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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 your application, 19 November 2022 and have to inform you that Council's Municipal Planning Tribunal on 24 May 2023, resolved as follows, that:

"1. *Approval has 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 to the departmental report), which will be developed in phases, as follows:***

2./...

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

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 to the departmental report**);*
- 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 to the departmental report**).*
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 to the departmental report**);*
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:*

- 4.1 *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 to the departmental report**);*
- 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 to the departmental report**);*
- 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 to the departmental report**);*
- 4.8 *That the development in its entirety takes place largely in accordance with the Master Plan dated 22 June 2022, (**Annexure E to the departmental report**);*
- 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 to the departmental report**);*
- 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 to the departmental report**); 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.*

5. *The following will be regarded as the reasons for decisions;*
- 5.1 *The application stems from a previous approval referenced 15/4/1 (21323) P dated 02 March 2022 whereby the development in its entirety was already found to be desirable;*
  - 5.2 *The application is compliant with the intent of the afore mentioned approval;*
  - 5.3 *No objections from the surrounding property owners were received;*
  - 5.4 *All relevant internal and external departments consented to the application;*
  - 5.5 *The application is considered to be consistent with the development principles as set out in the 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); and*
  - 5.6 *Given the nature of certain clauses in the proposed Home Owner's Association Constitution as raised by the Municipal Planning Tribunal members, clarification by an external legal advisor will be obtained by the municipality."*

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 By-law on Municipal Land Use Planning 2018, excluding the decision for a Technical Approval, 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.

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**