



Enquiries: Riyaz Mowzer
Contact number: (021) 807-4822
Reference: 15/4/1 (3396) P
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Coll no: 1947790

RM/JA

TV3 Architects & Town Planners
La Gratitude Office Building
97 Dorp Street
STELLENBOSCH
7600

Email: Thys@tv3.co.za

APPLICATION FOR THE SUBDIVISION, CONSOLIDATION, REZONING AND PERMANENT DEPARTURES IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BYLAW ON MUNICIPAL LAND USE PLANNING, 2018: REMAINDER ERF 3396 AND ERF 31030, LABORIE STREET, PAARL

With reference to your application 14 May 2022, I have to inform you that the Drakenstein Municipal Planning Tribunal on 13 September 2023 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 **Subdivision** of Remainder Erf 3396 Paarl, into two portions, namely Portion A ($\pm 4.1ha$) and the remainder of Remainder Erf 3396 Paarl ($\pm 18ha$), as indicated on the Subdivision Plan drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 5, Project No. 3473-P, Rev. 17, dated 16/03/2023, (**Annexure C to the departmental report**);
 - 1.2 **Consolidation** of Portion A ($\pm 4.1ha$) and Erf 31030 Paarl ($\pm 157m^2$), in order to create one cadastral land unit, as indicated on the Consolidation Plan drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 6, Project No. 3473-P, Rev. 3, dated 16/03/2023, (**Annexure D to the departmental report**);

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1.3 **Rezoning** of the consolidated land portion from Agriculture Zone, Proposed Road and Conventional Housing Zone to Subdivisional Area, and the subsequent subdivision thereof into 39 erven, in order to develop the secured residential development, with a gross density of ± 8.7 du/ha, as indicated on the Subdivision and Zoning Plan drawn by TV3 Architects, Town Planners and Urban Designers, Plan No.7, Project No. 3473-P, Rev. 11, dated 16/03/2023, (**Annexure E to the departmental report**) consisting of the following:

Portion No.	Zoning	Land Use	No. of Units	Area (m²)
Erven 1 - 35	Conventional Housing Zone	Residential dwellings [Residential erven]	35	26 523 ²
Erven 36 - 37	Open Space Zone	Private Open Space	2	4 711m ²
Erf 38	Open Space Zone	Private Road(s) / Security/Entrance Structure	1	8 998m ²
Erf 39	Open Space Zone	Ancillary Uses / Refuse Room/ Estate Services	1	274m ²
TOTAL			39	40 506m²

1.4 **Departure** from the building line parameters for the relaxation of the eastern common boundary building line, of Remainder Erf 3396 Paarl, from 30 metres in order to accommodate the existing structures along the eastern common boundary, as indicated on the Development Parameters and Building Lines Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 8A, Project No. 3473-P, Rev. 5, dated 16/03/2023, (**Annexure F to the departmental report**);

1.5 **Departure** from the building line parameters for the relaxation of the common boundary building line, of the proposed subdivided Erf No. 38 (Open Space Zone to be used as Private Road), from 10.0m to 0.0m along proposed subdivided Erven No's. 1, 16 and 39, in order to permit the proposed Security Gatehouse (Access Control), as indicated on the Development Parameters and Building Lines Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 8A, Project No. 3473-P, Rev. 5, dated 16/03/2023, (**Annexure F to the departmental report**);

1.6 **Departure** from the building line parameters pertaining to proposed subdivided Erf 39 (Open Space Zone to be used as Estate Maintenance / Refuse Building), as indicated on the Development Parameters and Building Lines Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 8A, Project No. 3473-P, Rev. 5, dated 16/03/2023, (**Annexure F to the departmental report**) for:

