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Reference: 15/4/1 (9039) W
Date: 09 April 2024
Col No: 1994756

JD/HK
15/4/1 (9039) W

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APPLICATION FOR REZONING: ERF 9039 WELLINGTON

1. Approval be granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following:
 - 1.1 **Rezoning** of Erf 9039 Wellington, from Industrial Zone to Neighbourhood Business Zone, in order to permit the existing business activities <2000m² in extent, together with a proposed wine boutique (±40m²) and small restaurant/deli (±30m²) within the existing building, as indicated on the Site Plan drawn by I-Design, Drawing No. 0327-M01, dated 01/04/2022, (**See Annexure B**).
2. The approval mentioned above shall be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division in its memorandum 15/4/1/ (9039) W (0984) dated 04 July 2022, (**Annexure C**);
 - 2.2 The applicant takes note of the conditions laid down by the Cape Winelands District Municipality: Health in its letter dated 04 July 2022 (**Annexure F**);
3. Adherence to the following conditions from a town planning point of view:
 - 3.1 The 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 No new buildings or boundary walls are to be erected or existing structures be altered without the approval of building plans by Council;

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- 3.3 The applicant notes that the parking of the site falls within the road reserve of Main Road 23. Improvements to the road infrastructure may result in the loss of parking bays or change in parking layout;
 - 3.4 The applicant obtains the necessary on and off-consumption license from the respective licensing authority;
 - 3.5 Any amendments to the application be subject to the relevant approval;
 - 3.6 The proposed business activities be operated daily between 09h00am to 19h00pm only;
 - 3.7 That the proposal complies with all respective health requirements;
 - 3.8 Should the applicant fail to comply with any of the above conditions, Council reserves the right to impose further conditions in future if deemed necessary or even revoke the approval;
4. The following considerations can be regarded as the reasons for the decision:
- 4.1 The proposal is well within the development parameters for Neighbourhood Business Zone properties;
 - 4.2 The property has for numerous years operated without any on-site parking due to the placement of the buildings on the property and the continuation of this establishment practice is in order. Adequate off-site parking is available;
 - 4.3 The proposal is not expected to be out of scale, nor character within the surrounding built environment, due to the utilization of existing infrastructure with no proposed alterations;
 - 4.4 Business uses play a pivotal role to the economy within the Drakenstein area, and should therefore be supported as far as possible;
 - 4.5 The application is not expected to significantly impact on the health, safety and wellbeing of the surrounding built environment;
 - 4.6 All respective departments support the proposal; and
 - 4.7 The proposal is considered to be consistent with the Drakenstein Spatial Development Framework.

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** of notification of decision.

The applicant shall be required to notify (**by email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **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