



DRAKENSTEIN

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Enquiries: **Riyaaaz Mowzer**
Contact number: (021) 807-4822
Reference: 15/4/1 (1799) P
Date: 14 June 2024

JA/RM

Willie Steyn
Land Use Planner
348 Helderberg Manor
Asrin drive
Heritage Park
SOMERSET WEST
7130

Williesteyn1960@gmail.com

Sir

APPLICATION FOR THE AMENDMENT TO THE GENERAL PLAN, CLOSURE OF A PUBLIC PLACE, REZONING AND CONSOLIDATION: ERVEN 1799 AND 9173 WELLINGTON

With reference to your application, dated 16 February 2023, I have to inform you that the Drakenstein Municipal Planning Tribunal on 6 June 2024 resolved as follows, that:

1. **Approval has been granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning Municipal Land Use Planning, 2018, for the following: -
 - 1.1 **Amendment** of the General Plan No 1235LD of the Wellington Township Extension No. 4 by the creation of two additional erven being Portion A measuring $\pm 898\text{m}^2$ in extent and Remainder Erf 1799 Wellington measuring $\pm 838\text{m}^2$ in extent, as indicated on the Plan of Open Space Closure, Rezoning, Amendment of General Plan and Consolidation drawn by Willie Steyn Land Use Planner dated 20 May 2022 (Ref AL11), (**Annexure D**);
 - 1.2 **Closure** of Portion A of Erf 1799 Wellington as a public place in order to be utilised by the adjacent property being Erf 9173 Wellington;
 - 1.3 **Rezoning** of the proposed Portion A from Open Space Zone to Mixed-Use Zone in order to create a uniform zoning with Erf 9173 Wellington;
 - 1.4 **Consolidation of Portion A** ($\pm 898\text{m}^2$) with Erf 9173 Wellington ($\pm 2104\text{m}^2$) in order to form a new land unit measuring $\pm 3002\text{m}^2$ in extent, as indicated on the Plan of Open Space Closure, Rezoning, Amendment of General Plan and Consolidation drawn by Willie Steyn Land Use Planner dated 20 May 2022 (Ref AL11), (**Annexure D**);

2. The approvals mentioned in Paragraphs 1.1- 1.4 above be subject to the conditions contained laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018.

2.1 Compliance with the following general conditions

- 2.1.1 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;
- 2.1.2 Any amendments to the application are subject to the relevant approval;
- 2.1.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
- 2.1.4 The subdivision and consolidation take place largely in accordance with the respective Plan of Open Space Closure, Rezoning, Amendment of General Plan and Consolidation drawn by Willie Steyn Land Use Planner dated 20 May 2022 (Ref AL11), (**Annexure D**);
- 2.1.5 The development on Portion A take place in accordance with the Development Plan drawn by Willie Steyn Land Use Planner dated 14 September 2023 (Reference AL11), (**Annexure E**);
- 2.1.6 Portion A only be utilised for parking purposes (public and staff parking) and not for the storage of any building material such as bricks, sand and cement among others;
- 2.1.7 Portion A to be enclosed with security fence (permeable fence) together with a lockable access gate in order to control access to the parking area. The access gate to be closed and locked when the hardware closes;
- 2.1.8 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (1799 & 9173) P (851) dated 21 July 2023, (**Annexure K**);
- 2.1.9 Adherence to the conditions set out in the collaborator extract of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 4682062 dated 09 March 2023, (**Annexure L**);
- 2.1.10 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Environmental Management Department referenced 15/4/1 (9173) W dated 20 May 2024, (**Annexure M**);
- 2.1.11 Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions;

