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customercare@drakenstein.gov.za

Civic Centre, Berg River Boulevard, Paarl 7647

Enquiries:

R Mowzer

Contact number: 021 - 8074822

15/4/1 (5058) P

Reference: Date:

26 August 2025

RM/JA

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

pj@pjleroux.co.za

APPLICATION FOR THE SUBDIVISION, REZONING, TECHNICAL APPROVAL, CONSOLIDATION AND PERMANENT DEPARTURE FROM THE LAND USE RETRICTIONS: ERF 5058 PAARL

With reference to your application, dated 29 January 2024, I have to inform you that the Drakenstein Municipal Planning Tribunal on 12 June 2025 resolved, that:

- "1. The application submitted in terms of Section 15(2) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the **rezoning** of Portion B from Open Space Zone to Transport Zone, be **refused**.
- The application in terms of Section 13(2)(d) of the Drakenstein Zoning Scheme By-law,
 2018, for a Technical Approval to utilise Portion B as 'surface parking', be refused.
- 3. **Provisional approval** be granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the following:
 - 3.1 **Subdivision** of Remainder Erf 5058 Paarl into three portions being Portion A (±178m²), Portion B (±3627m²) and Remainder Erf 5058 Paarl (±1.70ha), as indicated on the Subdivision and Consolidation Plan drawn by David Hellig and Abrahamse dated November 2023 (Plan No. 1 Rev 1) (**See attached Annexure D**);
 - 3.2 **Rezoning** of Portions A and B from Open Space Zone to Industrial Zone in order to create a uniform zoning with the adjacent Erf 19134 Paarl;
 - 3.3 **Consolidation** of Portion A $(\pm 178m^2)$ with Erf 19134 Paarl $(\pm 1.45ha)$ in order to form a new land unit measuring $\pm 1.47ha$ in extent, as indicated on the

- Subdivision and Consolidation Plan drawn by David Hellig and Abrahamse dated November 2023 (Plan No. 1 Rev 1) (See attached Annexure D);
- 3.4 **Permanent Departure** from the prescribed 4.5m common building line to 1.5m in order to accommodate the existing dwelling on the property, as indicated on the Subdivision and Consolidation Plan drawn by David Hellig and Abrahamse dated November 2023 (Plan No. 1 Rev 1) (**See attached Annexure D**);
- 4. The approvals mentioned in Paragraphs 3.1 3.4 above be subject to the conditions laid down in terms of Section 66 of the Drakenstein By-law on Municipal Land Use Planning, 2018.
 - 4.1 Compliance with the following general conditions:
 - 4.1.1 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;
 - 4.1.2 Any amendments to the application are subject to the relevant approval;
 - 4.1.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 4.1.4 The subdivision and consolidation take place largely in accordance with the respective Subdivision and Consolidation plan drawn by David Hellig and Abrahamse dated November 2023 (Plan No. 1 Rev 1, (See attached Annexure D);
 - 4.1.5 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Civil Engineering Services Division referenced 15/4/1 (5058) P (0504) dated 02 May 2025, (See attached Annexure H);
 - 4.1.6 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Electro Technical Engineering Services Division referenced 8/2/5 (5058) P dated 11 March 2024, (See attached Annexure I);
 - 4.1.7 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Environmental Management Division referenced 15/4/1 (5058) P dated 02 April 2024 (See attached Annexure J);

- 4.1.8 No construction of additional buildings, other than shade ports, will be permitted on Portion B;
- 4.1.9 Portion B be restricted to only surface parking and or vehicle movement associated with the existing business situated on Erf 19134 Paarl;
- 4.1.10 Access to Portion B must solely be taken over Erf 19134 Paarl;
- 4.1.11 The landscaping take place largely in accordance with the Landscaping Plan (See attached Annexure M);
- 4.1.12 Any damage caused by flooding in future to shade ports, boundary walls and/or vehicles on Portion B will be the responsibility of the owner of Erf 19134 Paarl to fix amend or replace and not the municipality;
- 4.1.13 Should the applicant fail to comply with any of the conditions laid down, then Council reserves the right to impose further future conditions.
- 4.2 Compliance with the following conditions before or simultaneously with the transfer of Portion A or B:
 - 4.2.1 Portion B to be Notarially tied to Erf 19134 Paarl; and
 - 4.2.2 Condition 3.1.9 above to be registered against the title of the property together with a building restriction servitude, with the exclusion of a shade port.
- 5. The following be regarded as the reasons for the decision:
 - 5.1 The application stems from a Council Decision to alienate the proposed Portions A and B to the owner of Erf 19134 Paarl;
 - 5.2 The proposed development will not impact the intention of the alienation or sale of Portions A and B nor will it implicate the any conditions pertaining to the sale agreement;
 - 5.3 The proposal, if the amended recommendation is supported, will not detract from the surrounding character of the area as the sole intention of the application is to contribute positively to an existing industrial property situated within a well-established industrial area;

