

NPM PLANNING

TOWN & REGIONAL PLANNERS

Case ID: 2116

OUR REF: 5965.05

YOUR REF:

23 October 2009

The Designated Officer
Eastern Cape Development Tribunal
Fourth Floor, Tyamzashe Building
Civic Square
BHISHO
5605

Dear Sir

**APPLICATION FOR ESTABLISHMENT OF LAND DEVELOPMENT AREA AND
SUBDIVISION OF PORTION 2 OF FARM 695 EAST LONDON TO CREATE:**

AREENA RIVENDELL ESTATE AND AREENA ISLAND VIEW RESORT

NPM Planning cc has been appointed by Areena Resort Trust to investigate the feasibility of establishing a country estate lifestyle development and resort on portion 2 of Farm No. 695, which are both situated in the East London Magisterial area and to formulate an application for land development area rights thereon, in terms of the Development Facilitation Act No. 67 of 1995.

Eight copies of the application including Form B are attached for consideration.

It is our submission that the documentation submitted constitutes a complete application and we would appreciate you advising of any outstanding requirements as well as the tribunal pre-hearing conference and final hearing dates.

www.npmplanning.co.za

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Address: P.O. Box 19345, Tecoma, 5214
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Fax: 086 509 3487
Email: el@npmplanning.co.za

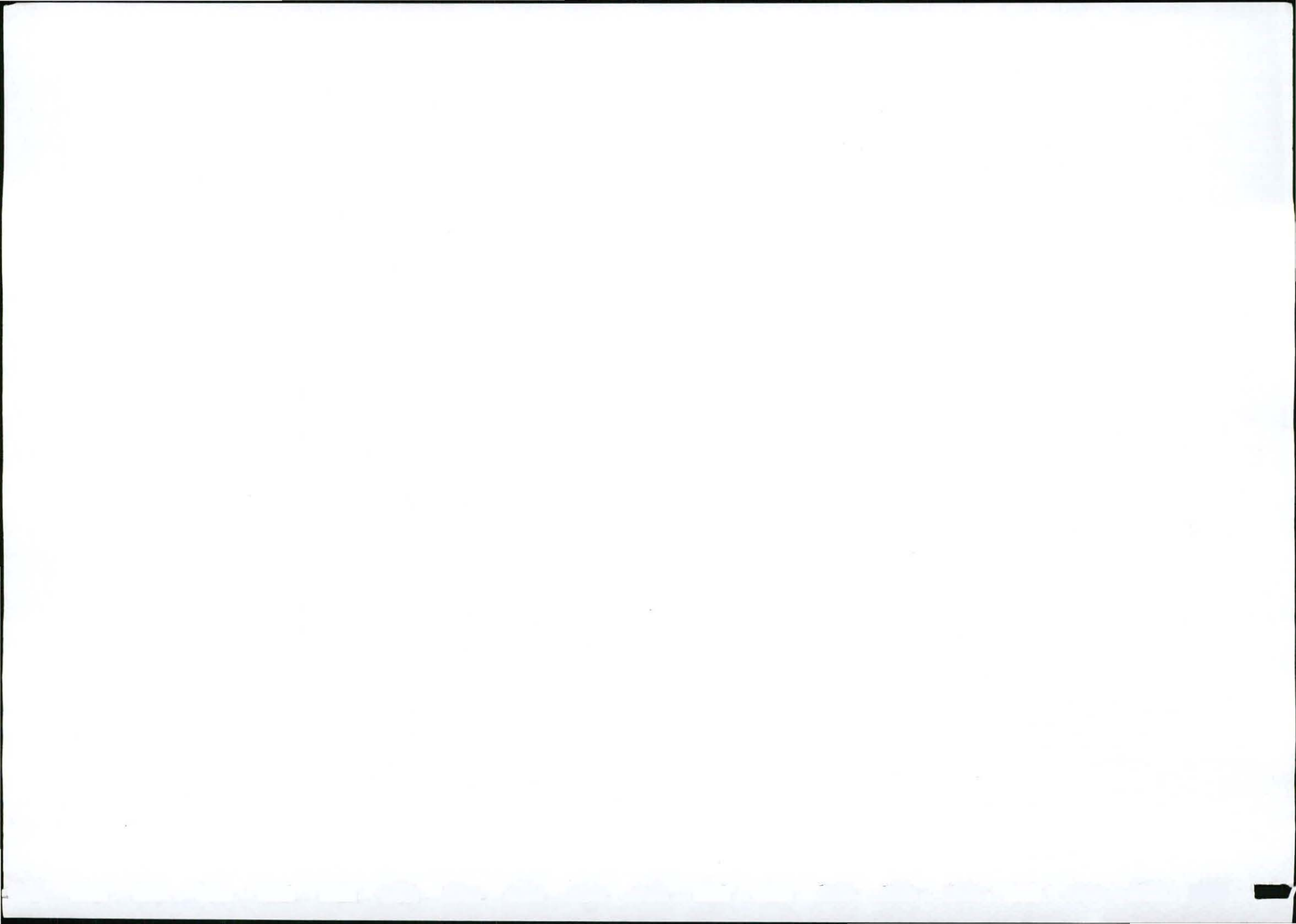
PORT ELIZABETH

Office: 195 Cape Road, Mill Park, P.E.
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Email: pe@npmplanning.co.za

PROFESSIONAL TOWN & REGIONAL PLANNERS, GIS CONSULTANTS, DEVELOPMENT PLANNERS AND LAND REFORM PRACTITIONERS

DIRECTORS: DB Pootman TRP(SA), B.TRP(UP), M.U.R.P.(UFS); SD Mgugudo TRP(SA), N.DIP(TRP), B.TECH(TRP); M.J. Medcalf PRL(SA), B.Sc(Survey), B.Sc(Civil Eng)

NPM PLANNING CC Registration Number: 2008/134189/23

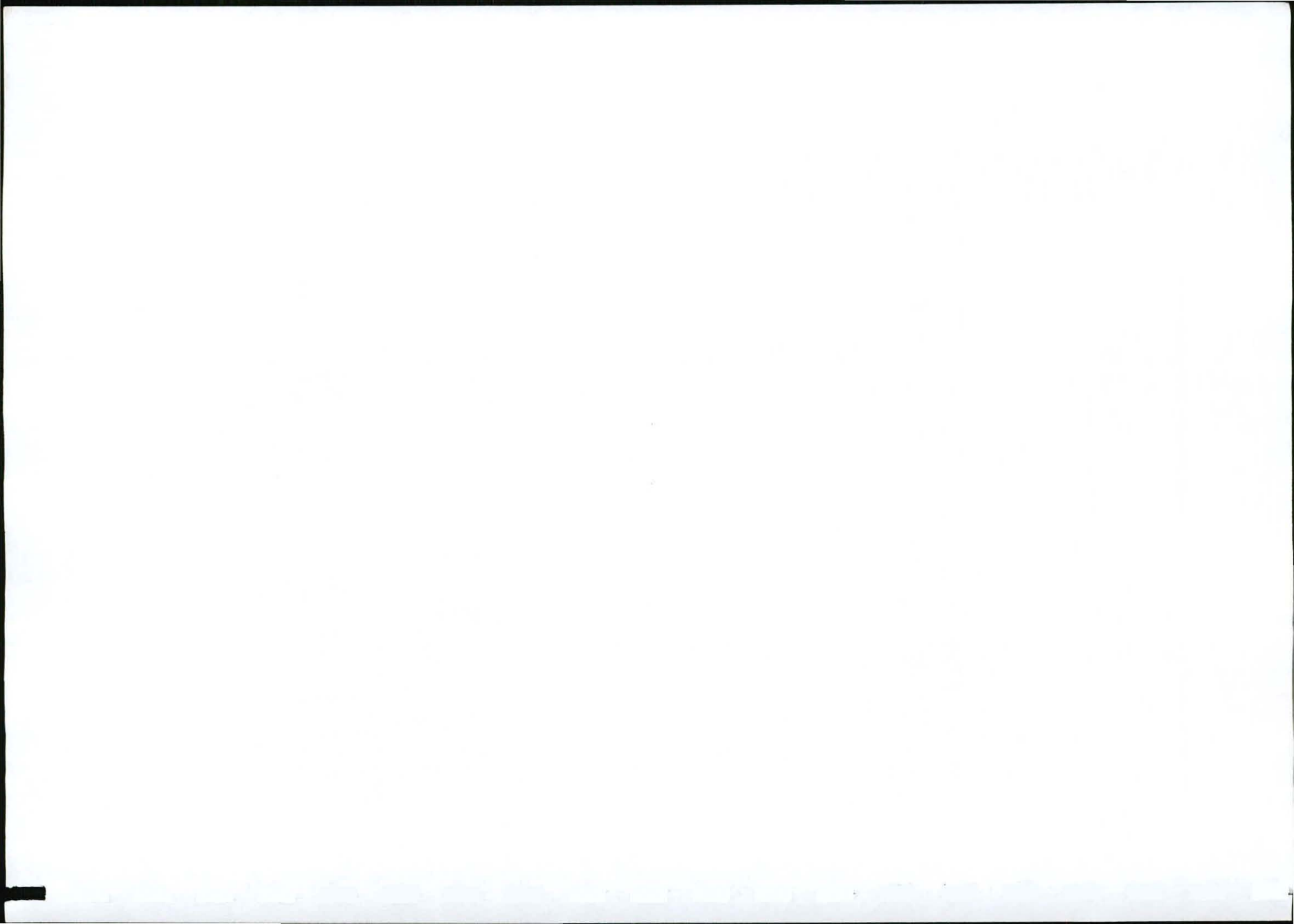


Please do not hesitate to contact our office should you have any queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Deon Poortman', written in a cursive style.