- 2.1.12 The Civil Engineering Services Department investigate the current traffic situation in Rossiter Street and the possible changing of Regent Street back to a two-way street; and
- 2.1.13 The community can submit a request to the Municipality for consideration of fencing the remaining park erf.
- 2.2 Compliance with the following conditions before transfer of the subject property:
 - 2.2.1 Ground surface to be paved/tarred appropriately together with parking bays to be clearly demarcated with visible lines, as well as erecting the necessary signage;
 - 2.2.2 A traffic sign needs to be erected on the corner of Regent and Rossiter Streets indicating no left turn thoroughfare to Main Street, to the satisfaction of Drakenstein Municipality: Civil Engineering Services Division; and
 - 2.2.3 The Municipal Services Traversing Portion A must be surveyed in order to correctly align the servitude area.
- 2.3 Compliance with the following conditions before the submission of building plans by the Applicant:
 - 2.3.1 Trees to be planted, and the remainder of the public place upgraded and beautified as indicated on the Development Plan drawn by Willie Steyn Land Use Planner dated 14 September 2023 (Reference AL11) in conjunction with the Drakenstein Municipality: Parks Division.
- 3. The reasons for the decision are as follows:
 - 3.1 The application stems from a Council Decision to alienate the proposed Portion A and to consolidate it with the adjacent property;
 - 3.2 The proposal will not detract from the surrounding character of the area as the sole intention of the application is to enlarge an existing mixed-use property which formed part of the residential area since the establishment of the residential area;
 - 3.3 The application represents a situation that has been normalised since 2016 with the leasing of the respective Portion A to Erf 9173 Wellington;
 - 3.4 The proposed Portion A will only be utilised for parking purposes, thus the impact being less than currently experienced;
 - 3.5 The owner will contribute to the upgrading and beautification of the remaining public place portion which is beneficial to the surrounding residents and their children; and
 - 3.6 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(3) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** from the date of registration of the letter. This approval is therefore suspended until further notice.

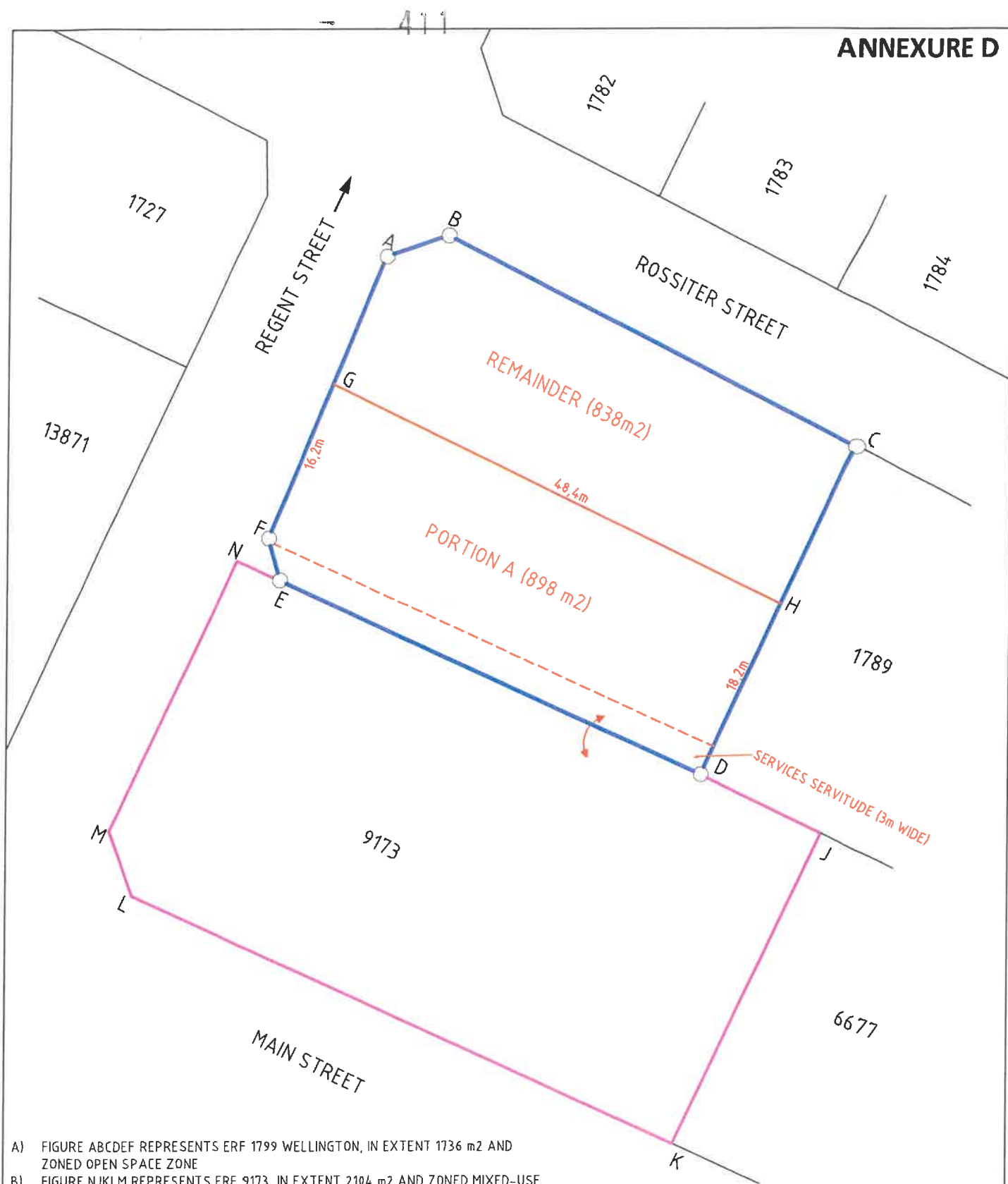
Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the public participation process and **the objectors** of their right of appeal – proof of notification **must** be provided. Should there be any appeals against the decision, the application title (heading) **must** be used as reference. The appeal procedures are set out in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



