

E HILL
1632SED

10 January 2008

REGISTERED MAIL

Messrs CNdV South Cape
P. O. Box 1215
KNYSNA
6570

Attention: Mr M Maughan-Brown

Sir

**ERVEN 1632 AND 1633 SEDGEFIELD: PROPOSED CONSOLIDATION AND
SUBDIVISION**

Your letter dated 4 October 2007, and subsequent meetings, refer.

Approval is hereby granted in terms of Section 25 of Ordinance No. 15 of 1985 for the subdivision of Consolidated Erven 1632 and 1633 Sedgefield into 26 residential erven, a public street portion, a private open space portion and a remainder undetermined, as indicated in drawing no. 07-Sedgefield dated 10 Jan 2008.

This approval is subject to the conditions contained in the attached Annexures A, B and C, imposed in terms of Section 42 of the said Ordinance. Please note that, although some of the conditions of rezoning may have been fulfilled already, they reflect are included in the subdivision conditions for record purposes.

A copy of the approved subdivision plan, duly endorsed as required, is attached for your further attention.

Kindly furnish copies of the approved SG diagram/s as soon as they are available.

The above decision was taken by the Chief Town Planner under delegation granted by resolution of the Knysna Local Municipal Council on 22 June 2004.

Your attention is further 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 an alternative right of appeal to the Premier of the Western Cape against the decision. 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 **twenty-one (21) days** of date of registration of this letter.

This appeal should be addressed to:
The Director: Integrated Environmental Management (Region A1)
Chief Directorate: Development Planning
Private Bag X9086
CAPE TOWN
8000

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

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

Yours faithfully,



E J HILL
CHIEF TOWN PLANNER

cc: Director: Corporate Services
Director: Finance (Rates Dept)
Director: Technical Services
Area Manager Sedgefield
Town Electrotechnical Engineer
Building Control Officer

ANNEXURE "A"

The following conditions of title must be registered against each of the subdivided portions and the remainder, except where similar conditions have, in the opinion of the Conveyancer, already been registered against the original property or properties:

- a] The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the local authority in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above;
- b] The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

ANNEXURE "B"

Satisfactory arrangements for the essential removal of telephone or telegraph routes which cross the land being subdivided must be made with the Post Office in terms of Section 83(1) of the Post Office Act.

ANNEXURE "C"

- i) Erven 1632 and 1633 Sedgefield shall be consolidated prior to, or simultaneous with, confirmation of subdivision approval, and no subdivision shall be registered prior to the registration of the consolidation of Erven 1632 and 1633 Sedgefield, in order to ensure an integrated development;
- ii) A Homeowners' Association shall be formed for administering all portions of communal land. Membership of the Association shall be compulsory to all owners in the development, and this shall be included in the title deed of each erf (4776 – 4799). The Homeowners' Association Constitution shall be compiled to the satisfaction of Council and submitted for its approval prior to transfer of any erven;
- iii) Residential erven may not exceed 500m² in extent, as proposed, except proposed site no. 1 (4773);
- iv) Proposed site no. 1 (4773) 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 (to create a clearly defined 'split zoning');
- v) Proposed site no. 2 (4772) shall be reduced to 500m² and shall gain access from Volstruis Street and shall form part of the development administered by the Homeowners' Association;
- vi) The proposed Remainder of Erven 1632 and 1633 Sedgefield (Rem of 4774) 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;
- vii) 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;
- viii) The maximum height allowed in the case of 3-storey dwellings (only as specified in the application – to be indicated in the Site Development Plan) 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;
- ix) The portion of land containing the extension of Kingfisher Street and Leervis Road, down to the western boundary of Erf 1632 Sedgefield, and the public parking area, shall be zoned 'Public Street' and shall be transferred to the Municipality at owner's cost (4775);
- x) 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;

- xi) No development or any structure except an approved walkway and approved rehabilitation measures shall be allowed beyond the development setback line indicated on plan 07 Sedgefield, dated 10 Jan 2008;
- xii) 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;
- xiii) No access shall be permitted to the beach over the cliffs, except via access points approved by the Municipality and the Environmental Control Officer;
- xiv) 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;
- xv) 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, or otherwise constructed with a safe right-angle intersection with Galjoen Road, to Council's satisfaction, and the applicant shall make a financial contribution thereto, as determined by the Director: Technical Services;
- xvi) 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 Sedgefield, 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 Sedgefield;
- xvii) 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 Sedgefield, as determined to the satisfaction of the Director: Technical Services;
- xviii) The applicant shall construct the existing road and the proposed public parking areas as part of the development;
- xix) Internal streets shall be private roads with gate control points, with storage space for vehicles approaching the gate, to Council's satisfaction;
- xx) Detail engineering proposals for the services shall be submitted for Council's approval;
- xxi) 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;
- xxii) Augmentation fees shall be payable for water and sewerage, in accordance

