



Nautilus Bay Coastal Reserve

HOME OWNERS ASSOCIATION • HUISEIENAARSVERENIGING

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Nautilus Bay Home Owners Association

Portion 1 of Farm Klipfontein, No 344

District of Mossel Bay

PO Box 567, Mossel Bay, 6500

5 March 2018

Dear Owners and Residents,

COMMUNICATION TO OWNERS AND RESIDENTS – 5 MARCH 2018

With our first formal communication of 2018, the Executive Committee would like to take this opportunity to wish all our owners and residents the very best for the year ahead. I am sure that by now the year has already built up a head of steam for most of us and everyone is well into the rhythm of the new year.

1. 2017 Annual General Meeting

Thank you to everyone who took the time to attend our 2017 Annual General Meeting on 12 January 2018. We attach hereto the draft Minutes of this meeting for consideration and approval at our next general meeting. It was resolved at the meeting that the 2018 meeting should be held on 19 December and this will be appropriately communicated by the Committee closer to the time.

2. Executive Committee

The first meeting of the newly elected Executive Committee was held via Skype on 25 January 2018 – as far as we know, an historic first. At this meeting Jaco Lötter was elected as chairman. You are kindly invited to address any correspondence with the Committee to Renzke Moore, or where applicable, to a committee member whose contact details are indicated hereunder. The Committee has received a few significant instructions at the 2017 AGM and progress in all these matters will be regularly communicated to the owners.

3. Road maintenance

The Committee was directed as a matter of urgency to undertake maintenance work on deteriorating portions of the Vleesbay access road. The work in this regard has been completed by the end of February, as undertaken at the general meeting. Maintenance work will now commence on the western access road to the beach. Anton van der Westhuizen and Kobus Steyn were tasked to initiate discussions with Petro SA in order to recover some of the maintenance costs to these roads, which also serve as access roads to their infrastructure on Nautilus Bay's property.

4. Security

Thank you to everyone who contributes to the improvement of our security through suggestions or raising concerns about specific incidents. As was the case last year, weekly security meetings are held with the security company in order to resolve any issues raised by owners. The Committee is also considering several suggestions received at the general meeting, particularly to alleviate occasional problems at the main gate and will report back to owners in this regard.

HOME OWNERS ASSOCIATION EXECUTIVE COMMITTEE MEMBERS:

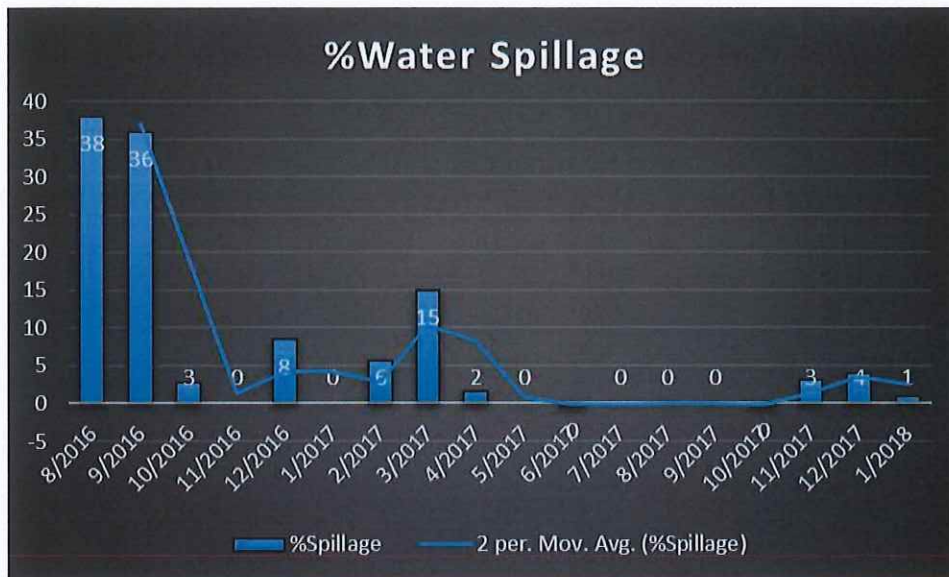
Jaco Lotter (Chairman)	083 600 4903	jaco@tcinc.co.za
Johann van Deventer	083 656 6997	johann@8nautilus.co.za
Rudi van Graan	082 445 3598	rudi@technochair.co.za
Kobus Steyn	081 586 4848	kobussteyn24@gmail.com
Rene Hodges	082 411 4632	rrhodges37@gmail.com

