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Reference: 15/4/1 (34) P
Date: 06 July 2021
Coll no: 1676855

RM/JA
15/4/1(1676855)P

Mr. Willie Steyn
Land Use Planner
1 Flambeau Street North
PAARL
7646

(See attached list)

Sir

APPLICATION FOR THE REZONING, SUBDIVISION AND REGISTRATION OF SERVITUDES: ERVEN 34, 13772 AND 13184 WELLINGTON

I refer to your application dated 5 April 2016 and have to inform you that Council's Municipal Tribunal on 23 June 2021, resolved as follows, that:

- "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 a portion ($\pm 13458m^2$) of Erf 34 Wellington from Undetermined to Subdivisional area, for purposes of a mixed use/commercial development; and*
 - 1.2 *Subdivision of the rezoned portion of Erf 34 Wellington ($\pm 13458m^2$), into three portions, as indicated on the Development Plan (Ref. AL1) dated 7 July 2017 (Annexure F to the departmental report), as follows:*
 - 1.2.1 *Portion A ($\pm 12776m^2$): Business Zone;*
 - 1.2.2 *Street ($\pm 682m^2$): Public Street; and*
 - 1.2.3 *Remainder Erf 34 Wellington: Undetermined*

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2. *It is certified that the following servitudes, as indicated on the Development Plan (Ref. AL1) dated 7 July 2017 (**Annexure F to the departmental report**), be exempted from Sections 15 and 20-23 of the Drakenstein By-law on Municipal Land Use Planning, 2018:*
 - 2.1 *Registration of a services servitude over Erven 13772 and 13184 Wellington, in favour of Drakenstein Municipality; and*
 - 2.2 *Registration of a right of way servitude over Portion A, in favour of Diemersfontein Estate Home Owners Association.*

3. *The approval mentioned in paragraphs 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 and applicable from a town planning point of view:*
 - 3.1 *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;*
 - 3.2 *Any amendments to the application are subject to the relevant approval;*
 - 3.3 *No new buildings are to be erected or existing structures altered without the approval of building plans by Council;*
 - 3.4 *In the event of a shopping centre being developed on any of the properties, that the parking requirement shall increase to 6 bays per 100m² GLA;*
 - 3.5 *The submission of a detailed site development plan, together with a landscaping plan for Portion A to the satisfaction of the Manager: Land Use Planning and Surveying Division;*
 - 3.6 *The subdivision must takes place largely in accordance with the respective subdivision plan (Annexure E to the departmental report);*
 - 3.7 *All conditions pertaining to the sale of the portion of Erf 34 affected by this application, as contained in Council's approval letter dated 15/4/1 (34)W dated 8 September 2015 remains applicable;*
 - 3.8 *The revised comments be obtained from Eskom prior to the submission of building plans;*
 - 3.9 *Perspective drawings, from Jan Van Riebeeck Drive and the Volendam development, be submitted for approval by the Manager: Land Use Planning and Surveying;*

- 3.10 A 10m park strip must be developed adjacent to all residential erven;
- 3.11 All commercial buildings to be limited to a double storey (2 storey) development;
- 3.12 All buildings on the property be limited to 8m in height;
- 3.13 Adherence to the conditions laid down by Drakenstein Municipality: Civil Engineering Services Division in its memorandum referenced 15/4/1)34, 13772, 13184) W (0716) dated 03 May 2021 (**Annexure P to the departmental report**);
- 3.14 Adherence to the conditions laid down by Drakenstein Municipality: Electro Technical Engineering Services Division in its memorandum referenced 34 (13772 & 1384) dated 21 September 2018 (**Annexure Q to the departmental report**);
- 3.15 Adherence to the following conditions received from the Drakenstein Municipality: Heritage Section:
 - 3.15.1 The applicant must do a presentation to the Wellington Heritage and Environmental Committee at sketch plan phase for comments on design;
 - 3.15.2 The applicant must present a landscaping plan to Wellington Heritage and Environmental Committee for comment; and
 - 3.15.3 Signage must be part of the design.
- 3.16 Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions.

4. The applicant take cognisance of the following that:

- 4.1 The zonings will accordingly convert to the following, in terms of the Drakenstein Zoning Scheme By-Law, 2018:

<i>Portion</i>	<i>Zoning</i>	<i>Converted Zoning</i>
<i>Portion A</i>	<i>Business Zone</i>	<i>Neighbourhood Business Zone</i>
<i>Street</i>	<i>Land Reserved for Public Street</i>	<i>Transport Zone</i>
<i>Remainder Erf 34 Wellington</i>	<i>Undetermined Zone</i>	<i>Limited Use Zone</i>

- 4.2 *The Environmental Authorisation received from the Department of Environmental Affairs and Development Planning (**Annexure L to the departmental report**);*
- 4.3 *The comments received from the Department of Transport and Public Works (**Annexure N to the departmental report**);*
- 4.4 *The comments received from Eskom (Annexure M to the departmental report);
and*
- 4.5 *The applicant must take note of the comments received from Heritage Western Cape (**Annexure O to the departmental report**);*
5. *The following be regarded as the reasons for the decision:*
 - 5.1 *The development proposal will introduce significant economic investment into Wellington and Drakenstein as a whole;*
 - 5.2 *The proposed activities will be in keeping with the mixed use character of the area;*
 - 5.3 *No significant impact on heritage and environmental resources are envisaged, hence why heritage and environmental authorisation has been granted in respect of the proposed development;*
 - 5.4 *It has been confirmed that the existing road network, together with certain upgrades will be able to accommodate the additional traffic;*
 - 5.5 *All relevant internal and external departments consented to the application;*
 - 5.6 *The properties are identified for business/commercial use in terms of terms of the Drakenstein Spatial Development Framework, and is furthermore located within an identified urban node; and*
 - 5.7 *The application is considered to be consistent with the development principles as set out in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)”.*

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 Land Use Planning, 2018, by any person whose rights are effected by the decision, within **21 days** from the date of registration of the letter. The application is therefore suspended until further notice. The enclosed appeal procedures are set out in Section 80 of the aforementioned By-Law of which a copy is attached.

Yours faithfully



H STRIJDOM
MANAGER: LAND USE PLANNING & SURVEYING