



DRAKENSTEIN

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

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Col no: 1587553
Enquiries: M Ontong
Contact number: (021) 807-6351
Reference: 15/4/1(3240) W
Date: 09 February 2024

JA
15/4/1 (3240) W

P-J Le Roux Town and Regional Planner (PTY) Ltd
262 Main Road
PAARL
7622

Email: pj@pjleroux.co.za

Sir

APPLICATION FOR CONSENT USE AND AMENDMENT OF APPROVAL CONDITIONS: ERF 3240 WELLINGTON

Your application dated 12 July 2023 refers.

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 Consent use in order to utilise 2 of the existing offices and reception area for a place of instruction together with the conversion of a portion of the existing boardroom for an after-care as indicated on the site plan (**Annexure B**); and
 - 1.2 Amendment of approval conditions approval in order to utilize the buildings for a place of instruction as per the site development plan (**Annexure B**).
2. The approvals mentioned in Paragraphs 1.1 above be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein By-law on Municipal Land Use Planning, 2018:
 - 2.1 Adherence to the conditions set out in the memorandums of the Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (3240) W (1193) dated 6 October 2023 and (**Annexure D**);

2./...

- 2.2 Adherence to the conditions laid down in the memorandum of the Drakenstein Municipality: Electro Technical Engineering Department referenced 8/2/5_3240 dated 13 August 2023 (**Annexure E**);
 - 2.3 Adherence to the conditions laid down by the Cape Winelands District: Health Department, in its letter dated 8 November 2023 reference number 15/2/6/1 (**Annexure F**);
 - 2.4 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Heritage Services Sub-Section referenced 15/4/1 (3240) W dated 5 September 2023 (**Annexure G**).
3. The following conditions from a town planning point of view be applicable:
- 3.1 The development takes place in accordance with the site plan (**Annexure B**);
 - 3.2 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;
 - 3.3 Any amendments to the application will be subject to the relevant approval;
 - 3.4 No new structures are to be erected or existing buildings converted without the prior approval of building plans by the Council;
 - 3.5 All staff and clients utilize the parking provided on-site so as to eliminate on-street parking on Milner and Murray Streets;
 - 3.6 Should the applicant fail to comply with the any of the above-mentioned conditions of approval, the Council reserves the right to impose further conditions in future if deemed necessary; and
 - 3.7 In the event that the property is sold, the land use rights afforded by this application will cease to exist.
4. The following be regarded as the reasons for the decision:
- 4.1 The area surrounding the subject property has a mixed-use character, and the proposal at hand will not detract from that character;
 - 4.2 All the relevant departments consented to the application, subject to certain conditions;
 - 4.3 No objections from the surrounding property owners were received to the application;

- 4.4 The proposal will not have a significant impact on the surrounding property owners considering that the primary use will remain the same and that the application will merely act as an extension of the directly adjacent day-care facility;
- 4.5 Sufficient on-site parking has been provided;
- 4.6 The application is for the utilization of existing infrastructure to exercise a land use activity which is in-line with town planning principles and the Drakenstein Zoning Scheme By-law, 2018; and
- 4.7 The proposal is considered to be consistent with the Drakenstein Spatial Development Framework.

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.

This provisional approval is therefore suspended until further notice.

Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **objectors** (if any), 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

SITE DEVELOPMENT PLAN

BASED ON THE APPROVED SDP BY
 DRAKENSTEIN MUNICIPALITY ON
 22 AUGUST 2019

AMENDMENT OF APPROVAL & CONSENT USE APPLICATION

APPLICANT : THYS SMITH
 PREMISES : ERF 3240 WELLINGTON,
 C/O MILNER AND MURRAY STREETS
 IN WELLINGTON
 APPLICATION : "PLACE OF
 INSTRUCTION"
 ZONING : MULTI-UNIT HOUSING
 ZONE
 ERF SIZE : 605m²
 DESIGNER: NEUGAN WILLIAMS
 REVISION : GDV
 DATE : JULY 2023
 OFFICE : PAARL

