

E HILL
1632 & 1633 SEDG

2 March 2005

REGISTERED MAIL

Att: M J Maughan-Brown

CNdV South Cape Planning & Design
P O Box 1215
KNYSNA
6570

Sir/Madam

**ERF 1632 & 1633 SEDGFIELD: PROPOSED CONSOLIDATION, REZONING
AND SUBDIVISION**

Your letter dated 28 January 2005 refers

Please be advised that my Council, via its Mayoral Committee, at its meeting of 22 February 2005 resolved as follows:

- "[a] That the letter of Messrs CNdV South Cape dated 28 January 2005 be noted;
- [b] That the application in terms of Section 17 and 24 of the Land Use Planning Ordinance, 1985, for the rezoning of Erven 1632 and 1633 Sedgefield from 'Undetermined' to 'Special Zone', and 'Private Open Space' as well as 'Special Zone - Nature Reserve' and 'Single Residential', and the subdivision thereof, substantially as indicated on Drawing No. 13 of CNdV South Cape motivation report dated November 2003 be approved subject to the following conditions:
 - [i] That the relevant Restrictive Conditions in the Deeds of Transfer shall be removed before any development is commenced with or any erven registered;

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- [ii] That a Homeowners' Association be formed for administering all portions except land ceded to the Municipality;
- [iii] That Erf 1632 and 1633 Sedgefield shall be consolidated prior to confirmation of subdivision approval, in order to ensure and integrated development;
- [iv] That residential erven may not exceed 500m² in extent, as proposed;
- [v] That proposed site no. 1 shall be zoned 'Special Zone – Nature Reserve' and a garden servitude shall be registered thereover, except for a 1200m² area including and around the existing dwelling which shall be surveyed and shall be zoned Single Residential;
- [vi] that proposed site no. 2 shall be reduced to 500m² and shall gain access from Volstruis Street and shall form part of the development administered by the Homeowners' Association;
- [vii] That proposed Remainder of Erf 1632 and 1633 Sedgefield shall be consolidated and zoned 'Special Zone – Nature Reserve' and shall be administered as part of the common open space area administered by the Homeowner's Association;
- [viii] That the detail design of units and structures (elevations, height and materials) shall be determined in an Architectural Design Manual to be satisfaction of the Chief Town Planner, before construction is commenced with;
- [ix] That the maximum height allowed in the case of 3-storey dwellings only as specified) shall be 8,9m above natural ground level, subject to approval by the Provincial Government in terms of the Knysna – Wilderness – Plettenberg Bay Regional Structure Plan, as amended, and all other buildings shall not exceed 2 storeys up to a maximum of 8,0m above natural ground level;
- [x] That the portions of land below Kingfisher Drive, up to the present beach access (servitude) shall be zoned 'Public Open Space' and shall be transferred to the Municipality at owner's cost;
- [xi] That all conditions contained in the "Record of Decision" issued by the Department of Environmental Affairs and Tourism on 29 September 2004 shall be adhered to;
- [xii] That the final position of the subdivision lines (footprints) in respect of each residential site shall be determined on-site by the architect and land

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surveyor, to the satisfaction of the Municipality and the appointed Environmental Control Officer, prior to final subdivision plan submission;

- [xiii] That no development or any structure except an approved walkway and approved rehabilitation measures shall be allowed beyond the Development setback line indicated on plan 10, dated November 2003;
- [xiv] That the Development Setback line shall be indicated with co-ordinates on the site development plan, and shall be marked on-site with suitable markers to the satisfaction of the Municipality;
- [xv] That no access shall be permitted to the beach over the cliffs, except via access points approved by the Municipality and the Environmental Control Officer;
- [xvi] That cost estimates for the rehabilitation of the cliff face above the former pedestrian servitude be provided to Council before a final decision on rehabilitation is taken by Council;
- [xvii] That the position of the intersection of Leervis Road with Galjoen Road shall be re-aligned to a position directly opposite the intersection of Kabeljou Street with Galjoen Road, to Council's satisfaction, and that the applicant shall make a financial contribution thereto, as determined by the Town Engineer;
- [xviii] That the necessary splays and road reserves shall be provided by the applicant as part of the development. With regard to the alignment and the construction of the portion of Leervis Road over Erf 1634 Sedgfield, the matter shall be resolved and agreed to in writing before commencement of the development, failing which the road on Erf 1633 will be altered to connect with the road reserve across Erf 1634;
- [xix] That detail designs of the proposed new parking area shall be undertaken with a view to consolidating the areas as close to the beach and possibly utilizing more of the proposed Remainder of Erf 1632 Sedgfield, as determined to the satisfaction of the Town Engineer;
- [xx] That the applicant shall construct the existing road and the proposed public parking areas as part of the development;
- [xxi] That internal streets shall be private roads with gate control points, with storage space for vehicles approaching the gate, to Council's satisfaction;
- [xxii] That detail engineering proposals for the services shall be submitted for Council's approval;

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- [xxiii] That a services agreement shall be submitted for Council's approval, which must include the services being private services to be maintained by the Homeowner's Association;
- [xxiv] That augmentation fees shall be payable for water and sewerage, in accordance with Council's current policy, on date of application for rates clearance or for building plan approval, whichever date the earlier;
- [xxv] That augmentation fees and cable costs shall be payable in respect of electricity, in accordance with Council's current policy, on date of application for rates clearance or for building plan approval, whichever date the earlier;
- [xxvi] That Council's policy with regard to upgrading of and/or buying into the electrical network shall apply;
- [xxvii] That, owing to the critical water supply situation in Sedgefield and the number of existing development approvals being exercised, no development may take place in terms of this approval unless and until an assured water supply is available, to the satisfaction of the Municipality, and that the validity of this approval shall commence on such date as the Town Engineer grants written confirmation thereof.
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- [c] That it be recorded that the Knysna Council will support up to a maximum of a further six erven to the north of Leervis Street, in the same administrative and physical format as those south of the road, in addition to site no. 2, subject to environmental authorization being obtained. Failing this, the area north of Leervis Street will be deemed to be undevelopable and, should the Homeowners' Association not be willing to accept responsibility for its management as private nature reserve, the land shall be transferred by the owner to become part of the Wilderness National Park."

Your attention is drawn to the provisions of Section 44 of the Land Use Planning Ordinance, 1985 (Ord. No. 15 of 1985), in terms of which you have a right to appeal to the Premier of the Western Cape against the decision of Council. Should you wish to exercise this right of appeal, you must lodge such motivated appeal in writing to be received by the relevant authorities within **thirty (30) days** of date of registration of this letter. The appeal should be addressed to:

The Director: Integrated Environmental Management (Region A)
Department of Environmental Affairs and Development Planning
Chief Directorate: Development Planning
Private Bag X9086
CAPE TOWN
8000

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A copy of the appeal must be served on Council simultaneously.

Please note that you may not act in terms of the above decision of Council until it has been confirmed, in writing, that an appeal has not been lodged by an objector against that decision. Should you not have been informed within 30 days of receipt of this letter, you are advised to contact the writer. Should an appeal have been lodged, the decision of the Premier will have to be awaited, which decision will replace Council's decision on the matter.

In addition, your attention is drawn to the provisions of Section 16 and/or Section 27 or Ordinance No. 15 of 1985, regarding the lapsing of unutilized land use approvals (2 years in terms of Departures and Rezoning, 5 years in respect of subdivision).

Yours faithfully



DP D P DANIELS
MUNICIPAL MANAGER

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cc: Manager: Corporate Services
Manager: Finance
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BCO
Chief: Health & Housing