



DRAKENSTEIN

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Enquiries: E Cyster
Contact number: 021-8074770
Reference: 15/4/1(12210)P
Date: 26 March 2026

EC/JA

Prashila Zavery
Headland Planners (Pty) Ltd

prashila@headland.co.za

Madam

**APPLICATION FOR CONSOLIDATION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
ERVEN 7216, 7217, 7218, 7610, 12210 & 12616, PAARL - COURTRAI PRIMARY SCHOOL**

Your above-mentioned application (Collaborator Reference 2288028, refers.

1. **Approval** has been granted in terms of **Section 60(1)(a) of the Drakenstein Municipality Bylaw on Municipal Land Use Planning, 2018**, for the following:
 - 1.1 **Consolidation** of Erven 7216, 7217, 7218, 7610, 12210 & 12616, Paarl, in order to create a single cadastral unit for Courtrai Primary School, largely in accordance with the Consolidation Plan prepared by Headland Town Planners (Ref: CPS.CONSOLE.01 dated 25/10/2023), (**Annexure B**).
 - 1.2 **Removal of restrictive title deed conditions** applicable to Erf 12210, Paarl, as contained in Title Deed No. T395/1981 (**Annexure H**), specifically:
 - Condition A(4)(b): relating to building line restrictions; and
 - Condition G(4)(b): restricting the property to a single dwelling, in order to align the title deed conditions with the existing and lawful use of the property as a Place of Instruction (school).
 - 1.3 **Determination** of the zoning of the consolidated units to Community Use Zone, in line with their lawful utilisation as a school.

2. The approvals mentioned in Paragraphs 1.1 and 1.3 above 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 This approval only applies to the application in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements;
 - 2.2 The proposal take place largely in accordance with the consolidation plan drawn by Headland Town Planners (Ref: CPS.CONSOLE.01 dated 25/10/2023), (**Annexure B**);
 - 2.3 Adherence to the conditions set by the Drakenstein Municipality: Civil Engineering Services, as set out in its letter dated 25 May 2024 reference number 15/4/1 (7216, 7217, 7218, 7610, 12210 & 12616) P (725), (**Annexure C**);
 - 2.4 Adherence to the conditions set by the Drakenstein Municipality: Electro-Technical Services, as set out in its letter dated 4 May 2024 reference number 8/2/5_7216_7217_7218_7610_12210_12616, (**Annexure D**);
 - 2.5 The applicant takes note of the conditions set by the Heritage Western Cape Department, as set out in its letter dated 16 November 2023 reference number HM/ VARIOUS WESTERN CAPE GOVERNMENT SCHOOLS, (**Annexure E**);
3. The following conditions are applicable from a town planning point of view:
 - 3.1 This approval shall apply only to the application concerned and does not exempt the applicant from compliance with any other applicable legislation;
 - 3.2 The consolidation of Erven 7216, 7217, 7218, 7610, 12210 & 12616, Paarl shall be carried out in accordance with the approved consolidation plan (**Annexure B**) and registered in the Deeds Office;
 - 3.3 The applicant shall be responsible for submitting the original title deed to the Cape Town Deeds Office for 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 title deed shall be provided to the Municipality for record purposes;
 - 3.4 The applicant shall be responsible for the cost and publication of the final notice regarding the removal of the restrictive title deed conditions in the Provincial Gazette, which shall be completed prior to the submission of any building plans;
 - 3.5 The owner shall be responsible for completing all cadastral and legal processes required to give effect to this approval;

- 3.6 The approved Surveyor-General diagrams shall be submitted to the Municipality prior to the submission of any building plans;
 - 3.7 The property shall be utilised in accordance with the applicable zoning in terms of the Drakenstein Zoning Scheme By-law, 2018;
 - 3.8 No additional land use rights are granted as part of this approval;
 - 3.9 Any future change in land use or deviation from the zoning scheme shall require a separate land use planning application;
 - 3.10 No buildings or structures may be erected, nor any alterations undertaken, without approved building plans.
4. The following be regarded as the reasons for the decision:
- 4.1 The application is administrative and does not introduce any additional land use rights;
 - 4.2 The existing school use is lawful and has been established over a long period;
 - 4.3 The consolidation promotes efficient land administration;
 - 4.4 The removal of restrictive conditions aligns the title deed with the existing use;
 - 4.5 No negative impact on surrounding properties or services is anticipated;
 - 4.6 All relevant internal and external departments supported the application;
 - 4.7 The proposal is consistent with sound town planning principles and applicable legislation;
 - 4.8 The zoning determination is supported as it establishes an appropriate zoning aligned with the current utilisation of the property.

