



# DRAKENSTEIN

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

Paarl | Wellington | Gouda | Saron | Simondium

+27 21 807 4500 +27 21 872 8054  
www.drakenstein.gov.za  
customercare@drakenstein.gov.za  
Civic Centre, Berg River Boulevard, Paarl 7646

Enquiries: Riyaaz Mowzer  
Contact number: (021) 807-4822  
Reference: 15/4/1 (4403) W  
Date: 08 August 2024  
Coll no: 1980239

RM/HK

David Hellig & Abrahamse  
Land Surveyors  
PO Box 18  
PAARL  
7622

[david@dhaa.co.za](mailto:david@dhaa.co.za)

## **APPLICATION FOR THE CLOSURE OF A PUBLIC PLACE, SUBDIVISION, REZONING, CONSOLIDATION, EXEMPTION FOR THE REGISTRATION OF SERVITUDES AND PERMANENT DEPARTURES FROM THE LAND USE RESTRICTIONS: ERVEN 4403, 15496 AND 12323 WELLINGTON**

With reference to your application, dated 14 July 2023, I have to inform you that the Drakenstein Municipal Planning Tribunal on 25 July 2024 resolved as follows, that:

1. **Approval has been granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following;
  - 1.1 Closure of Remainder Erf 4403 Wellington ( $\pm 3813\text{m}^2$ ), as a public place;
  - 1.2 Subdivision of Remainder Erf 4403 Wellington into two portions, being Portion A, measuring  $\pm 3796\text{m}^2$  in extent, and Portion B, measuring  $\pm 17\text{m}^2$  in extent, as indicated on the Closure, Subdivision, Rezoning, Consolidation and Servitude Plan drawn by David Hellig and Abrahamse Land Surveyors dated August 2022-January 2024 (Plan No 7 Rev 5), (**See Annexure C**);
  - 1.3 Rezoning of the proposed Portions A and B from Open Space Zone to Industrial Zone and Conventional Housing Zone respectively, in order to create a uniform zoning with the adjacent Erven 15496 and 12323 Paarl;
  - 1.4 The following consolidations, as indicated on the Closure, Subdivision, Rezoning, Consolidation and Servitude Plan drawn by David Hellig and

Abrahamse Land Surveyors dated August 2022-January 2024 (Plan No 7 Rev 5),  
(See Annexure C);

1.4.1 Consolidation of Portion A ( $\pm 3796\text{m}^2$ ) with Erf 15496 Wellington ( $\pm 8672\text{m}^2$ ) in order to form a new land unit measuring  $\pm 1.25\text{ha}$  in extent; and

1.4.2 Consolidation of Portion B ( $\pm 17\text{m}^2$ ) with Erf 12323 Paarl ( $\pm 1722\text{m}^2$ ) in order to form a new land unit measuring  $\pm 1739\text{m}^2$  in extent.

1.5 Permanent departures of the following land use restrictions applicable to the application properties:

1.5.1 The relaxation of the common building line applicable to Portion B from 1.5m to 0m in order to accommodate the existing dwelling situated thereon; and

1.5.2 The relaxation of the eastern, southern, and western common building line applicable to Portion A from 4.5m to 0m in order to accommodate the proposed carports as indicated on the site development plan drawn by Hannes Van Jaarsveldt Architectural Designs dated 24/01/2023 (Drawing No 116).

2. It is certified in terms of Section 24 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, that the following servitudes over Remainder Erf 4403 Wellington, in favour of Drakenstein Municipality, be exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein By-law on Municipal Land Use Planning, 2018, as indicated on Closure, Subdivision, Rezoning, Consolidation and Servitude Plan drawn by David Hellig and Abrahamse Land Surveyors dated August 2022-January 2024 (Plan No 7 Rev 5), (See Annexure C), for the following:

2.1 An underground storm water aqueduct measuring  $\pm 1279\text{m}^2$  in extent; and

2.2 A Sewer servitude area of 4m wide.

3. That the possible building encroachment of Erf 6712 Wellington onto Erf 4403 Wellington be noted and that the applicant be advised to endeavour to regularise this by means of a building encroachment servitude.

4. The approvals mentioned in Paragraphs 1.1 to 1.5 above, are subject to the following conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018.

4.1 Compliance with the following general conditions:

- 4.1.1 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;
- 4.1.2 Any amendments to the application are subject to the relevant approval;
- 4.1.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
- 4.1.4 That the subdivision and consolidation takes place largely in accordance with the respective Closure, Subdivision, Rezoning, Consolidation and Servitude Plan drawn by David Hellig and Abrahamse Land Surveyors dated August 2022-January 2024 (Plan No 7 Rev 5), **(See Annexure D)**;
- 4.1.5 That the development on Portion A take place in accordance with the site development plan drawn by Hannes Van Jaarsveldt Architectural Designs dated 24/01/2023 (Drawing No 116), **(See Annexure D)**;
- 4.1.6 That Portion A mentioned in paragraph 1.2 above only be utilised for parking purposes relevant to the industrial use on adjacent Erf 15496 Wellington and that a servitude be registered to this effect;
- 4.1.7 Adherence to the conditions laid down in its memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (4403 & 15496) W (496) dated 06 May 2024, **(See Annexure I)**; and
- 4.1.8 Adherence to the conditions laid down in its memorandum of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 8/2/5\_4403\_15496 dated 01 October 2023, **(See Annexure J)**.

4.2 Compliance with the following conditions with the transfer of the newly consolidated erven (Erf 15496 and Portion A and Erf 12323 and Portion B):

- 4.2.1 The servitudes indicated on the Closure, Subdivision, Rezoning, Consolidation and Servitude Plan drawn by David Hellig and Abrahamse Land Surveyors dated August 2022-January 2024 (Plan No 7 Rev 5) to be indicated on the diagram of the consolidated erf and registered against its title deed;
- 4.2.2 The consolidation of Portion B and Erf 12323 must be registered simultaneously with the registration of the consolidated erf mentioned in Paragraph 2.1 above.

5. The following be regarded as the reasons for the decision:

- 5.1 The application stems from a Council Decision to alienate the Remainder of Erf 4403 Wellington and to consolidate it with the adjacent properties;
- 5.2 The proposal will not detract from the surrounding character of the area as the sole intention of the application is to enlarge two existing properties situated within a well-established area;
- 5.3 The proposal represents the optimal utilisation of a piece of property that has been vacant and underutilised for many years;
- 5.4 The expansion of Erf 15496 Wellington can be seen as a logical expansion to the successful industrial property, which will further improve functionality of the existing property;
- 5.5 The expansion of Erf 12323 Wellington will rectify the existing encroachment of the residential dwelling on Remainder Erf 4403 Wellington;
- 5.6 Remainder Erf 4403 will only be utilised for parking purposes thus having an insignificant impact on the adjacent residential properties;
- 5.7 No additional civil engineering services or infrastructure are required;
- 5.8 The proposal is consistent with the principles and objectives of the SDF; and
- 5.9 The relevant departments consented to the application, subject to certain conditions.

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](mailto: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](mailto:customercare@drakenstein.gov.za), and Henk Strijdom, [henks@drakenstein.gov.za](mailto:henks@drakenstein.gov.za)