COLOUR LEGEND

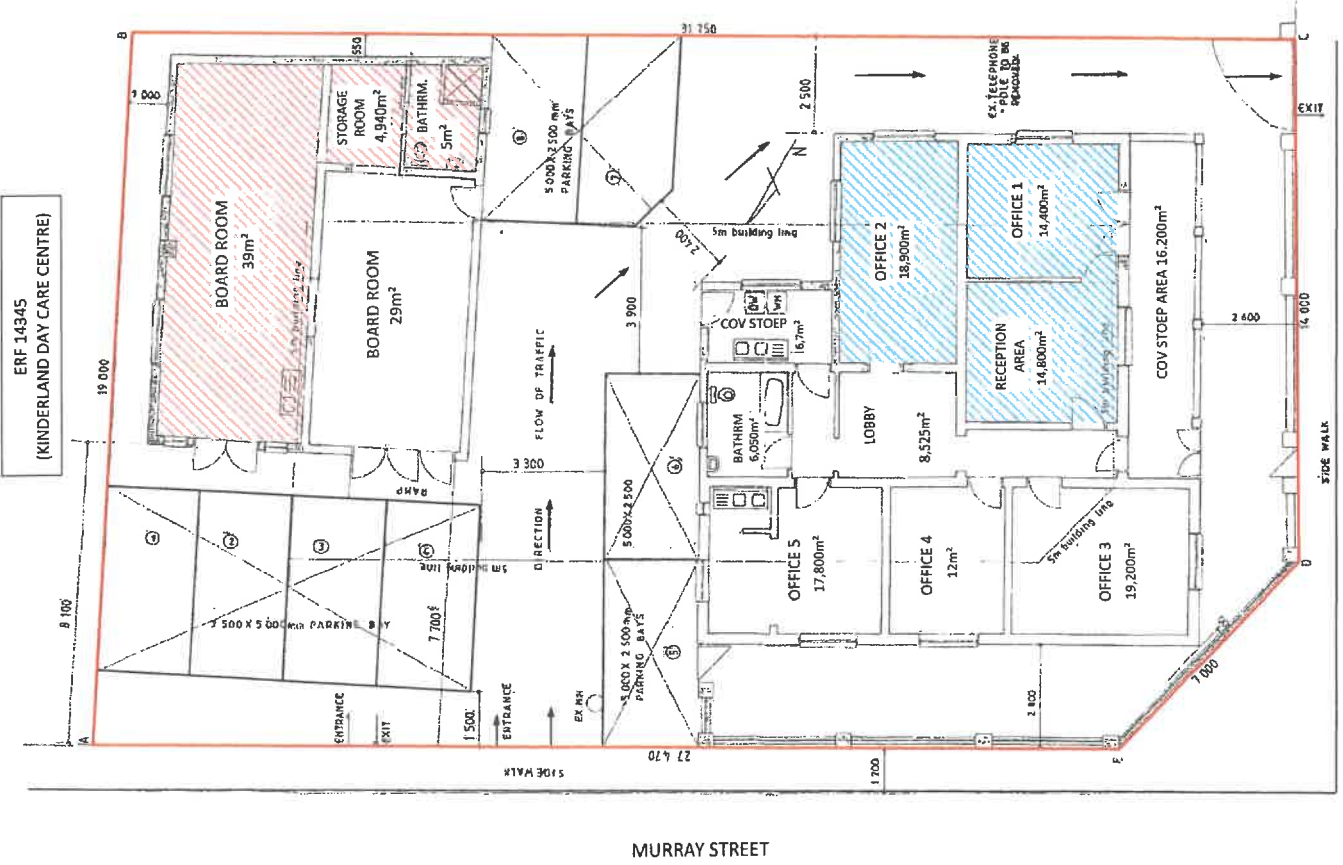
EXISTING OFFICES TO BE USED AS CLASSROOMS (48,1m ²)	
EXISTING BOARD ROOM TO BE USED AS AFTER CARE (88m ²)	

MEASUREMENTS AS PER SITE PLAN
 DRAWN BY
 NEUGAN WILLIAMS



P-J le Roux
 Architects, Planners & Engineers
 Town and Regional Planners
 Hoofstraat 262 Main Road Paarl
 (Ph) 021-8722499 (Cell) 076 031 7607
 (email) pj@leroux.co.za

ERF 3242



ERF 14345
 (KINDERLAND DAY CARE CENTRE)





Memo

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

From: ACTING MANAGER: INFRASTRUCTURE DEVELOPMENT

Enquiries: L. SMITH

Collaborator number: 2066635

Reference number: 15/4/1 (3240) W (1193)