ESTATE MANAGER:

Anton van der Westhuizen
083 601 2831
antonvdw57@gmail.com
Office hours: 07h30 to 17h30

We also attach hereto the security report for 2017 received from Niqua Security. Please note the general comments on page 3 of the report, particularly regarding house alarms linked to other security companies.

5. Water



We believe that everyone in our community is concerned about the drought and water situation in the Western Cape. As a community with a direct impact on the usage of water on our properties, we decided that it is prudent to embark on a water saving exercise for Nautilus Bay. Information from the Department of Water Affairs state that the average spillage in the country is about 35% and they have introduced corrective actions to reduce spillage to 15%. The graph above indicates that our implemented actions decreased the spillage from about 36% to below 5% for the duration of 2017.

It was no easy task to trace leakages on a water supply pipeline of about 20km. Anton was however meticulous and spent considerable time during the first half of 2017 to trace leakages and to monitor our usage on a daily basis. He deserves recognition for his continued work to achieve our goal to minimize the spillage as indicated above.

6. Legal

On 14 February 2018, the Committee was informed that our appeal against the decision of the Municipal Tribunal not to allow an amendment to our building rules, allowing for a total footprint of 250 square metres per residence, was refused. A copy of the correspondence is annexed hereto for reference. As communicated before, the Municipality consider Nautilus Bay a resort with holiday houses and that the current zoning of Resort Zone II must be strictly enforced.

This decision must also be viewed against the backdrop of the Municipality's Integrated Zoning Scheme By-Law, published on 18 January 2018. In terms hereof, the objective of a zoning of Resort Zone II is *"to reserve a zoning for existing resorts outside the urban edge, approved in terms of Section 8 of the Land Use Planning Ordinance, 1984 (before this Scheme By-Law came into effect)"*, as is the case with Nautilus Bay.

Questions were raised at the general meeting regarding the manner in which the floor area is determined and specifically whether the outbuildings and garages are included, or excluded as is seemingly the case in a neighbouring development. In this regard, the development parameters of holiday housing contained in Schedule 2 of the By-Law state that *"the parameters of the existing lawful development shall apply as land use restrictions"*. The initial rezoning approval of Nautilus Bay dated 27 March 1998 provides for holiday units to be limited to a maximum floor area of 175 square metres (*including garage, outbuildings and other covered areas*). This floor area was later extended to 250 square metres. In terms of the 2018 By-Law, these development parameters still apply.

This Committee is provisionally of the view that we have exhausted the remedies in the applicable legislation and that funds are not available to embark on costly court applications, which in our view, has little chance of success.

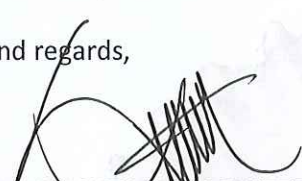
Owners who wish to undertake future building operations, are invited to discuss their plans with the controlling architect, Dawie Nel, in order to explore ways to maximise their building sizes.

7. Website and newsletter

You are kindly invited to visit our website at www.nautilusbayhoa.co.za. All the important communication, reports and governing documents are available on the site for easy access and download. We would also like to receive your comments, contributions and photographs. Kindly correspond with Renè Hodges in this regard.

