consolidation of the Remainder of Erf 2359 Mbekweni and Erf 2491 Mbekweni

Erf 2491 Mbekweni measuring 161 square metres in extent abuts Macebo Street and is owned by Adriana Mbenenge vide Deed of Transfer No T89738/2002.

3. LOCALITY AND LAND USE RIGHTS

Erf 2491 is located in Mbekweni abutting Macebo Street. This land unit is zoned for Conventional Housing purposes in terms of the Drakenstein Zoning Scheme By-Law, 2018 and consists of one double storey residential dwelling.

Ptn A represents a portion of Macebo Street and is zoned for Transport Zone purposes in terms of the Drakenstein Zoning Scheme By-Law, 2018.

There are no restrictive title deed conditions that prohibits the proposed land use development.

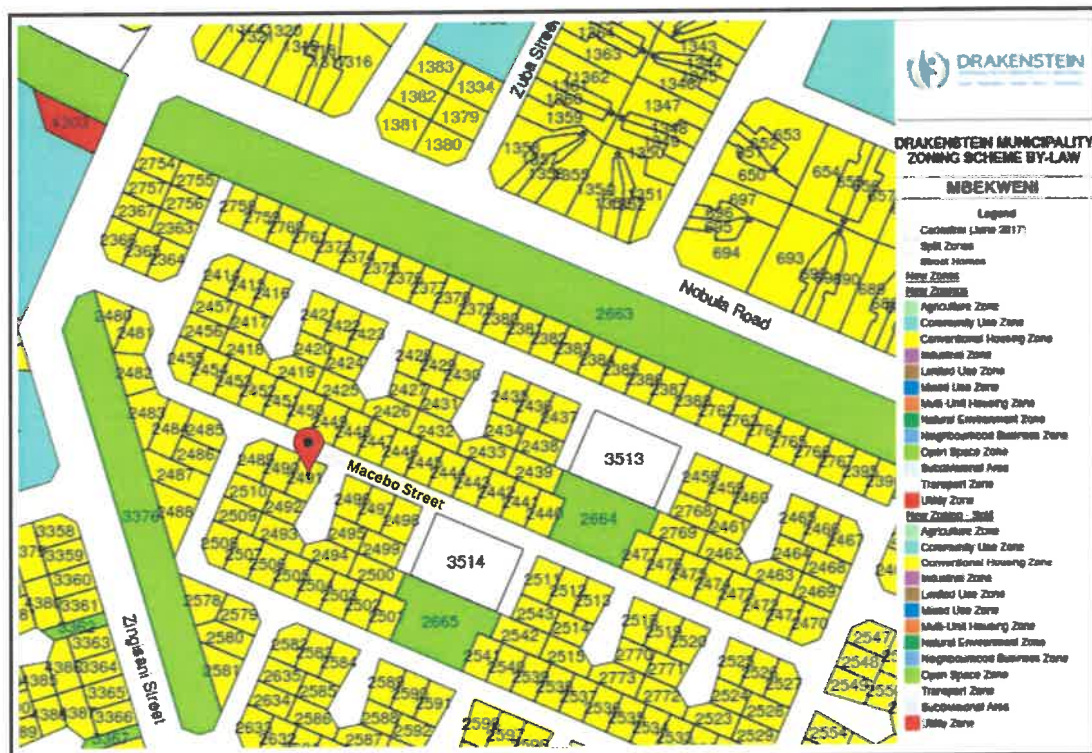


Figure 1: Extract from Drakenstein Municipality Zoning Scheme By-Law, 2018:
Mbekweni



Figure 2: Extract from Google Maps indicating current land use and Public Street

4. CONCLUSION

4.1 Spatial Principles

In terms of National, Provincial and Local Spatial Planning Legislation certain development principles were adopted to guide decision making in terms of spatial planning, land development and land use management.

These development principles are contained in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013) (SPLUMA) and Section 59 of the Western Cape Land Use Planning Act, 2014 (Act No 3 of 2014) (LUPA).

The proposed development is hereby evaluated in terms of the following five development principles:

Amendment to General Plan, Closure, Rezoning and Consolidation of the Remainder of Erf 2359 Mbekweni and Erf 2491 Mbekweni

(a) Principle of spatial justice

The subject land units form part of the existing urban settlement of Mbekweni and are situated within the approved urban edge. The development proposal complies with the spatial planning policies for urban-infill and development within existing urban areas as identified in the Drakenstein Municipal Spatial Development Framework, 2022 (see Section 7.4).

(b) Principle of spatial sustainability

The development proposal will enable the landowner to expand and optimise the existing residential development situated on the Erf 2491 Mbekweni.

The proposed development will have no impact on the safety of the surrounding community.

(c) Principle of efficiency

The utilisation of municipal land by the owner of Erf 2491 Mbekweni will enhance and not compromise the residential character of the surrounding area being beneficial to the entire neighbourhood and add value to the properties in the area.

(d) Principle of spatial resilience

This principle is not applicable since the subject property already forms part of the existing urban settlement of Mbekweni.

(e) Principle of good administration

The approval of the land development application will give effect to the decision by the Drakenstein Municipality to alienate the portion of land to the owner of Erf 2491 Mbekweni, which has already been the subject of engagement with respect to the disposal of the municipal land.

4.2 Desirability

In terms of Section 65(b) of the Drakenstein Municipal Land Use Planning By-Law, 2018, the merits of the development proposal are based on the principles of desirability.

The concept of “*desirability*” in a land use planning context and as contemplated in Section 65(b) of the Drakenstein Municipal Land Use Planning By-Law, 2018 can be described as the:

“degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The question of desirability has been addressed by council by granting final approval for a portion of the road reserve (Macebo Street) to be sold to Mrs Mbenenge.

