



Col no: 1408819 (13493) W  
Enquiries: R Mowzer  
Tel no: (021) 807-4822  
Date: 13 November 2020

HK/RM  
15/4/1 (13493) W

Iana Jordaan  
227 Main Road  
Paarl  
7646

iana.jordaan@framegroup.co.za

Ms

**APPLICATION FOR REZONING, SUBDIVISION AND EXEMPTION FOR THE REGISTRATION OF SERVITUDES: ERF 13493 WELLINGTON**

Your application dated 12 September 2018, refers.

1. Approval has been granted in terms of Section 60(1)(a) of the Drakenstein By-law, on Municipal Land Use Planning, 2018, for the following:
  - 1.1 **Rezoning** of the Erf 13493 Wellington from Agricultural Zone to Subdivisional Area, in order to establish a group housing development thereon, as indicated on the Site Development Plan, **(Annexure D)** ;
  - 1.2 **Subdivision** of the application property ( $\pm 2.05$ ha) into 3 separate portions, as indicated on the Subdivision Plan drawn by FRAME: Drawing No. F13815-P-001, **(Annexure B)**, as follows:

Portion	Extent
Portion A (Group Housing Zone)	$\pm 1.5102$ hectares
Portion B (Public Road)	$\pm 618$ m <sup>2</sup>
Remainder Erf 13493 (Subdivisional Area- for group housing)	$\pm 4805$ m <sup>2</sup>

1.3 **Further subdivision** Portion A ( $\pm 1.5102$ ha), as indicated on the Subdivision Plan drawn by FRAME: Drawing No. F13815-P-002, (**Annexure C**), as follows:

PORTION A			
Number of Erven	Extent (m <sup>2</sup> )	Zoning	Land Use
26	8708	Group Housing Zone	Dwelling House/Group House
1	7012		Private Open Space, Refuse Yard, Private Roads/sidewalks

1.4 It is herewith certified in terms of Section 24 of the Drakenstein By-law on Municipal Land Use Planning, 2018, that the following servitudes be exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein By-law on Municipal Land Use Planning, 2018, as indicated on the Subdivision Plans drawn by FRAME: Drawing No's. F13815-P-001 and F13815-P-002, (**Annexure B**) and (**Annexure C**), as follows:

1.4.1 A 5m servitude for the municipal sewer line across the entire application property;

1.4.2 A 3m servitude for the municipal sewer line across the entire application property;

1.4.3 A 3m servitude for the private water line in favour of Onverwacht Residential Estate - Home Owners Association;

1.4.4 A 2m servitude for the internal sewer line across Erven 1-8;

1.4.5 A 2m servitude for the internal sewer line across Erven 11-13; and

1.4.6 A 2m servitude for the internal sewer line across Erven 14-25;

1.5 That the phasing of the development be supported from a land use planning perspective in accordance with the sub phasing plan attached hereto as (**Annexure D1**)

2. That the approvals mentioned in Paragraphs 1.1-1.3 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 (13493) W (XXXX) dated 24 June 2020, (**Annexure L**);

2.2 Adherence to the conditions set out in the memorandum of the Drakenstein Municipality: Electro Technical Engineering Department referenced 13493 dated 29 July 2020, (**Annexure M**);

2.3 Adherence to the conditions set in the memorandum of Drakenstein Municipality: Environmental Management Section referenced 15/4/1 (13493) P dated 25 March 2020, (**Annexure O**);

3. The following conditions from a town planning point of view be applicable:
- 3.1 That the subdivisions takes place largely in accordance with the Subdivision Plans, **(Annexures B)** and **(Annexure C)** respectively;
  - 3.2 That the development take place largely in accordance with the site development plan, **(Annexure D)**;
  - 3.3 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;
  - 3.4 Any amendments to the application will be subject to the relevant approval;
  - 3.5 No new structures are to be erected or existing buildings converted without the prior approval of building plans by the Council;
  - 3.6 A landscaping plan, as requested by Drakenstein Municipality: Environmental Management Section, be submitted for approval by the Manager: Land Use Management and Surveying for approval before the submission of building plans;
  - 3.7 The developer must ensure that all the necessary measures should be put in place, within habitable buildings, to ensure that the indoor air quality is not affected by emissions from normal agricultural activities;
  - 3.8 Consideration of the following water conservation measures must be given: Rainwater harvesting, grey water recycling and similar technical enhancements such as low flow shower heads, dual flush toilets and water-wise gardens;
  - 3.9 The sale of electricity to individual residential consumers within the development remain the sole responsibility of the municipality;
  - 3.10 No developer, homeowners association or body corporate will be allowed to buy electricity in bulk from the municipality and in turn resell electricity to residential consumers within their respective residential developments
  - 3.11 A Home Owners Association must be established, together with the applicable constitution, for the entire development and be submitted to the Manager: Land Use Planning and Surveying for approval, for all inter alia maintenance of internal services, bulk services accounts and homogeneous development control, prior to the transfer of the first erf;
  - 3.12 That an application be submitted for the street names and numbering prior to transfer of the first erf;
  - 3.13 That a copy of the approved diagrams be submitted to Council for record purposes