DEON POORTMAN TRP(SA)



IN THE DEVELOPMENT TRIBUNAL FOR THE EASTERN CAPE PROVINCE

Reference number _____

IN THE APPLICATION OF

NPM PLANNING CC ON BEHALF OF AREENA TRUST NO. IT 2662/1996

PORTION 2 OF FARM 695, EAST LONDON

APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA

[Application in terms of Regulation 21 of the Development Facilitation Act Regulations]

PART 1 : ACKNOWLEDGEMENT OF RECEIPT

To : **NPM PLANNING cc**
P.O. Box 19345
TECOMA
5214

I hereby acknowledge receipt of the original and two copies of Parts II and III of this form, together with the documents referred to below [applicant to insert description of documents], and I hereby allocate reference number _____ to this application.

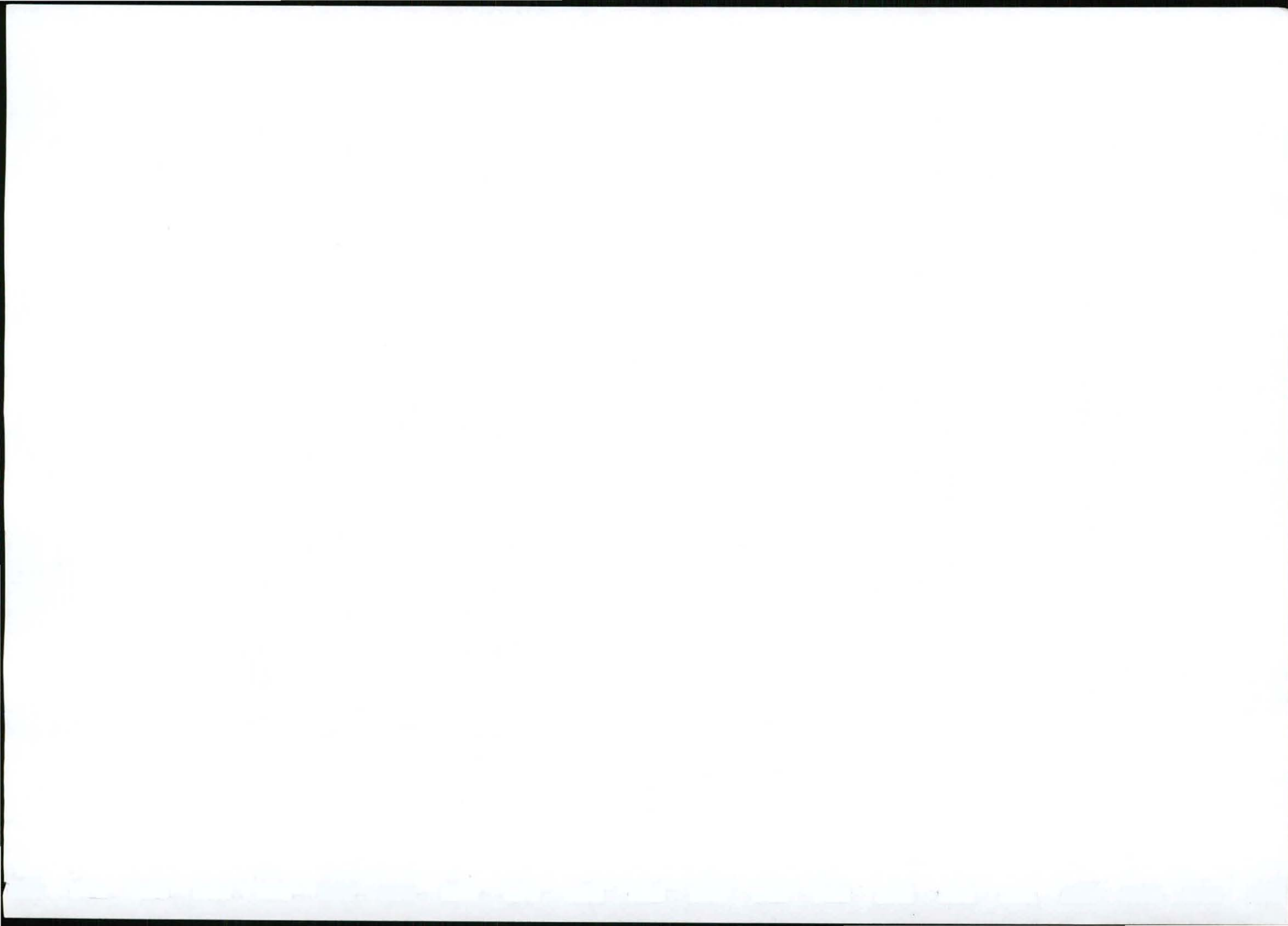
- Annexure A - Title Deed of subject property
- Annexure B - Conveyancer's Certificate
- Annexure C - Letter from office of Land Claims Commissioner, East London
- Annexure D - Trust Resolution
- Annexure E - Power of Attorney
- Annexure F - NPM Planning cc Resolution
- Annexure G - SG Diagram
- Annexure H - Minor Road Proclamation
- Annexure I - Engineering Services, Geo-technical and floodline report
- Annexure J - Traffic Impact Assessment
- Annexure K - Agricultural Basic Assessment Report
- Annexure L - Environmental Scoping Report
- Annexure M - Draft Constitution of Areena Rivendell Estate Home Owners' Association

Designated Officer

Date of receipt

PART 2 : APPLICATION

To : The Designated Officer
Eastern Cape Development Tribunal
Private Bag X0035
BHISHO
5605



Applicant's Name **D. POORTMAN o.b.o. NPM PLANNING cc**
Applicant's Address **P.O. Box 19345 TECOMA, 5214 or 7 King Street, Southernwood, East London, 5201**
Applicant's Tel. No. **043 722 2935**
Applicant's Facsimile No. **086 509 3487**
Contact Person **D. Poortman**

APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON :
PORTION 2 OF FARM 695, EAST LONDON

I, the applicant described above, being the duly authorized agent of the owner of the land, hereby apply for the approval of a land development area on the land described herein and submit the particulars that appear hereafter.

Place : **EAST LONDON**

Date : 25 October 2009



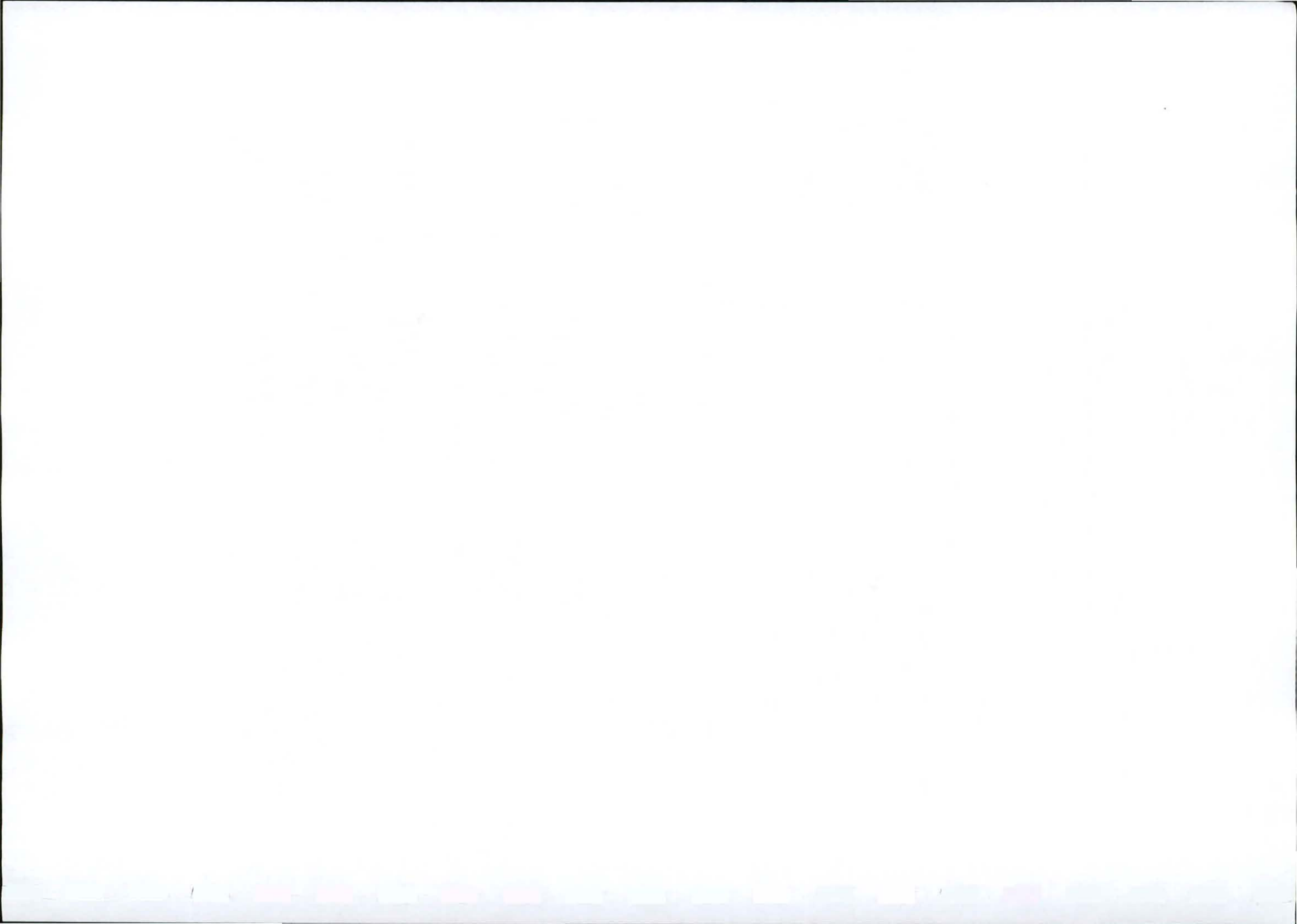
Signature of Applicant

* Delete whichever is not applicable.

