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Reference: 15/4/1 (26158) P  
Date: 15 July 2025

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Sir

## APPLICATION FOR AMENDMENT OF LAND USE PLANNING APPROVAL CONDITIONS AND SUBDIVISION PLANS: REMAINDER ERF 26158 PAARL (LE BOUTONNE ESTATE)

I refer to your land use application (Collaborator reference 2239094) refer.

1. **Provisional approval** is hereby granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following:

1.1 Cancellation of the approved subdivision plan in respect of Portion 1 (Erf 41489 Paarl) and Portion 2 (Erf 41490 Paarl) of Remainder Erf 26158 Paarl, and the replacement thereof with the Remainder Erf 26158 Paarl, as indicated on Plan of Subdivision drawn by David Hellig & Abrahamse Professional Land Surveyors, File No P3094/03(10)(3), Plan No 2, dated January 2025 (**See Annexure E**);

1.2 **Subdivision** of Remainder Erf 26158 Paarl, into two portions namely Portion A ( $\pm 3,4981$ ha) and Portion B ( $\pm 2,8492$ ha), as indicated on the attached Plan of Subdivision drawn by David Hellig & Abrahamse, File No P3094/03(10)(3) Plan No 3 REV 1, dated Jan. – March 2025, (**See Annexure C**) as follows:

TABLE 1: SUBDIVISION OF PORTION A					
Ptn Nos	No of Units	Extent (ha)	%	Zoning	Land Use
18-37, 71-73, 76-102, 105- 117,120	64	1,8526	52,96	Conventional Housing	Dwelling House
134	1	0,7823	22,63	Conventional Housing	Private Open Space
		0,8632	24,68	Additional	Private Road

				Right: Open Space	
<b>Total</b>	<b>65</b>	<b>3,4981</b>	<b>100</b>		

**TABLE 2: SUBDIVISION OF PORTION B**

Ptn Nos	No of Units	Extent (ha)	%	Zoning	Land Use
1-17, 38-70, 74, 103, 104, 118, 119, 121-133	69	2,0096	70,53	Conventional Housing	Dwelling House
135	1	0,1447	5,08	Conventional Housing	Private Open Space
		0,6949	24,39	Additional Right: Open Space	Private Road
<b>Total</b>	<b>70</b>	<b>2,8492</b>	<b>100</b>		

- 1.3 The concept site development plan with a gross density of 20.67 du/ha, as indicated on the concept site development plan drawn by JVZ Architects, Drawing No. 1317SDP03, dated March 2024, printed date 24-04-2025 (**See Annexure B**);
- 1.4 The building line departures on the proposed single storey typologies C and D to be located on land portions 38 – 45, as indicated on the amended subdivision plan (**See Annexure C**), relaxation of the street building lines from 2.0m to 1.5m and relaxation of the lateral building lines from 1.5 to 1.0m be supported, however, relaxation of the rear building lines for these land portions is not supported and will remain 1.5m;
- 1.5 The building line departures of the proposed single storey typologies E to be located on land portions 38 – 45, as indicated on the amended subdivision plan (**See Annexure C**), relaxation of the street building lines from 2.0m to 1.5m and relaxation of both lateral building lines from 1.5m to 1.0m be supported, however, relaxation of one lateral building line from 1.5m to 0.0m and relaxation of rear building lines from 1.5m to 1.0m is not supported;
- 1.6 The approval of the respective street name and numbering for the development to be known as Le Boutonne Residential Estate, as indicated on the street name and numbering plan drawn by David Hellig & Abrahamse, File No P3094/03(10)(3), Plan No 4 REV 2, dated Jan. – March 2025 (**See Annexure D**);
- 1.7 The landscaping plan for the proposed Le Boutonne Residential Estate development, drawn by Alistair Turrell Landscaping Architect, Drawing No. AT/LMP/001, Rev No. 3, dated April 2025 (**Annexure F**), be accepted and supported;

- 1.8 That the Architectural Design Philosophy for the proposed Le Boutonne Residential Estate development, dated October 2024 (**See Annexure J**), be accepted and supported;
- 1.9 That the amended Phasing Plan for the proposed Le Boutonne Residential Estate development, drawn by David Hellig & Abrahamse Professional Land Surveyors, File No. P3094/03(10)(3), Plan No. 2, dated January 2025 (**See Annexure E**), be accepted and supported;
2. The approvals mentioned in Paragraphs 1.1 to 1.9 above is 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 15/4/1 (26158) P (0620) dated 30 April 2025 (**See Annexure K**);
  - 2.2 Adherence to the conditions laid down by the Drakenstein Municipality: Electrical Engineering Services Division in its memorandum 8/2/5\_26158 dated 19 March 2025 (**See Annexure L**);
  - 2.3 Adherence to the conditions laid down by the Drakenstein Municipality: Environmental Management Section in its memorandum 15/4/1 (26158) P dated 25 March 2025 (**See Annexure M**);
  - 2.4 The applicant takes note of the conditions laid down by the Western Cape Government: Department of Infrastructure: Road Planning, in its letter dated 22 April 2025 (reference DOI/CFS/RN/LU/REZ/SUB – 10/590 (Application No: 2025-02-0023)) (**See Annexure O**);
  - 2.5 That the applicant takes 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 12 May 2025 (reference 16/3/3/5/E3/28/1020/25(A)) (**See Annexure P**);
3. The following conditions from a town planning perspective be applicable:
  - 3.1 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;
  - 3.2 Any further amendments to the application be subject to the relevant approval;
  - 3.3 No new structures are to be erected or existing buildings altered/converted without prior approval of building plans by Council;