4. That the following be regarded as the reasons for the decision:
- 4.1 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 recently approved SDF;
  - 4.2 The application represents a form of urban infill;
  - 4.3 Little to no negative impacts to the natural environment is foreseen by this application;
  - 4.4 The application will not have a significant impact on the visual character of the area;
  - 4.5 The development furthermore is seen as a natural extension to the existing urban area, thus making it more reconcilable with the surrounding area;
  - 4.6 The property is well located and easily accessible;
  - 4.7 The traffic impact of the development is considered to be minimal, subject to certain conditions contained in the TIS and comments receive from Western Cape Department of Transport and Public Works regarding sight shoulder distance;
  - 4.8 All the relevant departments consented to the application, subject to certain conditions
5. That the applicant takes note of the following:
- 5.1 The comments provided by Heritage Western Cape in its response to the notification of intent to develop, referenced HM/Drakenstein/Wellington/Erf 13493, **(Annexure)**;
  - 5.2 The conditions laid down by the Department of Transport and Public Works in their letter **(Annexure K)**
6. Kindly note that the zonings will accordingly convert to the following, in terms of the Drakenstein Zoning Scheme By-Law, 2018:

<b>Beaumont Estate</b>		
<b>Portion A (±1.5102ha)</b>		
Zoning	Land Use	<b>Converted Zoning</b>
Group Housing Zone	Dwelling House/Group House	Conventional Housing Zone, with a deemed consent use for Group House
	Private Open Space, Refuse Yard, Private Roads/sidewalks	Open Space Zone

<b>Portion B (±618m<sup>2</sup>)</b>		
	Public Road	Transport Zone
<b>Remainder Erf 13493 Wellington (±4805m<sup>2</sup>)</b>		
Subdivisional Area	Future expansion of Group Housing development	Subdivisional Area

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 By-law on Municipal Land Planning, 2018, by any any person whose rights are affected by the decision, within **21 days** from, the date of the registration of the letter.