1. DOCUMENTS FORMING PART OF THE APPLICATION

[1] The following documents are filed with the Designated Officer in support of the application:

- | | | | | |
|-------|---|--|-------|------|
| [a] | a layout/settlement plan of the proposed land development | <table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">YES X</td> <td style="padding: 2px;">NO</td> </tr> </table> | YES X | NO |
| YES X | NO | | | |
| [b] | A memorandum in support of the application, setting out all relevant facts and circumstances, and specifically including a report on - | <table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">YES X</td> <td style="padding: 2px;">NO</td> </tr> </table> | YES X | NO |
| YES X | NO | | | |
| - | whether the application should be prioritized on the basis that delays are likely to adversely affect the ability of intended beneficiaries to afford sites or housing units or are likely to affect a substantial number of persons or persons with particularly pressing needs; | <table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO X</td> </tr> </table> | YES | NO X |
| YES | NO X | | | |
| - | the manner in which communities and/or persons affected by the land development and persons who may settle on such land, will participate and be consulted or have participated and been consulted, and the outcome of such consultation, in the process of the establishment of a land development area; | <table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO X</td> </tr> </table> | YES | NO X |
| YES | NO X | | | |
| - | a scoping report of the impact of the development on the environment as set out in regulation 31; | <table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">YES X</td> <td style="padding: 2px;">NO</td> </tr> </table> | YES X | NO |
| YES X | NO | | | |
| - | any laws and restrictive conditions the applicant will ask the Tribunal to suspend and the steps taken by the applicant, if any, in terms of any other applicable law for the removal of such a condition or the obtaining of any exemption from such law; | <table border="1" style="display: inline-table;"> <tr> <td style="padding: 2px;">YES X</td> <td style="padding: 2px;">NO</td> </tr> </table> | YES X | NO |
| YES X | NO | | | |



- the extent to which the development complies with the principles set out in Chapter 1 of the Act;

YES X	NO
-------	----
 - the extent to which, if applicable, the development complies with the development objectives [Chapter IV of the Act] applicable in the area;

YES X	NO
-------	----
 - [c] A copy of the title deed[s] and diagram[s] to the land;

YES X	NO
-------	----
 - [d] A copy of every deed of servitude relating to the land only if not covered by certificate in terms of sub-paragraph [o]);

YES	NO X
-----	------
 - [e] A copy of every mortgage bond[s] relating to the land together with the bondholder's consent if applicable [only if not covered by certificate in terms of sub-paragraph[o]];

YES	NO X
-----	------
 - [f] A copy of every certificate of mineral rights and cession thereof, together with the mineral holder's consent if applicable [only if not covered by certificate in terms of sub-paragraph[o]];

YES	NO X
-----	------
 - [g] The owner's consent and/or power[s] of attorney, if applicable;

YES X	NO
-------	----
 - [h] A copy of the land availability agreement, in any;

YES	NO X
-----	------
 - [i] A copy of the services agreement, if already concluded;

YES	NO X
-----	------
 - [j] A social compact agreement, if applicable;

YES	NO X
-----	------
 - [k] Documentation regarding the provision of community facilities and the responsibilities of public authorities in this regard;

YES	NO X
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 - [l] If the applicant is a company, close corporation or other legal entity other than a natural person, a copy of a valid authorizing resolution;

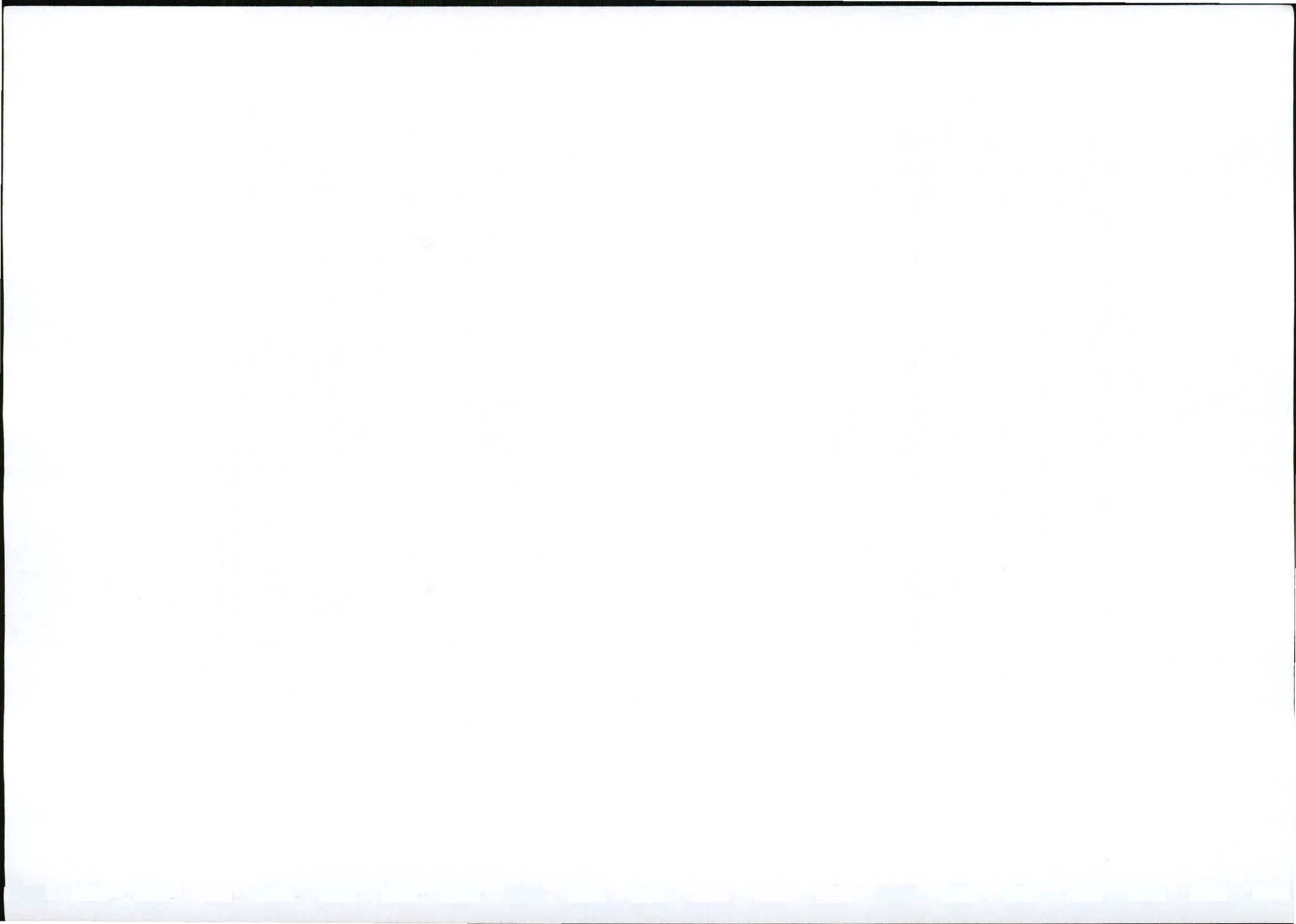
YES X	NO
-------	----
 - [m] A floodline certificate indicating whether the land is or is not subject to a 1 in 50 year flood;

YES	NO X
-----	------
 - [n] An initial geo-technical report as set out in regulation 30;

YES X	NO
-------	----
 - [o] A certificate from a conveyancer indicating who the registered owner of the land is, the conditions of title or servitude[s] recorded in the title deed[s] that affect the proposed land development, as well as the mortgage bonds registered against the property;

YES X	NO
-------	----
 - [p] Application for a registration arrangement substantially in the form of Annexure G, if applicable.

YES	NO X
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- [2] If any of the documents referred to in 1 [1] are considered not to be applicable, reasons must be given [lengthy explanations can be attached as annexures].
- 2.1 1.100 YEAR FLOODLINE CERTIFICATE INCLUDED IN ENGINEERING SERVICES REPORT
- 2.2 THE SUBJECT PROPERTY IS SUBJECT TO ONE REGISTERED SERVITUDE I.E. A SERVITUDE RIGHT OF WAY 9.45 METRES IN WIDTH IN FAVOUR OF PORTION 1 OF FARM LOT 3, DIVISION OF EAST LONDON. THIS SERVITUDE HAS BEEN ACCOMMODATED IN THE SUBDIVISION PLAN 5965.07 AND IS ALSO DEPICTED ON THE SITE DEVELOPMENT PLAN NO. 5965.08.

