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Reference: 15/4/1 (8892) P
Date: 27 March 2024

JA/RM

TV3 Architects & Town Planners
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Sir

APPLICATION FOR THE SUBDIVISION, REZONING, APPROVAL OF A PHASING PLAN, APPROVAL OF THE SITE DEVELOPMENT PLAN, HOMEOWNERS ASSOCIATION APPROVAL, STREET NAME AND NUMBERING APPROVAL AND EXEMPTION OF SERVITUDES: ERF 8892 PAARL (FIRWOODS)

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 Erf 8892 Paarl** (±59.48 ha) into six portions/phases in order to create separate developable entities, as indicated on the Main Subdivision Plan drawn by TV3 Architects, Town Planners and Urban Designers (Plan No. 3) dated 06 March 2024, (**Annexure D**), which will be developed in phases, as follows:

Subdivision as well as phasing schedule of Erf 8892 Paarl				
Phasing/Portions		Zoning	Land Use	Areas (±)
Phase 4	A	Subdivisional Area	Urban Development	2.08 ha
Phase 5	B			4.60 ha
Phase 3	C			2.41 ha
Phase 1	D			7.14ha
Phase 2	E			4.91ha
Remainder Agriculture	F	Agriculture Zone	Agriculture	38.34ha
Total				±59.48 ha

- 1.2 **Rezoning** of Portions A ($\pm 2.08\text{ha}$), B ($\pm 4.60\text{ha}$), C ($\pm 2.41\text{ha}$), D ($\pm 7.14\text{ha}$) and E ($\pm 4.91\text{ha}$) from Agriculture Zone to Subdivisional Area for the development of a residential estate to be formally known as Firwoods Estate;
- 1.3 **Subdivision** of Portions A and B into 52 erven and Portion C, D and E into 125 erven in order to make provision for the development of the proposed residential estate, as indicated on the Phasing Plan drawn by TV3 Architects, Town Planners and Urban Designers (Plan No. 5) dated 06 March 2024 and Subdivision Plan drawn by TV3 Architects, Town Planners and Urban Designers (Plan No. 4) dated 06 March 2024, **(Annexure E)** and **(Annexure F)**, as follows:

Phase 1 - Portion D						
PTN	Zoning	Land Use	No of Erven	Residential Opportunities	Density Gross u/ha	Area (\pm)
6-9	Conventional Housing	Gentlemen's Estate/Dwelling House	4	4	2.5 (nett)	1.60ha
141-142	Multi-Unit Housing Zone	Apartments (3 Storeys)	2	219	81.4 (nett)	2.69ha
15-23 54-61	Conventional Housing Zone	Dwelling House	20	20		1.59ha
146-148	Open Space Zone	Private Open Space	3			0.07ha
173 &176	Transport Zone	Private Road	2			1.18ha
170	Utility Zone	Electrical Substation	1			0.00ha
Total			32	243	34.1 (gross)	7.14ha
Phase 2 - Portion E						
PTN	Zoning	Land Use	No of Erven	Residential Opportunities	Density Gross u/ha	Area (\pm)
10-14	Conventional Housing	Gentlemen's Estate/Dwelling House	5	5	2.5 (nett)	2.01ha
27-53	Conventional Housing	Dwelling House	27	27	12.8 (nett)	2.11ha

144-145	Open Space Zone	Private Open Space	2			0.06ha
174	Transport Zone	Private Road	1			0.73ha
Total			35	32	6.5 (gross)	4.91ha
Phase 3 - Portion C						
PTN	Zoning	Land Use	No of Erven	Residential Opportunities	Density Gross u/ha	Area (±)
62-105	Multi-Unit Housing Zone	Town housing/group housing	44	44	34.5 (nett)	1.28ha
149-161	Open Space Zone	Private Open Space	11			0.66ha
175	Transport Zone	Private Road	1			0.47ha
Total			56	44	18.3 (gross)	2.41ha
Phase 4 - Portion A						
PTN	Zoning	Land Use	No of Erven	Residential Opportunities	Density Gross u/ha	Area (±)
1-5	Conventional Housing	Gentlemen's Estate/Dwelling House	5	5	2.4 (nett)	1.28ha
143	Conventional Housing	Existing Homestead building and HOA Facilities	1			
169	Open Space Zone	Private Open Space	1			
172	Transport Zone	Private Road	1			
177	Transport Zone	Public Road and Utility Services	1			
Total			9	5	1.1 (gross)	4.60ha