Yours faithfully

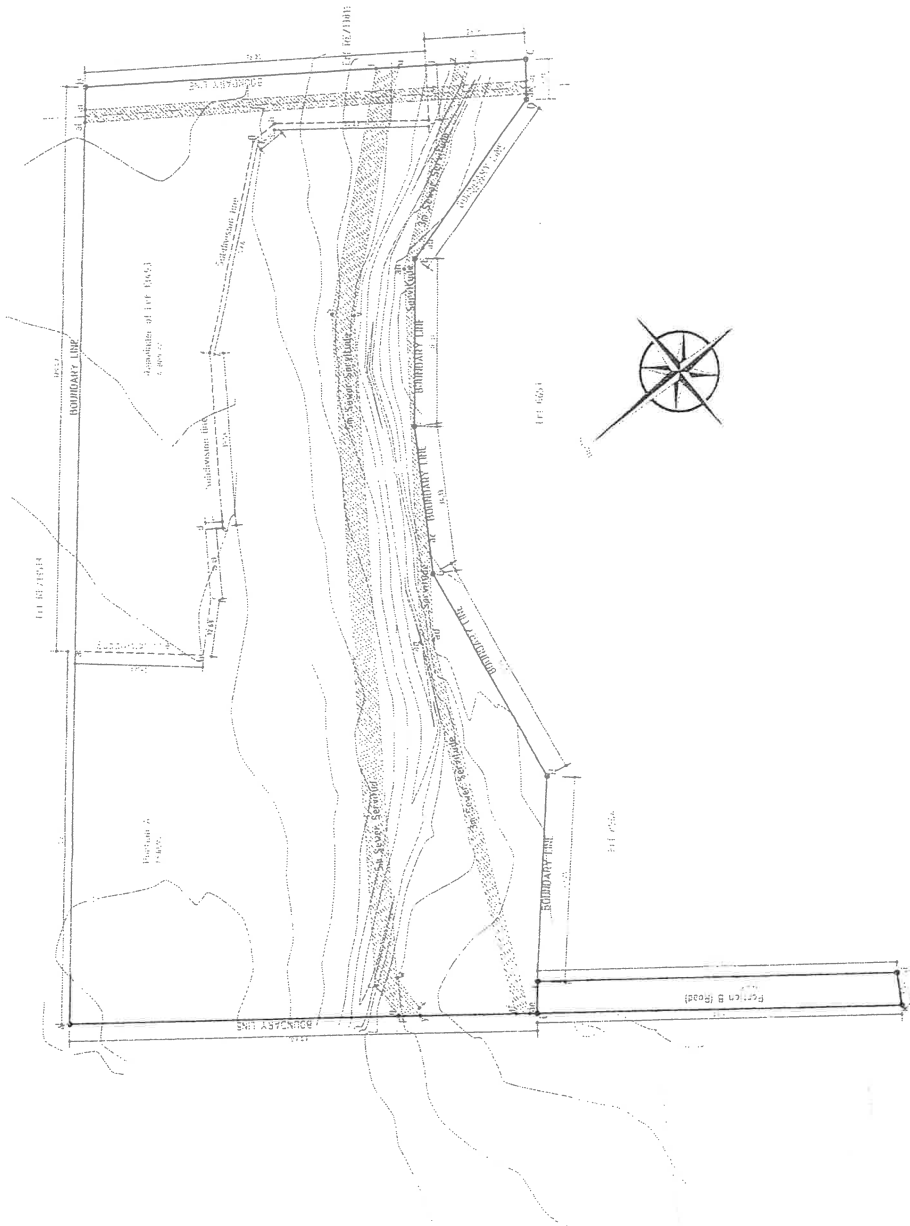


**H.G. STRIJDOM**

**MANAGER LAND USE PLANNING AND SURVEYING**

PROPERTY		PROFESSIONAL INFORMATION		REMARKS	
Property description	Figures A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ				

Survey Name	Survey Description
Survey Name for the project	Survey Description



SITE PLAN

DATE: 08/11/2024  
 SHEET NO: 01 OF 01  
 PROJECT NO: F13815-P-001

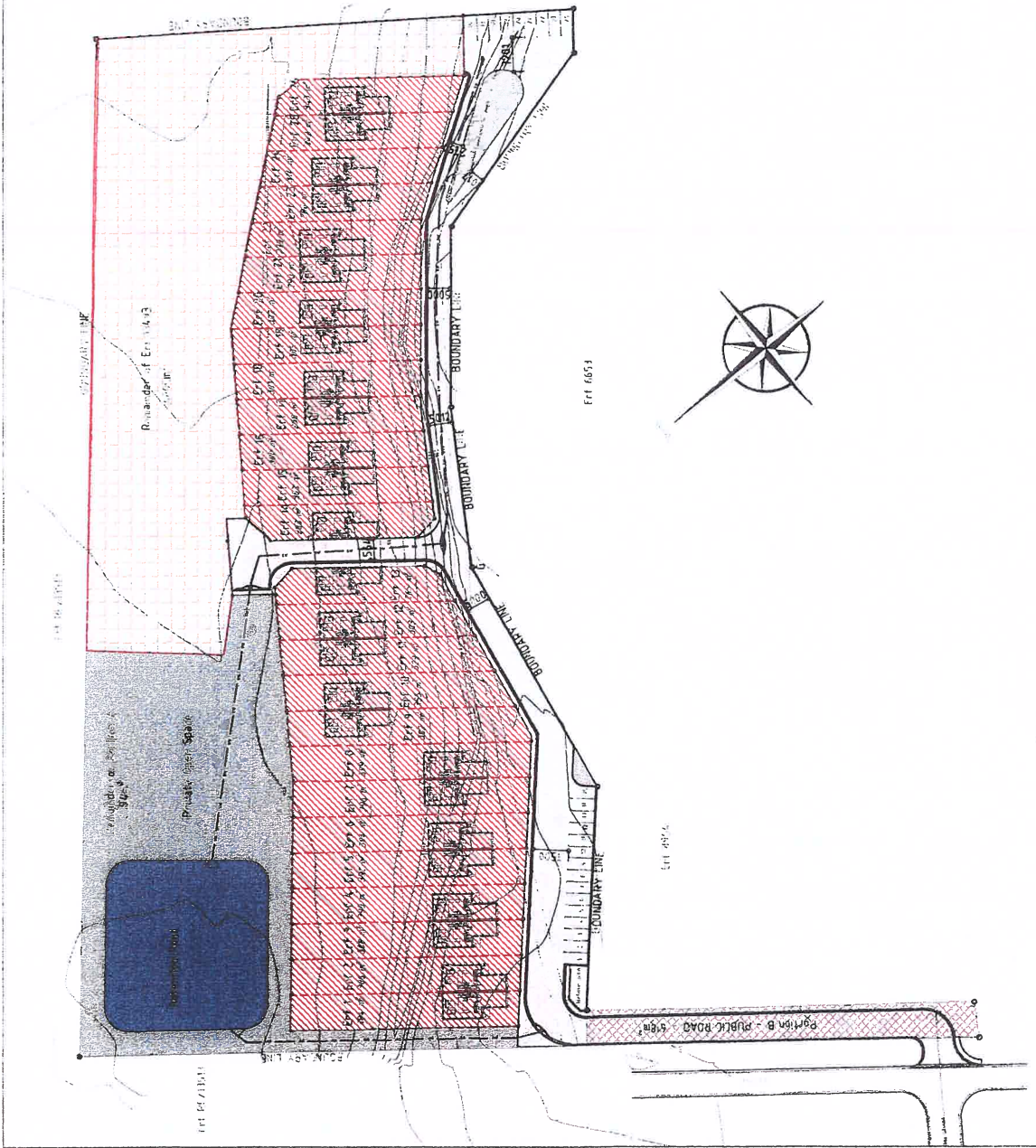
<p><b>FRAME</b></p>	<p>SCALE: 1:100</p>	<p>DATE: 08/11/2024</p>	<p>PROJECT NO: F13815-P-001</p>
	<p>SCALE: 1:100</p>	<p>DATE: 08/11/2024</p>	<p>PROJECT NO: F13815-P-001</p>
<p>SCALE: 1:100</p>	<p>DATE: 08/11/2024</p>	<p>PROJECT NO: F13815-P-001</p>	<p>PROJECT NO: F13815-P-001</p>
<p>SCALE: 1:100</p>	<p>DATE: 08/11/2024</p>	<p>PROJECT NO: F13815-P-001</p>	<p>PROJECT NO: F13815-P-001</p>