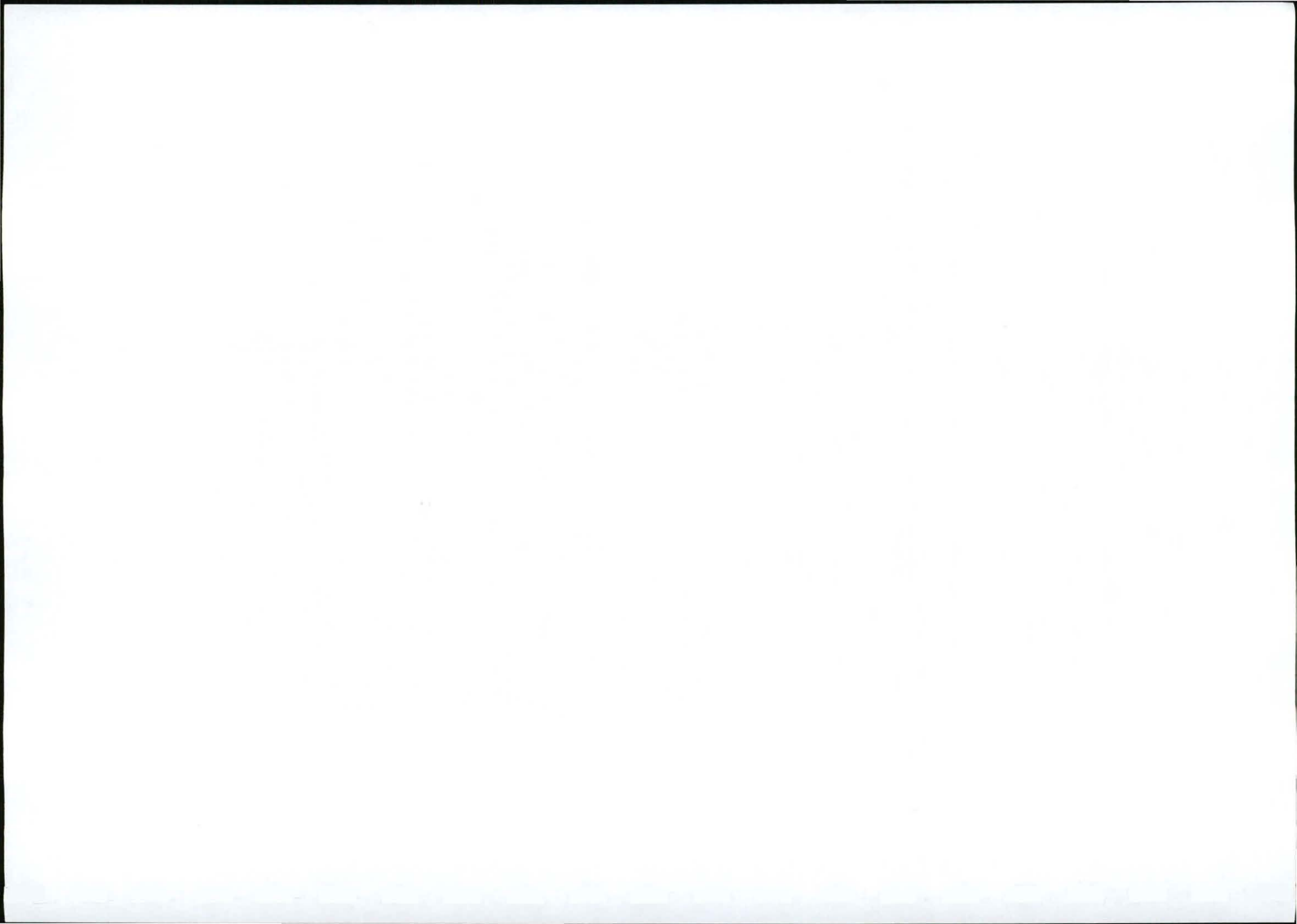


[2] SPECIFIC INFORMATION REGARDING PROPOSED LAND DEVELOPMENT AREA

- [1] Name of proposed land development area : **AREENA RIVENDELL ESTATE**
- [2] The deed description of every portion of the land on which the proposed land development area is to be established :
- PORTION 2 OF FARM 695, DIVISION OF EAST LONDON, PROVINCE OF THE EASTERN CAPE.**
- HELD BY DEED OF TRANSFER NO. T 4643/2000 DATED 21 JULY 2000.**
- [3] Full name[s] of registered owner[s] of the land : **TRUSTEES FOR THE TIME BEING OF THE AREENA RESORT TRUST IT 2662/1996.**
- [4] The land is not mortgaged.
- [5] Mineral rights have not been severed from the ownership of the land.
- [6] A lease of the rights to minerals has not been granted.
- [7] A prospecting contract has not been entered into.
- [8] The proposed land development area –
- [a] is situated within the local government area of : **GREAT KEI LOCAL MUNICIPALITY.**
- [b] adjoins the following local government body areas : **BUFFALO CITY MUNICIPALITY.**
- [9] The proposed land development area falls within the area of the **SECTION 8, LUPO SCHEME REGULATIONS.**
- [10] Proposed land use[s] [the following are examples only] in a land development area excluding small-scale farming in terms of Chapter V of the Act and total number of erven for each use [if applicable]. A layout plan indicating the uses assigned to portions or percentages of land may be attached if the land is not to be subdivided. **Note** : If the Interim Land Use Conditions set out in Annexure J to the Development Facilitation Regulations will be used, the following categories should be changed to correspond to Annexure J. Similarly, if an existing zoning scheme is to be extended also to apply to the land development area, the following categories must be amended to correspond to the categories in the zoning scheme.

THE FOLLOWING LAND USES AND PROPOSED ZONINGS ARE BASED ON THE ZONINGS IN THE SECTION 8 LUPO TOWN PLANNING SCHEME REGULATIONS.

LAND USE	ZONING	PORTION NO.S	AREA(ha)	%
Rural Residential	Special Zone	1-46	4.0	17.73
Private Open Space	Open Space Zone II	47-51	3.40	15.07
Areena Island View Resort	Resort Zone II	52	1.10	4.88
Private Roadway	Special Zone	53-55	2.93	12.98
Gatehouse Access Control,	Special Zone	56	0.09	0.40



LAND USE	ZONING	PORTION NO.S	AREA(ha)	%
Roadway				
Package Plant	Special Zone	57	0.06	0.27
Agriculture / Game Farming	Agricultural Zone 1	58-60 Remainder	10.98	48.67
TOTAL		61	23.00	100

[11] Proposed land use[s] [the following are examples only] in a land development area including small scale farming in terms of Chapter VI of the Act and total number of erven for each [if applicable]. A settlement plan indicating the uses assigned to portions or percentages of land may be attached if land is not to be subdivided :

NOT APPLICABLE

[12] The land on which the land development area will be established is owned by the **APPLICANT DEVELOPER**

PART III : CONDITIONS OF ESTABLISHMENT

The tribunal will use this part of the application as the basis for imposing the conditions of establishment in terms of section 33(2) or 51(2) of the Act.

3. PROPOSED CONDITONS OF ESTABLISHMENT FOR THE LAND DEVELOPMENT AREA

(The conditions stated below are guidelines only and the land development applicant may suggest amended and/or different conditions in appropriate cases.)

(1) Provision and installation of services

The land development applicant and the relevant local government body shall provide and install the services the land development area, as provided for in the attached services agreement in terms of section 40 of the Act and regulation 19 of the Development Facilitation Regulations.

NO SERVICES ARE TO BE PROVIDED BY THE LOCAL AUTHORITY AND A SERVICES AGREEMENT IS NOT REQUIRED.

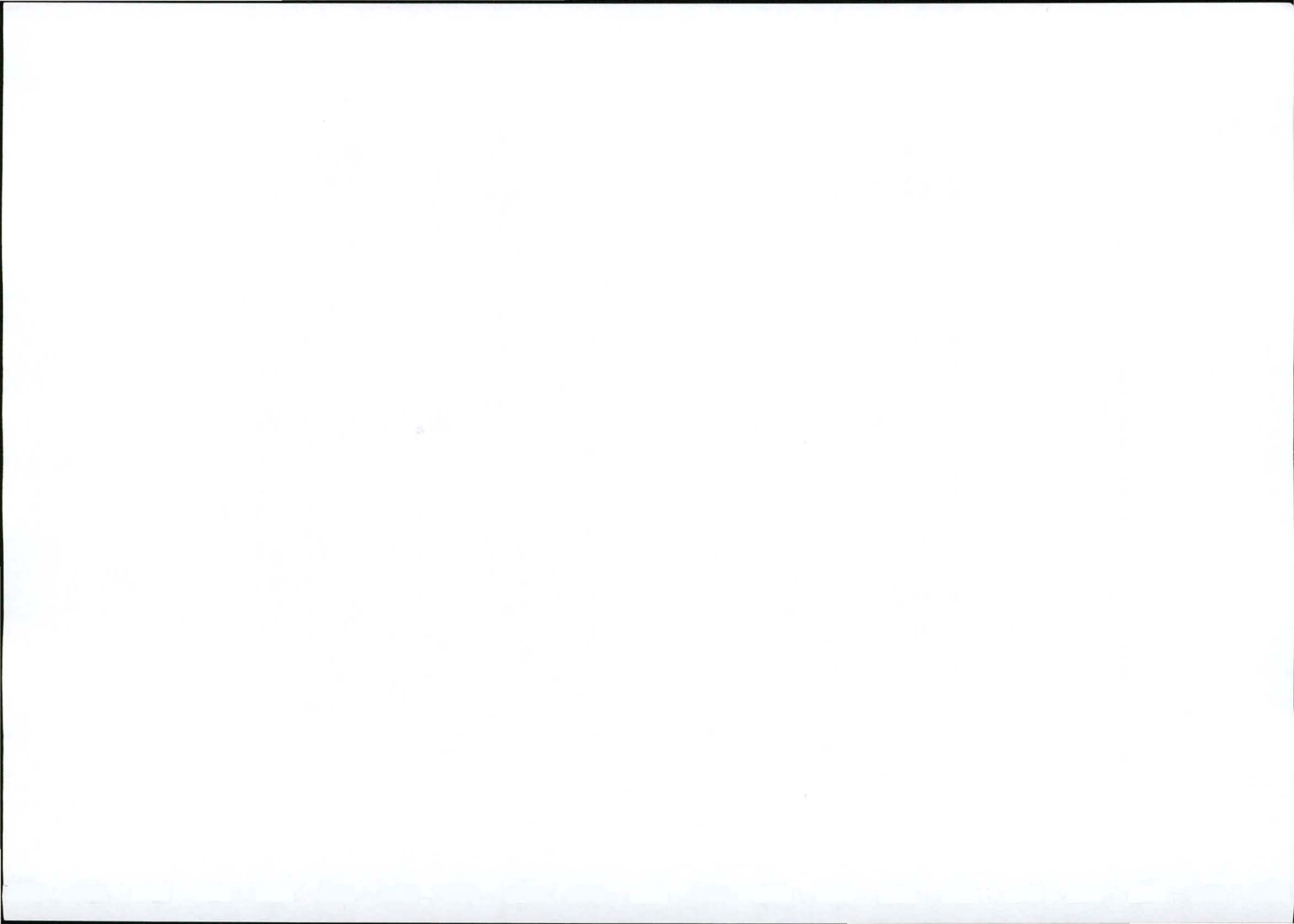
(2) Open space endowment

The land development applicant shall pay/contribute **NIL** in lieu of providing public open spaces.