Date: 06 October 2023

Subject: APPLICATION FOR CONSENT USE AND AMENDMENT OF APPROVAL OF ERF
3240 WELLINGTON

Time Limit on Conditions: These conditions will be limited to a period of 2 (two) years from the date as on the covering memo from this department. If after this period no construction has commenced (this excludes any preparatory work or site clearance) all the studies carried out for the proposed development need to be updated and revised accordingly, this shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

NOTE: This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field co-ordinated by the consultant managing the application. No correspondence will be entered into with individual consultants

THE FOLLOWING CONDITIONS WILL APPLY

1 STREETS & TRAFFIC

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2 Any alterations to the existing road network will be the responsibility of the developer which includes design, approval and construction of any additional traffic control and or traffic calming measures; and
- 1.3 *When at any stage in the future the owner of erf 3240 decides to use the property for other usage, it will be the responsibility of the owner of the erf to ensure that the parking requirements adhere to the municipal standards and by-laws.*

2 STORM WATER

- 2.1 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 2.2 Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event; and
- 2.3 Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on $0.02\text{m}^3/\text{m}^2$ roof area.

3 WATER

- 3.1 *The existing water meter and connection point must be accessible and unobstructed at all times;*
- 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 existing wastewater connection must be accessible and unobstructed at all times; 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 such collection shall be as a kerbside service for the property;
- 5.2 A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out; and
- 5.3 On refuse removal days, the residents will be responsible to ensure that their bins are placed on the sidewalks to be serviced.

6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, no Development Charges are payable by the developer.

7 GENERAL

- 7.1 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.2 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered (ECSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;
- 7.3 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 7.4 The above conditions are to be complied with in stages.
- 7.4.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 7.4.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and
- 7.4.3 Proof of compliance for the requirements associated with long term operations must be available on request.



LH SMITH

ACTING MANAGER: INFRASTRUCTURE DEVELOPMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2023\comments\Erf 3240 Wellington - Consent Use & Amendment of Approval - ECD.docx

LHS/bvr



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ANNEXURE E

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www.drakenstein.gov.za
records@drakenstein.gov.za
Civic Centre, Berg River Boulevard, Paarl 7646

Memo

To: Senior Manager: Land Development Management
From: For attention: H Strijdom/C van der Bank/E Cyster
Manager: Planning and Customer Services
Enquiries: L Laing
Reference number: 8/2/5_3240
Date: 13 August 2023
Subject: APPLICATION FOR CONSENT USE FOR PLACE OF INSTRUCTION, ERF 3240,
WELLINGTON

Time Limit on Conditions: These conditions will be limited to a period of one (1) year from the date as on the covering memo from this department. After this period a re-application must be submitted for approval by this department.

1. INFORMATION REQUIRED/OUTSTANDING

1.1. None.

2. THE FOLLOWING CONDITIONS WILL APPLY

- 2.1. Only one service cable connection per erf is allowed.
- 2.2. No trees or any type of structures may be erected under or near any new or existing electrical infrastructure.
- 2.3. All electrical equipment shall comply with Drakenstein Municipality standards and have twenty-four-hour access for maintenance purposes.
- 2.4. A service level agreement between the municipality and the owner or developer of the development must be arranged at Electro-Technical department (Planning and Design division - Chief Engineering Technician) for any requirement to increase the existing supply to the premises.

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply for any additional load requirement for this development and will be calculated according to the following as indicated in approved tariffs: **R3 795.00 x 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 including the linkage to the infrastructure as determined by the Manager: Planning and Customer Services.
- 3.3. All upgrade and service costs must be paid at the finance section in cash before any service connection may be rendered.

A private registered 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 proposed development.

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 render, or the case may be.

The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application.

Yours faithfully


L LAING
MANAGER: PLANNING AND CUSTOMER SERVICES
I:BEPLAN_3\Sub_Divisions_Rezoning\202324\3240



CAPE WINELANDS DISTRICT

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NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMNXEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/YOUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Nontombi Memela
021 8703224
021 8721277
nontombi@capewinelands.gov.za

46 Alexander Street
☒ 100
Stellenbosch
7599

15/2/6/1

08 November 2023
Mr P.J. Le Roux
262 Main Road
Paarl
7622

ATTENTION: Mr P.J. Le Roux

COMMENTS APPLICATION FOR CONSENT USE: ERF 3240, CNR MILNER AND MURRAY STREET, WELLINGTON.

Your application dated July 2023 in the above regard refers.