The proposed land use development squares off Erf 2491 Mbekweni without impeding access to the five land units that gain access from this portion of road. This proposed newly formed land unit can be more effectively and productively utilised by the owners with all the accruing benefits of security of title, improved security and privacy.

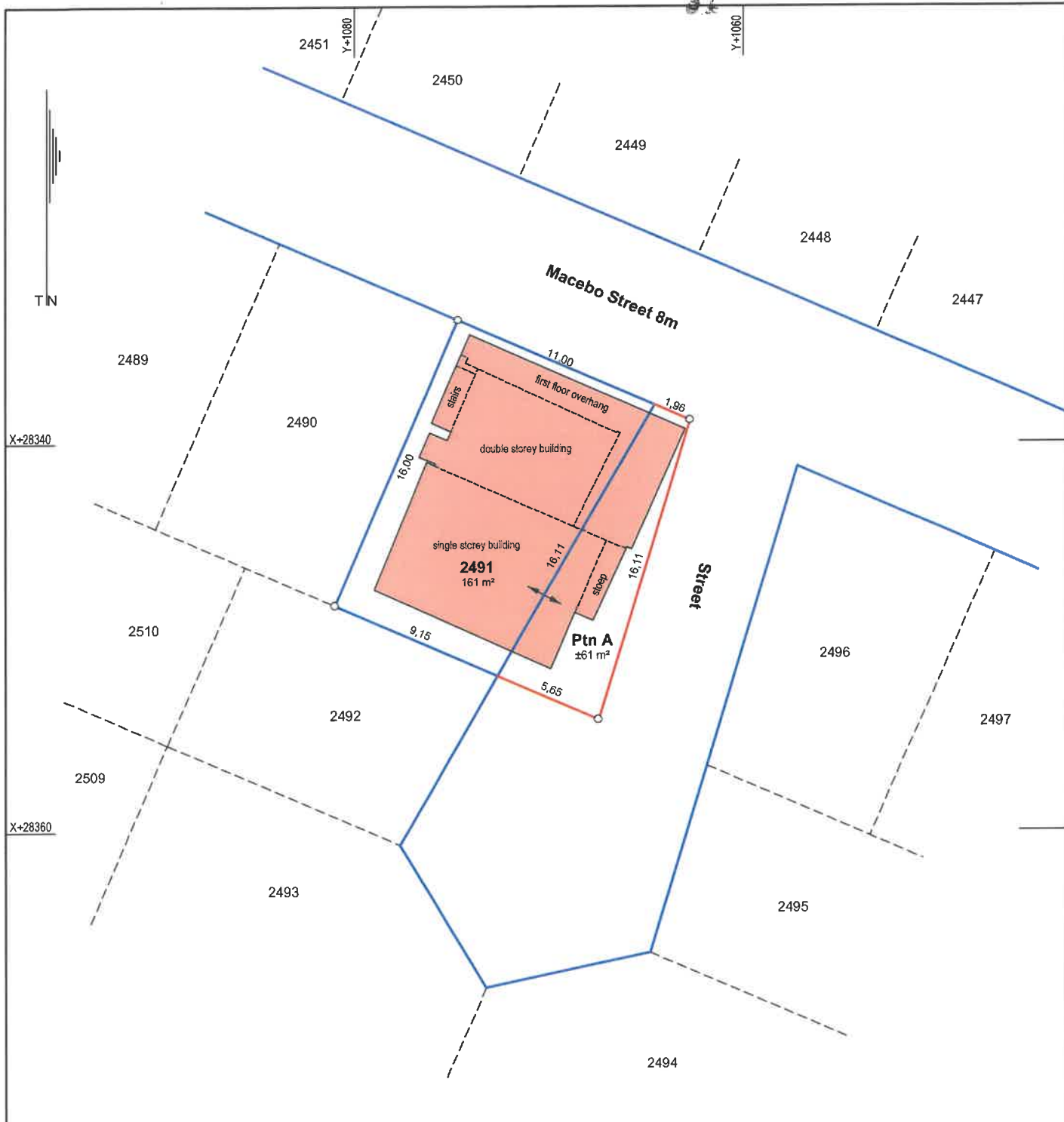
DAVID HELLIG AND ABRAHAMSE



PER: A N Louw
21-04-2023

Amendment to General Plan, Closure, Rezoning and Consolidation of the Remainder of Erf 2359 Mbekweni and Erf 2491 Mbekweni

6 | Page



Ref : 1) Co-ordinate System WGS 84/19°
 2) S. G. Noting M2906

Notes :

1) Amendment to General Plan No 11026/1992

Application in terms of Section 15(2)(j) of the Drakenstein Municipal Land Use Planning By-Law, 2018 for the Amendment to General Plan No 11026/1992 by the creation of one additional erf viz Ptn A measuring ±61 square metres in extent

2) Street Closure


Application in terms of Section 15(2)(m) of the Drakenstein Municipal Land Use Planning By-Law, 2018 for the closure of Ptn A being Public Street

3) Rezoning

Application in terms of Section 15(2)(a) of the Drakenstein Municipal Land Use Planning By-Law, 2018 for the rezoning of Ptn A from Transport Zone to Conventional Housing Zone

