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Reference: 15/4/1 (2913) P  
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EC/HK

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## **APPLICATION FOR SUBDIVISION, PERMANENT DEPARTURE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ERF 2913 PAARL: 5 AND 7 FRATER STREET, DE ZOETE INVAL, PAARL**

1. **Approval is hereby granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw, on Municipal Land Use Planning, 2018 for the following:
  - 1.1 The subdivision, as indicated on the Subdivision Plan drawn by PJ Le Roux Town and Regional Planner dated, 16 November 2021, (**Annexure B**);
  - 1.2 Permanent Departure to relax the centre common boundary building line (common wall) between Portion 1 and Remainder of Erf 2913 to 0m, as indicated on the Subdivision Plan drawn by PJ Le Roux Town and Regional Planner dated 16 November 2021, (**Annexure B**);
  - 1.3 Removal of restrictive title deed conditions Clause B(ii) (d)-(g) from the Title Deed T31932/2013 in order to legalize inter alia the proposed subdivision, to allow the applicant to utilize the property in accordance with the provisions of the Drakenstein Zoning Scheme By-law, 2018.
2. The approvals mentioned in Paragraphs 1.1 to 1.3 above, is 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 (2913) P (1470) dated 25 November 2022, (**Annexure C**).

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3. Adherence to the following conditions from a town planning point of view:
  - 3.1 A copy of the approved subdivision diagrams for Portion 1 must be provided to the municipality;
  - 3.2 For the proposed development, the developer must institute water conservation measures such as only using non-potable water for on-site construction activities, Sustainable Drainage Systems for controlling surface runoff water, rainwater harvesting, grey water recycling and similar technical advancements such as low flow shower heads, dual flush toilets and water-wise gardens;
  - 3.3 The applicant is responsible for the submission of the original title deed at the Cape Town Deeds Office for the necessary endorsement by the Registrar of Deeds, together with a copy of the final removal notice as published in the Provincial Gazette. A copy of the endorsed titled deed must be supplied to the municipality for record-keeping purposes;
  - 3.4 This approval applies only to the application at hand, and shall not be construed as authority to depart from any legal prescriptions or requirements;
  - 3.5 Any further amendments to the application are subject to the relevant approval;
  - 3.6 Should the applicant fail to comply with any of the above-mentioned conditions of approval, the Council reserves the right to impose further conditions in future if deemed necessary.
4. The applicant must be requested to draw the owner's attention to the following:
  - 4.1 No clearance for the registration of the newly created portion will be issued by the municipality until subdivisional conditions, where applicable, have been complied with;
  - 4.2 No building plan will be approved unless Portion 1 has been provided with a separate water, sewer, and electrical connection;
  - 4.3 The owner is responsible for all engineering installation, alteration and upgrading costs including the costs for new municipal connections (stormwater connections included);
  - 4.4 Plans for any proposed construction or changes to services are to be submitted to the Civil Engineering Services Department for approval prior to construction;
5. The following be regarded as the reasons for the decision:
  - 5.1 The proposal is in line with the Drakenstein Municipality densification policy;
  - 5.2 The proposal is not inconsistent with the residential character of the area, as there are several erven of similar nature found in the area;

- 5.3 The proposal will create another residential opportunity;
- 5.4 The level of densification is low and contextually appropriate; and
- 5.5 The proposal makes optimal use of presently underutilized land in terms of its development potential.

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.

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 initial public participation process and **the objectors** (if any), 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



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