



DRAKENSTEIN

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Date: 29 June 2022

JP/HK
15/4/1 (839) P

PJ le Roux
262 Main Road
PAARL
7646

Email: pj@pjlroux.co.za

Sir

APPEAL: APPLICATION FOR THE SUBDIVISION OF ERF 839 PAARL, KWEK STREET

I refer to my even-numbered letter dated 19 November 2021 and have to inform you that the appeal lodged by Gerda Cockerell and Petronella Burger were **dismissed** by Council's Land Use Planning Appeal Authority on 10 June 2022.

- "1. **Final approval has now been granted in terms of Section 60 of the Drakenstein By-Law on Municipal Land Use Planning, 2018: for the *Subdivision* of Erf 839 Paarl into 8 residential portions, 1 private road and open space and 1 public street portion, as depicted on Subdivision Plan No. P839/04/01 dated 29 October 2021. (Bearing my Council's stamp of approval dated **29 June 2022**)**
2. *The approval granted in paragraph 1 above, is subject to the following conditions imposed in terms of Section 66 of the Drakenstein By-Law on Municipal Land Use Planning, 2018:*
 - 2.1 *A copy of the approved General Plan for the development must be provided to the municipality;*
 - 2.2 *A Site Development Plan for the proposed development on Erf 839 Paarl must be submitted to the municipality for approval by the Manager: Land Use Planning and Surveying;*
 - 2.3 *A Home Owners' Association, must be established and its constitution must be submitted to the Manager: Land Use Planning and Surveying for approval. Every owner must become a member of the Home Owners' Association;*
 - 2.4 *Each portion, i.e. Portions 1 to 10, must be registered in the Deeds Office, leaving no remainder;*
 - 2.5 *The Private Road / Open Space (Portion 9) must be registered into the name of the Home Owners' Association prior to or simultaneously with whichever of Portions 1 to 8 is going to be registered first;*

2./...

- 2.6 The final width of the portion of Erf 839 Paarl to be ceded to the municipality for the widening of Kweek Street to 12,5m, i.e. Portion 10, is to be determined by the land surveyor;
- 2.7 The developer must register Portion 10 into the name of the municipality prior to or simultaneously with the first registration of any other portion;
- 2.8 Two on-site parking bays must be provided for each newly created residential portion;
- 2.9 A street name plan with street numbers must be submitted to the municipality for approval by the Manager: Land Use Planning and Surveying;
- 2.10 A 12m stacking distance in front of the entrance gate of the development must be provided;
- 2.11 The refuse bin holding yard, which must be enclosed and able to accommodate at least 8 wheelie bins, must be constructed according to the specifications of the municipality's engineering department and be completed prior to the issuing of any occupation certificate;
- 2.12 Dust mitigation measures must be put in place by the developer so as to minimize the effect of dust during the construction phase;
- 2.13 A 2.1m high boundary wall must be erected along the common boundaries of the development;
- 2.14 A 3m building line will be applicable to along the western boundary of each of Portions 1 - 4 and Portion 8;
- 2.15 No double storey house, to be built on Portions 1 to 4 and Portion 8, must have any balcony on its first floor that face the adjacent residential, i.e. Erven 844 to 847 Paarl;
- 2.16 Provision of fire hydrants must comply with SANS 10400 – T: 2021 and SANS 10400 – W: 2021;
- 2.17 Adherence to the conditions laid down by the Manager: Infrastructure Management: Civil Engineering Services, Drakenstein Municipality, in his memorandum referenced 15/4/1 (839) P (2081) dated 11 November 2021 (**Annexure A**);
- 2.18 Adherence to the conditions laid down by the Manager: Planning and Customer Services, Drakenstein Municipality: Electro Technical Engineering Services Department, in his memorandum referenced 839 dated 27 October 2021 (**Annexure B**);
- 2.19 Adherence to the conditions laid down by the Senior Environmental Officer: Environmental Management, Drakenstein Municipality, in his memorandum with reference 15/4/1 (839) P dated 4 November 2021 (**Annexure C**); and
- 2.20 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.

(The above-mentioned annexures are already in your possession)

3. *The owner's attention must be drawn to the following:*

- 3.1 *Authority for the separate registration of any newly created erf will not be issued by the municipality unless conditions 2.1 to 2.20, where applicable, have been satisfactorily complied with.*
- 3.2 *No building plan will be approved unless each new portion has a separate water and sewer connection.*
- 3.3 *The owner is responsible for all engineering installation, alteration and upgrading costs including the costs for new municipal connections, storm water connections and new vehicle access points.*
- 3.4 *Plans for any proposed construction or changes to services are to be submitted to the Civil Engineering Services Department for approval prior to construction."*

Kindly note that this approval lapses unless separate registration of at least one erf, lot or piece therein is effected in the Deeds Registry within five years of the date of this letter, subject to compliance with section 21(1) of the Drakenstein By-law on Municipal Land Use Planning, 2018, read together with Section 22 of the aforementioned By-law.

