



DRAKENSTEIN

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

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Reference: 15/4/1 (41638) P
Date: 02 May 2024
Coll no: 1995755

RM/HK

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STELLENBOSCH
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APPLICATION FOR THE APPROVAL OF THE HOME OWNERS' ASSOCIATION CONSTITUTION: ERF 41638 PAARL

With reference to your application, dated 19 October 2022, I have to inform you that the Drakenstein Municipal Planning Tribunal on 25 April 2024 resolved as follows, that:

1. **Approval has been granted** of an **home owners' association** constitution for the respective Boland Oval Property Owners Association Constitution which will govern all matters relating to access, security, landscaping, parking, use of the common areas and aesthetics of the development, amongst others, (**See Annexure E**).
2. The approval mentioned in Paragraph 1 above, be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018 and applicable from a town planning point of view:
 - 2.1 All Municipal Services must be charged in accordance with the published municipal tariffs;
 - 2.2 All common properties, being roads, open spaces, parking etc, be transferred to the Master Home Owners Association before or simultaneously with the registration or transfer of the first unit;
 - 2.3 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;
 - 2.4 Any amendments to the application are subject to the relevant approval;

- 2.5 No new buildings are to be erected or existing structures altered without the approval of building plans by Council; and
 - 2.6 That all the relevant and applicable conditions pertaining to the approval referenced 15/4/1 (21323) P dated 08 March 2022 and 15/4/1 (41638) P dated 1 September 2023 continue to be adhered to.
3. The following considerations can be regarded as the reasons for the decision:
- 3.1 The amended constitution underwent sufficient scrutiny by both Drakenstein Municipality: Legal Department together with external legal advisors, being Van der Spuy and Partners; and
 - 3.2 The proposed Constitution of the Boland Oval Property Owners' Association can thus be seen as suffice and legally sound.

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 authorized official, within **21 days** of notification of the 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 public participation process and **the objectors** (if applicable), of their general right of appeal – proof of notification **must** be provided. The appeal procedures are set out in Section 80 of the above-mentioned Bylaw (attached).

All appeals should be lodged to the City Manager of Drakenstein Municipality, P.O. Box 1, Paarl, 7622 or on customercare@drakenstein.gov.za.

Yours faithfully



H.G. STRIJDOM

MANAGER: LAND DEVELOPMENT 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, and Henk Strijdom, henks@drakenstein.gov.za