APPLICATION FOR THE SUBDIVISION, REZONING, TECHNICAL APPROVAL, CONSOLIDATION AND PERMANENT DEPARTURE FROM THE LAND USE RETRICTIONS: ERF 5058 PAARL

5.4 The proposal represents the optimal utilisation of a piece of property that is no longer in use and have been utilised by the owner of Erf 19134 Paarl for many years;

5.5 The proposed Portion A and B can and will only be beneficial to the adjacent Erf 19134 Paarl respectively given the location and size of the property;

5.6 The consolidation of Portion A will rectify the encroachment of the existing building which will have limited to no impact on the surrounding area;

5.7 The permanent departure is solely for the existing building and not any additions thereto;

5.8 The proposal is consistent with the principles and objectives of the SDF; and 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.

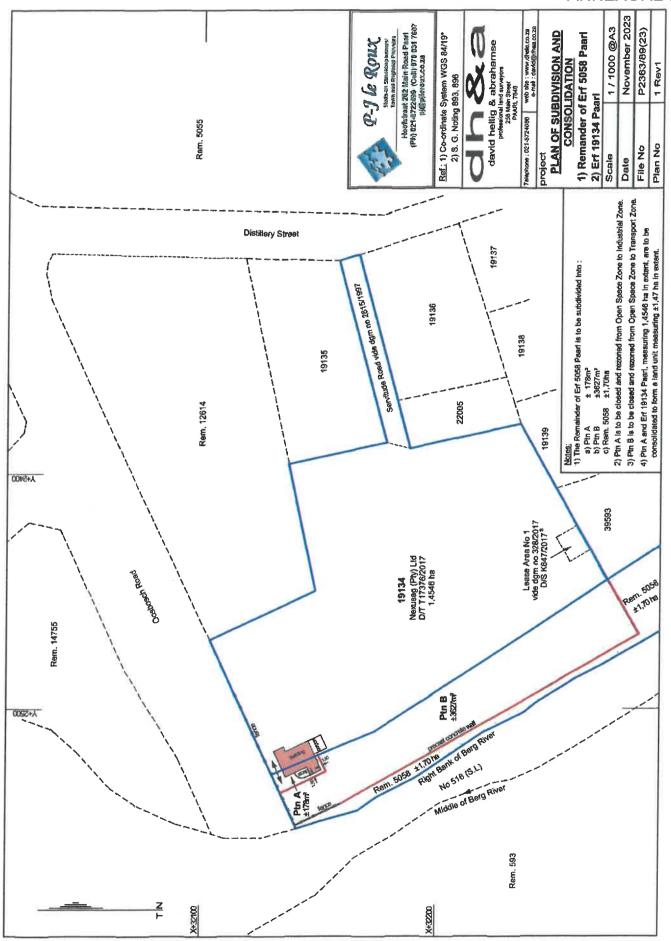
Please also notify (email or per hand) the <u>surrounding property owners</u> who were notified of the application during the public participation process and the objectors (if applicable), of their general right of appeal – proof of notification must be provided. The appeal procedures are set out in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