4) Consolidation

Application in terms of Section 15(2)(e) of the Drakenstein Municipal Land Use Planning By-Law, 2018 for the consolidation of Ptn A and Erf 2491 Mbekweni measuring 161 square metres in extent are to form a land unit measuring ±222 square metres in extent

 david hellig & abrahamse professional land surveyors 258 Main Street PAARL 7648	
Telephone : 021-8724086	web site : www.dhale.co.za email : david@dhale.co.za
project	
AMENDMENT TO GENERAL PLAN NO 11026/1992 CLOSURE, REZONING AND CONSOLIDATION	
Scale	1 / 200 @ A3
Date	October 2022
File No	P3688/22
Plan No	1 Rev1

13 Jun 2023 at 14:52:16

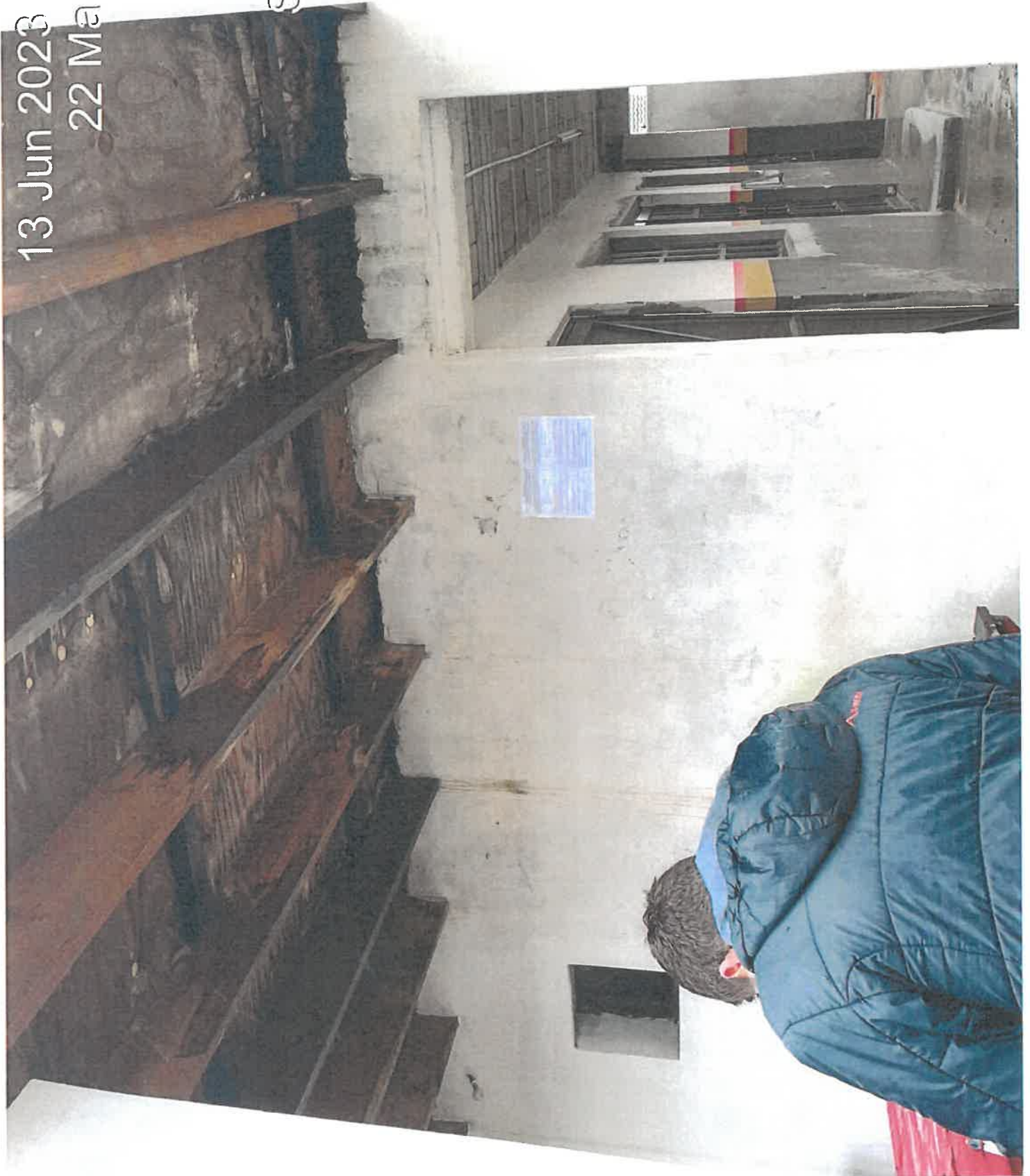
22 Macebo Street

Paarl

WC

7655

South Africa



13 Jun 2023 at 14:51:46
 21 Macebo Street
 Paarl
 WC
 7655
 South Africa

DRAKENSTEIN MUNICIPALITY
 KENNISGEWING: AANSOEK OM WYSLUITING VAN ALGEMEEN PLAN, SLUITING, HERBESIGTING EN
 KONSOLIDASIE INKORREKTE AFTREK (S12)(a),(b),(c) EN (n) VAN DIE DRAKENSTEIN VERORDENING OP
 MUNISIPALE GRONDGEbruiksBEPLANNING, 2018:
 ERP 2491 MBEKWENI EN DIE RESTANT VAN ERP 2358 MACEBO/PAARL ALGEMEEN PLAN NO 11026/1992

DRAKENSTEIN MUNICIPALITY
 NOTICE APPLICATION FOR AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION IN
 TERMS OF SECTION 15(2)(a),(b),(c) AND (n) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE
 PLANNING, 2018:
 ERP 2491 MBEKWENI AND THE REMAINDER OF ERP 2358 MACEBO/PAARL GENERAL PLAN NO 11026/1992

Kenns gekied hiermee ingevolge die Drakenstein Verordening op Munisipale
 Grondgebruiksbeplanning, 2018 dat 'n aansoek, ook hiewonder uiteengezet, by die Drakenstein
 Munisipaliteit ingedien is. 'n Omskietende afskrif van die aansoek kan aangevra word deur 'n e-pos aan
 Mnr. David Hellig en Abrahams Professionele Landmeters te stuur by plan@dhas.co.za of die
 aansoekertelefoons te klink by 021 872 4086. Alternatiewelik kan Mnr Hamish Louw gekontak word
 by 021 807 6227 of e-posadres HamishL@drakenstein.gov.za.