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 **provisional 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



H. G. STRIJDOM (PR. PLN A/1058/1998)
LAND DEVELOPMENT PLANNING

The copyright in this drawing, including detail and design shown hereon, is reserved by headland planners

Figure ABCDEFGHJK represents a 3,6393Ha consolidation of the following erven, all Paart

Erf	Extent
7216	80m ²
7217	78m ²
7218	70m ²
7610	1,0443Ha
12210	2,3175Ha
12616	2547m ²

Notes:



ANNEXURE B

DATE: 25/10/2023
PROJECT: CFS CONSOLIDATION

Consolidation:
Various Erven, Paart

Courtral Primary School
Consolidation Plan

Western Cape Government

Project: CFS CONSOLIDATION

Client: Alfoleq Schools

Date: 25/10/2023

Scale: 1 : 1250 (A3)





Memo

To: EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE
(ATTENTION: J MEYER)

From: EXECUTIVE DIRECTOR: ENGINEERING SERVICES

Enquiries: LH. SMITH

Collaborator number:

Reference number: 15/4/1 (7216, 7217, 7218, 7610, & 12616) P (725)

Date: 27 May 2024

Subject: APPLICATION FOR CONSOLIDATION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: COURTRAI PRIMARY SCHOOL, ERVEN 7216, 7217, 7218, 7610, & 12616, PAARL

These conditions will be subject to review by the Engineering Services Department upon receipt of Civil and/or building plans for approval. This may require all the studies carried out for the proposed development to be updated and revised accordingly, which shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

The aforementioned is based on the possibility of changes in the physical environment in respect of engineering infrastructure between date of issuing of conditions and actual building/construction being imminent, which may impact on available relevant infrastructure capacities as at time of initial issuing of conditions.

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; and
- 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.

2 STORM WATER

- 2.1 **A 3m servitude must be registered over the municipal stormwater infrastructure in favour of Drakenstein Municipality; and**
- 2.2 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors.

3 WATER

- 3.1 **A 3m servitude must be registered over the municipal water infrastructure in favour of Drakenstein Municipality; and**
- 3.2 Any existing system that is to remain shall be upgraded to minimum municipal standards.

4 WASTEWATER SERVICES

- 4.1 **A 3m servitude must be registered over the municipal wastewater infrastructure in favour of Drakenstein Municipality; and**
- 4.2 Any existing system that is to remain shall be upgraded to minimum municipal standards.

5 SOLID WASTE

- 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;

6 DEVELOPMENT CHARGES

- 6.1 Based on the information provided in the application, no Development Charges are payable by the developer;

7 GENERAL

- 7.1 ***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 owners to ensure all water and waste water connections adhere to municipal standards and by-laws;***
- 7.2 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 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 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;

7.5 The above conditions are to be complied with in stages.

7.5.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction; and

7.5.2 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.


LP Pienaar Pr Eng,

EXECUTIVE DIRECTOR: ENGINEERING SERVICES

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2024\comments\Erven 7216, 7217, 7218, 7610, 12616, Paarl - Consolidation & Removal of Restrictive Tittle Deed Conditions.docx

LP/bm



Memo

To:	Senior Manager: Land Development Management For attention: H Strijdom/C van der Bank/E Cyster
From:	Manager: Planning and Customer Services
Enquiries:	L Laing
Reference number:	8/2/5_7216_7217_7218_7610_12210_12616
Date:	4 May 2024
Subject:	APPLICATION FOR CONSOLIDATION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, ERF 7216, 7217, 7218, 7610, 12210 & 12616, PAARL

Time Limit on Conditions: These conditions will be limited to a period of one (1) year from the date as on the covering memo from this department. After this period a re-application must be submitted for approval by this department.