1.6.1 Relaxation of the street building line from 10.0m to 3.0m;

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- 1.6.2 *Relaxation of the eastern boundary common boundary building line from 10.0m to 1.5m, in order to permit the proposed Refuse Building/Estate Maintenance; and*
 - 1.6.3 *Relaxation of the northern boundary common boundary building line from 10.0m to 2.0m (common boundary with Erf No. 16), to permit the proposed Refuse Building/Estate Maintenance building;*
- 1.7 *In terms of Section 24(1)(f) of the Drakenstein Municipality Bylaw on Municipal Land Use Planning, 2018, it be certified that the proposed ±706m² Servitude Right of Way over consolidated Portion A and Erf 31030 in favour of Remainder Erf 3396, Erf 19481 and Erf 31032 Paarl, for access purposes as indicated on the Development Parameters and Building Lines Plan and Servitudes Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 8A, Project No. 3473-P, Rev. 5, dated 16/03/2023 and Plan No. 8B, Project No. 3473-P, Rev. 5, dated 16/03/2023, (**Annexures F and G respectively to the departmental report**);*
- 1.8 *In terms of Section 24(1)(f) of the Drakenstein Municipality Bylaw on Municipal Land Use Planning, 2018, for the registration of Services Servitudes (sewer and stormwater services), as indicated on the Development Parameters and Building Lines Plan and Servitudes Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 8A, Project No. 3473-P, Rev. 5, dated 16/03/2023 and Plan No. 8B, Project No. 3473-P, Rev. 5, dated 16/03/2023, Site Development Plan drawn by Louw & Louw Architects, Plan No. 14, Project No. 18003, Ref. 18003 – SDP Rev. 11, dated 2023.03.17 and Servitues Diagram, drawn by Triple 3 Group Engineering, Drawing No. 317-01-02, Rev. B, dated 2021-11-29 (**Annexures F, G, I and K respectively to the departmental report**) for the following:*
- 1.8.1 *2m wide services servitude along the northern boundary over proposed subdivided Erf No. 39;*
 - 1.8.2 *3m wide services servitude along the eastern boundaries over proposed subdivided Erven No's. 16, 17 and 18;*
 - 1.8.3 *2m wide services servitude along the north-eastern boundary over proposed subdivided Erf No. 18;*
 - 1.8.4 *3m wide services servitude along the eastern boundary over proposed subdivided Erf No. 17;*
 - 1.8.5 *2m wide services servitude along the northern boundary over proposed subdivided Erf No. 32;*
 - 1.8.6 *2m wide services servitude along the northern boundary over proposed subdivided Erf No. 35;*
 - 1.8.7 *3m wide services servitude along the eastern boundary over proposed subdivided Erf No. 31;*
 - 1.8.8 *7m wide services servitude along the northern boundaries over proposed subdivided Erven No's. 27, 28, 29, 30, 31, 33 and 34;*
 - 1.8.9 *2m wide services servitude along the western boundary over proposed subdivided Erf No. 6; and*

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1.8.10 2.5m wide services servitude along the northern and north-western boundary over proposed subdivided Erf No

- 1.9 The approval be granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the concept Site Development Plan with a gross density of ±8.7du/ha on consolidated Portion A and Erf 31030 Paarl, as indicated on the Site Development Plan drawn by Louw & Louw Architects, Plan No. 15, Project No. 18003, Ref. 18003 – SDP Rev. 15, dated 2023.06.27, (**Annexure I to the departmental report**);*
 - 1.10 The approval be granted in terms of Section 100 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the street name and numbering of the development that will be known as Laborie et Picardie, as indicated on the Street names and Numbering Plan drawn by TV3 Architects, Town Planners and Urban Designers, Plan No. 9, Project No. 3473-P, Rev. 2, dated 16/02/2023, (**Annexure H to the departmental report**);*
 - 1.11 The approval be granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the uncoupling of Notarial Tie (K994/2015S) between the Remainder Erf 3396 and Erf 31030 Paarl, in order to facilitate the proposal;*
- 2. The approval mentioned in Paragraphs 1.1-1.11 above be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land se Planning, 2018, and applicable from a Town Planning point of view:*
- 2.1 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;*
 - 2.2 Any amendments to the application are subject to the relevant approval;*
 - 2.3 The proposal take place largely in accordance with the site development plan;*
 - 2.4 The landscaping guidelines for the development to be known as Laborie et Picardie, as indicated in the Landscape Concept Plan, drawn by DDS Projects, Drawing No. 18.084.PVA LCP Rev. 11, dated 07 March 2023, be accepted and supported;*
 - 2.5 The estate guideline document for the development to be known as Laborie et Picardie, as indicated in the Architectural Guidelines, drafted by Louw & Louw Architects, Draft 14 dated 2022.03.06, be accepted and supported;*
 - 2.6 The proposed Homeowners Association and Constitution name for the development that will be known as Laborie et Picardie, be accepted and supported;*

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- 2.7 *Access to the residential development only be taken from the existing property access off Laborie Street;*
- 2.8 *The existing gate located at Chateau Street, will only be for private use and emergency services to gain access to Erf 31032 Paarl, and no access to the farm may be taken from Richelieu and Dumont Streets;*
- 2.9 *Access to the remainder of the farm may thus only be gained via the access right of way servitude along the southern property boundary. No vehicle parking within this servitude will be permissible and a row of dense mature trees must be planted along the interface with the adjacent existing residential properties. The access road should furthermore be suitable paved.*
- 2.10 *A copy of the approved Surveyor-General diagram be submitted to Council for record keeping purposes;*
- 2.11 *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 as detailed in the Traffic Impact Assessment (TIA) of ITS dated November 2018;*
- 2.12 *The developer be responsible to implement the findings of the Stormwater Management Plan (SWMP) of Triple 3 Group dated 28 February 2023;*
- 2.13 *When at any stage in the 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 wastewater connections adhere to municipal standards and by-law;*
- 2.14 *An application for the installation of any photo-voltaic (PV) system be submitted to the Manager: Electro-Technical Services Division (Planning and Customer Services Section), prior to building plan submission;*
- 2.15 *A single high tension bulk supply will be provided at 11kV from Laborie Street at a suitable position, with twenty-four-hour access for maintenance purposes. Any other existing services that need to be relocated to new positions, will be for the cost of the developer;*
- 2.16 *The developer will be responsible to pay service connection, linkage and network recovery cost charges for this development. A formal development approval, which includes the related cost and conditions of the development, can only be revised on request from the developer on a formal application. The latter information will include development reticulation plans and introduction towards the development with load calculations and construction phases to the satisfaction of the Manager: Electro-Technical Services Division (Planning and Customer Services Section);*

