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15/4/19/5;15/4/19/2;15/4/19/4/M Engelbrecht
C 7821425 (Item)

10 November 2021

Sir/Madam

**APPLICATION FOR REZONING FROM "AGRICULTURE ZONE I" TO
"SUBDIVISIONAL AREA", CONSOLIDATION AND SUBDIVISION IN TERMS OF
THE MOSSSEL BAY MUNICIPAL: BY-LAW ON MUNICIPAL LAND USE PLANNING,
2015: PORTIONS 47, 187 & 188 OF THE FARM VYF BRAKKE FONTEINEN NO 220,
DIVISION MOSSSEL BAY (TO DEVELOP A GROUP HOUSING DEVELOPMENT –
EAGLES CREEK)**

Your objection in the above regard refers. The Eden Joint Municipal Tribunal Mossel Bay Meeting resolved under Resolution PT8-11/2021 dated 4 November 2021, as follows:

- "1. That the application for rezoning of Portions 47, 187 & 188 of the Farm Vyf Brakke Fonteinene No 220, Division Mossel Bay from "Agriculture Zone I" to "Subdivisional Area" (Layout Plan: Plan Number Pr1752LO2 dated April 2018) in terms of Section 15(2)(a) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning, 2015, **be approved**, in terms of Section 60 of the said By-Law.
2. That the application for consolidation of Portions 47, 187 & 188 of the Farm Vyf Brakke Fonteinene No 220, Division Mossel Bay in terms of Section 15(2)(e) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning, 2015, **be approved**, in terms of Section 60 of the said By-Law.
3. That the application for subdivision in terms of Section 15(2)(a) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning, 2015 of newly created "Subdivisional Area" (Layout Plan: Plan Number Pr1752LO2 dated April 2018) into the following:
 - 110 "General Residential Zone I" (Group Housing) erven;
 - 1 "Business Zone III" (Neighbourhood Shop) erf;
 - 7 "Open Space Zone II" (Private Open Space) erven;
 - 1 "Utility Zone" (Utility Service) erf; and
 - 6 "Transport Zone III" (Private Road), be approved.

4. That the approvals above are subject to the following conditions imposed in terms of Section 66 of the said legislation:

Pre-construction conditions:

Site Development Plan & Building Plans:

- 4.1 That a detailed Site Development Plan (SDP) on an acceptable scale, be submitted for approval by the Director: Planning and Economic Development before any building plans can be considered.
- 4.2 That Architectural Guidelines be submitted with the Site Development Plan.
- 4.3 That the National Buildings Regulations be adhered to at all times.

Flood lines:

- 4.4 That the Municipality does not take any responsibility for any flood damage caused by flooding in the developable area in future.
- 4.5 That the Applicant indicate the 1:100-year floodline on the Site Development Plan showing that a 1:100-year flood will not occur in the developable area.
- 4.6 That the mentioned 1:100-year floodline was determined by an expert and the developer and expert will take full responsibility for the accuracy of information provided.

Homeowners Association:

- 4.7 That a Homeowners Association be established and shall be responsible for maintenance of the internal streets, internal services network and the private open spaces.
- 4.8 That the private streets and private open spaces be surveyed and registered in the name of the Homeowners Association.
- 4.9 That a right of way servitude must be registered in the name of the Vogelsang Homeowners Association over the newly created private road portion OP6801 from km0.8 until 1.02, as well as the newly created emergency access to Island View before any residential properties may be transferred.
- 4.10 That the right of way servitude must be indicated on the detailed Site Development Plan (SDP) as required in Condition 3.1 of this approval.
- 4.11 That the Applicant will be responsible for all costs and registration of the servitudes over the newly created private roads as indicated on the SDP.

- 4.12 That the Vogelsang Homeowners Association will not be liable to contribute to the construction or maintenances of the newly created private access roads or link road between Island View and the Eagles Creek Development.

Services and Development Contribution:

- 4.13 That, if any expansion of municipal engineering services is required, it shall be at the cost of the owner/developer and in compliance with the requirements of the Director: Infrastructure Services.
- 4.14 That the necessary development contribution to the Municipality be payable in terms of Council's Policy applicable at time of payment.
- 4.15 That the Developer must submit a revised Electrical Engineering Report to the Director: Technical Services for approval.
- 4.16 That the developer shall enter into a service agreement with the Director: Infrastructure Services prior to the installation of any services or commencement of any construction activities and the necessary payable development contribution be indicated in the Service Agreement.
- 4.17 That the recommendation of the Transportation Investigation prepared by Urban Engineering Consulting Civil and Structural Engineers dated April 2021, as excepted by the Western Cape Government Department of Transport & Public Works: Roads must be complied with to the satisfaction of the Director: Infrastructure Services.
- 4.18 That the Stormwater Master Plan must be submitted to the Street and Stormwater Section of the Municipality for approval before construction may commence.
- 4.19 That the "Before" and "After" development of stormwater outflows must be provided to the Streets and Stormwater Section of the Municipality along with proposals to limit runoff as well as measures to prevent pollution of the natural runoff area.
- 4.20 That, if the Stormwater Master Plan indicated that on two of the Erven, namely proposed Erven 41 & 42 must be omitted, the Applicant/owner will be responsible for the cost regarding the amendment of the Site Development Plan and Approval.
- 4.21 That the conditions, as stipulated in the letter from SANRAL (ref: W11/4/3-2/6-61) dated 26 September 2018, be adhered to.
- 4.22 That the conditions, as stipulated in the letter from Breede-Gouritz Catchment Management Agency (ref: 4/10/1/K10A/Vyf-Brakkefontein 220, Mossel Bay) dated 21 September 2018, be adhered to.

- 4.23 That the conditions, as stipulated in the letter from the Department of Transport and Public Works: Western Cape (ref: TPW/CFS/RP/LUD/REZ/SUB-18/94 (job26234)) dated 2 June 2021, be adhered to.
- 4.24 That a right of way servitude be registered in the name of the Mossel Bay Municipality for the section of the private road linking Henra Street and Jan Frederick Street.
- 4.25 That, when the Municipality requires the road mentioned in Point 3.24 above in the future as a Public Road, the Municipality may, without the consent of the HOA/owner, follow the required processes to enable the property to vest with the Municipality and from this point in time, the road will be managed as a Public Road.

Post-construction conditions:

General:

- 4.26 That this approval does not exempt the Applicant to comply with any applicable laws and/or procedures applicable to the proposed use.
- 4.27 That the refuse collection must meet the satisfaction of the Director: Community Services.
- 4.28 That, if an any ground movement or stormwater damage occurs on the property, the Mossel Bay Municipality will not be held liable for any damages of proposed development.
- 4.29 That, if the development will consist of phases, it must be indicated on the Subdivision Plan for evaluation by the Municipality.

REASONS FOR RECOMMENDATION

1. The application is in line with the character of the area.
2. The development will provide an important emergency link road from and to the Island View suburb.
3. The proposal will result in the optimal utilisation of land within the urban edge and the optimal use of municipal engineering services.
4. The proposal is consistent with Mossel Bay IDP and SDF as the subject property is located within urban edge of Mossel Bay which will enable the efficient use of vacant land and an opportunity is created for local economic growth and job creation.
5. That the development will contribute towards the provision of more Group housing units to address the increasing demand for housing at well located and popular areas."

Please note that the Applicant has a right to appeal against the resolution in writing within 21 calendar days.

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.

Yours faithfully



DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

/jk