GROUP HOUSING DEVELOPMENT OR PART OF ERF 11453, WELINGTON			
Development Proposal on Portion A of Erf 11453, Wellington			
DAI	TOTAL ERVA	NO. UNITS	N/A
Group Housing Unit	26		8 168 m <sup>2</sup>
Private Open Space	1		1 017 m <sup>2</sup>
Portion B of Erf 11453			
Public Road (as per draft)	1		618 m <sup>2</sup>
Remainder of Erf 11453, Wellington			
Subdivisional area (to future expansion of group housing)	1		~ 205 m <sup>2</sup>

DATE: 2024/08/06 10:00 AM



**FRAME**

RENDERING OF DEVELOPMENT

WARRANTY OF THE DEVELOPER

PROPOSED DEVELOPMENT

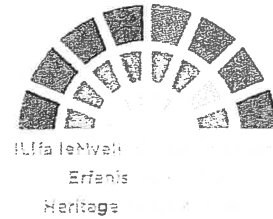
PROPOSED DEVELOPMENT

FIGURE D - 001





ANNEXURE J



Our Ref: HM/DRAKENSTEIN/WELLINGTON/ ERF 13493  
Case No.: 18092104KB1011E  
Enquiries: Khanyisile Bonile  
E-mail: [khanyisile.bonile@westerncape.gov.za](mailto:khanyisile.bonile@westerncape.gov.za)  
Tel: 021 483 9598  
Date: 23 October 2018

Penta development CC (Riaan Ferreira)  
P.O.Box 1184  
Wellington  
7622

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
**In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

NOTIFICATION OF INTENT TO DEVELOP: THE PROPOSE OF REZONING AND REDEVELOPMENT OF RESIDENTIAL HOMES ON ERF 13493, YORK STREET DEVELOPMENT, WELLINGTON SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 18092104KB1011E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 11 October 2018. This matter was discussed at the Heritage Officers meeting held on 22 October 2018.

You are hereby notified that, since there is no reason to believe that the proposed Rezoning and re-development of residential homes on Erf 13493, York Street, Wellington will not impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and palaeontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

  
.....  
Dr Mxolisi Dlamuka  
Chief Executive Officer, Heritage Western Cape

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address: ..... Postal Address: .....  
• Tel: ..... • Email: .....  
Straatadres: ..... Posadres: .....  
• Tel: ..... • E-pos: .....

## ANNEXURE L



**DRAKENSTEIN**  
MUNISIPALITEIT • MUNICIPALITY • UMASIPALA  
Paarl | Wellington | Gouda | Saron | Simon's Bay

+27 21 807 4500 | +27 21 872 8054  
www.drakenstein.gov.za  
cust@drakenstein.gov.za  
Civic Centre, Berg River Boulevard, Paarl 7545

# Memo

**To:** EXECUTIVE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT  
(ATTENTION: EARL CYSTER)

**From:** MANAGER: INFRASTRUCTURE MANAGEMENT

**Enquiries:** L. PIENAAR

**Collaborator number:**

**Reference number:** 15/4/1 (13493) W (XXXX)

**Date:** 24 June 2020

**Subject:** APPLICATION FOR REZONING, SUBDIVISION AND EXEMPTION ON ERF 13493  
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

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors; and
- 1.2 *An updated Traffic Impact Statement must be submitted to this department for approval at building or civil plans approval stage.*

#### 2 TRAFFIC

- 2.1 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.