(3) Provision of streets, parks and other open spaces

The land development applicant shall provide the following erven and / or portions of land to be used as street, parks or other open spaces:

AS SHOWN ON THE DEVELOPMENT PLAN – THE DEVELOPMENT WILL BE PRIVATELY OPERATED AND CONTROLLED BY A HOME OWNERS' ASSOCIATION. ADEQUATE



PROVISION HAS BEEN MADE IN THE CONSTITUTION OF THIS ASSOCIATION FOR THE PROTECTION AND UTILIZATION OF STREETS, PARKS AND OPEN SPACES INCLUDED IN THE DEVELOPMENT.

(4) Suspension of existing conditions of title

The following servitudes are suspended in respect of the land development area, upon notice of this condition being given in the Provincial Gazette, or if a later date is stated in such notice, from such later date [the land development applicant must, in a separate memorandum list the conditions which it is sought to suspend, and steps taken by the applicant of any applicable law for the suspension of such conditions]:

THE PROCLAMATION OF MINOR ROAD 111 IN PROVINCIAL NOTICE NO. 1 OF 1979 OF 27 DECEMBER 1978 IS REGARDED AS A STATUTORY SERVITUDE AND APPLICATION IS MADE FOR THE DEPROCLAMATION OF THIS ROAD AND THE CONSEQUENT SUSPENSION OF THE PROCLAMATION.

(5) Imposition of servitudes

The following servitudes are to be registered in respect of the land on which a land development area is to be established:

5.1 SERVITUDE RIGHT OF WAY AS SHOWN ON PLAN NO. 5965.9 TO BE REGISTERED IN PLACE OF MINOR ROAD 111 AND IN FAVOUR OF THE OWNERS OF FARMS 1419, 694/7, 695/3, 695/1, 695, AND 694/5, EAST LONDON.

5.2 VARIOUS SERVITUDE RIGHTS OF WAY TO PROVIDE AREENA RESORT TRUST (WHICH WILL BE RESPONSIBLE FOR THE ESTATE/RESORT MAINTENANCE MANAGEMENT) WITH ACCESS TO WATER AND SANITATION INFRASTRUCTURE, AS INDICATED ON SUBDIVISION PLAN NO. 5965.07.

(6) Building standards (if any)

ALL BUILDINGS TO BE ERECTED IN THE LAND DEVELOPMENT AREA SHALL COMPLY WITH THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT 1977 AND THE ARCHITECTURAL GUIDELINES AND CONTROLS APPROVED BY THE DEVELOPER.

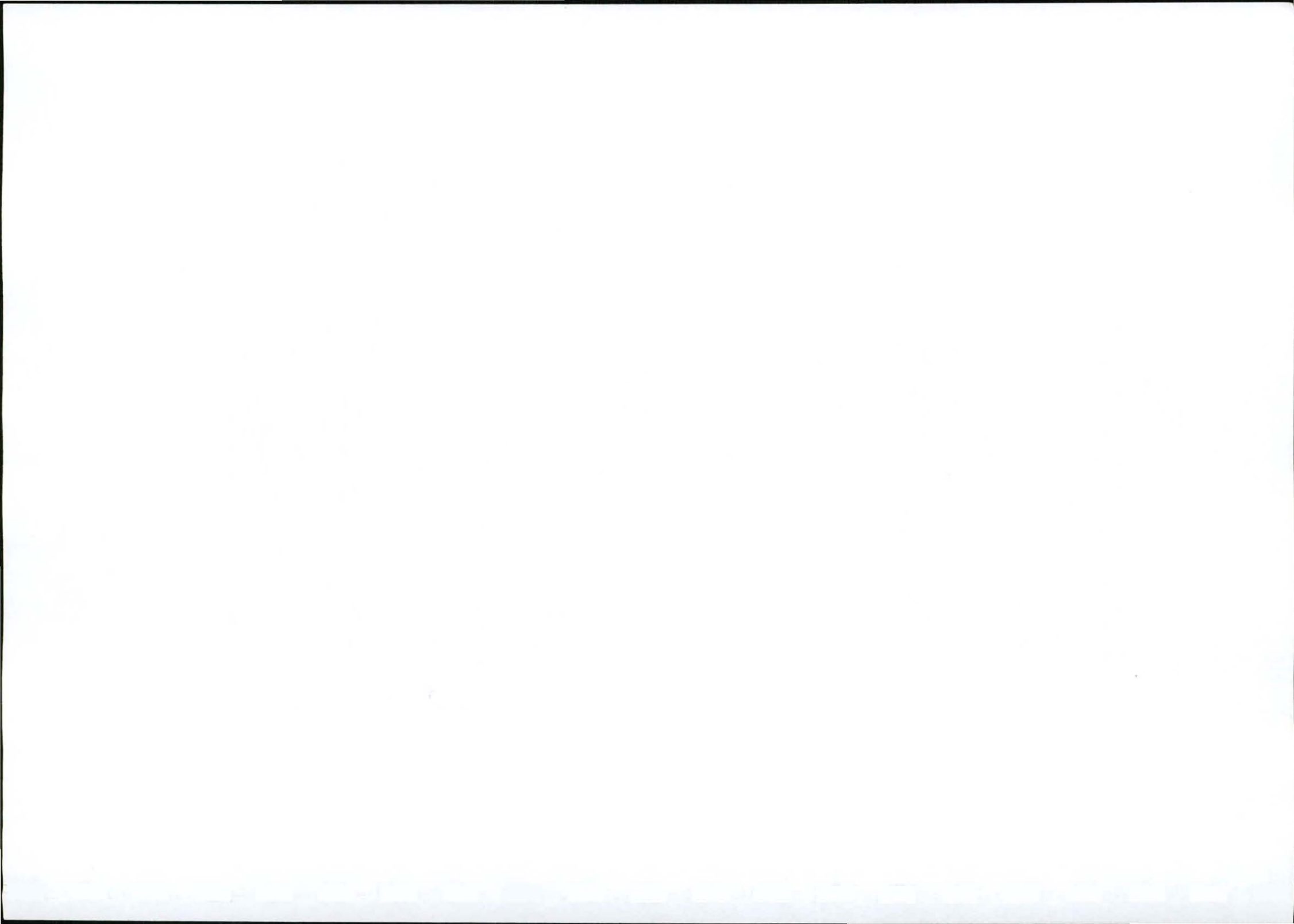
(7) Application of zoning scheme or other measures

The following zoning scheme or other measure for regulating land use will apply in the land development area (the land development applicant may propose amendments to the above zoning scheme or other measure for application in the land development area):

THE STANDARD ZONING SCHEME REGULATIONS PROMULGATED UNDER SECTION 8 OF THE LAND USE PLANNING ORDINANCE 15 OF 1985 AND CONTAINED IN PROVINCIAL NOTICE 1048/1988 WILL BE APPLIED. THE DEVELOPMENT CONTROLS CONTAINED IN THE MOTIVATION REPORT WILL ALSO APPLY IN RESPECT OF BUILDINGS ERECTED IN THE LAND DEVELOPMENT AREA.

(8) Applicability of certain laws

The operation of the following laws dealing with land development shall be suspended in respect of the land development. (The land development applicant must in a separate memorandum substantiate the reasons why suspension is sought in respect of the laws



and describe any steps, including steps aimed at obtaining any consent or approval, already taken by it in terms of these laws):

- (a) sections 9A and 11 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940);

NOT TO BE SUSPENDED

- (b) the following laws on physical planning:

NOT TO BE SUSPENDED

- (c) section 49 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998).

