



Enquiries: C. van der Bank
Contact number: 021 807 4832
Reference: 15/4/1 (14300) P
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C vdBank/HK
15/4/1 (14300) P

André Roux
Office B1,
La Concorde Building,
57 Main Road,
PAARL
7646

andre@arouxplanning.co.za

Sir

APPLICATION FOR PERMANENT DEPARTURE: REMAINDER OF ERF 14300 PAARL

Your land use application (Collaborator reference 2034002) refers.

1. Approval is hereby granted on the Remainder of Erf 14300 Paarl in terms of Section 60(2) of the Drakenstein Municipal Land Use Planning Bylaw, 2018, for the following:
 - 1.1 Permanent Departure from the provision of *161 on-site parking bays* to a reduced total of *147 on-site parking bays*, subject to the following conditions:
 - 1.1.1 The registration of a notarial tie between the Remainder of Erf 14300 Paarl and Erf 20389 Paarl in order to reserve *44 on-site parking bays* on Erf 20389 Paarl in favour of new additions measuring $\pm 1078\text{m}^2$ ($\pm 650\text{m}^2$ GLA) to the existing shopping centre on Remainder of Erf 14300 Paarl.
 - 1.1.2 Adherence to the Site Development Plan dated 5 March 2023 as drawn by S Rademan from Kube Architecture (**See Annexure B**).
2. The approvals mentioned above shall be 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 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division in its memorandum 15/4/1 (Erf 14300)P (1240) dated 1 September 2023, (**See Annexure G**).
 - 2.2 Adherence to the conditions as set by Land Development Management:

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- 2.2.1 The development shall take place in accordance with the site development plan (**See Annexure B**). Any amendment to the approved site development plan shall be subject to approval.
- 2.2.2 The proposed on-site parking areas on the Remainder of Erf 14300 and Erf 20389 Paarl shall be constructed, adequately signposted, demarcated and maintained to the Municipalities satisfaction.
- 2.2.3 The developer shall construct a solid brick wall, 2.1m in height along the common boundary of Erven 20389 and 1416 Paarl in order to protect the privacy and security of the objector, prior to the issuing of an occupation certificate for the Remainder of Erf 14300 Paarl.
- 2.2.4 Erf 20389 Paarl must be fenced with the same or similar fencing used around the parking area of Remainder of Erf 14300 Paarl.
- 2.2.5 All on-site parking bays and notarialy tied parking bays for the Remainder of Erf 14300 Paarl, as required in terms of the Drakenstein Zoning Scheme, 2018, shall remain accessible for use as parking and may not be otherwise used or encroached upon.
- 2.2.6 The on-site parking bays and notarialy tied parking bays for the Remainder of Erf 14300 Paarl shall not be allocated to individual users on an exclusive basis or sold by sectional title to individual unit holders.
- 2.2.7 The proposed notarial tie between the Remainder of Erf 14300 Paarl and Erf 20389 Paarl shall be registered prior to the issuing of an occupation certificate for the proposed development on the Remainder of Erf 14300 Paarl.
- 2.2.8 No buildings or structures may be erected, or existing structures altered, without the approval of building plans by Council.
- 2.2.9 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.
- 2.2.10 Any alteration to the existing road network will be the responsibility of the developer which includes the design, approval and construction of any additional traffic control and or traffic calming measures, as detailed in the Parking Study, dated 29 September 2022.
- 2.2.11 The existing entrance to the notarial tied parking area on Erf 20389 Paarl, shall be permanently closed and a new entrance shall be provided in line with the existing Shopping Centre entrance as developed on the Remainder of Erf 14300.
- 2.2.12 An integrated Solid Waste Management Plan shall be submitted for approval to Council, prior to the approval of building plans.
- 2.2.13 Based on the information provided in the application, Development Charges are payable by the developer.

2.2.14 Depending on the scale and increase of GLA of the development on the Remainder of Erf 14300 Paarl, in future, additional Civil Engineering Specialist Reports may be requested by Council.

3. The following considerations can be regarded as the reasons for the decision:
- 3.1 The intensification and scale of the proposed development is in line with the character of the area. The buildings are one storey only and within the prescribed coverage and floor area ratio;
 - 3.2 In terms of Section 42(3)(c) on-site parking may be provided on another land unit, if it is notarial tied;
 - 3.3 Where an addition is made to an existing building the required parking shall be calculated by only taking into account the additional gross leasable area. Any shortfall on land use which existed at the commencement of the Scheme is regarded as a non-conforming use;
 - 3.4 When approving a departure application in terms of the Planning Law, the Municipality may impose conditions which require less parking than stipulated in the Zoning Scheme Bylaw, 2018;
 - 3.5 The shortfall in on-site parking on the Remainder of Erf 14300 will be provided on Erf 20389 Paarl by means of a legally binding notarial tie between the mentioned erven; and
 - 3.6 The total combined parking provision for Remainder Erf 14300 and Erf 20389 Paarl conforms with the parking ratio of 2,6 bays per 100m² GLA which is recommended by Sturgeon's Parking Study and is in accordance with the current parking rate. The proposed.

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** of notification of decision.

The applicant shall be required to notify (**by email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **objectors**, of their right of appeal – proof of notification **must** be provided.

Should there be any appeals against the decision, **the application title (heading)** must be used as reference. The appeal procedures are set out in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



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