Phase 5 - Portion B						
PTN	Zoning	Land Use	No of Erven	Residential Opportunities	Density Gross u/ha	Area (±)
106-140	Multi-Unit Housing Zone	Town housing/group housing	35	35	36.8 (nett)	0.95ha
162-168	Open Space Zone	Private Open Space	7			0.74ha
171	Transport Zone	Private Road	1			0.38ha
Total			43	35	16.8 (gross)	2.08ha
Grand Total			229	359	17.0 (gross)	21.13ha

1.4 **Approval** of the Firwoods Estate Owners Association Constitution which will govern all matters relating to services, access, security, landscaping, parking, use of the common areas and aesthetics of the development, amongst others, **(Annexure J)**;

2. **Approval be granted** in terms of Section 100(1) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018 for the approval of the respective street names, which represents different herbs and spices, and the numbering of each individual property for the respective development to be formerly known as Firwoods Estate, as indicated on the Street Name and Numbering Plan drawn by TV3 Architects, Town Planners and Urban Designers (Plan No. 6) dated 28 June 2023, **(Annexure G)**;

3. It is herewith certified in terms of Section 24 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, that the following servitudes be exempted from the provisions of Sections 15 and 20 to 23 of the Drakenstein By-law on Municipal Land Use Planning, 2018, as indicated on Main Subdivision Plan drawn by TV3 Architects, Town Planners and Urban Designers (Plan No. 3) dated 06 March 2024, **(Annexure D)**, for the following:

- 3.1 A 6m wide services servitude is to accommodate an existing realigned sewer;
- 3.2 A Right of Way servitude over Portion F in favour of Portions A, B, C, D & E;
- 3.3 A Right of Way servitude over Portion F in favour of Erf 8628;
- 3.4 A Temporary Right of Way servitude over Portion A in favour of Portion B;
- 3.5 A Temporary Right of Way servitude over Portion D in favour of Portion C;
- 3.6 A Temporary Right of Way servitude over Portion D in favour of Portion E.

4. The approvals mentioned in Paragraphs 1-3 above be subject to the conditions laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018.
 - 4.1 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Civil Engineering Services Department referenced 15/4/1 (8892) P (0041) dated 18 January 2024, **(Annexure X)**;
 - 4.2 Adherence to the conditions set out in the collaborator comment of Drakenstein Municipality: Electro Technical Engineering Services Department referenced 2064809 dated 07 July 2023, **(Annexure Y)**;
 - 4.3 Adherence to the conditions set out in the memorandum of Drakenstein Municipality: Environmental Management Department referenced 15/4/1 (8892) P dated 16 August 2023, **(Annexure Z)**;
 - 4.4 The following conditions from a town planning point of view be applicable:
 - 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;
 - 4.4.2 Any amendments to the application are subject to the relevant approval;
 - 4.4.3 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 4.4.4 No structures to be demolished without authorization being obtained from the Municipality;
 - 4.4.5 The subdivisions take place largely in accordance with the respective subdivision plans attached as **(Annexure D)** and **(Annexure F)**, respectively;
 - 4.4.6 The development phasing takes place largely in accordance with the Phasing Plan drawn by TV3 Architects, Town Planners and Urban Designers (Plan No. 5) dated 06 March 2024, **(Annexure E)**;
 - 4.4.7 The development, together with its buildings, be designed in line with the Firwoods Estate Architectural Design Guidelines, **(Annexure H)**;