### 3 STORMWATER

- 3.1 *The height of the final floor levels of the structures to be 1.2m above the flood levels as per approved flood line report dated April 2018, revised November 2019;*
- 3.2 *The emergency overflow path for the detention pond to be clarified at building or civil plans approval stage;*
- 3.3 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;
- 3.4 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 3.5 Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 3.6 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
- 3.7 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 0.02m<sup>3</sup>/m<sup>2</sup> roof area.

### 4 WATER

- 4.1 *An updated GLS report has to be submitted to this department at building or civil plans stage;*
- 4.2 *A 3m wide water pipeline services servitude along the eastern boundary to be registered in favour of Onverwacht Residential Estate to the north of Krom River;*
- 4.3 *The exact position of the pipeline must be identified by the developer (trill holes must be made);*
- 4.4 *No structures, trees or shrubs are allowed in the servitude where the maintenance thereof is the responsibility of the developer;*
- 4.5 *A bulk water meter chamber must be installed by the Municipality at the cost of the developer. The meter must be installed off York Street (Off Rossiter Street) at the entrance of the development;*
- 4.6 All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;
- 4.7 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 4.8 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 4.9 Any existing system that is to remain shall be upgraded to minimum municipal standards.

## 5 WASTEWATER SERVICES

- 5.1 *An updated GLS report has to be submitted to this department at building or civil plans stage;*
- 5.2 *A 5m wide services servitude over the Ø450mm wastewater main and 3m wide services servitude over the Ø250mm wastewater main must be registered in favour of the Municipality. No other servitudes may be registered within a municipal servitude;*
- 5.3 *No structures, trees or shrubs are allowed in the servitude;*
- 5.4 *Individual wastewater connection(s) to the main municipal line must be carried out by the Municipality at the cost of the developer;*
- 5.5 All individual portions must be provided with a separate wastewater connection;
- 5.6 All the connections must be installed one meter inside the erf boundary of each portion;
- 5.7 A connection manhole must be constructed at each connection point to a maximum depth of 1m; and
- 5.8 Any existing system that is to remain shall be upgraded to minimum municipal standards.

## 6 SOLID WASTE

- 6.1 The Municipality undertakes, after the proclamation of the development, to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of the home owner's organisation in the development, for the removal of such household refuse;
- 6.2 Such collection shall be from individual single centralised waste collection site for the development;
- 6.3 Provision should be made for a waste disposal facility and entrance to the development, with lockable gate for wheelie bins (240l bins) and recyclable bags equal to the number of dwellings per development;
- 6.4 A key should be provided to Drakenstein Municipality to be able to unlock door/gate to garbage area on collection days, from the kerbside;
- 6.5 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 wastewater connection;
  - Concrete floor; and
- 6.6 Municipal refuse trucks will not enter the development to collect wheelie bins on collection days.

## 7 BULK INFRASTRUCTURE CONTRIBUTION LEVY

- 7.1 Based on the information provided in the application, the Bulk Infrastructure Contribution Levy payable by the developer is **R1 021 062.64 (Excl VAT)**. The levy is valid until **30 June 2020** where after a new calculation is required. The value has been calculated as follows:

7.1.1 Water = R255 265.66

7.1.2 Wastewater = R255 265.66

- 7.1.3 Roads =R255 265.66
- 7.1.4 Stormwater = R255 265.66

## 8 GENERAL

- 8.1 *A level 1 Geotechnical report has to be submitted to this department at building or civil plans stage;*
- 8.2 *Dependant on the outcomes of the TIS and GLS report, a services agreement shall be entered into, prior to the start of construction, wherein shall be detailed the apportionment of funding of any new works common to the area, including but not limited to road network upgrading, wastewater treatment works upgrading, bulk water supply upgrading, sewage network upgrading;*
- 8.3 The developer is responsible for the payment of a Bulk Infrastructure Contribution Levy (water, wastewater, stormwater and roads) which can be discounted against the bulk service cost needed for the development;
- 8.4 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 8.5 The findings of the bulk service capacity analysis carried out by councils consultant GLS Engineers, needs to be implemented simultaneously with the development;
- 8.6 All of the works, including but not limited to; roads, stormwater, water, wastewater, 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 the 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;
- 8.7 The whole of the works shall fall under the control of a single project manager;
- 8.8 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;
- 8.9 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 8.10 Where applicable all water network, wastewater 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;
- 8.11 All private combined systems (including but not limited to water, wastewater, 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 home owners 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;

- 8.12 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
- 8.13 The above conditions are to be complied with in stages.
- 8.13.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 8.13.2 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
- 8.13.3 Proof of compliance for the requirements associated with long term operations must be available on request.