Thank you also to Renè for compiling the first newsletter which was sent out in February. Also, a big thank you to Amos for his thoughtful contribution thereto. Anyone who has interesting and noteworthy facts, information and photographs can also contact Renè. We hope to make the newsletter a regular feature in the Nautilus Bay community.

Kind regards,



THE EXECUTIVE COMMITTEE
NAUTILUS BAY COASTAL RESERVE

MINUTES OF AN ANNUAL GENERAL MEETING OF THE NAUTILUS BAY HOME OWNERS ASSOCIATION, HELD ON FRIDAY 12 JANUARY 2018 AT 11H00 AT THE POINT HOTEL, MOSSEL BAY

1	OPENING& WELCOME	
	The Chairman opened the meeting and welcomed everyone present.	
2	PRESENT	
	Mr J Lötter (Chairman)	
	Mr J van Deventer (Excom member)	
	Mr M Van Heerden (Excom member)	
	Mr R Van Graan (Excom member)	
	Owners per attendance register	
	Mrs R Moore (Status Mark)	
	APOLOGIES	
	Mr B Harris	
	Mrs R Shear	
	PROXIES:	
	<u>Proxies to Chairman (erf 44):</u>	
	NBAY 53 – E Raubenheimer	
	NBAY55 – C Van Heerden	
	NBAY70 – S Eloff	
	<u>Proxies to B Impens (erf 17 & dev erven):</u>	
	NBAY21 – D Impens	
	NBAY49 – I Impens	
	<u>Proxies to J Van Deventer (erf 8)</u>	
	NBAY 7 – C Esbach & M Coetzee	
	NBAY32 – Steenkamp Fam Trust	
	NBAY34 – L Schmitt	
	NBAY 41 – Dr JM Landman	
	NBAY56 – A De Meyer	
	NBAY 73 – JA Van Der Merwe	
	NBAY78 – E Aucamp	
	<u>Proxies to R Hodges (erf 40)</u>	
	NBAY43 – K Sievers	
	NBAY57 – Deciprop CC	
	NBAY72 – Future Growth	
	NBAY75 – HJ Swiegers	
	<u>Proxies to R Haycock (erf 51):</u>	
	NBAY39 – JH Hanekom	
	NBAY63 – W Le Roux	
	<u>Proxies to D Van Der Beke (erf 31)</u>	
	NBAY27 – G Shear	
	NBAY29 – V Govender	

	<u>Proxies to N Albertyn (erf 64)</u> NBAY11 – J De Pinho NBAY66 – KH Kurtis		
	<u>Proxies to R Van Graan (35)</u> NBAY33 – B Potgieter		
	<u>Proxies to P Van Huyssteen (15)</u> NBAY36 – E & J Marais Fam Trust		
2.1	CONFIRMATION OF QUORUM:		
	Legal quorum – 20% of 78 erven = 15,6 Owners present – 27 Proxies received – 24 A legal quorum is present		
3	CHAIRMAN'S REPORT:		
	The Chairman's report was circulated to all owners. The report captured the most important matters that owners needed to be aware of. The report is accepted by the meeting.		
4	APPROVAL OF AND MATTERS ARISING FROM THE PREVIOUS MINUTES (23 DECEMBER 2016):		
	Minutes were unanimously approved by the meeting.		
	MATTERS ARISING FROM PREVIOUS MINUTES:		
	4.1	EMP Circulate	
		1. The Chairman reported that the EMP became relevant after Exom was given a mandate to clarify the footprint matter with Council. Part of the application was that the EMP and Constitution also had to be submitted to Council but the original EMP could not be found. Mr Andrew West was approached to draft a new EMP that was circulated to owners during 2017 for feedback. The EMP was not pursued as the original EMP was found and is still legally binding until it is substituted. The EMP needs to be revised. Mr West did update the EMP to include the Environmental Rehabilitation Schedule. <u>Decision:</u> 2. The EMP document to be finalised during this year with consideration of member' comments and submitted to Council for approval.	A West Excom
	4.2	250 Footprint:	
		Excom was mandated to apply to Council to amend the conditions of approval regarding the 250 footprint. The application was declined on the basis that the Council consider Nautilus Bay to be a resort development (Resort Zone II) for holiday homes and the application is deemed an attempt to establish a conventional residential development. The Council is of the view that the current total house sizes of 250 square metres is sufficient for holiday homes. . Excom have already appealed to this decision and await the outcome of the appeal hearing early in the year. Excom will have a meeting with the Town planner to discuss the options further.	Excom