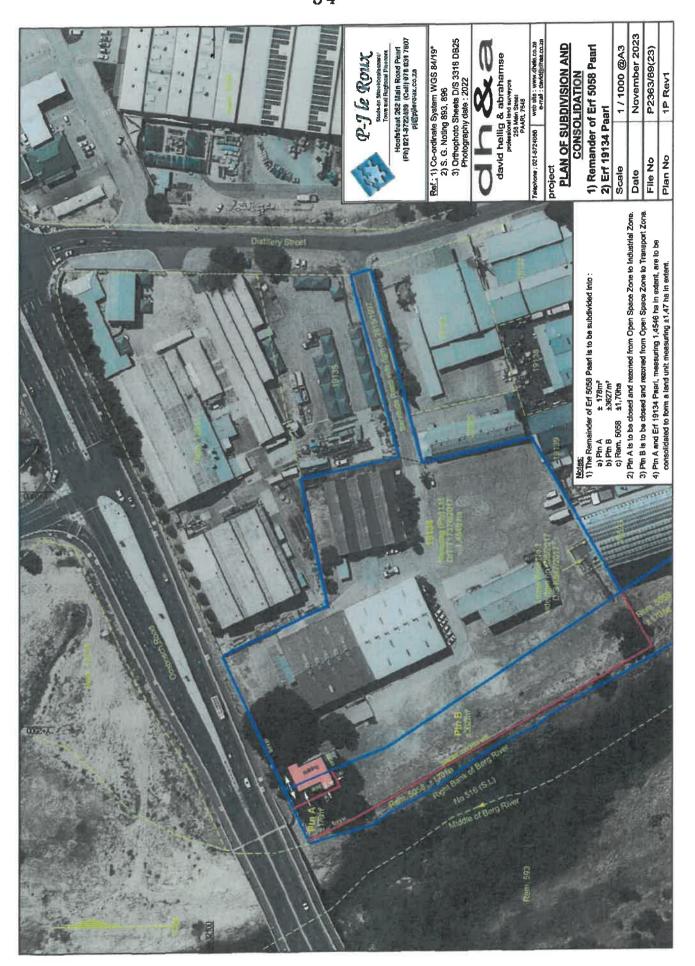
All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O. Box 1, Paarl,7622 or on customercare@drakenstein.go.za

Yours faithfully

H.G. STRIJDOM

MANAGER: LAND DEVELOPMENT MANAGEMENT







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\$\square\$ +27 21 872 8054

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Civic Centre, Berg River Boulevard, Paarl 7646



To:

EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE

: (ATTENTION: C. VAN DER BANK)

From:

EXECUTIVE DIRECTOR: ENGINEERING SERVICES

Enquiries:

LH. SMITH

Collaborator number:

2131647

Reference number:

15/4/1 (5058) P (0504)

Date:

02 May 2025

Subject:

Application for Subdivision, Rezoning, Technical Approval, Consolidation &

Departure, remainder 5058 Paarl.

These conditions will be subject to review by the Engineering Services Department upon receipt of Civil and/or building plans for approval. This may require all the studies carried out for the proposed development to be updated and revised accordingly, which shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

The aforementioned is based on the possibility of changes in the physical environment in respect of engineering infrastructure between date of issuing of conditions and actual building/construction being imminent, which may impact on available relevant infrastructure capacities as at time of initial issuing of conditions.

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 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
- 1.2 Access to and from the portion to be used for vehicular movement and parking purposes must be taken from the existing property (Erf 19134 Paarl);

2 STORM WATER

- 2.1 Drakenstein Municipality to be indemnified by the developer against any flood damages. The southern portion is subject to severe flooding during storm events. The indemnification must be registered against the title deeds and shall be applicable to all successors in title of the subject property;
- 2.2 Access to the riverbank must be provided to the Municipality as and when required;
- 2.3 The developer shall ensure adherence to the Storm Water Management Plan of FRAME Consulting Engineers dated 13 March 2025 including plan F16032-C-104 revision A;
- 2.4 Conditions of approval as per Department of Water and Sanitation (DWS) letter Reference (WU34812) dated 24 October 2024 are to be adhered to by the developer;
- 2.5 No development is allowed within the 1:50 year flood line and any construction within the 1:100 year flood line must be 1m above the 1:100 year flood line.
- 2.6 No direct stormwater inflow will be allowed into the existing municipal stormwater pipeline further on this property;
- 2.7 Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 2.8 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;
- 2.9 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors; and
- 2.10 Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m³/m² roof area.

3 WATER

3.1 Any existing system that is to remain shall be upgraded to minimum municipal standards.

4 WASTEWATER SERVICES

- 4.1 The holder of a permission issued in terms of section 75(1) Drakenstein Municipality, Water Services By-law (2014) shall provide a sampling point suited to take representative samples of the industrial effluent to be discharged into the sewage disposal system and to the satisfaction of an authorised official in respect of the industrial premises concerned; 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 development for the removal of such household refuse;
- 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;
- 5.3 Such collection shall be from a kerbside service for the development; and
- 5.4 The Developer shall indemnify the Municipality from any damages caused as a result in rendering the refuse removal service;