Notice is hereby given in terms of the Drakenstein By-Law on Municipal Land Use Planning, 2018 that
 an application as set out below has been submitted to the Drakenstein Municipality. A comprehensive
 copy of the application may be requested by sending an email to Messrs David Hellig and Abrahams
 Professional Land Surveyors at plan@dhas.co.za or by contacting the applicant telephonically at 021
 872 4086. Alternatively Mr Hamish Louw can be contacted at 021 807 6227 or at e-mail address
 HamishL@drakenstein.gov.za.

Elendom : 'n Gedeelte van Macebo Street (Publieke Straat) aangrensend Erf 2491
 Mbekweni
 Aansoeker : David Hellig en Abrahams Professionele Landmeters
 Eiensaar : Drakenstein Munisipaliteit
 Ligging : 2491 Macebo Street, Mbekweni
 Grootte : ± 61 vierkante meter
 Sonering : Vervoersone

Property : A portion of Macebo Street (Public Street) abutting Erf 2491 Mbekweni
 Applicant : David Hellig and Abrahams Professional Land Surveyors
 Owner : Drakenstein Municipality
 Locality : 2491 Macebo Street, Mbekweni
 Extent : ± 61 square metres
 Zoning : Transport Zone

Voorstel:
 1. Wysiging van Algemene Plan No 11026/1992 vir die skepping van een bykomende erf naamlik
 Ptn A met 'n grootte van ± 61 vierkante meter.
 2. Die Sluiting van Ged A wat tens Publieke Straat voorstel.
 3. Die Herosnering van Ged A van Vervoersone na Konvensionele Behuisingone
 4. Die Konsolidasie van Ged A met 'n grootte van ± 61 vierkante meter met aangrensende Erf 2491
 Mbekweni met 'n grootte van 163 vierkante meter om 'n grondseenheid van ± 222 vierkante
 meter te skep.

Proposal:
 1. Amendment to General Plan No 11026/1992 for the creation of one additional erf viz Ptn A
 measuring ± 61 square metres in extent.
 2. The Closure of Ptn A being Public Street
 3. The Rezoning of Ptn A from Transport Zone to Conventional Housing Zone
 4. The Consolidation of Ptn A measuring ± 61 square metres in extent with adjoining Erf 2491
 Mbekweni measuring 163 square metres in extent to form a land unit measuring ± 222 square
 metres in extent.

Gemotiveerde besware of kommentaar moet teen 15-07-2023 aan die Stadsbestuurder gerig word vir
 die aanleg van die Bestuurder: Grond Ontwikkelings Bestuur en kan ingedien word via een van die
 volgende drie opsies:

Motivated objections or comments must be addressed to the City Manager for the attention of the
 Manager: Land Development Management by 15-07-2023 and can be submitted via one of the
 following three options:

- Gepos aan Postbus 1, Paarl, 7622;
- Hand afgelewer by die Paarl Burgersentrum, Berg River Boulevard, Paarl; of
- E-pos aan customercare@drakenstein.gov.za

- Posted to PO Box 1, Paarl, 7622;
- Hand delivered at the Paarl Civic Centre, Berg River Boulevard, Paarl; or
- E-mailed to customercare@drakenstein.gov.za

Let daarop dat indienings moet voldoen aan Artikel 50 van die Drakenstein Verordening op Munisipale
 Grondgebruiksbeplanning 2018, wat beskikbaar is by die bogenoemde amptenaar.

Note that submissions must comply with Section 50 of the Drakenstein By-Law on Municipal Land Use
 Planning 2018, being available from the abovementioned official.

KENNISGEWING DATUM: 15-06-2023
 SLUITINGSDATUM VIR BESWARE EN/OF KOMMENTARE: 15-07-2023

DATE OF NOTIFICATION: 15-06-2023
 CLOSING DATE FOR OBJECTIONS AND/OR COMMENTS: 15-07-2023

DHA Planning

From: DHA Planning
Sent: Tuesday, 13 June 2023 16:36
To: Laurichia van Niekerk
Subject: PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI
Attachments: 2 - Plan 1Rev 1.pdf; 3 - Planning Report.pdf; Notice Erf 2491 & Rem. Erf 2359.pdf

Our Ref: P3688/22

Dear Councillor van Niekerk

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A PORTION OF
REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above, I hereby advise that the abovementioned land development application has been submitted to the Drakenstein Municipality for approval.

The following extracts of the land development application are attached herewith for your attention:

- Notice
- Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev1
- Planning Report

As Portfolio Holder for Planning and Development Services, could you please provide your comments on the land development application as soon as possible to enable the application to be processed and finalised as expeditiously as possible.

Please acknowledge receipt in writing of this e-mail and attachments.

I look forward to hearing from you.