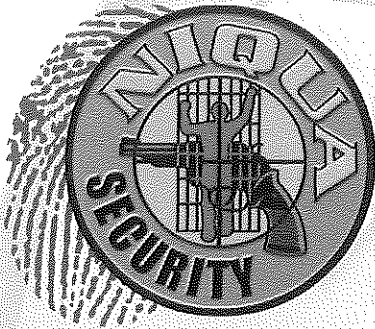
	4.3	Vuru Vuru Estate East Environmental Plan:	
		Mr B Impens reported that there are no changes from last year regarding the proposed development to the east of Nautilus Bay. Mr Impens is still waiting for the planning approvals from Council. Mr Impens will keep Excom updated on the matter.	B Impens
	4.4	Formal communication to owners	
		Mrs Albertyn was thanked for the initiative she took to create a whatsapp group for Nautilus Bay where owners can communicate with each other regarding important matters at Nautilus Bay. Owners are invited to submit their comments, ideas or constructive criticism to Excom. The new Excom must take the task forward and try to improve.	Excom
	4.5	Security:	
		The Chairman reported that there were numerous problems with the previous security company. Niqua security was appointed from the 1st of March 2017 and since they have been appointed, no incidents have been reported. Reports are received for each patrol that is being done by the guards and the Estate Manager revise the CCTV cameras on a daily basis as well as having meetings with the security manager on a weekly basis. Decision: 1. That Excom look at options for identification of members at the gate. 2. That the time it takes for the gate to close be changed to close quicker. 3. That Excom look at the legislations regarding access to the estate. Mr Breytenbach will forward a court case relating to this matter to Excom. 4. That Excom draft a standard operating procedure. 5. That Estate agents can submit their proposals if they want to have a show day or an event on Nautilus Bay to show potential buyers what Nautilus Bay looks like.	Excom
	4.6	Review job description of employees	
		There are 3 employees, namely the Estate Manager, Anton vd Westhuizen, and two labourers, France & Thabiso. Mr J Van Deventer revised the Estate Manager's employment contract and duties have been updated. Evaluation regarding the performance of the Estate Manager was revised and an appraisal document drafted. These documents are used to determine work performance. These documents will be revised each year.	Excom
	4.7	Upgrade entrance of Nautilus Bay	
		Mr M Van Heerden already met with the architect to revisit the design of the entrance. Due to the allocation of funds to the replacement of a sewer pump that was not budgeted for the project was postponed. Decision: 1. That the new Excom must finalise this project during this year 2018.	Excom
	4.8	Fidelity Cover	
		Due to the new legislation that came into effect from 7	

