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JD/JA
15/4/1 (F527/3) P

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Sir

APPLICATION FOR CONSOLIDATION, REZONING AND SUBDIVISION: FARM 527 PORTIONS 3 & 4 PAARL DIVISION (MOUNT PEARL)

Your above-mentioned application refers.

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 **Consolidation** of Portions 3 & 4 of Farm 527 Paarl Division, measuring $\pm 7,0235$ ha and $\pm 5,9077$ ha in extent respectively, to form one cadastral land unit measuring $\pm 12,93124$ ha in extent;
 - 1.2 **Rezoning** of the consolidated land unit measuring $\pm 12,9312$ ha in extent of Farm 527/3 & 4 Paarl Division, from Agriculture Zone to Subdivisional Area;
 - 1.3 **Concept site development plan** with a gross density of 36 du/ha on Farm 527/3 & 4 Paarl Division, as indicated in the Site Development Plan drawn by Architect Architects, Job No. 1903, Drawing No. 1903_SDP_0, dated 10.02.2023 (**Annexure B**);
 - 1.4 **Subdivision** of the rezoned property entity into 467 units comprising of Multi-Unit Housing Zone erven (371) and sectional title units (96), with associated private road and open space zoned erven on Farm 527/3 & 4 Paarl Division, as indicated in the proposed Rezoning and Subdivision Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Project No. 3574-P, Plan No. 4, dated 26/10/2022 (**Annexure C**);

2./...

- 1.5 In terms of Section 24(1) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, it be certified that the proposed 15 meter private right of way servitude over subdivided Erf 382 Paarl, in favour of Portion 2 of Farm 527 Paarl Division, as indicated in the proposed Rezoning and Subdivision Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Project No. 3574-P, Plan No. 4, dated 26/10/2022 (**Annexure C**), be exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018;
 - 1.6 **Street name and numbering** of the development that will be known as Mount Pearl Estate, as indicated in the Street Naming and Numbering Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Project No. 3574-P, Plan No. 6, dated 12/10/2022 (**Annexure F**);
2. The approvals mentioned in Paragraphs 1.1 to 1.6 above be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
- 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division, in its memorandum dated 05 June 2023 (reference number 15/4/1 (F527/3&4) P (726) (**Annexure H**);
 - 2.2 Adherence to the conditions laid down by the Drakenstein Municipality: Electro-Technical Engineering Services Division, in its memorandum dated 20 October 2022 (reference number 5/7/2/1/202223/024) (**Annexure I**);
 - 2.3 Adherence to the conditions laid down by the Environmental Management Section in its memorandum dated 14 November 2022 (reference 15/4/1 (F527/3 & 4) P (**Annexure J**);
 - 2.4 The applicant should take note of the conditions laid down by the Western Cape Government: Department of Transport and Public Works: Transport Infrastructure Branch: Road Planning, in its letter dated 8 May 2023 (reference TPW/CFS/RP/LUD/REZ/SUB-10472 (Job 17742)) (**Annexure R**);
 - 2.5 The applicant should take note of the conditions laid down by the Western Cape Government: Department of Environmental Affairs and Development Planning: Development Management: Region 1, in its letter dated 21 April 2023 (reference 16/3/3/1/B3/28/1079/22) (**Annexure S**);
 - 2.6 This approval only applies to the application in question and shall not be construed as authority to depart from any legal prescriptions or requirements;

3./...