H. G. STRIJDOM (PR. PLN A/1058/1998)
MANAGER: LAND DEVELOPMENT MANAGEMENT



- A) FIGURE ABCDEF REPRESENTS ERF 1799 WELLINGTON, IN EXTENT 1736 m² AND ZONED OPEN SPACE ZONE
- B) FIGURE NJKLM REPRESENTS ERF 9173, IN EXTENT 2104 m² AND ZONED MIXED-USE ZONE
- C) FIGURE GHDEF (898 m²) IS TO BE CLOSED AS A PUBLIC PLACE AND REZONED FROM OPEN SPACE ZONE TO MIXED-USE ZONE
- D) GENERAL PLAN NO. 1235LD IS TO BE AMENDED BY THE ADDITION OF THE PORTION OF PUBLIC PLACE TO BE CLOSED AND LABELLED PORTION A AS ONE ADDITIONAL ERF WITHOUT CONDITIONS
- E) PORTION A IS TO SIMULTANEOUSLY BE CONSOLIDATED WITH ERF 9173 WELLINGTON (FIGURE DJKLMNE) AND DEVELOPED AS A CLIENT AND STAFF PARKING AND LOADING AREA
- F) FIGURE ABCHG (838 m²) IS TO REMAIN A PUBLIC PLAYLOT



WILLIE STEYN
Tch. Pln (B/8074/1998)
LAND USE PLANNER
0827572449

ERVEN 1799 AND 9173 WELLINGTON
PLAN OF OPEN SPACE CLOSURE, REZONING,
AMENDMENT OF GENERAL PLAN AND
CONSOLIDATION

Verw./Ref.
AL11
Datum/Date
20/5/2022

Basis/Base Info
Skaal/Scale
1:500





- A) FIGURE ABCDEF REPRESENTS ERF 1799 WELLINGTON, IN EXTENT 1736 m² AND ZONED OPEN SPACE ZONE
- B) FIGURE MNOPQ REPRESENTS ERF 9173, IN EXTENT 2104 m² AND ZONED MIXED-USE ZONE
- C) FIGURE GHJKL (889 m²) IS TO BE CLOSED AS A PUBLIC PLACE AND REZONED FROM OPEN SPACE ZONE TO MIXED-USE ZONE
- D) GENERAL PLAN NO. 1235LD IS TO BE AMENDED BY THE ADDITION OF THE PORTION OF PUBLIC PLACE TO BE CLOSED AND LABELLED PORTION A AS ONE ADDITIONAL ERF WITHOUT CONDITIONS
- E) PORTION A IS TO SIMULTANEOUSLY BE CONSOLIDATED WITH ERF 9173 WELLINGTON (FIGURE DJKLMNE) AND DEVELOPED AS A CLIENT AND STAFF PARKING AND LOADING AREA
- F) FIGURES ABCHG (838 m²) AND JKLFE (9m²) ARE TO REMAIN TO REMAIN A PUBLIC PLACE

LAYOUT DESIGN FUNDAMENTAL: SITE SURVEY AND FURTHER DETAILED DESIGN BY REGISTERED ENGINEER TO BE SUBMITTED AFTER LAND USE PLANNING APPROVAL

PLANT NEW TREES AS INDICATED





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Memo

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

From: MANAGER: INFRASTRUCTURE DEVELOPMENT

Enquiries: L. PIENAAR

Collaborator number: 2023826

Reference number: 15/4/1 (1799 & 9173) P (851)

Date: 21 July 2023

Subject: APPLICATION FOR CLOSURE, REZONING, AMENDMENT OF GENERAL PLAN
AND CONSOLIDATION: ERVEN 1799 AND 9173, WELLINGTON

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

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

THE FOLLOWING CONDITIONS WILL APPLY

1 STREETS & TRAFFIC

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2 *Any alterations to the existing road network will be the responsibility of the developer which includes design, approval and construction of any additional traffic control and or traffic calming measures as detailed in the Site Traffic Assessment of Chrisen Consulting Engineers dated January 2023;*
- 1.3 *Regent Street is to be upgraded to paving from the entrance from Main Road (MR0219) to Rossiter Street intersection at the applicants cost; and*
- 1.4 The entrance at erf 1799 and erf 9173 to be upgraded to paving standard.

