



**MOSSEL BAY MUNICIPALITY
MOSSELBAAI MUNISIPALITEIT
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Outeniquasbosch-149/9,15,16;
Hartenbosch217/10,28/M Engelbrecht
C 4396691 (Item)

9 February 2018

Marike Vreken Town and Regional Planners CC
PO Box 2180
KNYSNA
6570

PER REGISTERED POST

Sir/Madam

**APPLICATION FOR AMENDMENT AND REMOVAL OF CONDITIONS OF
APPROVAL AND APPROVAL OF SUBDIVISION PLAN: PORTIONS 9, 15 & 16
(MORGENSTER) OF THE FARM OUTENIQUASBOSCH 149 AND PORTIONS 10 &
28 OF THE FARM HARTENBOSCH 217, MOSSEL BAY**

This letter serves as replacement for my letter dated 24 January 2018 (Resolution DP37-09/2017).

With reference to your application in the above regard I wish to inform you that it was resolved under Resolution **DP1-01/2018** as follows:

- "1. That the application in terms of Section 15(2)(h) of the Mossel Bay By-Law on Municipal Land Use Planning for removal of Condition 5.28 in respect of Council Resolution E46-04/2014 which states that "This approval be subject to the approval of the National Department of Agriculture for the subdivision of agricultural land in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)." as per the approval letter dated 07 May 2015, be approved
2. That Condition 5.5 which states that, "A phasing plan with a time schedule for the phasing of the development shall be submitted to the Director: Planning & Development for approval.", be maintained
3. That the decision letter dated 07 May 2017 be amended to exclude condition 5.28 and to read for the decision letter to read as follows:
 - 3.1. That the application for subdivision of consolidated Remainder Portions 9, 15 & 16 of the Farm Outeniquasbosch 149 and Portions 10 & 28 of the Farm Hartenbosch 217 into two portions, namely Portion A (± 526ha) and Remainder (± 50ha), be approved in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

- 3.2. That the application for the Rezoning of the proposed Portion A from Agricultural Zone I to Subdivisional Area, be approved in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
- 3.3. That the application for Subdivision of the proposed Portion A to create 391 Residential Zone I erven, 54 Resort Zone II erven, 2 Business Zone II erven, 3 Authority Zone erven, 1 Institution Zone I erf, 1 Open Space Zone II erf and Private Road be approved in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
- 3.4. That the application for consent use in order to permit the operation of a Licensed Hotel on a Resort Zone II erf, be approved in terms of Regulation 4.6 of Provincial Notice (PN) 1048/1988 (Section 8 Scheme Regulations).
4. That the approvals granted in terms of 1 – 4 above are subject to compliance with the following conditions imposed in terms of Section 42 of Ordinance 15 of 1985:
 - 4.1. That, except as otherwise indicated, the development shall comply with the land use restrictions applicable in terms of the Section 8 Zoning Scheme Regulations, 1985 applicable to the respective zonings.
 - 4.2. That the necessary building plans be submitted for consideration and approval in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) prior to commencement of any construction work.
 - 4.3. That Property Owners' Associations be established in terms of Section 29 of Ordinance 15 of 1985.
 - 4.4. That the Constitution of such Property Owners' Associations be submitted to the Director: Planning & Integrated Services for approval.
 - 4.5. That a phasing plan with a time schedule for the phasing of the development shall be submitted to the Director: Planning & Integrated Services for approval.
 - 4.6. That the conditions stipulated in the Environmental Authorisation dated 24 November 2014, be adhered to.
 - 4.7. That search and rescue of valuable plant material should be done before the commencement of construction activities.
 - 4.8. That the conditions in the letter dated 29 October 2009 from SANRAL in terms of Section 49 of The South African National Roads Agency Limited and National Road Act, 1998, be adhered to.

- 4.9. That the conditions in the letter dated 29 July 2010 from the Department of Transport and Public works, be adhered to.
- 4.10. That the conditions contained in the letter from Heritage Western Cape dated 20 March 2009, be adhered to.
- 4.11. That the developer shall enter into a services agreement with the Municipality prior to the installation of any services or commencement of any construction activities.
- 4.12. That all internal roads shall be privately owned, managed and maintained.
- 4.13. That all link and bulk water, sewer and stormwater infrastructure, as defined in the engineering plans as well as requirements from the Traffic Impact Assessment, be installed to the extent specified by the relevant engineers for the account of the developer, to the agreement and satisfaction of the Municipality.
- 4.14. That a Stormwater Master Plan be submitted to the Municipality for approval.
- 4.15. That the Director: Technical Services or his authorised representative be notified during the installation/construction of services stage in order that the necessary inspections can be carried out timeously.
- 4.16. That the electrical servitude that runs over the property shall be unaffected and unrestricted by the proposed development.
- 4.17. That all costs of electrical connections will be for the account of the developer.
- 4.18. That, as far as possible, use shall be made of local labour for the development.
- 4.19. That the Municipality be provided free of charge with the necessary Surveyor General diagrams or General Plan upon finalisation of the subdivisions.
- 4.20. That the development contributions applicable at the time of payment be paid in terms of the Municipality's Policy.
- 4.21. That a central refuse collection point/yard be established to the satisfaction of the Director: Community Services.
- 4.22. That erven with suitable zoning shall be created to accommodate the 7 staff houses next to the equestrian center and club house.
- 4.23. That the water pipeline servitude in favour of PetroSA be unaffected and unrestricted by the proposed development.

- 4.24. That all relevant Sections and Regulations of the Conservation of Agricultural Resources Act, 1983 (act 43 of 1983) regarding agricultural land use, be adhered to.
- 4.25. That the Western Cape Provincial Resort Guidelines (December 2005), be adhered to.
- 4.26. That the resort units shall be limited to a maximum size of 175m².
- 4.27. That Architectural Guidelines shall be prepared for the proposed resort units and hotel to the satisfaction of Municipality."

Please note that you have a right to appeal in writing to the Municipal Manager, Mossel Bay Municipality, PO Box 25, Mossel Bay, 6500 within 21 calendar days from date of this letter.

Attached please find for information an extract of Section 35, 79 and 80 of the Mossel Bay Municipal By-Law on Municipal Land Use Planning to explain the appeal process.

Yours faithfully



DIRECTOR: PLANNING & INTEGRATED SERVICES

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