1. INFORMATION REQUIRED/OUTSTANDING

1.1. None.

2. THE FOLLOWING CONDITIONS WILL APPLY

- 2.1. Only one service cable connection per erf is allowed.
- 2.2. No trees or any type of structures may be erected under or near any new or existing electrical infrastructure.
- 2.3. All electrical equipment shall comply with Drakenstein Municipality standards and have twenty-four-hour access for maintenance purposes.
- 2.4. The developer will be responsible for all cost in the case where he or she request any infrastructure situated in the road reserve to be moved or relocated to new proposed positions.
- 2.5. The developer is required to include measures to improve energy efficiency for any additional load requirement to the existing electrical supply.
- 2.6. It may be requested to register service servitudes where existing and or new infrastructure will or have been installed.
- 2.7. A service level agreement between the municipality and the owner or developer of above-mentioned erven must be arrange at Electro-Technical Service Department (Planning and Design division - Chief Engineering Technician) should there be a request to upgrade the existing supply.

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply for any additional load requirement and will be calculated according to the following as indicated in approved tariffs: **R4 317.00 per kVA (V.A.T. included)**. The cost as mentioned above is valid until 30 June 2024 and will escalate thereafter for each upcoming financial year which is between 1 July and 30 June.
- 3.2. The developer will be responsible to carry all cost of the electrical installation.
- 3.3. All upgrade and service costs must be paid at the finance section in cash before any service connection may be rendered.
- 3.4. A private registered electrical installation electrician shall be used to do all installations and alterations according to SANS 10142, Occupational Health and Safety Act (Act 85 of 1993) and Drakenstein Municipal by-laws prior to the development.
- 3.5. A certificate of compliance and occupational certificate must be handed over to the Electro-Technical Services Department (Service section) on the day the service is rendered or as the case may be.
- 3.6. The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application.

Yours faithfully



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MANAGER: PLANNING AND CUSTOMER SERVICES

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Our Ref: HM/ VARIOUS WESTERN CAPE GOVERNMENT SCHOOLS
Case No.: N/A
Enquiries: Waseefa Dhansay
E-mail: waseefa.dhansay@westerncape.gov.za
Tel 021 483 5959



Prashila Zavery
HEADLAND TOWN PLANNERS
prashila@headland.co.za

REQUEST FOR COMMENT: CONSOLIDATION OF ERVEN COMPRISING SCHOOL SITES IN THE WESTERN CAPE
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

Heritage Western Cape is in receipt of the letter dated 16 November 2023 requesting for comment on the proposed consolidation of various Erven for the following schools under ownership of the Western Cape Government:

1. Laerskool Sedgefield Primary - 28 Swallow Drive, Knysna
2. Bartolomeu Dias Museum Complex - Market Street, Mossel Bay
3. Augsburg Agricultural Gymnasium - 1 President Brandt Street, Clanwilliam
4. Charlie Hofmeyer High School - 17 Van Riebeeck Street, Ceres
5. Riebeeck Vallei Spesiale Skool & Koshuis - Van Riebeeck Street, Malmesbury
6. George -Suid Laerskool - Laing Street, George
7. De Rust Sekondêre Skool - Skool Street, Oudtshoorn
8. Laêrskool Gansbaai - 23 Church Street, Hermanus
9. Oudtshoorn Hoërskool - Jan Van Riebeeck Road, Oudtshoorn
10. Gericke Primary School - Owen Street, Ceres
11. Bredasdorp Hoërskool - Bond Street, Bredasdorp
12. York High School - 15 Meade Street, George
13. Zwartberg Hoërskool - Pastorie Street, Prince Albert
14. Outeniqua Hoërskool - Courtney Street, George
15. Philadelphia Primary School - Church Square, Malmesbury
16. Franschhoek High School - Akademie Street, Paarl
17. Langenhoven Hoërskool - 4 Le Roux Street, Riversdal
18. Velddrif Hoër Skool - Voortrekker Road, Vredenburg
19. La Rochelle Girls Primary School - Faure Street, Paarl
20. A.F. Louw Laerskool - La Colline Way, Stellenbosch
21. Van Reede Primary School - High Street, Oudtshoorn
22. Paarl Gimnasium Primary School - Main Street, Paarl
23. Noord Eind Laerskool Paarl - Botha Street, Paarl
24. Lamberts Bay Clinic - Burrell Street, Clanwilliam
25. Graafwater High School Hostel Huis Volhard - 93a Van Der Stel Street, Clanwilliam
26. Klein Karoo Skool - Senior Kampus - 66 Oostelike Road, Oudtshoorn
27. Ladismith Hoerskool - Vrede Avenue, Ladismith
28. Windsor High School - 5 Smuts Road, Lansdowne, Cape Town
29. La Rochelle Girl's High School - Faure Street, Paarl
30. Courtrai Primary School - Montreux Street, Paarl
31. Wesbank Primary School – Oudtshoorn - 30 Vrede Street, Oudtshoorn
32. Robertson Preparatory School - Reitz Street, Robertson
33. Bonnievale Hoërskool - Van Der Merwe Street, Swellendam
34. Outeniqua Hostel George - Loerie Street, George
35. Hoërskool Porterville - Basson Street, Piketberg
36. Goudini High School - 39 Van Riebeeck Street, Worcester
37. Knysna High School Play Ground - 8 Long Street, Knysna
38. Bastiaanse Sekondêre Skool – Langstraat, Beaufort West
39. Okkie Smuts Laerskool - 17 Kerkstraat, Hermanus
40. Kleinmond Laerskool - Sixth Avenue, Caledon
41. Oudtshoorn North Primary School - 7 Hope Street, Oudtshoorn
42. Milkwood Primary & Pre Primary Schools - Muir Street, Mossel Bay
43. Nuwerus High School - Kalossie Street, Vanrhynsdorp