2 STORM WATER

- 2.1 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 2.2 Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event; and
- 2.3 Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m³/m² roof area.

3 WATER

- 3.1 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 3.2 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 3.3 Any existing system that is to remain shall be upgraded to minimum municipal standards.

4 WASTEWATER SERVICES

- 4.1 *No permanent structures will be allowed over the existing municipal sewer system;*
- 4.2 *A servitude is to be registered over the municipal sewer system in favour of Drakenstein Municipality at the cost of the developer. No trees or stumps will be allowed within the servitude area of the sewer system;*
- 4.3 All the connections must be installed one meter inside the erf boundary; and
- 4.4 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 erven 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 Municipal refuse trucks will collect wheelie bins at road kerb on collection days;

6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, Development Charges are not payable by the developer;
- 6.2 Note that the Development Charge which is not payable 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; and

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 *When at any stage in future the municipality is required to take over ownership and maintenance of civil infrastructure, it will be the responsibility of the property owner(s) to ensure all water and waste water connections adhere to municipal standards and by-laws;*
- 7.3 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;
- 7.4 The whole of the works shall fall under the control of a single project manager;
- 7.5 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;
- 7.6 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 7.7 The above conditions are to be complied with in stages.
 - 7.7.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
 - 7.7.2 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

- 7.7.3 Proof of compliance for the requirements associated with long term operations must be available on request.

PP 






LP PIENAAR (Pr. Eng)

MANAGER: INFRASTRUCTURE DEVELOPMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2023\comments\Erven 1799 & 9179, Wellington - Closure, Rezoning, Amendment of General Plan & Consolidation.docx

LP/sw

Provide Comments: Electro Technical Engineering Services

LU Circulation	2029822	    
Task Ref	4682062	
From	2 nd Jaime Meyer	
Due Date	09-03-2023	
Date Completed	09-03-2023	
Date Assigned	09-03-2023 08:15	
LUA OnPremise Ref	2023826	
LUA ExtensionRef	2022195	
Provide Comments: Electro Technical Engineering Services	Yes	
User: Electro Technical Engineering Services	LEONL	
Outcome: Electro Technical Engineering Services	To be Amended	
Comments: Electro Technical Engineering Services (Note: This field forms part of an official email to the Applicant)	To indicate all services that must be relocated. The relocation of services will be for the cost of the owner.	
Completion Date: Electro Technical Engineering Services	2023-03-09	

Feedback History		
Feedback User	Feedback Date	% Compl
Leon Laing (LEONL)	09-03-2023 19:19	100%
Feedback		
No feedback was required.		

Reallocated Tasks	
Prev. Allocated To	Date Reallocated
Reallocation Note	

Task Note
Note



Memo

To: **MANAGER: LAND USE PLANNING AND SURVEYING
(ATTENTION: E. CYSTER)**

From: **MANAGER: ENVIRONMENTAL MANAGEMENT**

Enquiries: **C. WINTER**

Collaborator number: **2022195**

Reference number: **15/4/1 (9173)W**

Date: **20 MAY 2024**

Subject: **APPLICATION FOR PROPOSED CLOSURE, REZONING, AMENDMENT
OF GENERAL PLAN AND CONSOLIDATION ON ERVEN 1799 & 9173,
WELLINGTON**

The Environmental Management Section submitted comments on the above-mentioned application, dated 25 May 2023. This Section would like to retract that memorandum and put forward the following conditions instead.

A dust complaint was received on 17 May 2024 from the surrounding residential area, stating that dust emanates from the Build It, Wellington. Upon inspection it was found that the dust source was the unpaved portion on Erf 1799, Wellington that Build It is using as a storage yard (the same portion that was bought from Drakenstein Municipality which was previously utilised as a park). It was found that the vehicles offloading and loading goods from and onto their vehicles in the storage yard, are causing the dust nuisance when driving over the uncovered surface.

Consequently, this Section would like to put forward the following conditions:

1. Portion A of Erf 1799, Wellington shall be paved/tarred appropriately so as to avoid fugitive dust being generated by vehicular traffic. This surface covering shall take place within 3 months of the property being registered at the Deeds Office.
2. All stockpiles shall be stored in such a way that does not create a dust nuisance for surrounding landowners.
3. A Dust Management Plan can be requested in the event that dust complaints persist.

Yours faithfully

C. WINTER

MANAGER: ENVIRONMENTAL MANAGEMENT