It should also be noted that the Surveyor-General will, when approving the diagram of the newly created erven, indicate on the back thereof by means of a rubber stamp, the date and reference number of this approval. The Registrar of Deeds will not register the separate registration of the erven until the application for Certificate of Registered Title or Power of Attorney has been endorsed by Council. This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with.

Furthermore, any special conditions of title hereby imposed must be quoted in the relevant Power of Attorney or application for Certificate of Registered Title, which document must be submitted to Council together with the diagrams for endorsement.

Yours faithfully



H.G. STRIJDOM
MANAGER: LAND DEVELOPMENT MANAGEMENT

Memo

To: EXECUTIVE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT
(ATTENTION: C van der Bank)

From: MANAGER: INFRASTRUCTURE MANAGEMENT

Enquiries: L. PIENAAR

Collaborator number: 1708868

Reference number: 15/4/1 (839) P (2081)

Date: 11 November 2021

Subject: APPLICATION FOR SUBDIVISION OF ERF 839, PAARL

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

Note that this memo will supersede the previous memo with reference 15/4/1 (839) P (1800) dated 13 October 2021 due to amendments made to the site development plan.

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 *Due to the decrease of road reserve width to 8m as indicated on the amended site development plan, the sidewalk width will be reduced from 1.8m to 1.25m. The sidewalk dimensions will be below municipal standard and the developer is advised to install edgings and mountable kerbs in the road design instead of barrier kerbs;*
- 1.3 *The 12m stacking distance must be retained after the proposed road widening of Kweek Street by 0.5m; and*

- 1.4 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.

2 STORMWATER

- 2.1 Any new stormwater 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;
- 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 0.02m³/m² roof area; and
- 2.4 *All stormwater pipes must be 100D, 57D will not be allowed.*

3 WATER

- 3.1 The development will be provided with a bulk metered connection at actual cost;
- 3.2 All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;
- 3.3 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 3.4 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 3.5 Any existing system that is to remain shall be upgraded to minimum municipal standards.

4 WASTEWATER SERVICES

- 4.1 All individual portions must be provided with a separate wastewater connection;
- 4.2 All the connections must be installed one meter inside the erf boundary of each portion; and
- 4.3 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 occupants of home owner's organisation/body corporate in 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 individual a single centralised waste collection site for the development;
- 5.4 Provision should be made for a waste disposal facility and entrance to the township, with lockable gate for wheelie bins (240l bins) and recyclable bags equal to the number of dwellings per development;
- 5.5 A key should be provided to Drakenstein Municipality to be able to unlock door/gate to garbage area on collection days, from the kerbside;
- 5.6 The garbage area should be enclosed with a 1.8m high fence and need to consist of the following;
 - Tap with running water;
 - A gully which is connected to an approved sewer connection;
 - Concrete floor; and
- 5.7 Municipal refuse trucks will not enter the development to collect wheelie bins on collection days.

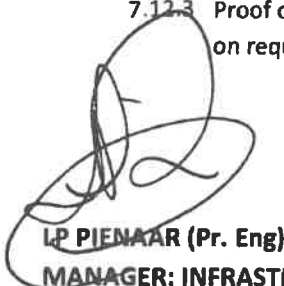
6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, the Development Charge payable by the developer is **R338 222.00 (Excl VAT)**. The levy is valid until **30 June 2022** where after a new calculation is required. The value has been calculated as follows:
 - 6.1.1 Water = R67 256.00
 - 6.1.2 Sewer = R46 579.00
 - 6.1.3 Roads = R181 226.00
 - 6.1.4 Stormwater = R2 836.00
 - 6.1.5 Solid Waste = R40 324.00
- 6.2 Note that the Development Charge calculated will only be applicable to the approved SDP provided in the application.