		October 2016, all schemes must have this cover in place. Fidelity cover is insurance put in place for the funds of Nautilus Bay that are being managed. The HOA's wanted to review the legislation. On instruction of several HOA's the Chairman consulted with Advocate Gilbert Marcus who advised that the legislation relating to community schemes is not reviewable. All schemes must comply. This item can now be taken off the agenda.	
	4.9	Removal of alien plants	
		The Chairman reported that up to date all that could have been done and cleared has been cleared. Funds have been put aside to address the regrowth of vegetation on a regular basis. There is currently an amount of R543 052.03 in a trust account of Johan Weideman Attorney at Standard Bank.	
5	INSURANCE:		
	5.1	Common property insurance:	
		The insurance summaries were circulated to all owners. The communal insurance is placed with CIA (Commercial and Industrial Acceptances (Pty) Ltd) to the value of R33 013 443. The insurance is renewed each year on the 1 st of February.	SM
	5.3	Vehicle insurance:	
		Insurance for the bakkie & fire truck as well as trailer is placed with Auto & General at a premium of R714.89 per month.	SM
6	FINANCES:		
	6.1	Financial Statements 2017	
		The financial statements were accepted by the meeting subject to the auditors to correct the date on page 11 that reads 30/6/17 instead of 28/2/17. Status Mark to take the matter up with the auditors.	SM
	6.2	Proposed budget 2018/19	
		Mr J Van Deventer reported that the exotic plant removal since last year has been included in the budget but not the levies. A separate capital fund was created to have equipment replaced such as the lawnmowers. There are currently R84 000 still in the Capital Reserve Fund. The budget as circulated propose that the levies increases to R1600 per month. The meeting voted on the proposed budget, which was approved by majority vote. The following mandates were given by the meeting: 1. The meeting gives Anton van der Westhuizen the mandate to liaise with PetroSa to contribute to the maintenance of the access road. 2. That the new Excom's first priority is to attend to the road that crumbles on the side and needs to be fixed before end of Feb 2018. 3. The meeting gives Excom the mandate to explore options on savings on the budget. Members are requested to send proposals in this regard to Excom.	Excom
	6.3	Levies:	
		Levies will increase to R1600 per month effective from the 1 st of March 2018, which increase was approved as part of	SM

		the budget approval.	
	6.4	Investment funds	
		The investment funds balances as follow: Trust fund with Johan Weideman Attorney– R548 000.00 Investment Advantage fund – R544 000.00 Capital Reserve Fund – R84 000.00	
	6.5	Interest confirmation	
		The interest charged on outstanding accounts is 18% per annum or 1,5% per month. Accepted and approved by the meeting.	SM
7	APPOINTMENT OF AUDITORS:		
		Quotations were obtained from different auditors as follows: a) Boshoff Visser – R11 029.50 b) Moore Stephens – R7 980.00 c) Jean Pretorius – R7 200 Moore Stephens Auditors were appointed.	SM
8	GENERAL:		
	8.1	Levy statements – Mr Johnston	
		Status Mark was requested to look at the levy statements that are send to owners.Mr Johnston reported at the meeting that he is not satisfied with the statement being received with a balance brought forward, where those entries in fact relate to costs/fees which arose after closing of the previous month's account. Such items should be reflected on the following month's account as a new entry and not a balance brought forward. Status Mark to review the manner of reflecting such entries.	SM
	8.2	Dogs - discussion	
		The Chairman reported that several requests have been received from owners to be allowed to have dogs at Nautilus Bay with strict conditions. In terms of the Constitution dogs are not allowed. To have the Constitution amended requires a 75% majority vote of members. A proposal was received from Mr Hodges containing proposed rules, which was distributed to members at the meeting. After a lengthy discussion on this matter it was proposed that a mandate be given to Excom to draft and circulate a set of rules for consideration and change of the Constitution, to be voted on at the next AGM. The meeting voted as follow: Against: 8 (including proxies) In favour: Majority voted in favour for the mandate Mr Albertyn's objection in this regard is minuted.	EXCOM
	8.3	Signboards	
		Mr J Van Deventer reported that the signs facing towards Nautilus Bay are currently attended to and will be put up shortly. The signboards facing to the municipal property such as the beach, must be attended to by the municipality	EST MAN
	8.4	Firebreaks	
		Nautilus Bay is a member of the South Cape Fire Protection Association of which a member fee is being paid. The firebreaks are regularly inspected by SCF. There are still	