NOT TO BE SUSPENDED

- (d) the following law requiring the approval of an authority for the subdivision of land:

SUBDIVISION OF AGRICULTURAL LAND ACT NO. 70 OF 1970

- (e) the following law requiring the provision of a receipt, certificate or any other document by a local government body, public revenue officer or other competent authority, as a prerequisite to the transfer of land in a land development area:

NOT APPLICABLE

- (f) the following law relating to land development which has a dilatory effect on the development of the land development area:

NOT APPLICABLE

(9) Provision of educational and other community facilities

The land development applicant shall set aside/provide the following erven or portions of land as educational and/or community facilities:

NIL

(10) Subdivision (if applicable)

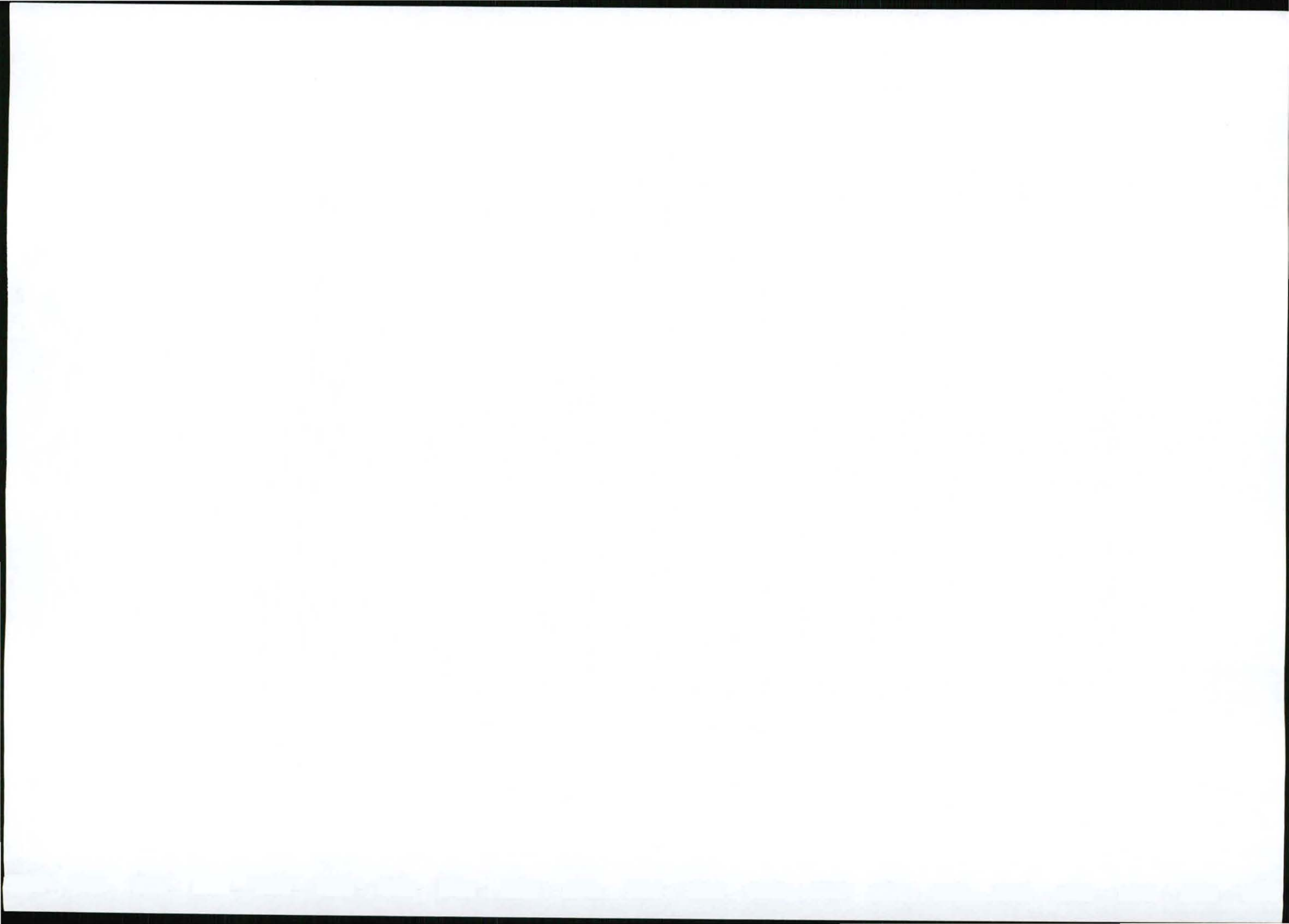
Where the land in the proposed land development areas is not to be subdivided, the following provisions of the Act shall not apply:

NOT APPLICABLE

(11) Ownership and administration (if applicable)

The land in the land development area is to be held by the following persons or other legal body subject to the following conditions: (if appropriate a copy of the trust deed or other founding documents may be attached):

NOT APPLICABLE



(12) Environmental conservation

The land development applicant will undertake to do the following in terms of regulation 31 of the Development Facilitation Regulations:

A SEPARATE APPLICATION WILL BE SUBMITTED TO THE EASTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS IN TERMS OF THE PROVISIONS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 FOR AUTHORIZATION TO CONDUCT THE ACTIVITIES ON THE SUBJECT PROPERTY AS AFORESAID. THIS MATTER WILL BE DEALT WITH SEPARATELY FROM THE LAND DEVELOPMENT AREA APPLICATION, HAVING REGARD TO THE FACT THAT NO SPECIFIC ENVIRONMENTAL ASPECTS NEED TO BE CONSIDERED IN THIS CONTEXT.

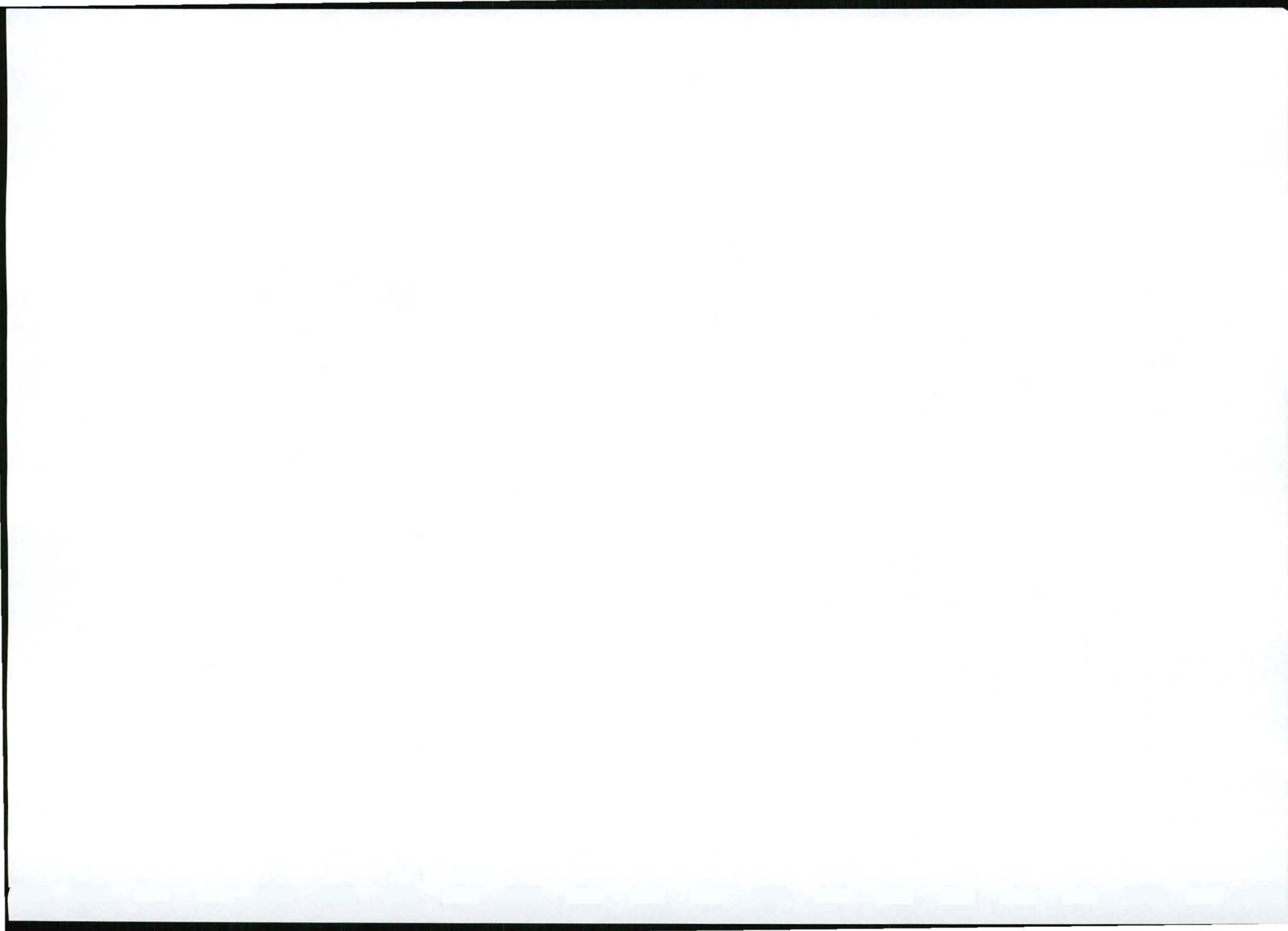
(13) Consolidation of component portions

The land development applicant shall in the event of the area shown on the layout plan or settlement plan approved as part of the relevant land development application comprising more than one piece of land, show that all such pieces of land are owned by one person or body or all such owners have granted a power of attorney favour of the same person or body, including one of such owners, authorizing the latter to transfer initial ownership on their behalf.