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Street Address: 10101A, 10101B, 10101C, 10101D, 10101E, 10101F, 10101G, 10101H, 10101I, 10101J, 10101K, 10101L, 10101M, 10101N, 10101O, 10101P, 10101Q, 10101R, 10101S, 10101T, 10101U, 10101V, 10101W, 10101X, 10101Y, 10101Z, 10102A, 10102B, 10102C, 10102D, 10102E, 10102F, 10102G, 10102H, 10102I, 10102J, 10102K, 10102L, 10102M, 10102N, 10102O, 10102P, 10102Q, 10102R, 10102S, 10102T, 10102U, 10102V, 10102W, 10102X, 10102Y, 10102Z, 10103A, 10103B, 10103C, 10103D, 10103E, 10103F, 10103G, 10103H, 10103I, 10103J, 10103K, 10103L, 10103M, 10103N, 10103O, 10103P, 10103Q, 10103R, 10103S, 10103T, 10103U, 10103V, 10103W, 10103X, 10103Y, 10103Z, 10104A, 10104B, 10104C, 10104D, 10104E, 10104F, 10104G, 10104H, 10104I, 10104J, 10104K, 10104L, 10104M, 10104N, 10104O, 10104P, 10104Q, 10104R, 10104S, 10104T, 10104U, 10104V, 10104W, 10104X, 10104Y, 10104Z, 10105A, 10105B, 10105C, 10105D, 10105E, 10105F, 10105G, 10105H, 10105I, 10105J, 10105K, 10105L, 10105M, 10105N, 10105O, 10105P, 10105Q, 10105R, 10105S, 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Our Ref: HM/ VARIOUS WESTERN CAPE GOVERNMENT SCHOOLS
Case No.: N/A
Enquiries: Waseefa Dhansay
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- 44. Kretzenshoop Primary School - John Kretzener Street, George
- 45. Piketberg Hoërskool & Leliehof Koshuis - Berg Road, Piketberg
- 46. Little Elephants Pre Primary School - Church Street, Knysna
- 47. Knysna Primary School – Long Street, Knysna
- 48. Knysna Primary School – Sportsfields - Cove Street, Knysna

It is confirmed that the proposed consolidation does not affect heritage resources and no further action in terms of the National Heritage Resources Act (25 of 1999) is applicable. This comment is related to the consolidation of the Erven and any other proposed activities which may trigger the National Heritage Resources Act will be applicable.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above.