- 3.4 The subdivision take place largely in accordance with the subdivision plan **(See Annexure C)**;
- 3.5 The development phasing take place largely in accordance with the amended Phasing Plan drawn by David Hellig & Abrahamse, File No. P3094/03(10)(3), Plan No 2, dated January 2025, **(See Annexure E)**;
- 3.6 The landscaping throughout the entire development must take place in accordance with the Landscaping Plan drafted by Alistair Turrell Landscaping Architect, Drawing No. AT/LMP/001, Rev No. 3, dated April 2025 **(See Annexure F)**;
- 3.7 The proposed development structures take place largely in accordance with the Architectural Design Philosophy **(See Annexure J)**;
- 3.8 The developer must ensure that all the necessary measures should be put in place, within habitable buildings, to ensure that indoor air quality is not affected by emissions from normal agricultural activities;
- 3.9 Only single storey dwellings be permitted on proposed land portions 27 – 45 in which the said restriction must be inserted to the relevant title deeds of these properties;
- 3.10 That the applicant submits an application to acquire Erf 27050 Paarl, from the Municipality prior to the submission of building plans;
- 3.11 Landscaping of the open space buffer between the proposed development and Boschenmeer Golf Estate and planting of trees along the buffer zone be done before any construction of dwelling units on the property commences, in order to mitigate the potential dust impact during the construction phase;
- 3.12 No recreational and/or other similar activities be allowed to take place on the open space along the northern boundary of the property, as indicated on the revised subdivision plan **(See Annexure C)**;
- 3.13 An application for the approval of the Homeowners Association Constitution to the Municipality for approval before the transfer of the first erf within the development;
- 3.14 A clause shall be inserted into the Homeowners Association Constitution granting the Boschenmeer Master Homeowners Association access through the development for maintenance of the common boundary wall and that such condition may not be amended without approval of the Boschenmeer Master Homeowners Association;
- 3.15 The Private Roads / Private Open Spaces must be transferred to the Homeowners Association, simultaneously with the transfer of the first erf in a phase;

- 3.16 The approved Surveyor-General diagrams be submitted to Council before submission of any building plans;
  - 3.17 That an application for the installation of any photo-voltaic (PV) system be submitted to the Manager: Electro-Technical Engineering Services Division (Planning and Customer Services Section), prior to building plan submission stage;
  - 3.18 The applicant 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;
  - 3.19 Should the applicant fail to comply with the any of the above-mentioned conditions, Council reserves the right to impose further conditions in future if deemed necessary or even revoke the approval;
4. The following be regarded as the reasons for the decision:
- 4.1 The proposal is for the amendment of the previous approved subdivision plan of Portion 1 of Phase 1 and Portion 2 of Phase 2 to create Portion A and Portion B of the application property, in order to allow for a more favorable layout proposal;
  - 4.2 The previously approved 22 sectional title duplex units and the 173 sectional title apartments (retirement village) would be eliminated reducing the overall developments density from initially approved 195 to 133 residential units;
  - 4.3 The reduction will have less of an impact on services and traffic than the initial approval;
  - 4.4 The property is located within the delineated urban edge, reducing urban sprawl;
  - 4.5 The application is not expected to negatively impact on the health, safety and well-being of the surrounding community;
  - 4.6 All relevant internal departments consented to the application; and
  - 4.7 The proposal is in 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. The applicant shall be required to notify **(by email or per hand)** the **surrounding property owners** who were notified of the application during the initial public participation process and **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



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**H. G. STRIJDOM (PR. PLN A/1058/1998)**  
**MANAGER: LAND DEVELOPMENT MANAGEMENT**

Please Address all correspondence to the City Manager, P O Box 1, Main Street, Paarl, 7622, or Customer care, e-mail, [customer care@drakenstein.gov.za](mailto:customer care@drakenstein.gov.za), Henk Strijdom, [henks@drakenstein.gov.za](mailto:henks@drakenstein.gov.za)