

Our Ref: Pr04/17b87

25 April 2017

Your Ref: Outeniquasbosch 149/9, 15,16; Hartensboch217/10,28/
M Engelbrecht – C 1405423 (Item)

BY E-MAIL: ekruger@mosselbay.gov.za

The Municipal Manager
Mossel Bay Municipality
Private Bag X29
Mossel Bay
6500

FOR ATTENTION: MR E KRUGER

Dear Sir,

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

Reference is to your letter of approval, dated 7 May 2015.

1. Background

- 1.1. Mossel Bay Municipality approved the rezoning and subdivision and consolidation of Remainder of Portions 9; 15 & 16 of the Farm Outeniquasbosch 149 and Portions 10 & 28 of the Farm Hartenbosch 217.
- 1.2. This approval was subject to certain conditions of approval, of which, not all are still relevant, and our instruction is to apply for the amendment of conditions of approval and to submit the final subdivision plan for approval.
- 1.3. The following Annexures are attached to this application:
 - Annexure A.** Letter of Approval dated 5 May 2015;
 - Annexure B.** Pre-application Consultation form
 - Annexure C.** Power of Attorney & Company Resolution

- Annexure D.** Letter from Surveyor General
- Annexure E.** Subdivision Plan for Approval
- Annexure F.** Application Form

2. The Application

We have been instructed by the owner of the application area, to apply to Mossel Bay Municipality for the following:

- (i) Amendment of Conditions of Approval in respect of a previous approval on Remainder of Portions 9; 15 & 16 of the Farm Outeniquasbosch 149 and Portions 10 & 28 of the Farm Hartenbosch 217, in terms of Section 15(2)(h) of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning.
- (ii) Approval of the Subdivision Plan on Portions 9; 15 & 16 of the Farm Outeniquasbosch 149 and Portions 10 & 28 of the Farm Hartenbosch 217, in terms of Sections 60 and 15(2)(d) of the Mossel Bay Municipal By-law on Municipal Land Use Planning.

3. Amendment of conditions of approval

The proposal is to amend the following conditions in the letter of approval:

- (i) Condition 5.5 – submission of the time frame of the phasing plan
- (ii) Condition 5.28 – approval in terms of Act 70 of 1970

3.1. Condition 5.5

- 3.1.1. Condition 5.5 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...."
- 3.1.2. A phasing plan is attached as **Annexure E**, but given the fact that the implementation will be determined by market demand, it is not possible at this early stage to provide a time frame of exactly when what phase will be implemented. The applicant anticipates to develop "Phase 1" and "Phase 2" first, and then commence with the implementation of Phases 3 – 6, and then as per the market demand for the proposed development.
- 3.1.3. Application is therefore made to amend Condition 5.5 to read:

Condition 5.5	<i>"...a phasing plan with a time schedule for the phasing of the development shall be submitted to the Director: Planning & Development for approval...."</i>
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3.2. Condition 5.28

- 3.2.1. Condition 5.28 of the letter of approval states that the approval is subject to approval in terms of Act 70 of 1970, from the National Department of Agriculture.
- 3.2.2. Kindly note that since the former Guide Plan was amended from Agriculture to "Urban Development" to accommodate the proposed development, the land is no longer demarcated as "Agricultural" land, and therefore Act 70 of 1970 is no longer applicable.
- 3.2.3. A copy of correspondence received from the Surveyor General, dated 21 October 2015, confirming this statement, is attached as **Annexure D** to this correspondence.
- 3.2.4. It is also a given that one approval in terms of one set of legislation, cannot be made "subject to" another set of legislation. It is obvious that the land owner will still have to apply with all other applicable legislation.
- 3.2.5. However, since the Surveyor General has confirmed in writing that approval in terms of Act 70 of 1970 is not required, **we kindly request for Condition 5.28 to be omitted** from the letter of approval.

4. Approval of Subdivision Plan

Application is made to Mossel Bay Municipality to approve the subdivision plan for the approved development application. Kindly note compliance with the following conditions of approval:

- 4.1. Condition 5.1: the zonings as per the applicable Section 8 Zoning Scheme Regulations are indicated on the subdivision plan.
- 4.2. Condition 5.5: the proposed phases are indicated on the subdivision plan.
- 4.3. Condition 5.12: the internal roads are indeed indicated as private roads.
- 4.4. Condition 5.16: the existing electrical servitudes are indicated on the layout plan and it is clear that these servitudes will be unaffected.
- 4.5. Condition 5.21: sufficient space was allowed in the road reserve at the proposed entrance gate for the refuse area.
- 4.6. Condition 5.22: the 7 x staff houses are located on 7 x new "Residential Zone I" erven (indicated as Erven 545 – 551 on the layout plan).
- 4.7. Condition 5.23: the existing water pipeline servitude is indicated on the layout plan and it is clear that this servitudes will be unaffected.
- 4.8. Condition 5.25: the condition is noted – the fact that the proposal was consistent with these guidelines, was indeed the reason for approval of the proposed resort units.

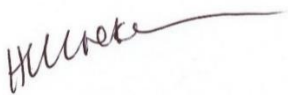
5. Conclusion

We conclude that:

- 5.1. Given the uncertainty in market conditions, it is not possible to predict an accurate time frame of when what development phases will be implemented. Application is therefore made to amend Condition 5.5 of the approval to read ***"...a phasing plan be submitted to the Director: Planning & Development for approval...."***
- 5.2. The Surveyor General has confirmed that there is no requirement to obtain approval in terms of Act 70 of 1970, therefore application is made to omit Condition 5.28 from the letter of approval.
- 5.3. Application is made to approve the phased subdivision plan as submitted. This plan, as submitted, complies with the conditions of approval that have an impact on the layout.

We trust the above is in order. Please do not hesitate to contact us should you require any additional information in this regard.

Kind regards,



MARIKE VREKEN

Pr. Pln 1101 M SAPI 10233