Waseefa Dhansay Digitally signed by Waseefa Dhansay
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ANNEXURE H

**APPLICATION FOR CONSOLIDATION AND REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS:
COURTRAI PRIMARY SCHOOL
ERVEN 7216, 7217, 7218, 7610, 12210 & 12616, PAARL**

headland

town planners

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**APPLICATION FOR CONSOLIDATION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
COURTRAI PRIMARY SCHOOL
ERVEN 7216, 7217, 7218, 7610, 12210 & 12616, PAARL**

1. INTRODUCTION

The Western Cape Government owns Courtrai Primary School which exists over 6 erven. As a result, we have been tasked with applying to consolidate the erven that make up the school in order for the Western Cape Government to hold it under 1 title deed as opposed to multiple title deeds. There will not be any physical / material changes to the sites. No new structures are being proposed and no renovations to any existing structures are being proposed as part of this application. In addition, restrictive title deed conditions were identified on erf 12210 and are required to be removed as part of this application. Correspondence has taken place via email with Mr Henk Strijdom of the land Development Management Department at Drakenstein Municipality, regarding the applications required.

2. APPLICATIONS

The following applications are required in terms of the Drakenstein Municipality: Municipal Planning By-law, 2015:

- A **removal of restrictive title deed conditions application** in terms of **section 15(2)(f)** in order to remove Conditions A(4)(b) & G(4)(b) on erf 12210 held by title deed T395/1981.
- A **consolidation application** in terms of **section 15(2)(e)** in order to consolidate erven 7216, 7217, 7218, 7610, 12210 & 12616 Paarl.

3. LOCALITY AND CADASTRAL INFORMATION

The school is located in Paarl at the intersection of Altenburg Avenue and Montreux Street and consists of 6 properties, outlined in red on figure 1. The school has existed from approximately 1970 (<https://courtrai.co.za/en/about-us/>). Note that erven 7216, 7217, 7218 and 12616 are not indicated in figure 1, but they exist as erven on the SG diagrams and the Noting Sheet.



Figure 1: Extract of aerial imagery of erven making up Courtrai Primary School (Image source: Cape Farm Mapper)

3.1. Underlying Zoning

Erven 7610 and 12210 are zoned Community Use Zone (see figure 2) which permits a place of instruction as of right. Erven 7216, 7217, 7218 and 12616 are zoned Transport Zone (shaded in white) which does not permit place of instruction as a primary or additional use right. Email correspondence with Mr Henk Strijdom confirmed that the zoning of erven 7216, 7217, 7218 and 12616 will be deemed to be zoned Community Use Zone.