Kind regards

Janko Pieterse
Candidate Town Planner
Reg No. C/9820/2023

David Hellig and Abrahamse
Professional Land Surveyors
258 Main Street
PAARL 7646
P O Box 18 PAARL 7622
Telephone : (021) 872 4086
Email : plan@dhaa.co.za
Website : www.dhale.co.za

DHA Planning

From: DHA Planning
Sent: Tuesday, 13 June 2023 16:27
To: 'ludia.sambokwe@drakenstein.gov.za'
Subject: PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI
Attachments: 2 - Plan 1Rev 1.pdf; 3 - Planning Report.pdf; Notice Erf 2491 & Rem. Erf 2359.pdf

Our Ref: P3688/22

Dear Councillor Sambokwe

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
 PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A PORTION OF
 REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above. I hereby advise that the land development application has been submitted to the Drakenstein Municipality for approval.

The following extracts of the land use planning application are attached herewith for your attention:

- Notice
- Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev1.
- Planning Report

As Ward Councillor, could you please provide your comments on the land use planning application as soon as possible to enable the application to be processed and finalised as expeditiously as possible.

Please acknowledge receipt in writing of this e-mail and attachments.

I look forward hearing from you.

Kind regards

Janko Pieterse
 Candidate Town Planner
 Reg No. C/9820/2023

David Hellig and Abrahamse
Professional Land Surveyors
 258 Main Street
 PAARL 7646
 P O Box 18 PAARL 7622
 Telephone : (021) 872 4086
 Email : plan@dhaa.co.za
 Website : www.dhale.co.za

David Hellig and 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)



258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mr JZ and Mrs EN Maqungo
24 Macebo Street
Mbekweni
7626

Dear Sir / Madam

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2448 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

Yours sincerely
DAVID HELLIG AND ABRAHAMSE

PER : J PIETERSE
Candidate Town Planner
Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELLIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: 13-06-2023

David Hellig and Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELBIG
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)

37 258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mr. PM MAKAE
22 Macebo Street
Mbekweni
7626

Dear Sir

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2449 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

Yours sincerely
DAVID HELBIG AND ABRAHAMSE



PER : J PIETERSE
Candidate Town Planner
Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELBIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: 13-06-2023



David Hellig and Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELDIG
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)

38 258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mrs. LP Kweleta
33 Macebo Street
Mbekweni
7626

Dear Madam

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2496 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

Yours sincerely
DAVID HELDIG AND ABRAHAMSE



PER : J PIETERSE
Candidate Town Planner
Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELDIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: L.P. Kweleta
13-06-2023

David Hellig and 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)

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258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622

Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mr. CN Mqwane
Macebo Street
Mbekweni
7626

Dear Sir

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2492 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

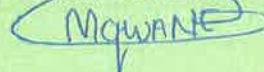
Yours sincerely
DAVID HELLIG AND ABRAHAMSE



PER : J PIETERSE
Candidate Town Planner
Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELLIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: 15-06-2023



David Hellig and 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)

40

258 Main Street/Hoofstraat
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✉ P O Box 18 PAARL 7622

Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mr MA and Mrs NE Mditjana
20 Macebo Street
Mbekweni
7626

Dear Sir / Madam

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2450 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

Yours sincerely

DAVID HELLIG AND ABRAHAMSE



PER : J PIETERSE

Candidate Town Planner

Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELLIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: *NE Mditjana*

13-06-2023

David Hellig and Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELBIG
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)

41 258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mrs. N Mbencane
31 Macebo Street
Mbekweni
7626

Dear Madam

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2495 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

Yours sincerely
DAVID HELBIG AND ABRAHAMSE



PER : J PIETERSE
Candidate Town Planner
Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELBIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: 

13-06-2023

David Hellig and Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELDIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
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Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : plan@dhaa.co.za

Our Ref: P3688/22

15 June 2023

Mrs. VE Bulala
21 Macebo Street
Mbekweni
7626

Dear Madam

**APPLICATION IN TERMS OF THE DRAKENSTEIN MUNICIPAL LAND USE PLANNING BY-LAW, 2018:
PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A
PORTION OF REMAINDER OF ERF 2359 MBEKWENI AND ERF 2491 MBEKWENI**

Further to the above and being the registered landowner of Erf 2490 Mbekweni, in close proximity to the abovementioned subject land unit, I enclose herewith the following extracts of the land use application for your attention:

1. Notice
2. Plan of Amendment to General Plan No 11026/1992, Closure, Rezoning and Consolidation No 1 Rev 1.
3. Planning Report

Yours sincerely
DAVID HELDIG AND ABRAHAMSE



PER : J PIETERSE
Candidate Town Planner
Reg No. C/9820/2023

RECEIVED FROM
MESSRS DAVID HELDIG & ABRAHAMSE
LAND SURVEYORS
THE DOCUMENTS ENUMERATED ABOVE

DATE: 