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- 2.17 *The developer is required to include measures to improve energy efficiency for this development to reduce consumption of electricity;*
 - 2.18 *No new buildings are to be erected or existing structures altered without the approval of building plans by Council;*
 - 2.19 *Energy-saving devices such as contained in the Drakenstein Municipality's Green Building Manual be made use of as far as possible;*
 - 2.20 *The developer **must** institute water conservation measures such as rainwater harvesting, grey water recycling and similar technical advancements such as low flow shower heads, dual flush toilets and water-wise gardens;*
 - 2.21 *Any amendments to the application be subject to the relevant approval;*
 - 2.22 *The subdivision takes place largely in accordance with the respective subdivision plan, (**Annexure C to the departmental report**);*
 - 2.23 *Adherence to the conditions laid down by Drakenstein Municipality: Civil Engineering Services Division, in its memorandum dated 09 June 2023 (reference number 15/4/1 (3396 & 31030) P (0673), (**Annexure DD to the departmental report**);*
 - 2.24 *Adherence to the conditions laid down by Drakenstein Municipality: Electro Technical Engineering Services Division, in its memorandum dated 30 July 2022 (reference number 5/7/2/1/202223/007) (**Annexure EE to the departmental report**);*
 - 2.25 *Adherence to the conditions laid down by Drakenstein Municipality: Environmental Management Division, in its memorandum dated 10 August 2022 (reference number 15/4/1 (3396) P) (**Annexure HH to the departmental report**);*
 - 2.26 *Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions;*
 - 2.27 *All common properties must be transferred to the Home Owners Association together with the transfer of the first property within the Development;*
 - 2.28 *Private open spaces **must** be properly maintained by the Home Owners Association.*
3. *The applicant **must** take cognisance of the following:*
- 3.1 *The comments received from the National Department of Agriculture, Forestry and Fisheries (**Annexure W to the departmental report**);*

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- 3.2 *The comments received by the National Department of Water and Sanitation (Annexure X to the departmental report);*
- 3.3 *The Environmental Authorisation received from the Department of Environmental Affairs and Development Planning (Annexure Y to the departmental report);*
- 3.4 *The comments received from Heritage Western Cape (Annexure BB to the departmental report);*
- 4. *The following will be regarded as the Reasons for the decision*
 - 4.1 *The proposal is merely to acquire the necessary land use rights in order to facilitate the development of a private residential estate to be known as Laborie et Picardie consisting of 35 residential erven, 4 open space zoned erven, together with associated and existing uses, registration of a Servitude Right of Way over proposed subdivided Erf 38 (Private Road) in favour of the remainder of Remainder Erf 3396, Erf 19481 and Erf 31032 Paarl for access purposes together with various Services Servitudes, approval of the street name and numbering, and cancellation of a notarial tie;*
 - 4.2 *The proposed subdivision, consolidation, rezoning and permanent departures is considered to be compatible with the existing surrounding land uses;*
 - 4.3 *The proposal is not expected to be out of scale, nor character with the surrounding built and natural environment;*
 - 4.4 *The proposal is not expected to have a significant negative impact on traffic in the immediate and surrounding environment, as it has been confirmed that the existing road network will be able to accommodate the additional traffic, as indicated in the TIA;*
 - 4.5 *The application is not expected to negatively impact on the health, safety and wellbeing of the surrounding built and natural environment;*
 - 4.6 *The application property is located within the delineated urban edge, thus reducing urban sprawl and encouraging urban compaction;*
 - 4.7 *No significant negative impact on heritage and environmental resources are envisaged, hence a heritage and environmental authorisation has been granted in respect of the proposed development;*
 - 4.8 *All relevant internal and external departments consented to the application;*
 - 4.9 *The application is found to be consistent with the Drakenstein Spatial Development Framework; and*

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4.10 *The application is considered to be consistent with the development principles laid down in its Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)."*

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** from the date of registration of the letter. 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** 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)
MANAGER: LAND DEVELOPMENT MANAGEMENT

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