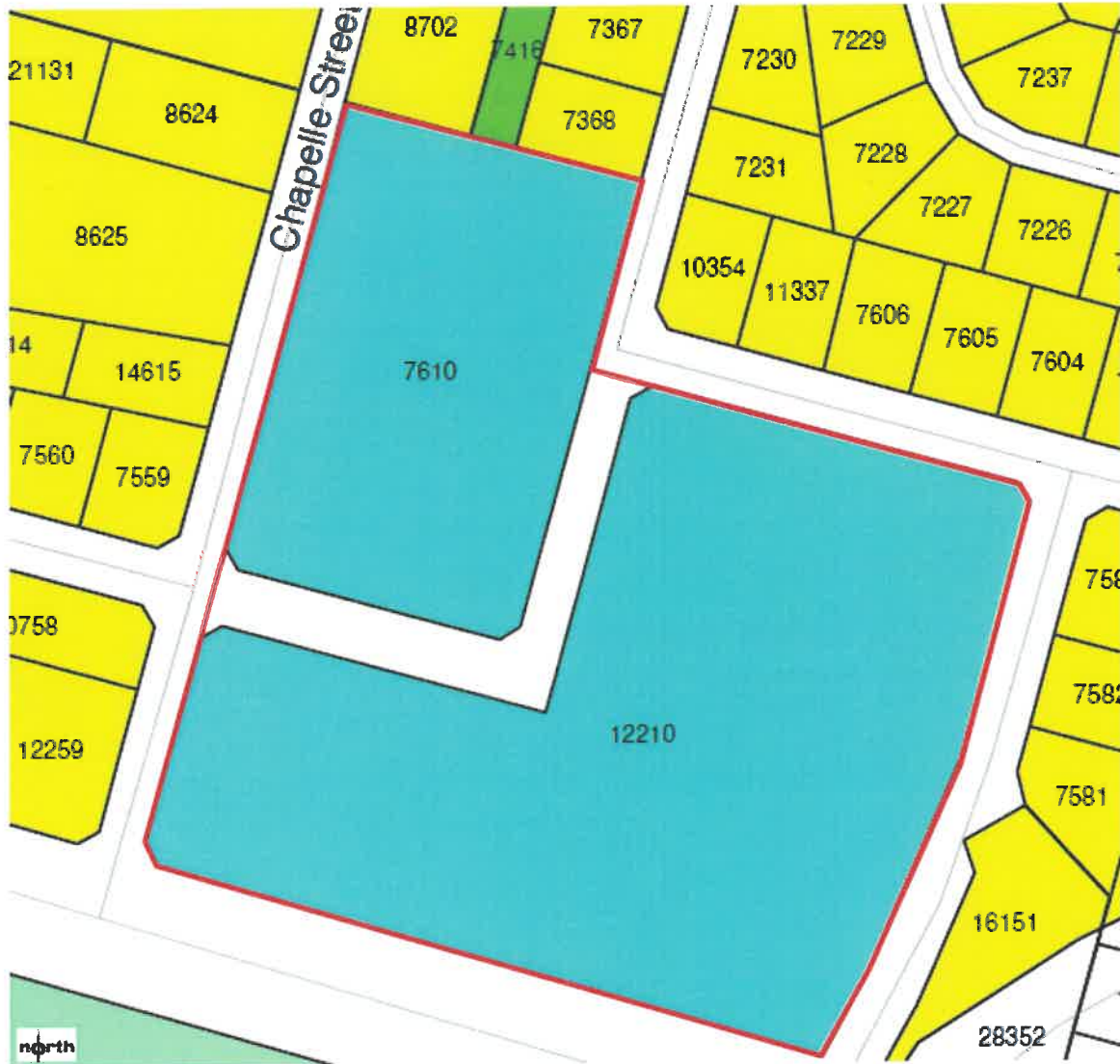


Figure 2: Extract of zoning of erven making up Courtrai Primary School (Image source: Drakenstein Municipality Paarl South Zoning Map, 2018)

4. PROPERTY DATA

Table 1: Property information

Property Numbers	Extents	Property Diagrams	Title Deed Numbers	Title Deed Conditions	Servitudes	Registered Owner
Erf 7216 Paarl (closed public road)	80m ²	5351/1960	T35709/1976	None	None	Provincial Government of the Western Cape
Erf 7217 Paarl (closed public road)	78m ²	5352/1960	T35709/1976	None	None	
Erf 7218 Paarl (closed public road)	70m ²	5353/1960	T35709/1976	None	None	
Erf 7610 Paarl	1.0443ha	112/1976	T35709/1976	None	None	
Erf 12210 Paarl	2.3175ha	7582/1974	T395/1981	<p>Figures A.l.h.l.m.n.K.L.M. & i.j.k.l.h. of DGM 7582/1974</p> <p>A(4)(a) Shall not be subdivided</p> <p>A(4)(b) No buildings nearer than 4.72m of street boundary</p> <p>Figures b.d.e.c. & a.b.c.H. of DGM 7582/1974</p> <p>G(4)(a) Shall not be subdivided</p> <p>G(4)(b) Shall be used to erect one dwelling</p> <p>G(4)(c) Not more than half area be built upon</p> <p>G(4)(d) No building nearer than 4.72m of street boundary, 3.15m of rear boundary or 1.57m of lateral common boundary. Outbuilding less than 3.05m height permitted within rear boundary</p>	None	
Erf 12616 Paarl (closed public road)	2547m ²	6956/1975	T35709/1976	None	None	

5. DEVELOPMENT PROPOSAL

5.1. Application for Consolidation

The intention of this application is to consolidate the school erven into one property per figure 3.



Figure 3: Extract of proposed consolidation plan

5.2. Application for Removal of Restrictive Title Deed Conditions

Erf 12210 contains restrictive title deed conditions that apply to specific portions of the site. Title deed condition A(4)(b) exists on Figures A.i.h.l.m.n.K.L.M. & i.j.k.l.h. of the DGM 7582/1974 for erf 12210 (refer to figure 4). Title deed condition G(4)(b) exists on Figure b.d.e.c. & a.b.c.H. of DGM 7582/1974 for erf 12210 (refer to figure 4).