13-06-2023

<p style="text-align: center;">DRAKENSTEIN MUNICIPALITY</p> <p style="text-align: center;">NOTICE: APPLICATION FOR AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION IN TERMS OF SECTION 15(2)(a),(e),(f) AND (m) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2018: ERF 2491 MBEKWENI AND THE REMAINDER OF ERF 2359 MBEKWENI: GENERAL PLAN NO 11026/1992</p>	<p style="text-align: center;">DRAKENSTEIN MUNICIPALITEIT</p> <p style="text-align: center;">KENNISGEWING: AANSOEK OM WYSIGING VAN ALGEMENE PLAN, SLUITING, HERSONERING EN KONSOLIDASIE INGEVOLGE ARTIKEL 15(2)(a),(e),(f) EN (m) VAN DIE DRAKENSTEIN VERORDENING OP MUNISIPALE GRONDGEBRUIKSBEPLANNING, 2018: ERF 2491 MBEKWENI EN DIE RESTANT VAN ERF 2359 MBEKWENI: ALGEMENE PLAN NO 11026/1992</p>
<p>Notice is hereby given in terms of the Drakenstein By-Law on Municipal Land Use Planning, 2018 that an application as set out below has been submitted to the Drakenstein Municipality. A comprehensive copy of the application may be requested by sending an email to Messrs David Hellig and Abrahamse Professional Land Surveyors at plan@dhaa.co.za or by contacting the applicant telephonically at 021 872 4086. Alternatively Mr Hamish Louw can be contacted at 021 807 6227 or at email address HamishL@drakenstein.gov.za.</p> <p>Property: A portion of Macebo Street (Public Street) abutting Erf 2491, Mbekweni Applicant: David Hellig and Abrahamse Professional Land Surveyors Owner: Drakenstein Municipality Locality: 2491 Macebo Street, Mbekweni Extent: ± 61 square metres Zoning: Transport Zone</p>	<p>Kennis geskied hiermee ingevolge die Drakenstein Verordening op Munisipale Grondgebruiksbeplanning, 2018 dat 'n aansoek, soos hieronder uiteengesit, by die Drakenstein Munisipaliteit ingedien is. 'n Omvattende afskrif van die aansoek kan aangevra word deur 'n e-pos aan Mnr David Hellig en Abrahamse Professionele Landmeters te stuur by plan@dhaa.co.za, of die aansoeker telefonies te skakel by 021 872 4086. Alternatiewelik kan Mnr Hamish Louw gekontak word by 021 807 6227 of e-posadres HamishL@drakenstein.gov.za.</p> <p>Eiendom: 'n Gedeelte van Macebo Street (Publieke Straat) aangrensend Erf 2491, Mbekweni Aansoeker: David Hellig en Abrahamse Professionele Landmeters Eienaar: Drakenstein Munisipaliteit Ligging: 2491 Macebo Straat, Mbekweni Grootte: ± 61 vierkante meter Sonering: Vervoersone</p>
<p>Proposal:</p> <ol style="list-style-type: none"> 1. Amendment to General Plan No 11026/1992 for the creation of one additional erf viz Ptn A measuring ± 61 square metres in extent. 2. The Closure of Ptn A being Public Street 3. The Rezoning of Ptn A from Transport Zone to Conventional Housing Zone 4. The Consolidation of Ptn A measuring ± 61 square metres in extent with adjoining Erf 2491 Mbekweni measuring 161 square metres in extent to form a land unit measuring ± 222 square metres in extent. <p>Motivated objections or comments must be addressed to the City Manager for the attention of the Manager: Land Development Management by 15-07-2023 and can be submitted via one of the following three options:</p> <ul style="list-style-type: none"> • Posted to PO Box 1, Paarl, 7622; • Hand delivered at the Paarl Civic Centre, Berg River Boulevard, Paarl; or • E-mailed to customercare@drakenstein.gov.za <p>Note that submissions must comply with Section 50 of the Drakenstein By-Law on Municipal Land Use Planning 2018, being available from the above mentioned official.</p>	<p>Voorstel:</p> <ol style="list-style-type: none"> 1. Wysiging van Algemene Plan No 11026/1992 vir die skepping van een bykomende erf naamlik Ptn A met 'n grootte van ± 61 vierkante meter. 2. Die Sluiting van Ged A wat tans Publieke Straat voorstel. 3. Die Hersonering van Ged A van Vervoersone na Konvensionele Behuisingone 4. Die Konsolidasie van Ged A met 'n grootte van ± 61 vierkant meter met aangrensende Erf 2491 Mbekweni met 'n grootte van 161 vierkante meter om 'n grondeenheid van ± 222 vierkante meter te skep. <p>Gemotiveerde besware of kommentaar moet teen 15-07-2023 aan die Stadsbestuurder gerig word vir die aandag van die Bestuurder: Grond Ontwikkelings Bestuur en kan ingedien word via een van die volgende drie opsies:</p> <ul style="list-style-type: none"> • Gapos aan Posbus 1, Paarl, 7622; • Hand afgelewer by die Paarl Burgersentrum, Bergrivier Boulevard, Paarl; of • E-pos aan customercare@drakenstein.gov.za <p>Let daarop dat indienings moet voldoen aan Artikel 50 van die Drakenstein Verordening op Munisipale Grondgebruiksbeplanning 2018, wat beskikbaar is by die bogenoemde amptenaar.</p>
<p>DATE OF NOTIFICATION: 15-06-2023 CLOSING DATE FOR OBJECTIONS AND/OR COMMENTS: 15-07-2023</p>	<p>KENNISGEWING DATUM: 15-06-2023 SLUITINGS DATUM VIR BESWARE EN/OF KOMMENTARE: 15-07-2023</p>



DRAKENSTEIN
MUNISIPALITEIT • MUNICIPALITY • UMASIPALA
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customercare@drakenstein.gov.za
Civic Centre, Berg River Boulevard, Paarl 7646

Memo

To:	EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE DEPARTMENT (ATTENTION: H. LOUW)
From:	ACTING MANAGER: INFRASTRUCTURE DEVELOPMENT
Enquiries:	L.H. SMITH
Collaborator number:	2042155
Reference number:	15/4/1 (2359) M (1624)
Date:	13 November 2023
Subject:	APPLICATION FOR PROPOSED AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A PORTION OF THE REMAINDER OF ERF 2359, MBEKWENI

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.

2 STORM WATER

2.1 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors.

3 WATER

3.1 Existing metered connection must be installed one meter inside the erf boundary;

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 connection must be installed 1 meter inside the erf boundary and no deeper than 1 meter; and

4.2 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 occupant(s) of the erf for the removal of such household refuse.

