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RM/HK
15/4/1 (41638) P

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Madam/Sir

APPLICATION FOR THE SUBDIVISION, PERMANENT DEPARTURE, CONSENT USE, APPROVAL OF THE SITE DEVELOPMENT PLAN, AMENDMENT OF THE APPROVAL CONDITIONS, HOMEOWNERS ASSOCIATION APPROVAL AND STREET NAME APPROVAL: ERF 41638 PAARL

I refer to my even-numbered letter dated 1 August 2023, and have to inform you that:

1. **Final approval** has now been granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for the following:-
 - 1.1 **Subdivision** of Erf 41638 Paarl (±8,2ha) into 15 portions in order to create separate developable entities, as indicated on the Subdivision and Phasing Plan drawn by David Hellig and Abrahamse Land Surveyors (Plan No. 10) dated October 2022, (**Annexure D**), which will be developed in phases, as follows:

2./...

Phasing Schedule				
Phasing/Portions		Zoning	Land Use	Areas
Phase 1	1A	Multi-Unit Housing Zone	Residential	±4195 m ²
	1B		Parking and Access	±1,0184 ha
Phase 2	2A		Residential	±3659 m ²
	2B		Parking and Access	±9956 m ²
Phase 3	3A		Residential	±3531 m ²
	3B		Parking and Access	±4652 m ²
Phase 4	4A		Residential	±3531 m ²
	4B		Parking, Access, Refuse Room and Gate House	±1,2731 ha
Phase 5	5A		Residential	±5210 m ²
	5B		Parking, Access, Recreational Facilities	±4113 m ²
Phase 6	6A		Residential	±6204 m ²
	6B1		Parking, Access, Recreational Facilities	±4133 m ²
	6B2		Parking and Access	±217 m ²
Phase 7	7A		Residential	±4750 m ²
	7B	Parking and Access	±4946 m ²	
Total				±8,2012 ha

- 1.2 The permanent departures from the following prescribed restrictions applicable to Erf 41638 Paarl:
 - 1.2.1 Permanent (Blanket) Departure from the prescribed 5m/7m building lines to 0m applicable to all portions/phases which are to accommodate apartment buildings;
 - 1.2.2 Departure from providing on-site parking, in order to allow parking at the prescribed ratio, to be provided on adjoining erven owned and managed by the Boland Gateway Master Home Owner's Association.
- 1.3 Amendment of the approval conditions contained in the approval referenced 15/4/1 (21323) P dated 8 March 2022, as follows:
 - 1.3.1 Condition 2.5 to be amended/replaced to read as follows: The future submission of detailed site development plans for the residential portions only, together with landscaping plans, to the satisfaction of the Authorised Employee before the submission of building plans;

- 1.3.2 Condition 2.7 to be amended/replaced to read as follows: The detailed subdivision plans and site development plans for the residential portion only be assessed by the Authorised Employee in terms of the relevant compliance with the relevant technicalities.
 - 1.4 Consent Use in order to establish the following uses within Phases/Portion 5 &6, which are to be exclusively utilized by the residents:
 - 1.4.1 A Place of Instruction to develop a day-care and after school care for children of residents only up to a maximum of 80 children;
 - 1.4.2 A Place of Assembly to develop a Club House.
 - 1.5 That the municipal planning tribunal's decision on the owners' association constitution for the Boland Gateway Property Master Owners Association Constitution be held in abeyance until such time as external legal advice and input has been obtained by the municipality, as soon as reasonably possible;
 - 1.6 The approval of the following as prescribed in terms Condition 2.5 of the approval referenced 15/4/1 (21323) P dated 08 March 2022:
 - 1.6.1 Approval of the Site Development Plan drawn by DHK Architects, Project No. 18034 in conjunction with related plans for phase 1a and 1b, (**Annexure F**);
 - 1.6.2 Approval of the Landscaping Plan drawn by Viridian Consulting in conjunction with related plans for phase 1a and phase 1b, (**Annexure G**).
2. That Partial approval be granted in terms of Section 100(1) of the Drakenstein Bylaw on Municipal Land Use planning, 2018, of the partial approval of the respective public street (Erf 41641 Paarl) name in lieu of Paarl Rocks Drive to Paarl Rocks Street which is reference to the professional cricket team that represents the Boland Region, as indicated on the diagram (**Annexure I**);
3. It is herewith certified in terms of Section 24 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, that the registration of a 6m wide municipal Stormwater servitude exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, as indicated on the Subdivision and Phasing Plan drawn by David Hellig and Abrahamse Land Surveyors (Plan No. 10) dated October 2022; and
4. The approval mentioned in Paragraphs 1 to 2 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:

4./...

- 4.1 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;
- 4.2 Any amendments to the application are subject to the relevant approval;
- 4.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
- 4.4 That all the relevant and applicable conditions pertaining to the approval referenced 15/4/1 (21323) P dated 08 March 2022 continue to be adhered to;
- 4.5 That the subdivision and phasing of Erf 41638 Paarl takes place largely in accordance with the respective Subdivision and Phasing Plan drawn by David Hellig and Abrahamse Land Surveyors (Plan No. 10) dated October 2022, (**Annexure D**);
- 4.6 That the development of Phase 1/Portion 1 take place largely in accordance with the respective Site Development Plan drawn by DHK Architects, Project No. 18034 for phase 1a and 1b in conjunction with related plans, (**Annexure F**);
- 4.7 That the landscaping of the development takes place largely in accordance with the respective Landscaping Plan drawn by Viridian Consulting for phase 1a and 1b in conjunction with related plans, (**Annexure G**);
- 4.8 That the development in its entirety takes place largely in accordance with the Master Plan dated 22 June 2022, (**Annexure E**);
- 4.9 All common properties, being roads, open spaces, parking etc, be transferred to the Master Home Owner's Association before or simultaneously with the registration or transfer of the first unit;
- 4.10 Adherence to the conditions laid down in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (41638) P (0812) dated 09 June 2023, (**Annexure L**);
- 4.11 Adherence to the conditions laid down in the collaborator comment of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 2002635 dated 09 November 2022, (**Annexure M**); and
- 4.12 Should the applicant fail to comply with any of the conditions laid down, then council reserves the right to impose further future conditions.

(Please note that all relevant annexures are already in your possession)

Kindly note that this approval lapses unless separate registration of at least one erf, lot or piece therein is effected in the Deeds Registry within five years of the date of this 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.

It should also be noted that the Surveyor-General will, when approving the diagram of the newly created erven, indicate on the back thereof by means of a rubber stamp, the date and reference number of this approval. The Registrar of Deeds will not register the separate registration of the erven until the application for Certificate of Registered Title or Power of Attorney has been endorsed by Council. This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with.

Furthermore, any special conditions of title hereby imposed must be quoted in the relevant Power of Attorney or application for Certificate of Registered Title, which document must be submitted to Council together with the diagrams for endorsement.

Yours faithfully

The approved land use rights will furthermore only vest once all relevant conditions have been complied with. Non-compliance with the said conditions will therefor result in the land use rights not being in place, resulting in a zoning scheme Transgression, which may lead to legal action deemed if necessary.

Kindly note that the above-mentioned approval shall lapse if it is not exercised, including compliance with all relevant conditions, within five years from the date hereof.

Yours faithfully



H.G. STRIJDOM
MANAGER: LAND DEVELOPMENT MANAGEMENT