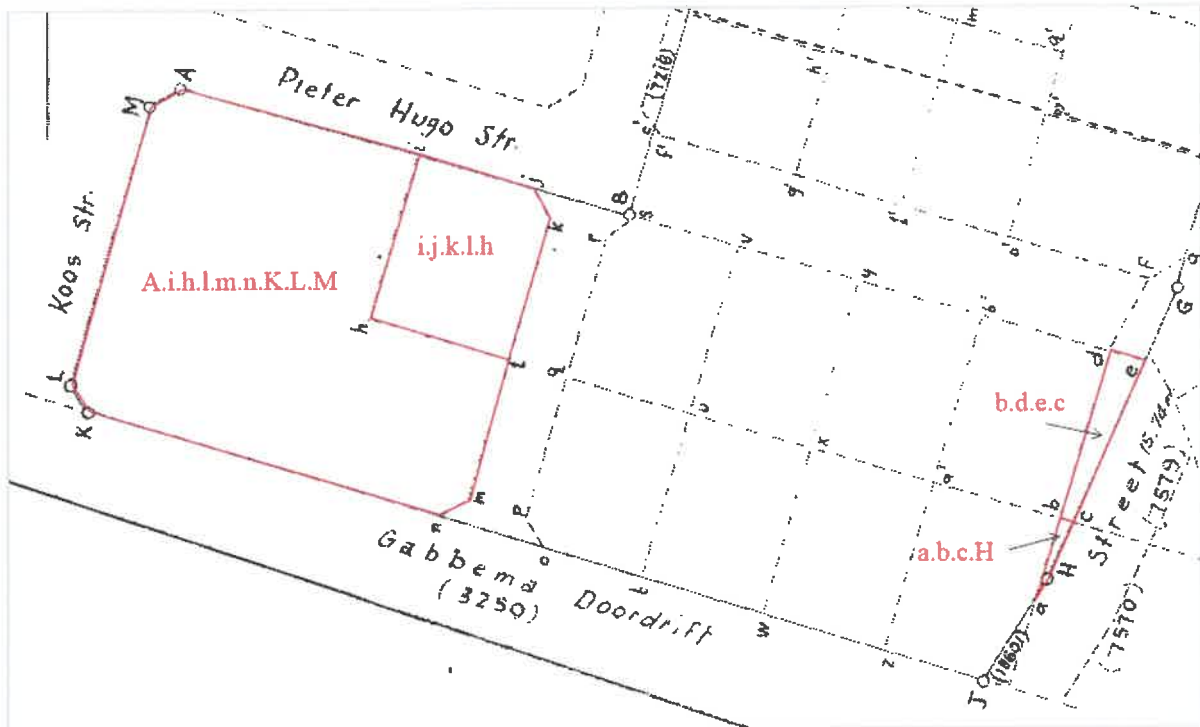


Figure 4: Areas on erf 12210 where title deed restrictions exist

As a result, the conditions, that are worded as follows, are required to be removed from erf 12210 held by title deed T395/1981:

Condition A *"INSOVERRE die letters A.i.h.l.m.n.K.L.M. en i.j.k.l.h. op gemelde kaart Nr. 7582/74 betref: ...*

... (4) This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such conditions should be at any time suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose: ...

... (b) No buildings or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4.72 metres to the street line which forms a boundary of this erf."

Condition G *"INSOVERRE die letters b.d.e.c en a.b.c.H op gemelde kaart Nr. 7582/74 betref: ...*

... (4) This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should be at any time suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose: ...

... (b) It shall be used only for the purpose of erecting thereon one dwelling, together with such outbuildings as are ordinarily required to be used therewith."

The removal of Condition A(4)(b) is required because the school building on erf 12210 exists on the property boundary.

The removal of Condition G(4)(b) is required because the use of the property is for school purposes and not residential use.

6. MOTIVATION AND DESIRABILITY

6.1. Procedure followed in processing the application (Drakenstein Municipality Municipal Planning By-Law (DMMPBL) section 65 (1)(b))

The application will be submitted following the procedures and information required outlined in Section 38 of the DMMPBL.