		drywood in certain areas that cannot be removed and has to be burned under supervision of the relevant authorities, however SCF advised that now is not the right time to have a controlled fire. Anton van der Westheuzen will liase with SCF and fire services in order to complete this at the appropriate time.	
	8.5	Telkom lines	
		The new Excom is requested to have a look at the option of having Telkom lines installed at Nautilus Bay.	EXCOM
9	<i>ELECTION OF EXECUTIVE COMMITTEE:</i>		
	The following Excom members were nominated and elected: Mr Jaco Lötter Mr Johan Van Deventer Mr Rudi Van Graan Mr Kobus Steyn Mrs Rene' Hodges		
10	<i>DATE OF NEXT MEETING:</i>		
	Wednesday 19 December 2018 at 11h00 at the Point Hotel		
11	<i>CLOSURE:</i>		
	The Chairman thanked fellow Excom members and Status Mark for their input during the past year and also thanked owners for attending the AGM and their involvement in Nautius Bay. The meeting adjourned at 14h50		
	<u>CHAIRMAN</u> Copies to: Minute book All Trustees All owners <u>DATE</u>		

Date of notification: 22 January 2018



Anton van Wyk
Managing Director

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Die Oord Bestuurder
Mnr. Anton v. d. Westhuizen
NAUTILUSBAAI
Coast Nature Reserve
Mosselbaai
6600

10 January 2018

Ref: AVW/012

Geagte Mnr. v.d. Westhuizen

RE: SEKURITEITSVERSLAG - 2017.

Graag wil ek van die geleentheid gebruik maak om al die huiseienaars van Nautilusbaai voorspoed toe te wens vir 2018.

Die afgelope jaar kan ons die sukses wat behaal is met GEEN dieftsalle of inbrake op die Oord toeskryf aan die sisteme en goeie beheer van ons bestuurspan en sekuriteitsbeamptes van Niqua Sekuriteit en ondersteuning van uself.

Die teenwoordigheid van die sekuriteitsbeamptes op fiets patrollies het 100% die ongewenste element verhoed om vrylik op die terrein rond te beweeg.

Wat die beheer oor die beamptes vergemaklik het was die patrollie sisteem wat ons verbeter het vanaf die "Mag Touch" na die "Gtrack" sisteem. Dit het ons die vermoë gegee om die patrollie beamptes op n 24/7 basis op "real time" te monitor en indien daar n probleem was, was ons instaat gestel om die beampte op die "Gtrack" te skakel en vas te stel wat die probleem was.

Die "Gtrack" het ook die beamptes instaat gestel om die "Panic" knoppie op dit te druk indien daar probleme was.

Secure your Home, Business & Property.

Secure your Lifestyle!

*Servicing: * George * Mossel Bay * Plett * Knysna * Oudtshoorn*

Registered as a security service provider by the Private Security Industry Regulatory Authority



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Managing Director

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DIE HOOFHEK:

- By die hoofhek glo ek het ons 90% geslaag in die beheer van besoekers en Kontrakteurs tot die Oord.
- Daar was met n paar gevalle waar besoekers ingelaat was voordat bevestiging verkry was by die huiseienaars. Dit was totaal onaanvaarbaar en betrokke beamptes was gedissiplineer.
- Daar was ook n insident of twee waar die beampte onder die indruk was dat die huis eienaar wel op die Estate was en verkeerdelik sy eie inisiatief gebruik het om so besoeker toegang tot die perseel te gee.

Ek verwys na ons vergadering op 4 Januarie 2018 waar ons oor die moontlikheid gepraat het dat besoekers tot die Oord alleenlik toegang sal verkry nadat die huiseienaar self die hek oop gemaak het vanaf sy telefoon.

Die besoeker sal steeds die Hekbeheer Register voltooi vir rekord doeleindes.

Kontrakteurs sal u met ons vooraf reel vir die periodes wat hulle die Oord gaan betree en adresse waar hulle gaan werk.

Soos in die verlede sal hulle ook alle registers voltooi soos benodig en alle identifikasies daarvan sal soos in die verlede baie streng hanteer word.