6 DEVELOPMENT CHARGES

6.1 Based on the information provided in the application, no Development Charge payable by the developer.

7 GENERAL

7.1 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards.



LH SMITH

ACTING MANAGER: INFRASTRUCTURE DEVELOPMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2023\comments\Erf 2359, Mbekweni - Closure, Rezoning & Consolidation.docx
LHS/sw

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_2359

Date: 13 August 2023

Subject: APPLICATION FOR AMENDMENT TO GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION OF A PORTION OF ERF 2359, MBEKWENI

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. The current distance from the existing pole to the boundary and dwelling wall. The minimum clearance must 3m taken inconsideration that no scaffolding will be erected within the minimum clearance distance.

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. 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 a new, 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




LLAING

MANAGER: PLANNING AND CUSTOMER SERVICES

I:\BEPLAN 3\Sub_Divisions_Rezoning\202324\2359



Memo

To: LAND DEVELOPMENT MANAGEMENT DIVISION
J MEYER (EXT: x4836)

From: HERITAGE SERVICES SUB-SECTION
Enquiries: ZWELIBANZI G SHICEKA (EXT: x6337)

Collaborator No. 2042155

Reference number: 15/4/1(2359)M

Date: 11 AUGUST 2023

Subject: APPLICATION FOR AMENDMENT OF THE GENERAL PLAN, CLOSURE, REZONING AND CONSOLIDATION IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BYLAW ON MUNICIPAL LAND USE PLANNING 2018: PORTION OF THE REMAINDER OF ERF 2359 MBEKWENI

RECEIVED APPLICATION ON 1 AUGUST 2023

1. PROPOSAL

The proposal entails the amendment of the General Plan, closure of Portion A being Public Street, rezoning of the Portion A from Transport Zone to Conventional Housing Zone and consolidation of the Portion A (measuring $\pm 61\text{m}^2$ in extent) and Portion of Erf 2491 Mbekweni (measuring 161m^2 in extent) to form a land unit (measuring $\pm 222\text{m}^2$ in extent).

2. EVALUATION

2.1 DRAKENSTEIN MUNICIPAL ZONING SCHEME BYLAW 2018

In terms of the Drakenstein Municipal Zoning Scheme Bylaw 2018, the proposal is located outside of any Special Character Protected Area Overlay Zone and Scenic Route Overlay Zone.

2.2 DRAKENSTEIN HERITAGE SURVEY 2013

In terms of the Drakenstein Heritage Survey 2013, the proposal is located outside of any Heritage Overlay Zone.

3. CONCLUSION

In view of the above, the proposed amendment of the General Plan, closure of Portion A being Public Street, rezoning of the Portion A from Transport Zone to Conventional Housing Zone and consolidation of the Portion A (measuring $\pm 61\text{m}^2$ in extent) and Portion of Erf 2491 Mbekweni (measuring 161m^2 in extent) to form a land unit (measuring $\pm 222\text{m}^2$ in extent), is supported from a heritage point of view.

W HENDRICKS
MANAGER: SPATIAL PLANNING



DRAKENSTEIN
MUNISIPALITEIT • MUNICIPALITY • UMASIPALA
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: W Rabie
Contact number: 021 807 6349
Reference: 15/4/1 (2491) M
Date: 06 August 2021

2491 Macebo Street
Phola Park
MBEKWENI
7626

Per electronic mail: sandilembenenge@gmail.com

Sir/Madam

PROPOSED ALIENATION OF A PORTION OF MACEBO STREET (ROAD RESERVE), MBEKWENI TO ADJACENT LANDOWNER OF ERF 2491 MBEKWENI (WARD 12)

Your application refers.

Council on 28 July 2021 granted final approval for the alienation of a portion of road reserve (Macebo Street), measuring approximately 61m² in extent to the adjacent landowner of Erf 2491, Mbekweni (Mrs Mbenenge) at a market related price selling price of R9,000.00 (VAT excl.), subject to the normal conditions of sale and the following further conditions:

- 1.1 All cost related to the transaction will be for the applicant's account; and
- 1.2 The transaction be the subject to the technical conditions as set out in the enclosed **Annexure B**.

Should the conditions of approval be acceptable, kindly complete the confirmation of acceptance of conditions enclosed herewith and return to the Legal Services Section: Property Transactions by **13 August 2021**.