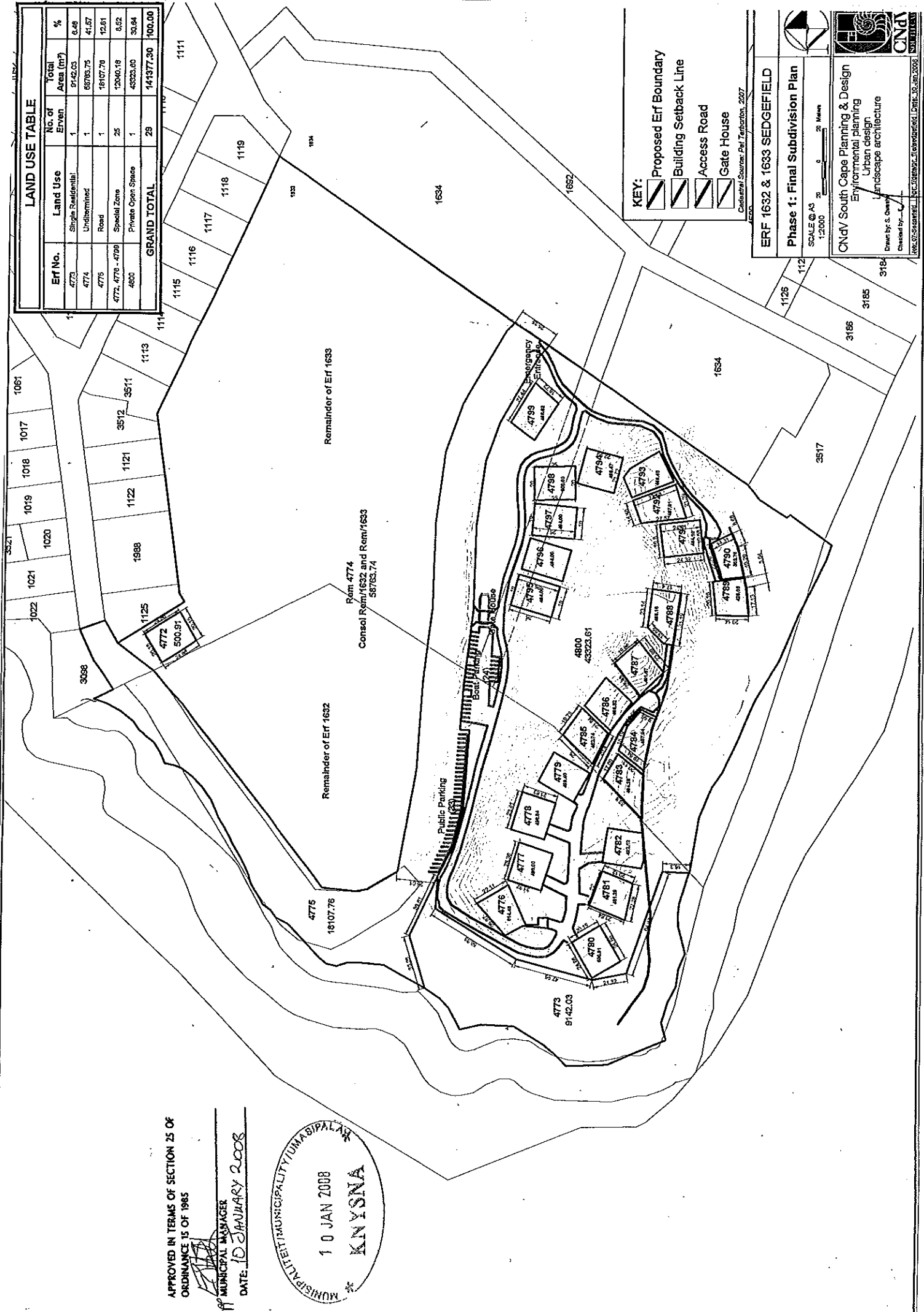
with Council's current policy, on date of application for rates clearance or for building plan approval, whichever date the earlier;

- xxiii) 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;
- xxiv) Council's policy with regard to upgrading of and/or buying into the electrical network shall apply;
- xxv) 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 Director: Technical Services grants written confirmation thereof.
- xxvi) The following water and energy saving measures shall be implemented via the services agreement:
 - aa. Dual flush cisterns and low volume taps and shower heads shall be installed in all units;
 - bb. CFL light bulbs shall be installed in all light fittings, where feasible;
 - cc. A load-shedding facility, in conjunction with a solar power heating system and dual gas/electric hob installation, shall be provided in respect of each unit to the satisfaction of the Town Electrotechnical Engineer, at the applicant's cost;
 - dd. A 5kl rainwater tank with a practical method of utilizing the rainwater collected from the roofs of buildings, for at least garden and swimming pool use, shall be installed in respect of each erf. The water tank is to be aesthetically treated to fit in with the development.

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LAND USE TABLE

Erf No.	Land Use	No. of Erven	Total Area (m ²)	%
4770	Single Residential	1	9142,03	6,48
4774	Undetermined	1	68783,75	41,57
4775	Road	1	18107,76	12,81
4772, 4776 - 4796	Special Zone	25	12040,19	8,52
4800	Private Open Space	1	43323,60	30,84
GRAND TOTAL			141377,30	100,00



KEY:

- Proposed Erf Boundary
- Building Setback Line
- Access Road
- Gate House

Confidential Source: Prof. Tembani, 2007

ERF 1632 & 1633 SEDGEFIELD

Phase 1: Final Subdivision Plan

SCALE @ A3
1:2000

0 20 Meters

CNDV South Cape Planning & Design
Environmental planning
Urban design
Landscape architecture

Drawn by: S. Owey
Checked by: C. ...

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APPROVED IN TERMS OF SECTION 25 OF
ORDINANCE 15 OF 1985

MUNICIPAL MANAGER
DATE: 10 JANUARY 2008