6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, the Development Charge payable by the developer is R69 511.00 (Excl VAT). The levy is valid until 30 June 2025 where after a new calculation is required. The value has been calculated as follows:
 - 6.1.1 Water = R0.00
 - 6.1.2 Sewer = R0.00
 - 6.1.3 Roads = R0.00
 - 6.1.4 Stormwater = R69 511.00
 - 6.1.5 Solid Waste = R0.00
- 6.2 Note that the Development Charge calculated will only be applicable to the approved SDP provided in the application. If the developer wishes to increase the Gross Leasable Area of the development in future, resulting in an additional impact on engineering services, this department will investigate whether the developer is liable for the payment of Development Charges within the given legislative and policy frameworks;

7 GENERAL

- 7.1 Depending on the scale of expansion in future, additional Civil Engineering Specialist Reports may be requested by this department when the developer wishes to increase the GLA;
- 7.2 The developer is responsible for the payment of a Developers Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;
- 7.3 The developer is responsible for the funding of all connections to the bulk services and all internal works;

- 7.4 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;
- 7.5 The whole of the works shall fall under the control of a single project manager;
- 7.6 The municipality shall be represented at all site meetings for the duration of the construction of the works and to this end timeous notification of such meetings shall be supplied to the Civil Engineering Services Department;
- 7.7 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 7.8 A comprehensive operational infrastructure management plan shall be drawn up and submitted for approval by the Civil Services Department;
- 7.9 A set of accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Department's Standards must be submitted at the practical completion inspection; and
- 7.10 The above conditions are to be complied with in stages.
 - 7.10.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
 - 7.10.2 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 subdivided erf within the development property or occupation of any property/building in the phase; and
 - 7.10.3 Proof of compliance for the requirements associated with long term operations must be available on request.

H Smith

SENIOR MANAGER: INFRASTRUCTURE MANAGEMENT

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

Memo

То:	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_5058							
Date:	11 March 2024							
Subject:	APPLICATION FOR SUBDIVISION, REZONING, TECHNICAL APPROVAL, CONSOLIDATION AND CLOSURE OF PUBLIC PLACE, REMAINDER ERF 5058, PAARL							

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. 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 abovementioned erf must be arrange at Electro-Technical Service Department (Planning and Design division - Chief Engineering Technician) in the case where a request for the change and or upgrade of the existing supply is required.

3. GENERAL

- 3.1. NRSO69 Network recovery cost will apply for any additional load requirement and will be calculated according to the following as indicated in approved tariffs: R5 180.00 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

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MANAGER: PLANNING AND CUSTOMER SERVICES

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Civic Centre, Berg River Boulevard, Paarl 7646

Memo

Manager: Land Use Planning and Surveying To: (Attention: C. van der Bank) Manager: Environmental Management From: S. Reece **Enquiries:** 2144489 Collaborator number: 15/4/1 (5058)P Reference number: 02 APRIL 2024 Date: APPLICATION FOR REZONING, TECHNICAL APPROVAL, CONSOLIDATION & **Subject:** CLOSURE OF A PUBLIC PLACE: REMAINDER ERF 5058 PAARL.

It is noted that the application is for:

- The subdivision of Remainder Erf 5058 Paarl into three portions viz Portion A (± 178m²), Portion B (± 3627m²), and the remainder (± 1,70ha) as depicted in the Plan of Subdivision and Consolidation dated November 2023.
- The rezoning of Portion A from Open Space Zone to Industrial Zone and the rezoning of Portion B from Open Space Zone to Transport Zone.
- The Consolidation of Portion A with Erf 19134 Paarl to create one land unit measuring 1,47ha in extent as depicted on the Plan of Subdivision and Consolidation dated November 2023.
- Technical Approval on the proposed Transport Zone, Portion B for "surface parking".
- The permanent Closure of Public Open Space on Portions A and B respectively.

Having reviewed the application, the Environmental Management Section has the following comments:

- 1. The existing vibracrete wall between Portion B and the river bank is not a suitable structure to be located within the riparian zone. The vibracrete wall is to be removed and replaced with a suitable fence that does not block the flow of water during flood events. The new fence will require building control approval prior to installation.
- 2. If approved, there will no longer be sufficient space between the eastern boundary line of portion B and the edge of the Berg River for the municipality to manage this space. As a condition of this approval, the applicant must take responsibility for managing and landscaping the eastern bank of the Berg River. A landscaping plan must be developed for Portion A, Portion B and the eastern bank of the Berg River and submitted to the Environmental Management Section for approval within 12 months. The landscaping plan must include ongoing maintenance, landscaping, and alien vegetation management of the riparian area.
- 3. Should any new development take place within the subject property, please note that approval may be required from the Department of Water and Sanitation (DWS) for modifying the bed or banks of a



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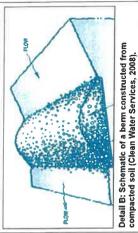
watercourse. Prior to any development, including the hardening of surfaces for parking, confirmation as to whether a water use authorisation is required must be sought from DWS.