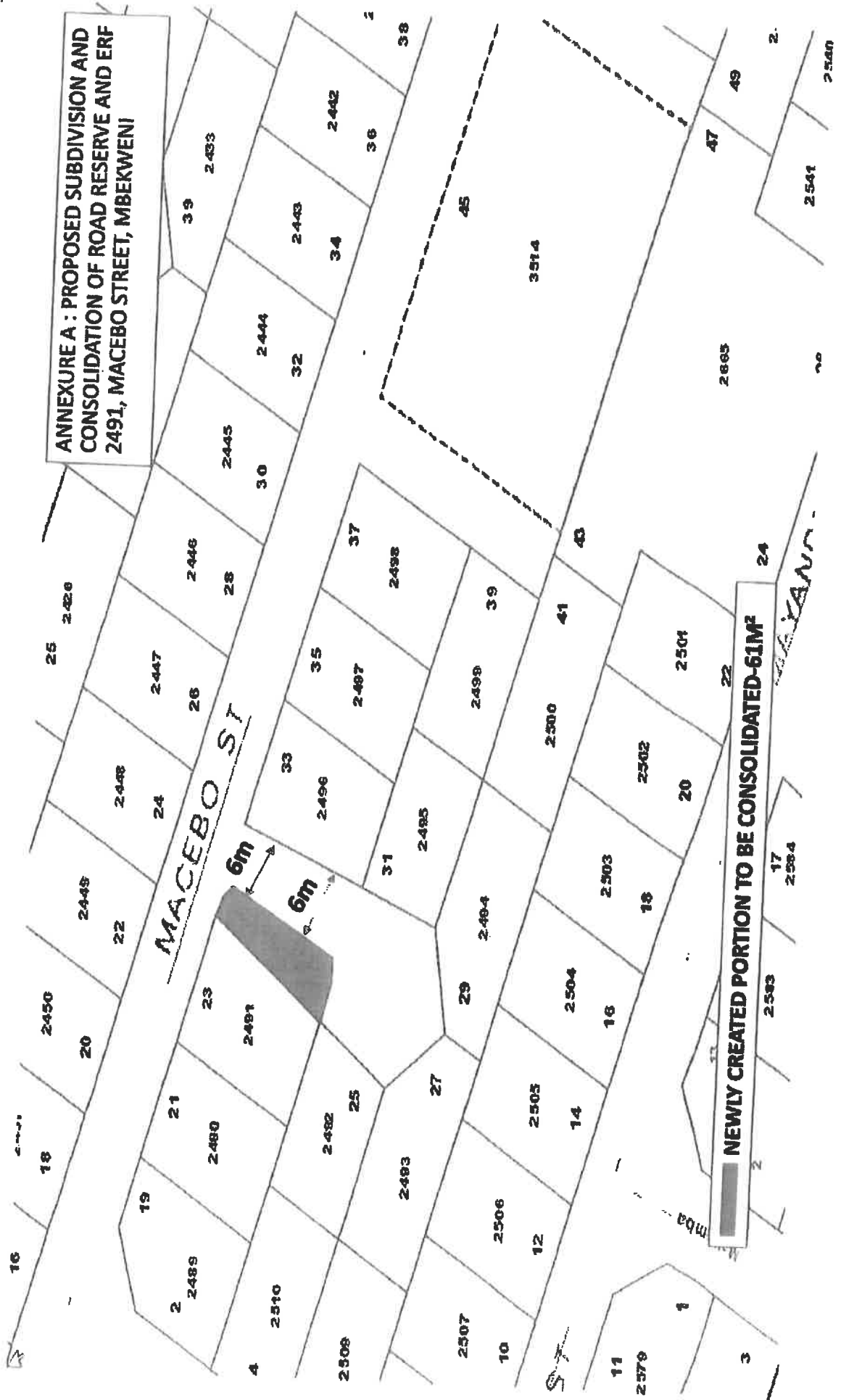
For any further enquiries kindly contact Welne Rabie at 021 807 6349.

Yours faithfully


S JONAAR
EXECUTIVE DIRECTOR: CORPORATE SERVICES

A

ANNEXURE A : PROPOSED SUBDIVISION AND CONSOLIDATION OF ROAD RESERVE AND ERF 2491, MACEBO STREET, MBEKWENI



NEWLY CREATED PORTION TO BE CONSOLIDATED-61M²

**STANDARD CONDITIONS OF SALE & TECHNICAL CONDITIONS
FOR THE SALE OF MUNICIPAL LAND –
PORTIONS OF ROAD RESERVE ADJACENT ERF 2491 MBEKWENI**

ANNEXURE B

1. STANDARD CONDITIONS OF SALE

- 1.1 Purchasers shall be responsible for all costs, and where applicable, all action pertaining to a transaction e.g. survey, rezoning, subdivision, consolidation, advertisement, relocation or provision of services.
- 1.2 All statutory requirements must be met by the purchaser at his or her own costs. The Municipality may on account of the public interest or the plight of the poor, decide to undertake one or more of the statutory requirements at the Municipality's cost.
- 1.3 The existing services must be suitably protected, and costs shall be for the account of the purchaser.
- 1.4 The Municipality reserves the right to impose such additional conditions as deemed necessary, without limiting its rights to liquidated damage.
- 1.5 The deed of sale may provide for the payment of occupational interest from date of occupation, as agreed upon, until transfer of the property in the name of the purchaser.
- 1.6 Immovable property may only be used for the purpose as approved by council and in accordance with the approved town planning scheme.
- 1.7 A deed of sale must be signed within 60 days from the date of official request by the Municipality, or within such extended period as may be agreed upon failing which the transaction shall lapse.
- 1.8.1 No transaction shall be processed unless the purchaser has confirmed in writing that he or she will bear all applicable costs as set out in paragraph 1.2 and also confirmed that all other conditions imposed by the municipality shall be complied with.

2. TECHNICAL CONDITIONS AS IMPOSED BY TECHNICAL DEPARTMENTS

- 2.1 All costs related to the registration of transfer will be payable by the applicant.
- 2.2 The consolidation of the existing property and adjacent property alienated must be registered simultaneously at the cost of the purchaser and all other costs related to the registration of transfer.

STANDARD CONDITIONS OF SALE & TECHNICAL CONDITIONS
FOR THE SALE OF MUNICIPAL LAND –
PORTIONS OF ROAD RESERVE ADJACENT ERF 2491 MBEKWENI

- 2.3 Should the applicant/s require any changes to their existing installations, the applicant be responsible for appointing a registered electrician at own cost. All electrical installations must comply with SANS10142 and the applicable Drakenstein Municipal By-Law. Any installations should be consulted with the Electro-Technical Division.
- 2.4 The building plan (building plan no. 9038/2017) will not be approved whilst this process is underway, approval of the building plan will be subject to Council's approval of the proposed alienation.