  
LP PIENÁAR (Pr. Eng)

MANAGER: INFRASTRUCTURE MANAGEMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2020\comments\8rf 13493 Wellington - Application for rezoning subdivision and exemption Rev 1.docx

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: 13493  
Date: 29 July 2020  
Subject: APPLICATION FOR AMENDMENT OF CONDITIONS, erf 13493,  
WELLINGTON

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 2 967,79 (V.A.T. included). The cost as mentioned above is valid until 30 June 2021 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. GAIN  
MANAGER: PLANNING AND CUSTOMER SERVICES  
K:\BEPLAN\_3\Sub\_Divisions\_Rezoning\2021\13493



# Memo

To: LAND USE PLANNING AND SURVEYING  
E CYSTER (EXT: x4770)

From: PLANNING AND DEVELOPMENT: SPATIAL PLANNING

Enquiries: ALEXANDER REHDER (EXT: x4813)

Collaborator number: 1607748, 811889\_361476

Reference number: 15/4/1(13493)P

Date: 28 APRIL 2020

Subject: APPLICATION FOR AMENDMENT OF REZONING, SUBDIVISION, SITE SPECIFIC DEVIATION FROM THE SDF AND EXEMPTION OF REGISTRATION OF SERVITUDES: ERF 13493, WELLINGTON

RECEIVED APPLICATION ON 23 MARCH 2020

## 1. PROPOSAL

The proposal entails the following (refer to Figure 1 below that illustrates the proposed rezoning, subdivision, site specific deviation from the SDF and registration of servitudes for the development on Erf 13493, Wellington):

- 1.1 Rezoning of Erf 13493, Wellington from Agricultural Zone to Subdivisional Area in order to allow a Group Housing development.
- 1.2 Subdivision of Erf 13493, Wellington into two portions:
  - 1.2.1 Portion A ( $\pm 1.57$  hectare):
    - 26 Group Housing erven with erf sizes ranging between  $261\text{m}^2$  to  $380\text{m}^2$ .
    - Remainder of Portion A ( $\pm 7\,012\text{m}^2$ ) containing the private road, parking areas, refuse area and private open space.
  - 1.2.2 Remainder of Erf 13493 ( $\pm 4\,805\text{m}^2$ )
- 1.3 Site specific deviation from the SDF in order to amend the urban edge along the property boundary to support the SDF proposal where the whole site is identified as urban infill.
- 1.4 Registration of internal servitudes to allow for the following internal service pipelines:
  - 1.4.1 Sewer lines across the group housing erven in favour of the home owners association of the proposed development.
  - 1.4.2 A 3m water pipeline servitude along the eastern boundary to be created in favour of Onverwacht home owners association of the Onverwacht Residential Estate to the north of the Krom River.
  - 1.4.3 Two existing sewer lines of Drakenstein Municipality.

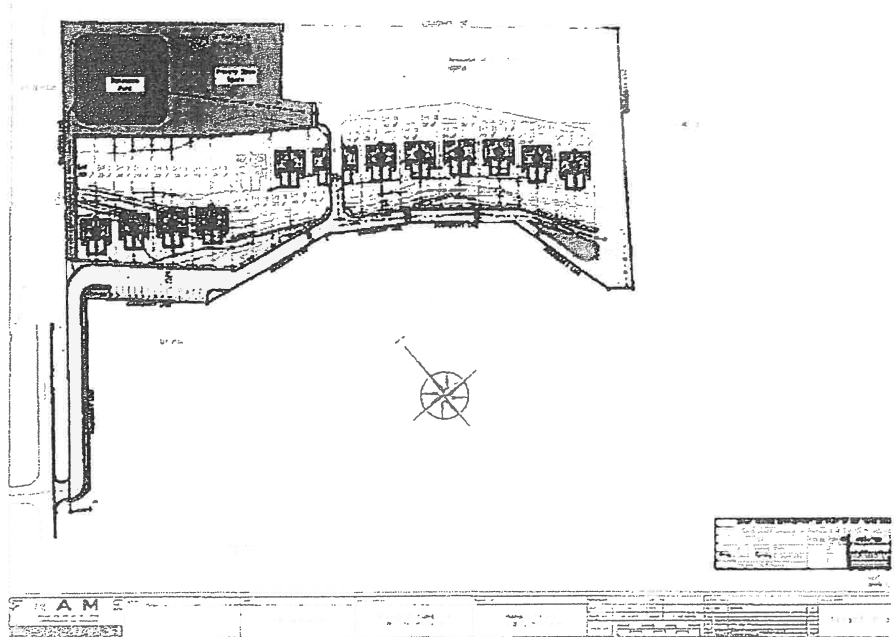


Figure 1: The proposed rezoning, subdivision and site specific deviation of the SDF on Erf 13493 Wellington.