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ALGEMEEN:

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- Dit het onder my aandag gekom dat daar in die verlede deur Msec sekuriteit van die sekuriteit verwag was om te reageer op hulle kliente se huis alarms op die Oord. Ons sal ongelukkig nie vir die patrollie beampte op die fiets die taak kan gee nie. Indien hy n besering sou opdoen in die situasie kan daar komplikasies wees.
- MSec sekuriteit het n gewapende reaksie eenheid wat vanaf Mosselbaai reageer in so geval.
- NIQUA doen ook monitering en installasies van alarms en is beskikbaar vir kwotasies indien daar huiseienaars is wat sou belangstel.
- In ag geneem die afstand van Mosselbaai na Nautilusbaai sal die reaksie tyd definitief n groot rol speel in die doeltreffendheid daarvan.
- Met die beamptes reeds op perseel en die Beheersentrum in kommunikasie met die S.A.P.D. en ons patrollie voertuig sal daar n vinniger en meer doeltreffende reaksie tyd wees.
- Ek wil graag van die geleentheid gebruik maak om die huiseienaars te herinner dat die "Selfoon Paniek" sisteem gratis tot hulle beskikking is.
- Indien daar n probleem situasie is en dit word gedruk stuur dit onmiddelik n boodskap na die patrollie beampte se foon van die noodsituasie met die adres van die inwoner. Ons Hoof Beheer Sentrum in George kry ook dieselfde boodskap waarop die huis eienaar geskakel sal word en indien nodig sal die S.A.P.D. ook gekontak word vir bystand.
- Die huiseienaars is welkom om my te kontak vir n gratis kwotasie.

Hiermee verseker ek u van ons beste dienste ten alle tye.

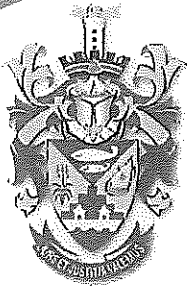
Vriendelike groete

Anton van Wyk.
(Besturende Direkteur)

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Secure your Lifestyle!

Servicing: * George * Mossel Bay * Plett * Knysna * Oudtshoorn

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with registration No. 00001017000/07



**MOSSEL BAY MUNICIPALITY
MOSELBAAI MUNISIPALITEIT
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In antwoord verwys na nommer
In reply quote number
Xa Uphendula chaza Le Nombolo

**KLIPFONTEIN-344/M Engelbrecht
C 4404350 (Item)**

14 February 2018

Delplan Urban & Regional Planners
PO Box 9956
GEORGE
6530

Sir/Madam

**APPEAL: RESOLUTION PT6-09/2017: APPLICATION FOR A DEPARTURE FROM
CONDITIONS OF APPROVAL IN TERMS OF SECTION 15 OF THE MOSSEL BAY
BY-LAW ON MUNICIPAL LAND USE PLANNING, 2015: KLIPFONTEIN 344/1
(NAUTILUS BAY), MOSSEL BAY**

Your appeal in the above regard refers. The Executive Mayoral Committee (Appeal Authority) resolved under Resolution PI.15-02/2018 as follows:

- "1. That the appeal be rejected and that the decision made under Resolution PT6-09/2017 not to approve the Amendment of Condition 2.1 in the letter of the Department of Planning, Local Government & Planning dated 3 May 2001, in terms of Section 15(2)(e) of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning (2015) in order for the condition to read as follows: The total maximum footprint area of any structure on the site may not exceed 250m², be upheld.
2. That since the resolution on the application for amendment of the Condition 2.1 recommended to be upheld above is linked to the request for approval of the revised Architectural Design Guidelines and Constitution of the Nautilus Bay HOA to accommodate a footprint to 250m² thereby allowing up to 437,5m², the decision under Resolution PT6-09/2017 to refuse request for approval of the revised Architectural Design Guidelines and the Constitution of the Nautilus Bay HOA, be also upheld."

Yours faithfully

DIRECTOR: PLANNING & INTEGRATED SERVICES

/jk