- 2.7 The proposal takes place largely in accordance with the concept site development plan (**Annexure B**);
- 2.8 The phasing of the development to be known as Mount Pearl Estate, as indicated in the Phasing Plan, drawn by TV3 Architects, Town Planners and Urban Designers, Project No. 3574-P, Plan No. 5, dated 12/10/2022, be accepted and supported;
- 2.9 An application for the establishment of a Homeowners Association or Body Corporate and Constitution name for both the group housing development and apartments must be submitted to the Manager: Land Development Management, and the Private Road/Private Open Spaces must be registered in the name of the Homeowners Association or Body Corporate with the first registration of any erf, prior to building plan submission phase;
- 2.10 An application for the installation of any photo-voltaic (PV) system be submitted to the Manager: Electro-Technical Services Department (Planning and Customer Services Section), prior to building plan submission;
- 2.11 The club house, gym, swimming pool and associated facilities, as indicated in the concept site development plan be for the exclusive use of the Mount Pearl Estate residents only;
- 2.12 A copy of the approved Surveyor-General diagram be submitted to Council for record keeping purposes;
- 2.13 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), ref: ITS 4106 dated April 2022;
- 2.14 The developer be responsible for any upgrading / upsizing and or installation of new infrastructure as detailed in the GLS services report dated 22 September 2022 (**Annexure U**);
- 2.15 The developer and the Homeowners Association or Body Corporate, shall indemnify the Municipality from any damages or spillage caused as a result in rendering the refuse removal services on the private development area in front of the development's main entrance;
- 2.16 Refuse truck movement around the main entrance must be confirmed with the Manager: Roads, traffic and Stormwater prior to the approval of any civil engineering drawings;

- 2.17 When at any stage in 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 waste water connections adhere to municipal standards and bylaws;
- 2.18 The development will be supplied by means of a single 11kV high tension bulk supply. All services in the development will be regarded as private and will have to be maintained and operated by a registered authorised service provider;
- 2.19 Any other existing services that need to be relocated to new positions, will be for the cost of the developer;
- 2.20 The developer will be responsible to pay network recovery cost as well as linkage and service charges with respect of the development;
- 2.21 The developer is required to include measures to improve energy efficiency to reduce consumption of electricity;
- 2.22 A detailed landscaping plan, compiled by a registered Landscape Architect is to be submitted for approval to the Environmental Management Section, prior to building plan approval. Such a plan is to indicate, inter alia, the extent, location and design of the following:
- 2.22.1 Existing vegetation to be retained or removed, indicating the types of all vegetation and trees;
 - 2.22.2 All proposed newly planted vegetation, including types (species) and planting specifications;
 - 2.22.3 Tree staking details;
 - 2.22.4 The size of all trees to be planted (if any);
 - 2.22.5 Density of plant species / plant mixes to be planted;
 - 2.22.6 All landscaping features, including fences, walls, retaining walls, paving, street furniture and lighting;
 - 2.22.7 All Sustainable Drainage Systems (SuDS), including a cross-section of a detention pond (if implemented) and indicating landscaping and slope of embankments;
 - 2.22.8 Phasing and timing of implementation of the landscaping plan;

- 2.23 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 2.24 Energy-saving devices such as contained in the Drakenstein Municipality's Green Building Manual be made use of as far as possible;
 - 2.25 The applicant ***must*** institute water conservation measure such as rainwater harvesting, grey water recycling and similar technical advancements such as low flow shower heads, dual flush toilets and water-wise gardens;
 - 2.26 Any amendments to the application be subject to the relevant approval;
 - 2.27 Should the applicant fail to comply with any of the above conditions, Council reserves the right to impose further conditions in future if deemed necessary;
3. The following be regarded as the reasons for the decision:
- 3.1 The proposal is to consolidate, rezone and subdivide existing property into land units, which will not detract from the existing urban footprint;
 - 3.2 The property is located within the delineated urban edge, reducing sprawl as well as guiding and controlling developments within the prescribed urban area;
 - 3.3 The application at hand is not expected to be out of scale, nor character within the surrounding built and natural environment due to existing adjacent developments;
 - 3.4 The application is not expected to have a significant negative impact on the health, safety and wellbeing of the surrounding built, natural environment and communities;
 - 3.5 The proposal is not expected to have a significant negative traffic impact as the Department of Transport and Public Works and the Drakenstein Civil Engineering Services Division supports the application subject to certain conditions;
 - 3.6 The proposal is merely to consolidate, rezone and subdivide existing property which is in-line with the spatial direction of the existing area;
 - 3.7 No objections were received during the public participation and stakeholder engagement process;
 - 3.8 All relevant internal departments consented to the proposal; and
 - 3.9 The proposal is line with the Drakenstein Spatial Development Framework (SDF).

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** of notification of decision.

This provisional 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 **objectors** (if any), 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