- 4.4.8 The landscaping throughout the development must take place largely in accordance with the Landscaping Site Plan Terra Landscape Architects dated 15/06/2023 Rev C, **(Annexure I)**;
- 4.4.9 The entrance gate to the development be built in largely in accordance with the Entrance Gate Site Development Plan drawn by Nuvorm, Code 23AE, Rev B, **(Annexure P)**;
- 4.4.10 A master site development plan for the entire development must be submitted or detailed site development plans for each phase must be submitted to the Manager: Land Development Management, before the submission of building plans, for approval;
- 4.4.11 All common properties, being roads, open spaces, parking etc, be transferred to the Home Owners Association before or simultaneously with the registration or transfer of the first erf;
- 4.4.12 The developer must ensure that all the necessary measures should be put in place, within habitable buildings, to ensure that the indoor air quality is not affected by emissions from normal agricultural activities;
- 4.4.13 The developer must ensure that the increased traffic flow from the development during construction phase does not create disturbance for the existing surrounding residents;
- 4.4.14 Consideration of the following water conservation measures must be given: Rainwater harvesting, grey water recycling and similar technical enhancements such as low flow shower heads, dual flush toilets and water-wise gardens;
- 4.4.15 The sale of electricity to individual residential consumers within the development remain the sole responsibility of the municipality;
- 4.4.16 No developer or homeowners association will be allowed to buy electricity in bulk from the municipality and in turn resell electricity to residential consumers within their respective residential developments;
- 4.4.17 Consideration of the following water conservation measures must be given: Rainwater harvesting, grey water recycling and similar technical enhancements such as low flow shower heads, dual flush toilets and water-wise gardens;

- 4.4.18 The sale of electricity to individual residential consumers within the development remain the sole responsibility of the municipality;
- 4.4.19 No developer or homeowners association will be allowed to buy electricity in bulk from the municipality and in turn resell electricity to residential consumers within their respective residential developments;
- 4.4.20 That the owner/developer ensure that all labourers should be legally relocated or provide alternative accommodation, at own cost, to all persons who are eligible for whom alternative accommodation must be provided for before transfer of any property and confirmation thereof sent to the Manager: Land Development Management;
- 4.4.21 It be included in the deeds of sale and title deed of Erven 12-14 partially situated within the 1:100-year flood line, that part of the properties have been filled-in and compacted and that special precautions might be necessary to ensure safe development.
- 4.4.22 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 applicant **must** take note of the following:

- 5.1 The Environmental Authorisation received from the Department of Environmental Affairs and Development Planning (**Annexure Q**);
- 5.2 The comments received from the South African National Roads Agency (**Annexure S**);
- 5.3 The Comments received from Heritage Western Cape (**Annexure U**);
- 5.4 The comments received from The Western Cape Government of Agriculture (**Annexure V**);
- 5.5 The comments received from The Department of Water and Sanitation (**Annexure W**);
- 5.6 The applicant must liase with the municipality directly regarding the proposed R60 000 aid for families to be relocated, for consideration.

6. The following be regarded as the reasons for the decision:
- 6.1 The development proposal will introduce significant economic investment into Paarl and Drakenstein as a whole;
 - 6.2 The development will lead to the creation of job opportunities in Paarl;
 - 6.3 The proposed development will be unlocking development potential within the De Zoete lval area, resulting in optimized utilization of existing infrastructure and services;
 - 6.4 The property is situated within the Urban Edge of Paarl which thus indicates that the development is promoted in accordance with Drakenstein Spatial Development Framework;
 - 6.5 The proposed development will enhance integration and establish linkages which are important in the continuity of urban settlements and successful neighbourhoods;
 - 6.6 The proposed development will not have a negative impact on the existing surrounding environment;
 - 6.7 The proposed activities will be in keeping with the character of the area;
 - 6.8 No significant impact on heritage and environmental resources are envisaged, hence why heritage and environmental authorisation has been granted in respect of the proposed development;
 - 6.9 All relevant internal and external departments consented to the application; and
 - 6.10 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).

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

Please address all correspondence to the City Manager, P O Box 1, Main Street, Paarl, 7622, or Customer care, e-mail, customercare@drakenstein.gov.za, and Henk Strijdom, henks@drakenstein.gov.za