From an environmental health perspective this application may be recommended for approval, provided that the following conditions are complied with:

1. Environmental pollution
 - 1.1 No pollution such as water, air, dust, or noise pollution may occur on any part of the premises during the construction phase of the plant. Proper preventative measures must be put in place beforehand.
2. Sewerage/Sanitary facilities
 - 2.1 The sewerage system from the proposed development must be connected to the Municipal sewerage system according to Drakenstein Municipality's specifications, conditions, and approval.
 - 2.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.
3. Solid waste disposal
 - 3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.
 - 3.2 Refuse removal must comply with the specifications of Drakenstein Municipality's By-law No 17/2007.
 - 3.3 The proposed industry must be provided with a refuse area that complies with the following:
 - 3.3.1 Large enough to store all the refuse generated on the premises.
 - 3.3.2 Inaccessible to the public, ie equipped with a lockable door or gate;

- 3.3.3 A smooth, washable floor surface, constructed at an angle to direct drainage to a specific point.
- 3.3.4 A catchment pit connected to the sewerage system.
- 3.3.5 A cold water tap for washing up purposes.
- 3.3.6 Rodent and insect proof according to the best available method.

4. General conditions

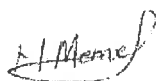
- 4.1 After this application has been approved in principle, an approved building plan indicating detail of the proposed factory must be submitted to the Building Division of Drakenstein Municipality in order to establish specific health requirements in respect of toilet facilities, sewerage system, kitchen and ventilation.
- 4.2 No offensive products that may arise from the proposed industry may be manufactured on the premises. Storage of raw material, whether organic or non-organic, on the premises must be done in such a way that it does not result in a public nuisance.
- 4.3 The operation of packaging of organic medicinal products may not result in a "disturbance" or a "noise nuisance" as defined in the Noise Control Regulations PN 627/1998, in terms of the Environmental Conservation Act (Act 73 of 1989), as well as the provisions of SABS Code 0103 – 1994.
- 4.4 The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.
- 4.5 Because the planned development is situated adjacent to an agricultural use zone area, the premises of the planned development will be exposed to normal agricultural activities and effects. Occupants may be inconvenienced by the agricultural activities.
- 4.6 This Department reserves the right to set further requirements during the running of the business.

5. Certificate of Acceptability

- 5.1 Any person who want to open a food for the public premises or handle food must apply in Writing to Cape Winelands District Municipality for the Certificate of Acceptability.

Please contact me if you have any further questions regarding our comments.

Yours faithfully



Nontombi Memela
ENVIRONMENTAL HEALTH PRACTITIONER
pp MUNICIPAL MANAGER



Memo

To:	LAND DEVELOPMENT MANAGEMENT DIVISION	(EXT: x4836)
	J MEYER	
From:	HERITAGE SERVICES SUB-SECTION	(EXT: x6337)
Enquiries:	ZWELIBANZI G SHICEKA	
Collaborator No.	2066635	
Reference number:	15/4/1(3240)W	
Date:	15 SEPTEMBER 2023	
Subject:	APPLICATION FOR CONSENT USE AND AMENDMENT OF APPROVAL IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BYLAW ON MUNICIPAL LAND USE PLANNING 2018: ERF 3240 WELLINGTON	

RECEIVED APPLICATION ON 8 AUGUST 2023

1. PROPOSAL

The proposal entails the consent use and the amendment of approval to utilize three spaces (two existing and approved offices and reception area) inside the existing building as a place of instruction on Erf 3240, Wellington.

2. EVALUATION

2.1 NATIONAL HERITAGE RESOURCES ACT No. 25 of 1999

On page 30 of the Application dated July 2023 by PJ le Roux Town and Regional Planners, it is indicated that no structural changes will be required.

2.2 DRAKENSTEIN MUNICIPAL ZONING SCHEME BYLAW 2018

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

2.3 DRAKENSTEIN HERITAGE SURVEY 2013

In terms of the Drakenstein Heritage Survey 2013, the proposal is located within the proposed Wellington Heritage Overlay Zone. The structure on site is graded as a Grade 3B heritage resource in the Drakenstein Heritage Survey Report 2013

3. CONCLUSION

In view of the above, the proposed consent use and the amendment of approval to utilize three spaces (two existing and approved offices and reception area) inside the existing building as a place of instruction on Erf 3240 Wellington, is supported from the heritage point of view.

.....
W HENDRICKS
MANAGER: SPATIAL PLANNING