NOT APPLICABLE

(14) General

NONE



20 October 2009

**AREENA RIVENDELL ESTATE &
AREENA ISLAND VIEW RESORT**

**PROPOSED LAND DEVELOPMENT AREA ON
PORTION 2 OF FARM 695 EAST LONDON**

SUBMITTED TO:

**EASTERN CAPE
DEVELOPMENT TRIBUNAL**

www.npmplanning.co.za

Member of the South African Council for Planners (SACPLAN)
and the South African Planning Institute (SAPI)



NPM PLANNING
TOWN & REGIONAL PLANNERS

NPM PLANNING OFFICES

QUEENSTOWN

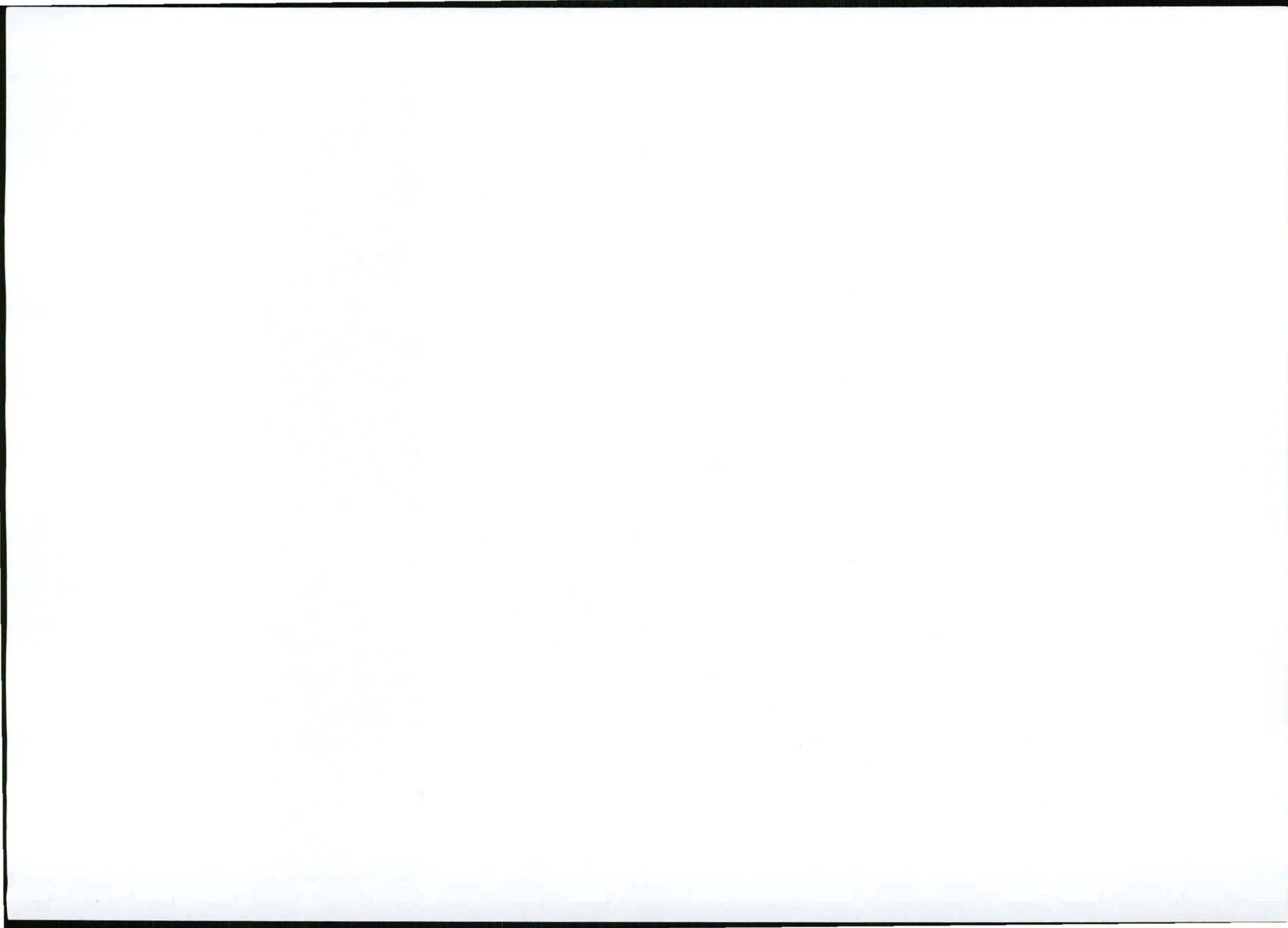
Office: 44 Ebdon Road, Queenstown
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Phone: 041 374 4610
Fax: 041 374 1008
Email: pe@npmplanning.co.za



