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Sir

APPLICATION FOR THE DELETION OF A CONDITION IN RESPECT OF AN EXISTING APPROVAL, PERMISSION REQUIRED IN TERMS OF A CONDITION OF APPROVAL, PERMANENT DEPARTURE FROM THE LAND USE RESTRICTIONS, CONSENT USE, TECHNICAL APPROVAL IN TERMS OF THE DRAKENSTEIN MUNICIPALITY ZONING SCHEME BYLAW AND PERMISSION IN TERMS OF THE DRAKENSTEIN MUNICIPALITY ZONING SCHEME BYLAW, 2018: UNREGISTERED ERF 28773 PAARL

I refer to your application, dated 20 June 2025, and have to inform you that the Drakenstein Municipal Planning Tribunal on 14 May 2026 resolved, that:

- 1. The **approval be granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the Deletion of condition 2.6, related to the Record of Decision (ROD), of the decision letter dated 19/09/2006 (Ref No.: E17/2/2/1AP2/Erven 2856 and 3103) for Unregistered Erf 28773, Paarl.*
- 2. The **approval be granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for a permission in terms of a condition of approval, to amend and replace the existing approved SDP, applicable of the decision letter dated 19/09/2006 (Ref No.: E17/2/2/1AP2/Erven 2856 and 3103) for Unregistered Erf 28773, with a new SDP (as indicated on SDP-Site Plan, Number S001, Rev H), (**See Annexure D**).*
- 3. The **approval be granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for a consent use to allow for more than one (1) occasional use in any one calendar year;*

4. **The approval be granted** in terms of Section 13(2)(d) of the Drakenstein Municipality Zoning Scheme Bylaw, 2018 for the following technical approvals applicable to Unregistered Erf 28773 Paarl:
 - 4.1 To allow the floor space of one business entity to exceed 2000m², as per Section 62 (1) of the Zoning Scheme Bylaw, as indicated on SDP-Site Plan, Number S001, Rev H (See Annexure D);
 - 4.2 For reduced parking to allow two or more uses to share a common parking area, as per Section 42 (13) of the Zoning Scheme Bylaw.

5. **The approval be granted** in terms of Section 17 of the Drakenstein Municipality Zoning Scheme Bylaw, 2018 for the following permissions:
 - 5.1 To provide bicycle and/or motorcycle bays in lieu of parking bays, as per Section 37 (4) of the Zoning Scheme Bylaw;
 - 5.1 To allow on-site parking to be provided in a public parking facility by the developer near the site, as per Section 42 (3)(b) of the Zoning Scheme Bylaw;
 - 5.2 To allow parking to be positioned within 10m of the street boundary of the property, as per Section 65 (2) of the Zoning Scheme Bylaw;
 - 5.3 To use or develop land proclaimed for road widening, which is part of the property, as per Section 233 (1) of the Zoning Scheme Bylaw;

6. **The approvals mentioned in Paragraphs 1 to 5 above, be subject to the following conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018**
 - 6.1 Compliance with the following general conditions:
 - 6.1.1 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;
 - 6.1.2 Any amendments to the application are subject to the relevant approval;

- 6.1.3 *No new buildings are to be erected or existing structures altered without the approval of building plans by Council;*
 - 6.1.4 *That the development takes place largely in accordance with the Site Development Plan (SDP-Site Plan, Number S001, Rev H), (See Annexure D);*
 - 6.1.5 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (28773) P (1728) dated 12 November 2025 (See Annexure L);*
 - 6.1.6 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 8/2/5_28773 dated 15 January 2025 (See Annexure M); and*
 - 6.1.7 *Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further conditions.*
- 6.2 *Compliance with the following condition before or simultaneously with the submission of building plans:*
- 6.2.1 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Environmental Management Division referenced 15/4/1 (28773) P dated 26 November 2024 (See Annexure P);*
 - 6.2.2 *Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Heritage Services Sub-Section referenced 15/4/1 (28773) P dated 01 November 2024 (See Annexure O);*
- 6.3 *Compliance with the following conditions prior to building plan approval:*
- 6.3.1 *That the architectural “language” of the actual development be revisited to resonate the design “language” of Paarl, in conjunction with the Heritage Advisory Committee and to the satisfaction of the Senior Manager: Land Development Management.*

6.4 *Compliance with the following conditions before the issuing of the approval of the occupancy certificates of any building/s:*

6.4.1 *All landscaping, in terms of the landscaping plan to be approved by Drakenstein Municipality: Environmental Management Division and Drakenstein Municipality: Heritage Services Sub-Section must be implemented before the issuing of the occupation certificate.*

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

7.1 *The application stems from a Council Decision to lease the application property for the development of a mixed-use development;*

7.2 *The use of the application site for commercial purposes will combine well with the existing and proposed tourism component, as the commercial uses will contribute to the sustainability of the tourism uses;*

7.3 *The proposed development will not have a significant impact on the existing mixed-use character of the area. The proposed concentration of urban related activities into one node will ultimately result in a distinct placement of land uses and strengthen the overall character of the area;*

7.4 *The proposed development is in line with the approach of the SDF to promote appropriate optimal use of land within the urban edge and is therefore consistent with the SDF;*

7.5 *The application represents a form of urban infill;*

7.6 *Little to no negative impacts to the surrounding mixed-use character of the area is foreseen by this application;*

7.7 *The development furthermore is seen as a natural extension to the existing urban area, thus making it more reconcilable with the surrounding area;*

7.8 *The property is well located and easily accessible;*

7.9 *All the concerns raised by the objectors were sufficiently addressed by the applicant;*

- 7.10 *The proposed development will create much needed socio-economic opportunities in Drakenstein Municipality in the form of employment;*
- 7.11 *The proposal represents the optimal utilisation of a piece of land that has been underutilised and vacant for many years;*
- 7.12 *A traffic Impact Assessment has been conducted to evaluate the expected transport related impacts of the development and concluded that the proposed development can be accommodated without significant negative impacts on traffic flow;*
- 7.13 *Sufficient parking will be provided in the form of on-site parking, motorcycle parking, bicycle bays and on street parking bays as well;*
- 7.14 *A sustainable drainage system is proposed to manage increased storm water runoff from the development;*
- 7.15 *The Department of Environmental Affairs and Development Planning and Heritage Western Cape confirmed that no further action is required in terms of their applicable legislations;*
- 7.16 *The development adheres to the urban design principles outlined in the Paarl Hamlet Node/Gateway Urban Design Framework, as it promotes pedestrian mobility, active street frontages, and social gathering spaces.; and*
- 7.17 *All 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(2) of the Drakenstein Bylaw on Municipal Land Use Planning 2018, by any person whose rights are affected by the decision of an authorized official, within **21 days** of notification of the decision. This approval is therefore suspended until further notice.

Please also notify (**email or per hand**) the **Objectors** and **surrounding property owners** who were notified of the application during the public participation process and the objectors (if applicable), of their general right of appeal – proof of notification must be provided. The appeal procedures are set out in Section 80 of the above-mentioned Bylaw (attached).

All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O. Box 1, Paarl, 7622 or on customercare@drakenstein.gov.za

Yours faithfully



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