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Date: 13 December 2023

JP/HK
15/4/1 (11352) W

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Sir

SUBDIVISION OF ERF 11352 WELLINGTON, ALBATROS STREET

Your letter under reference 21084 dated 25 July 2022, refers.

1. Approval is hereby granted in terms of Section 60 of the Drakenstein By-Law on Municipal Land Use Planning, 2018, for the subdivision of Erf 11352 Wellington into **Portion 1** ($\pm 2084\text{m}^2$), **Portion 2** ($\pm 979\text{m}^2$) and **Portion 3** ($\pm 979\text{m}^2$), as depicted on Subdivision Plan No. 21084-001 REV C dated 2023-08-28.
2. In terms of Section 24(1) of the Drakenstein By-Law on Municipal Land Use Planning, 2018, it is hereby certified that the registration of the following proposed servitudes, as indicated on Subdivision Plan No. 21084-001 REV C dated 2023-08-28, is exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein By-Law on Municipal Land Use Planning, 2018:
 - 2.1 The registration of a right of way and services servitude, 5m wide, over Portion 1 in favour of Portion 2 and Portion 3.
 - 2.2 The registration of a right of way and services servitude, 5m wide, over Portion 1 and Portion 2 in favour of Portion 3.

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3. The approval granted in paragraph 1 above, is subject to the following conditions imposed in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
- 3.1 Copies of the approved subdivision diagrams for Portions 1, 2 and 3 must be submitted to the municipality.
 - 3.2 All three portions must be registered in the Deeds Office, leaving no remainder.
 - 3.3 Portion 1 must be registered before, or simultaneously with the registration of whichever of Portion 2 or Portion 3 is going to be registered last.
 - 3.4 The proposed right of way and services servitudes must be indicated on each of the approved subdivision diagrams and registered against their respective title deeds.
 - 3.5 The wall/hedge which serves as the western boundary of Portion 1, must be moved eastwards in order to increase the width of the right of way and services servitude area to 5m.
 - 3.6 The 8m wide temporary access servitude over adjacent Erf 15678 (a portion of Erf 15620) Wellington, must be changed to an 8m wide *permanent* access servitude, in favour of the newly created Portions 1 to 3, and it must be registered against their respective title deeds.
 - 3.7 The agreement that Portions 2 and 3 must utilise the existing private sewer system of Portion 1, as stipulated in Annexure B, must be embodied in a Notarial Deed of Servitude and registered against the title deeds of all three portions.
 - 3.8 The agreement that stormwater emanating from Portions 1, 2 and 3, can be conveyed via the private combined stormwater system of the adjacent development on Erf 15620 Wellington, as stipulated in **Annexure C**, must be embodied in a Notarial Deed of Servitude and registered against the title deeds of Portions 1, 2 and 3, as well as the title deed of Erf 15620 Wellington.
 - 3.9 Adherence to the following conditions laid down by the Manager: Planning and Customer Services, Drakenstein Municipality: Electro Technical Engineering Services Department:
 - 3.9.1 The network will have to be upgraded in order to supply the development of power.

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- 3.9.2 The existing low tension overhead line adjacent to the farm and back of the proposed development will have to be removed.
 - 3.9.3 The low-tension network will be upgraded as such to supply each erf with a service connection from Albertros Street, subjected to the extension of Albertros Street.
 - 3.9.4 Network recovery cost is payable by the developer to the municipality.
 - 3.9.5 All upgrading and service costs must be paid by the developer.
 - 3.10 Adherence to the conditions laid down by the Acting Manager: Infrastructure Development, Civil Engineering Services, Drakenstein Municipality, in his memorandum referenced 15/4/1 (11352) W (1628) dated 21 November 2021 (See Annexure A).
 - 3.11 Energy-saving devices such as contained in the Drakenstein Municipality Green Building Manual, available at the Spatial Planning Section, must be made use of as far as possible.
 - 3.12 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 showerheads, dual flush toilets and water-wise gardens.
 - 3.13 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.
4. The owner's attention must be drawn to the following:
- 4.1 Authority for the separate registration of any newly created erf will not be issued by the municipality unless conditions 3.1 to 3.13, where applicable, have been satisfactorily complied with.
 - 4.2 No building plans for any newly created portion will be approved unless it has a separate water and sewer connection.
 - 4.3 The owner is responsible for all engineering installation, alteration and upgrading costs including the costs for new municipal connections, storm water connections and new vehicle access points.

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5. The following are regarded as the reasons for the above approval decisions:
- 5.1 The proposed subdivision is consistent with the principals and objectives of the SDF with respect to densification;
 - 5.2 The level of densification proposed is low and contextually appropriate;
 - 5.3 The proposal makes optimal use of presently underutilized land in terms of its development potential; and
 - 5.4 The proposed subdivision is considered compatible with surrounding land uses.

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(2) of the Drakenstein Bylaw on Municipal Land Use Planning 2018, by any person whose rights are affected by the decision of an authorised official, within **21 days** of notification of the decision. This approval is therefore suspended until further notice.

Please notify (**email or per hand**) the surrounding property owners who were notified of the application during the public participation process and the **objectors (if applicable)**, of their general right of appeal – proof of notification **must** be provided. Note that the 21-day appeal period will commence the day after all the property owners have been notified.

The appeal procedures are set out in Section 80 of the abovementioned By-Law (attached). All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O Box 1, Paarl, 7622 or at customercare@drakenstein.gov.za

Yours faithfully



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

Please address all correspondence to the City Manager, P O Box 1, Main Street, Paarl, 7622, or Customer care, e-mail, customercare@drakenstein.gov.za, Henk Strijdom, henks@drakenstein.gov.za