6.2. The desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses (DMMPBL, section 65 (1)(c))

Not applicable. This land use application does not propose or result in any material change to the existing school. It is merely an administrative process to hold the school erven under a single title deed and simultaneously remove restrictive title deed conditions erf 12210.

6.3. The comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act (DMMPBL, Section 65 (1)(d))

The LUPA does not apply to this administrative application.

6.4. The response by the applicant, if any, to the comments referred to in paragraph (d) (DMMPBL, section 65 (1)(e))

This is not applicable.

6.5. Investigations carried out in terms of other laws that are relevant to the consideration of the application (DMMPBL, section 65 (1)(f))

This land use application does not trigger any other laws.

6.6. A registered planner's written assessment in respect of an application for (iii) a removal, suspension or amendment of a restrictive condition if it relates to a change of land use (DMMPBL, section 65 (1)(g))

This planning report includes an assessment and motivation which includes application in terms of (iii).

6.7. The impact of the proposed land development on municipal engineering services (DMMPBL, section 65 (1)(h))

Not applicable. This land use application will not have any impact on municipal services.

6.8. The integrated development plan, including the municipal spatial development framework (DMMPBL, section 65 (1)(i))

The proposal fully aligns with the IDP and Municipal Spatial Development Framework. The intention is to consolidate the school erven and address title deed conditions (on erf 12210) to match the school use that, according to the school's website, has taken place from 1970 (53 years).

6.9. The integrated development plan and spatial development framework of the district Drakenstein Municipality, where applicable (DMMPBL, section 65 (1)(j))

The proposal fully aligns with the IDP and Spatial Development Framework. The intention is to consolidate the school erven and address title deed conditions (on erf 12210) to match the school use that, according to the school's website, has taken place from 1970 (53 years).

6.10. The applicable local spatial development frameworks adopted by the Drakenstein Municipality (DMMPBL, section 65 (1)(k))

Not applicable. Apart from the Municipal Spatial Development Framework, there is no other, more localized spatial framework to consider.

6.11. The applicable structure plans (DMMPBL, section 65 (1)(l))

Not applicable. There are no available structure plans.

6.12. The applicable policies of the Drakenstein Municipality that guide decision-making (DMMPBL, section 65 (1)(m))

Due to the negligible impact of the proposal, no policies are applicable.

6.13. The provincial spatial development framework (DMMPBL, section 65 (1)(n))

Not applicable. This application is for the consolidation of an existing school and removal of restrictive title deed conditions on one of the school erven. It does not require consideration of the provincial development framework as it is purely an administrative process aimed at removing restrictive conditions on erf 12210 and merging the school to form one land unit.

6.14. Where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework (DMMPBL, section 65 (1)(o))

Not applicable. This application is for the consolidation of an existing school and removal of restrictive title deed conditions on one of the school erven. It does not require consideration of the provincial development framework as it is purely an administrative process aimed at removing restrictive conditions on erf 12210 and merging the school to form one land unit.

6.15. The policies, principles and the planning and development norms and criteria set by the national and provincial government (DMMPBL, section 65 (1)(p))

The application is fully consistent.

6.16. The matters referred to in section 42 of the Spatial Planning and Land Use Management Act (DMMPBL, section 65 (1)(q))

6.16.1. Compliance with Development Principles in SPLUMA and LUPA

Not applicable as the application merely modernises the historic school onto a consolidated property and supports efficient property management and administration in the future. No new rights are being created.

6.16.2. Section 39(5) of the Land Use Planning Act (LUPA), 2014

This section of the Act states that a municipality should have regard to the following factors when considering the "removal, suspension or amendment of a restrictive condition". The factors are noted in bold below and include responses (in normal text) motivating the application's consideration of each.

The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

The removal of the afore-mentioned title deed conditions does not amount to any financial value as the recipient of the condition is the Western Cape Government (WCG), who own the school. It is clear that the conditions may have been imposed on the property prior to the use of the property as a school, when such properties may have been envisaged for residential use.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition;

There is no personal benefit to the holder of the restrictive conditions as firstly, the holder is the school and secondly, the conditions limit the property to restrictive building lines and the use for single dwelling purposes when it is clear that the actual use that has taken place over the properties for many years has been a school.