## 2. PREVIOUS COMMENTS ON THE DEVELOPMENT PROPOSAL

Comments were given by Spatial Planning dated 18 October 2018 on the development proposal for Erf 13493, Wellington, and the following was stated: *The determination of the urban edge will be determined by specialist studies. The urban edge traversing Erf 13493, Wellington was determined by the 1:50 year flood line of the Krom River in the Urban Edge Study (2006). The 2018 SDF urban edge is based thereon. However, on page 53 of the said study, it states that "in the Wellington area, the 1:50 and 1:100 year flood line have been established for the Berg River, however, the 50m buffer will apply to the tributaries". It must also be noted that the 2018 SDF has included the whole site for 'urban infill' purposes.*

*The above assumptions were used to conclude that the exact final position of the urban edge over the site should be on the northern boundary of the Group Housing, Private Road, Parking and Sidewalk portions of the proposal. It is then concluded that the site specific deviation from the 2018 SDF can be supported and that the final urban edge delineation be amended in accordance with that.*

## 3. EVALUATION

### 3.1 DRAKENSTEIN SPATIAL DEVELOPMENT FRAMEWORK



The SDF is a high level spatial core component of the IDP, and secondly, it does not confer/give rights or take away land use rights but guides and informs decisions to be made by the municipality relating to land development. Therefore, it is important to understand that the SDF is only a guiding document.

Figure 2 below provides the SDF spatial concept plans of 2018 and 2020 (to be approved in May 2020) applicable to the evaluation of the Application pertaining to Erf 13493, Wellington

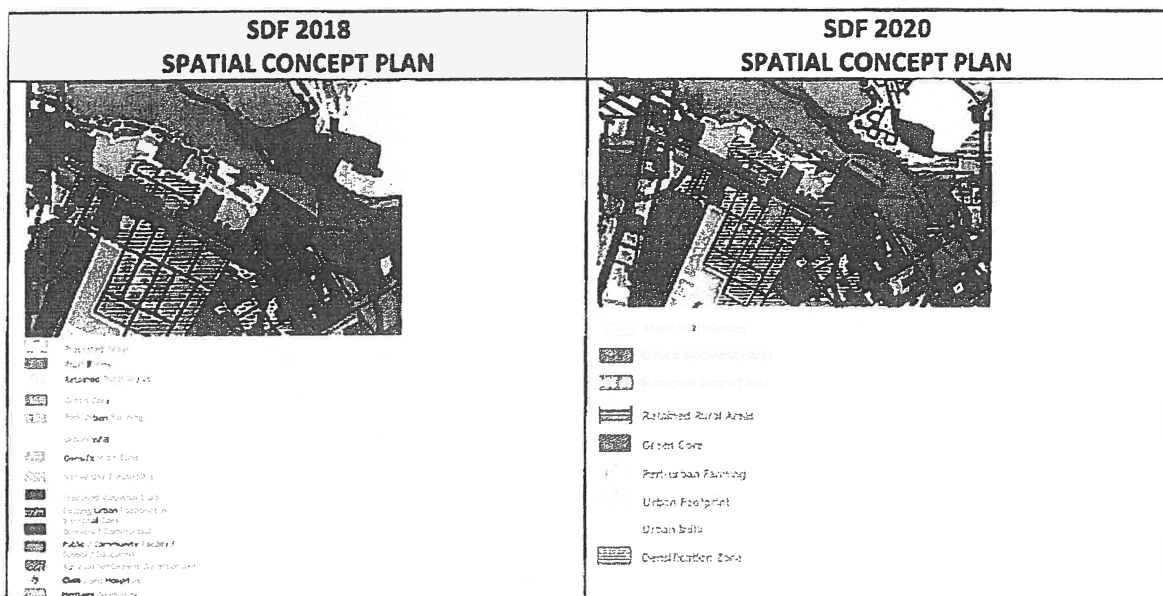


Figure 2: Portions of the spatial concept plan and as indicated in the Drakenstein SDF (2018) and SDF (2020). The location of the proposed development is indicated with a pink star.

