



**DRAKENSTEIN**

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**Date:** 10 July 2024

JP/HK  
15/4/1 (5800) W

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Sir

#### **SUBDIVISION OF UNREGISTERED ERF 5800 WELLINGTON, VERSAILLES STREET**

I refer to your application dated 11 April 2023.

1. Approval is hereby granted in terms of Section 60 of the Drakenstein Municipality Land Use Planning By-Law, 2018, for the **subdivision** of Unregistered Erf 5800 Wellington into **Portion A** ( $\pm 4541\text{m}^2$ ) and **Remainder** ( $\pm 9003\text{m}^2$ ), as depicted on Subdivisional Plan File Nr. WELL/E5800\_subn dated March 2023.
2. Exemption is hereby granted in terms of Section 24(1)(f)(iv) of the Drakenstein Municipal Land Use Planning By-Law, 2018, for the registration of the following servitudes:
  - 2.1 A right of way servitude over Erf 5801 Wellington in favour of Portion A, as depicted by the figure FPcde on Subdivisional Plan File Nr.: WELL/E5800\_subn dated March 2023;
  - 2.2 A right of way servitude over the Remainder of Erf 7999 Wellington in favour of Portion A, as depicted by the figures Ffk and fghjPk on Subdivisional Plan File Nr.: WELL/E5800\_subn dated March 2023.
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 A copy of the approved subdivision diagram for Portion A must be submitted to the municipality.

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- 3.2 The proposed right of way servitudes depicted on the subdivisional plan must be indicated on the approved subdivision diagram for Portion A and registered against its title deed, as well as the title deeds of Erven 5801 and 7999 Wellington.
  - 3.3 The owners of all the erven affected by the right of way servitude, as depicted on the subdivisional plan, must enter into a Notarial Deed of Servitude agreement for registration against their respective title deeds.
  - 3.4 Adherence to the condition imposed by the owner of the Remainder of Erf 7999 Wellington, relating to the relocation of the entrance gate and fence, with the granting of servitude rights to the owner of Erf 5801 Wellington, Hizobiz (Pty) Limited (**See Annexure C**).
  - 3.5 Adherence to the conditions laid down by the Executive Director: Engineering Services, Drakenstein Municipality, in his memorandum referenced 15/4/1 (5800) W (745) dated 20 May 2024 (**See Annexure A**).
  - 3.6 Adherence to the conditions laid down by the Manager: Planning and Customer Services, Drakenstein Municipality: Electro Technical Engineering Services Department, in his memorandum referenced 8/2/5\_5800 and dated 30 June 2024 (**See Annexure B**).
  - 3.7 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.
  - 3.8 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.
  - 3.9 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.
  - 3.10 This approval lapses unless separate registration of Portion A is affected in the Deeds Registry within five years of the date of the final approval letter, subject to compliance with section 21(1) of the Drakenstein By-law on Municipal Land Use Planning, 2018, read together with Section 22 of the aforementioned by-law.
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 4.10, where applicable, have been satisfactorily complied with.

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- 4.2 The onus is on the Owner to ensure that any unauthorised building work is either demolished, or building plans therefor are submitted and approved, in order to comply with the legislative requirements of the National Building Regulations and Building Standards Act (103 of 1977) as amended.
  - 4.3 No building plans for any newly created portion will be approved unless it has a separate water and sewer connection.
  - 4.4 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.
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 will create another industrial opportunity in the area.
  - 5.4 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(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](mailto: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](mailto:customercare@drakenstein.gov.za). Henk Strijdom, [henks@drakenstein.gov.za](mailto:henks@drakenstein.gov.za)