7 GENERAL

- 7.1 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;
- 7.2 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.3 The findings of the bulk service capacity analysis carried out by councils consultant GLS Engineers, needs to be implemented simultaneously with the development;
- 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 Where applicable all water network, sewer network, stormwater network and road network components (downstream of the valve immediately upstream of the bulk water meter, upstream of the connection to the existing system or intersection point with the existing road) shall be a private combined system and shall be indicated as such on all documents and plans;
- 7.9 All private combined systems (including but not limited to water, sewer, stormwater, roads, irrigation, etc.) shall be the joint and severalty responsibility (including but not limited to the administration of the joint account and operation and maintenance of the system) of the members of the homeowners association/body corporate and must be noted as such in any constitution of any such body and any such constitution must be submitted for approval by council. This constitution shall be notarially linked to each separate title deed;
- 7.10 A comprehensive operational infrastructure management plan shall be drawn up and submitted for approval by the Civil Services Department;
- 7.11 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
- 7.12 The above conditions are to be complied with in stages.
- 7.12.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 7.12.2 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
- 7.12.3 Proof of compliance for the requirements associated with long term operations must be available on request.



LP PIENAAR (Pr. Eng)
MANAGER: INFRASTRUCTURE MANAGEMENT

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LP/wf

Memo

To: Senior Manager: Spatial Planning & Development
For attention: W Hendricks/H Strijdom/C van der Bank

From: Manager: Planning and Customer Services

Enquiries: L Laing

Reference number: 839

Date: 27 October 2020

Subject: APPLICATION FOR SUBDIVISION, ERF 839, PAARL

Time Limit on Conditions: These conditions will be limited to a period of one (2) years from the date as on the covering memo from this department. After this period a re-application has to 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. Existing and or new electrical services must be allocated in a registered services servitude.
- 2.5. In the case where existing services crosses the adjacent proposed subdivided erf, it will have to be removed or relocate at the cost of the owner.
- 2.6. The developer is required to include measures to improve energy efficiency for this development to reduce consumption of electricity.
- 2.7. A service level agreement between the municipality and the owner or developer of the development have to be arrange at Electro-Technical department (Planning and Design division - Chief Engineering Technician).

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply for any additional upgrade to the existing supply and will be calculated according to the following as indicated in approved tariffs: **R 4 294.00 per KVA (V.A.T. included)**. The cost as mentioned above is valid until 30 June 2022 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. Your attention is drawn to the following electricity by-law:
 - 3.4..1. Unless authorised by the municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.
 - 3.4..2. A reseller must comply with the licensing and registration requirements set out in the ERA.
 - 3.4..3. If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub meter of a type which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.
 - 3.4..4. The tariff at which and the conditions of sale under which electricity is thus resold, shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality.
 - 3.4..5. Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity customers.
 - 3.4..6. The municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.
- 3.5. Authorization to re-sell electricity can be obtained by council approval only.
- 3.6. Applications to be submitted in writing to the Senior Manager: Electro Technical Services indicating the following:
 - The application must also include a load profile to indicate the power usage per month with peak, standards, off peak loads, etc.
- 3.7. A private registered electrical consultant as well as an installation electrician shall be used to do all designs, 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.

3.8. A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical department (Service section) on the day the service is rendered or as the case may be.

3.9. 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
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ANNEXURE C



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To: Manager: Land Use Planning
(Attention: J Pekeur)
From: Manager: Environmental Management
Enquiries: C. Winter
Collaborator number: N/A
Reference number: 15/4/1 (839)P
Date: 4 NOVEMBER 2021
Subject: COMMENTS – APPLICATION FOR SUBDIVISION IN TERMS OF SECTION 15(2)(D) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2018: ERF 839, PAARL

Reference is made to the above application for the subdivision of Erf 839, Paarl into 9 portions consisting of 8 dwelling house portions and 1 open space/road portion.

Having reviewed the above application the Environmental Management Division has the following comments:

1. Landscaping

- 1.1. A detailed landscaping plan, compiled by a registered Landscape Architect, must be submitted by the developer for the subject property for approval by the Environmental Management Division prior to building plan approval.

Such plans are to indicate, inter alia, the extent, location and design of the following:

- existing vegetation to be retained or removed, indicating the types of all vegetation and trees;
- all proposed newly planted vegetation, including types (species) and planting specifications;
- tree staking details;
- the size of all trees to be planted (roots to be established in min 80 – 100 L size container, with a clear stem height of 1.8 m minimum, and a minimum girth of approximately 60 mm);
- density of plants species/plant mixes, size of plants to be planted;
- all landscaping features, including fences, walls, retaining walls, paving, street furniture and lighting;
- Irrigation plan (alternative water sources to be indicated); and
- phasing and timing of implementation, including a twelve-month establishment period.

- 1.2. The approved detailed landscape plans shall be implemented by and at the cost of the developer within 3 months after the completion of building works or prior to occupation, whichever may come first.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Winter', written in a cursive style.

C. WINTER

MANAGER: ENVIRONMENTAL MANAGEMENT

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