Yours faithfully

C. WINTER

MANAGER: ENVIRONMENTAL MANAGEMENT





Removal and Revegetation

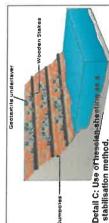
Study Area

Berg River

Active AIP

Proposed Stormwater

Area





*** Detail D*: Cross section through the Berg River banks are resloped.

KEY RECOMMENDED MITIGATION ACTIONS:

Seward Allen and Insalve Plamb (AP) were identified within and along the Beng River, remay. Phrognibus eushells, Myriophyllum equaterum, Rubins sp., Antorio donex and Pennisatum dandesthum. These species about be renowed and the deemed areas should be replaced with suitable Indigenous species as par the recommended plant species. Pennisetum clandesthum. The listed on this landscaping plan.

not considered an AIP, Phragmikes eustralia is known to dominete vetlands seasociated with deep sandy solls and outcompate offer more desinable indigenous vegates As such, this species needs to be controlled and managed went of the Berg River, and revegated as per the species indicated on this Landscaping Plan

1 The active charmel sents of the Berg River, may not be impacted by the proposed expension activities, and this area should be ferred of and demancabed as a "No-Go" area, except for the potential construction of elormwater management infrastructure and rehabilisation procedures.

proposed parking area surface will be utilized for the attenuation with a maximum death of ponding of 75mm above the peving level. The ponding will be restricted to areas where it not cause any disruption to the rormal operation of the parking studens. The outlet students will have an emergency ownfoundation be the best 150 year pounding volume.

boundary of the barking bay, as a tamporary barrier, to retain sediment on the construction site, and to prevent soil erosion and bined grosse/fibritrap, to provortany grossy material geting into the etomwetor, as well as litter. A force will be eroded tation as recommended on this Landscaping Plan around the site will assist with the filtration and cleaning of stormweter in pollution through sadiment and nutrient loading (See Detail A). The stormwater attendation pond will be fitted with a eround the site to combat wind-blown litter, Planting

9 Planding must bartas econas possible after soil profiling so as to reduce the duration of bare ground being exposed, which could lead to erosion and sedimentation of the eros, and to establish economical housing. 5 Hydrosseding is recommended to reintroduce indigenous vegetation to the seashom embanknetk of the Berg River, it is embigical that there will be a loss of some planted seasings. Additional speciment structed one year after the rehabilitation works, prior to the rainy season to maximies excess for long-term profile palon.

Re-implement of Indigenous wegation should be undertaken in early Mayfor the Inquer speciment (growing assessor) and early sporing (AugustiSeptember) for the smallers sapilitys. This will ensure that the fortex months are avoided, and that spaces will be planted prior to the onest of wither rainfall, which will maximize growth and early eschalarment.

2 Exposed stopes along the olds of the relabilitated Berg River are highly prove to ension, periodally given the returnity endible rature of the solis. Unitings cortrol features such as each beams or perimeter than the result beams or perimeter and perimeter to entitle the result of the resul

Ferration is apparent on the academ entranserant of the Berg River, immediate measures such as strategic placement of hersale nisease or gum poles (See Deball C) or subilisation with restriction than cocurring. The disturbest embandments must be adequally sloped (13 or 14), hipped, beself infreshed and "engladed with infigurese wagstalen (See Deball D).

RECOMMENDED PLANT SPECIES ASSOCIATED WITH BERG RIVER

RECOMMENDED PLANT SPECIES ASSOCIATED WITH TERRESTRIAL AREA Graminoids: Fall Shrubs;

Low Shrubs:

Description: Landscape Plan PROJECT: Nexus Parking DRAWING NUBER: FEN_24_5037_LP_R0 SCALE 1:10000 (A1) DATE: June 2024

PURPOSE

NEXUS PARKING AREA LANDSCAPE PLAN

ANNEXURE M













Landscape Plan to be used as

a guide during Rehabilitation of the freshwater ecosystems NO DESCRIPTION DATE REVISION: 00

Information/Approval