With reference to Figure 2 above, the following is important:

- 3.1 The subject property is designated for 'urban infill'.
- 3.2 It is clear that the urban edge in the SDF (2018) transverse through the project site, however in the SDF (2020) the urban edge encompasses the project site and forms the northern boundary of the site.
- 3.2 The Applicant in a memorandum dated 13 November 2019 *inter alia* refers to the amendment of the original application and *inter alia* states that *the proposed development property is exposed to low ambient noise levels with no audible city noise with no mitigation on site is proposed for this development. An additional recommendation is made in the floodline study that recommend that the house floor levels in the development is raised 1.2m above the flood levels, in order to ensure that any potential vegetation build-up in the Krom River flow path over the next decades will not cause the previously calculated flood levels to flood the interior of homes. The motivation of the development remains as per the original application report with the added support from the Department of Environmental Affairs and Development Planning that they recognise the fact that the development area is located in the urban edge and that the indigenous vegetation on the site have been removed.*



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#### 4 CONCLUSION

In view of the above, the site specific deviation of the SDF is deemed desirable because:

- 4.1 Studies were undertaken by the Applicant to motivate and justify the amendment of the urban edge to the northern boundary of the project site in order to include the entire project site within the urban edge.
- 4.2 The SDF of 2018 and 2020, have earmarked the project site for 'urban infill' in order to allow this type of development.
- 4.3 The urban edge is clearly amended in the SDF 2020 whereby the project site falls within the urban edge.

#### 5 RECOMMENDATION

In view of the above, the proposed application can be supported from a spatial planning point of view based on the fact that it complies with all municipal planning policy and other approvals in terms of relevant legislation.

W HENDRICKS  
MANAGER: SPATIAL PLANNING HERITAGE AND GIS





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## ANNEXURE O

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**To:** Manager: **Land Use Planning**  
(Attention: E Cyster)

**From:** Environmental Officer: Environmental Management

**Enquiries:** L. KING

**Collaborator number:**

**Reference number:** 15/4/1 (13493)P

**Date:** 25 March 2020

**Subject:** COMMENTS – AMENDMENT OF REZONING, SUBDIVISION, SITE SPECIFIC DEVIATION FROM PROVISIONS OF THE SDF AND EXEMPTION OF REGISTRATION OF SERVIDUES IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2018: ERF 13493, WELLINGTON

Reference is made to the above application for the rezoning of the Erf 13493, Wellington from Agriculture Zone to Subdivisional Area in order to allow a Group Housing development; the subdivision of the abovementioned property into two portions namely, Portion A (±1.57ha) and Remainder of Erf 13493 (±4805m<sup>2</sup>); the further subdivision of Portion A into 25 Group Housing erven and a Site Specific deviation from the SDF in order to include and develop the entire property as part of the urban area of Wellington.

Having reviewed the above application, which includes the additional information provided, i.e. the Noise Impact Assessment, dated 08 October 2019; the 50-Year Flood level estimation (Revision 2), dated November 2019; and the letter from the Department of Environmental Affairs and Development Planning (DEA&DP), dated 11 July 2019, the Environmental Management Division has the following comments:

### 1. Noise Impact Assessment

1.1 Regarding the Municipal stores, the NIA states the following regarding the municipal stores adjacent to the southern boundary:

“Although located on land zoned industrial the present use for storage is not industrial. Should at any time the proposed usage change to industrial, the proposal is to undergo a separate Environmental process including a Noise Impact Assessment”.

Please note that this property has industrial rights and therefore the user has rights to emit noise up to the industrial rating level in accordance with SANS 10103:2008 at the boundary. Should circumstance change, for example the land be sold to a new owner or leased resulting in industrial activities on the site, this will not necessarily trigger the NEMA EIA regulations and if there is no building plan approval, business license approval, planning approval or environmental authorization required, Drakenstein Municipality will not be able to instruct the applicant to undertake a noise impact assessment in accordance with regulation 4(1) of the Western Cape Noise Control Regulations of 2013.

## 5. Landscaping

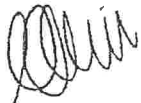
5.1 A detailed landscaping plan, compiled by a registered Landscape Architect, must be submitted by the developer for the subject property for approval by the Environmental Management Division prior to building plan approval.

Such a plan is 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 – 100L 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;
- All Sustainable Drainage Systems (SuDS), including landscaping of the proposed onsite retention pond;
- A cross-section of the retention pond indicating the slope of embankments and landscaping of the entire pond;
- Irrigation plan (alternative water sources to be indicated); and
- phasing and timing of implementation, including a twelve-month establishment period.

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

Yours faithfully



**C. WINTER**  
**MANAGER: ENVIRONMENTAL MANAGEMENT**