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Sir

SUBDIVISION OF ERF 8583 PAARL, MINNAAR STREET

I refer to your application under reference P2870/98(23), dated 26 January 2024.

1. **Approval** is hereby granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the subdivision of Erf 8583 Paarl into **Portion A** (867m²) and **Remainder** (331m²) as depicted on Plan of Subdivision No. 1 Rev2 dated January – July 2024.
2. **Approval** is hereby granted in terms of Section 60 of the Drakenstein By-Law on Municipal Land Use Planning 2018, for the following departures from the development parameters of the Drakenstein Zoning Scheme By-Law, 2018:
 - 2.1 The relaxation of the common boundary building line between Portion A and the Remainder from 1.5m to 1.3m to accommodate the footprint of the northernmost façade of the existing dwelling on Portion A, marked *a-b* on Plan of Subdivision No 1 Rev2 dated January – July 2024.
 - 2.2 The relaxation of the common boundary building line between Portion A and the Remainder from 1.50m to 1.18m to accommodate the footprint of the eastern façade of the existing dwelling on the Remainder, marked *c-d* on Plan of Subdivision No 1 Rev2 dated January – July 2024.
 - 2.3 The relaxation of the common boundary building line between Portion A and the Remainder from 1.50m to 1.25m to accommodate the footprint of the southern

façade of the existing dwelling on the Remainder, marked d-e on Plan of Subdivision No 1 Rev2 dated January – July 2024.

3. The approvals granted in paragraphs 1 and 2 above, are 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 diagram for Portions A must be provided to the municipality.
 - 3.2 The swimming pool on Portion A must comply with the following SANS 10400 deemed-to-satisfy requirements for compliance with part D (Public Safety) of the National Building Regulations and Building Standards Act No. 103 of 1977:
 - 3.2.1 A wall, fence or barrier shall be provided by the owner of a H4 site which contains a swimming pool or a swimming bath to ensure that no person can have access to such pool or bath from any street or public place or any adjoining and a self-closing and self-latching gate with provision for locking in such wall or fence - SANS 10400 Part D - 4.4.1;
 - 3.2.2 Such wall, fence or barrier and any such gate therein shall be not less than 1,2 m high measured from the adjacent level and shall not contain any opening that will permit the passage of a 100 mm diameter ball and shall not provide any form of foothold. (SANS 10400 Part D 4.4.3);
 - 3.2.2.1 The design of a gate shall be such, that after its installation, it shall not be possible to open the gate towards the swimming pool. (SANS 10400 Part D 4.4.4);
 - 3.2.2.2 Each gate shall be fitted with a rising hinge, a spring or other acceptable self-closing device, self-latching device and locking device. (SANS 10400 Part D 4.4.5);
 - 3.2.2.3 The hinges of a gate shall be positioned at least 900 mm apart and the latching and locking device shall be fitted to the pool side of the gate in the highest position possible. (SANS 10400 Part D 4.4.6).
 - 3.3 Revised building plan application(s) for all unauthorised building work, as well as new setting out positions for the existing buildings/structures, must be submitted to the municipality's Building Control section for consideration by the Building Control Officer.
 - 3.4 An occupancy certificate must be obtained for new building work on each newly created portion.

- 3.5 Adherence to the conditions laid down by the Executive Director: Engineering Services, Drakenstein Municipality, in his memorandum referenced 15/4/1 (8583) P (1102) dated 10 July 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_8583 dated 5 May 2024 (See Annexure B).
 - 3.7 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.
 - 3.8 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 3.8 above, where applicable, have been complied with satisfactorily.
 - 4.2 No building plan will be approved unless each portion has a separate water, sewer and electricity 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.
 - 4.4 Plans for any proposed construction or changes to services are to be submitted to the Civil Engineering Services Department for approval prior to construction.
 - 4.5 The future addresses for Portion A and the Remainder will be as follow:
Portion A - № 3 Minnaar Close
Remainder - № 5 Minaar Close
5. The following are regarded as the reasons for the above approval decisions:
- 5.1 The proposal is in line with the Drakenstein Municipality densification policy and previously approved subdivisions in the area.
 - 5.2 The proposal is merely a formalization of an existing situation and will not change the character of the area or have a negative impact on neighbouring properties.

5.3 There is adequate infrastructural capacity for the proposal.

5.4 The level of densification proposed is low and contextually appropriate.

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