DATE:..... 20 October 2009

REPORT NUMBER: 5965.01

PREPARED FOR:..... AREENA RESORT TRUST

CONTACT:..... Mr Ed Rathbone

SUBMITTED BY:..... NPM PLANNING
PO BOX 19345
TECOMA
5214

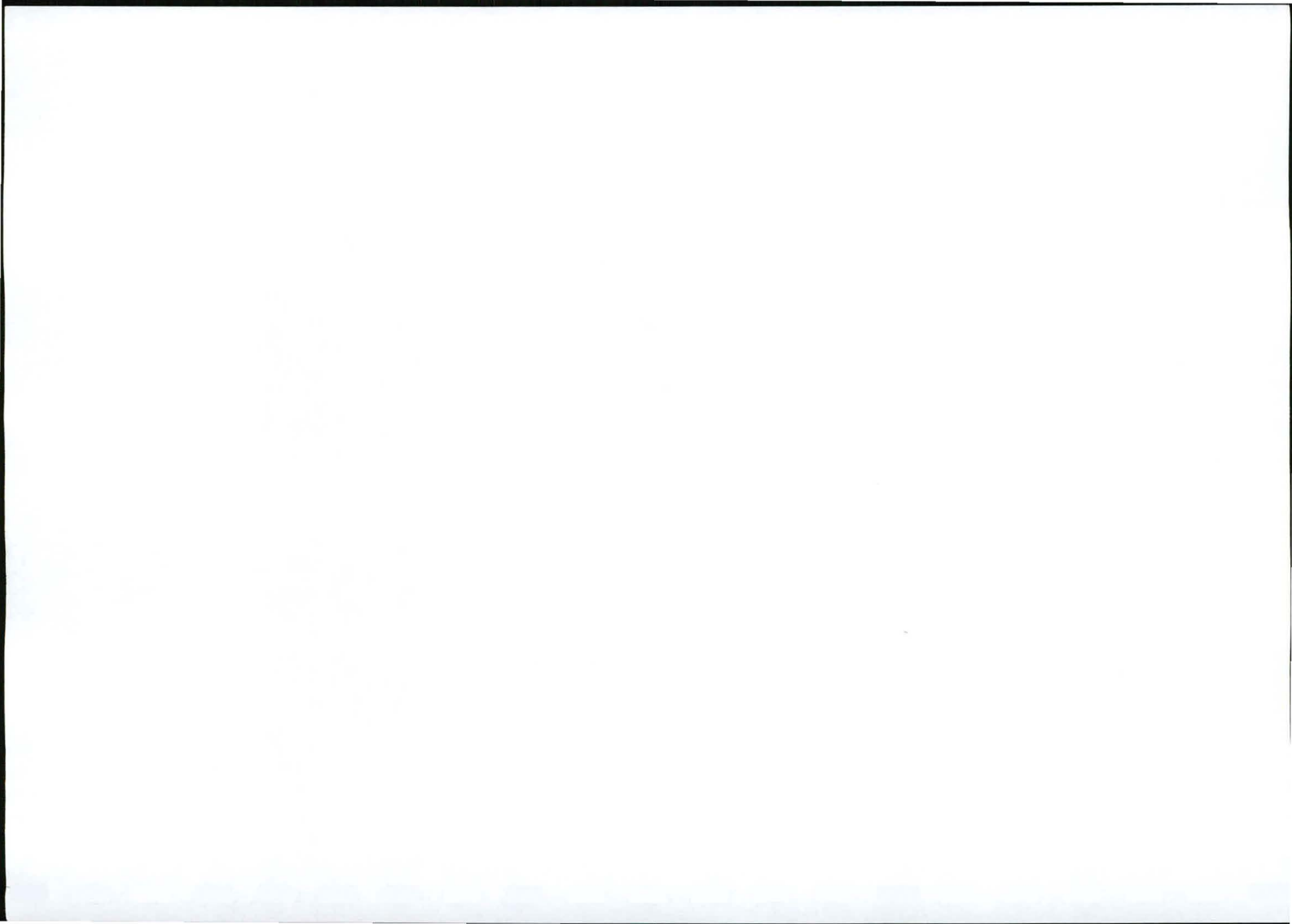
deon@npmplanning.co.za

www.npmplanning.co.za

ENQUIRIES:..... Mr Deon Poortman
043 722 2935



NPM PLANNING
TOWN & REGIONAL PLANNERS

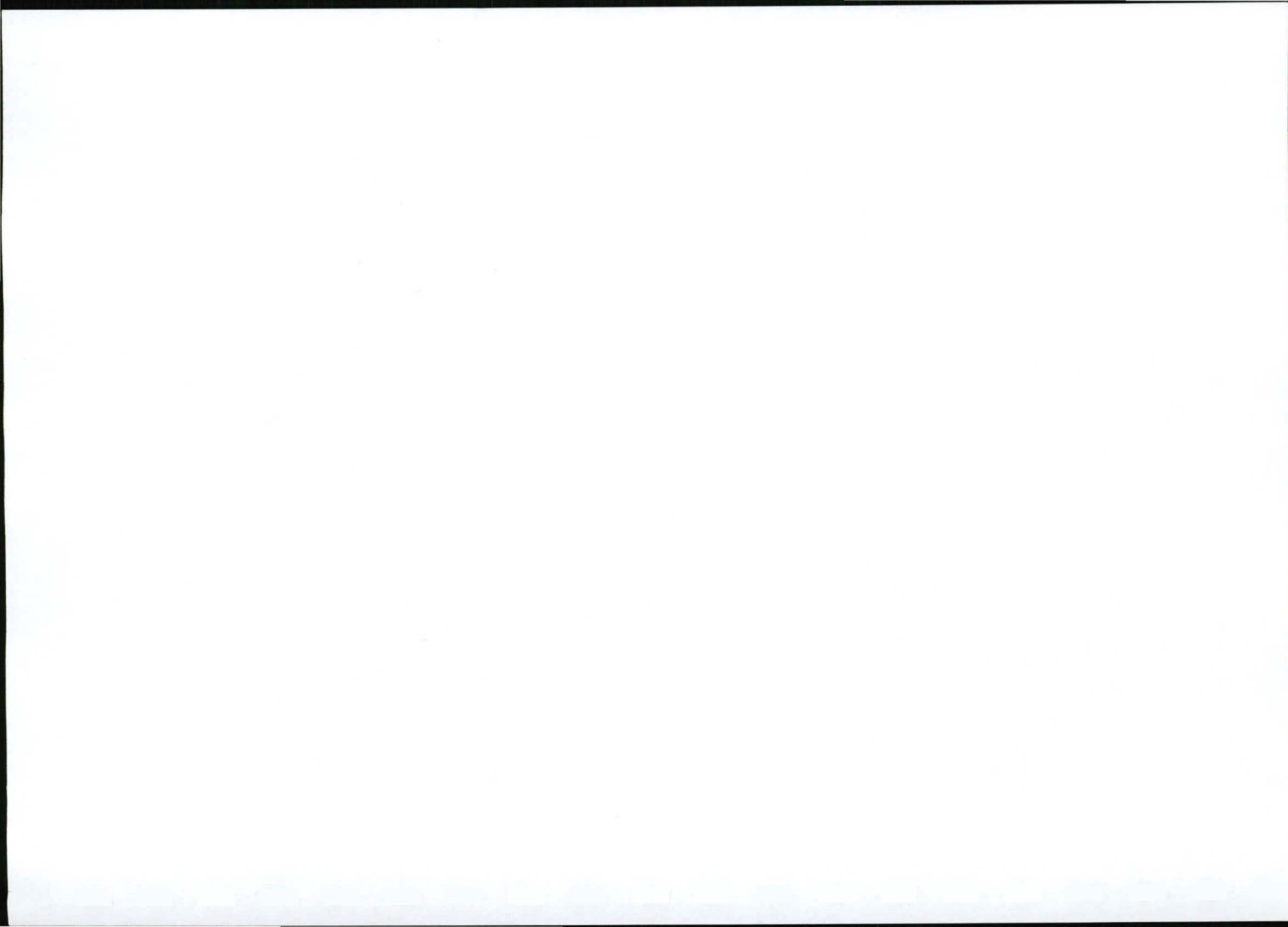


PLANS

1. Regional Locality Plan 5965.01
2. Locality Plan 5965.02
3. Land use Plan 5965.03
4. Zoning Plan 5965.04
5. Site Plan 5965.05
6. Land Development Area Plan 5965.06
7. Subdivision Plan 5965.07
8. Site Development Plan 5965.08
9. Road de-proclamation plan 5965.09
10. Areena Conservancy Plan 5965.10

ATTACHMENTS

- Annexure A** – Title Deed
- Annexure B** – Conveyancer's Certificate
- Annexure C** – Land claim consent
- Annexure D** – Trust Resolution
- Annexure E** – Power of Attorney
- Annexure F** – NPM Planning cc Resolution
- Annexure G** – SG Diagram
- Annexure H** – Minor Road Proclamation Gazette
- Annexure I** – Engineering Services, Geo-technical & Floodline Report
- Annexure J** – Traffic Impact Assessment
- Annexure K** – Agricultural Basic Assessment Report
- Annexure L** – Environmental Scoping Report
- Annexure M** – Home Owners Association Agreement



1 INTRODUCTION

NPM Planning cc has been authorised by Areena Resort Trust, the owner of Portion 2 of Farm 695, East London to submit a land development area application to the Eastern Cape Development Tribunal with a view to obtaining approval for the establishment of country lifestyle estate development and resort on the property which is situated within the Great Kei Local Municipality.

The subject property is located in the extreme southern coastal area of the Great Kei municipality.

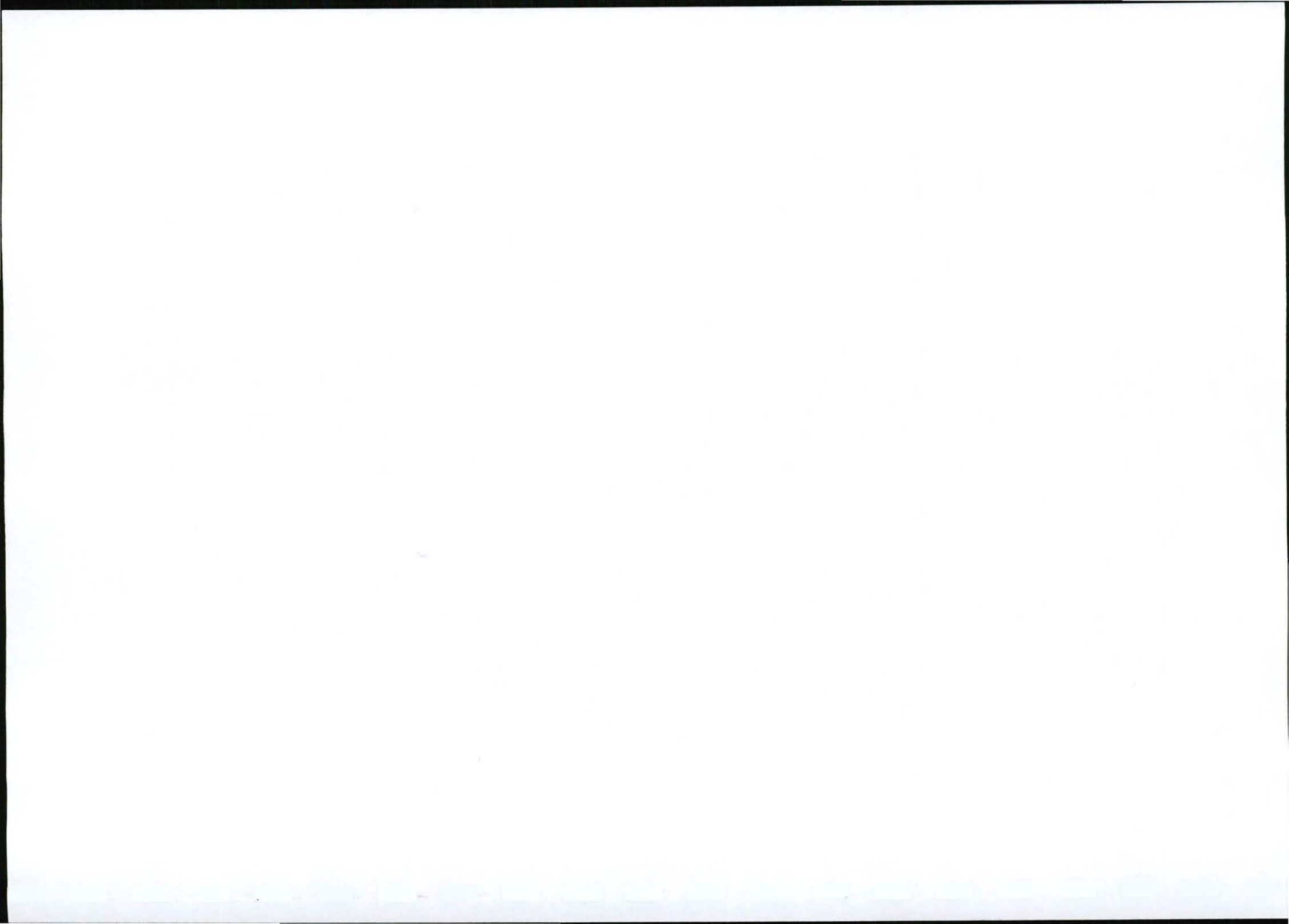
The proposed land development area borders onto the east bank of the tidal Kwelera River 2,0 km upstream from the mouth of the Kwelera River and approximately 20 km northeast of East London along the Indian Ocean coastline. Access to the site is directly off the tarred "East Coast Resorts" District Road (DR02730) (also called "Schafli Road"), opposite the intersection of the tarred District Road (DR02737) to Glengariff at Bulura and Kwelera Mouth. From this intersection, a proclaimed minor road (Minor Road 111) gives access to the existing Areena Riverside Resort and Game Farm on the banks of the Kwelera River.

This proposed development will, over time, enjoy increasing prominence relevant to the growing development pressure in the area associated with the inherent tourism potential thereof.

The land development applicant intends establishing a low density exclusive residential estate and a small, independent resort development on the subject property, the latter aimed at serving the growing tourism market in the region within which the property is located.

The proposed land development area aims to promote and enhance the linkage between the neighbouring and established Areena Resort which currently accommodates non-permanent holiday accommodation (camping, caravanning and chalets), a conference centre and supporting specialized tourism related facilities (game/recreation/ restaurant/curio shop, etc) to the larger Areena Resort Estate (Areena Conservancy) and the growing, localised Jikeleza Tourism Route.

The purpose of this report is to motivate and substantiate the land development application. It emanates from a collaborative effort by the project team to seek a desirable spatial and development planning proposal, taking into account the physical, socio-economic, agricultural, engineering and environmental opportunities and constraints pertaining to the subject property and as more fully set out herein.



2 THE APPLICATION

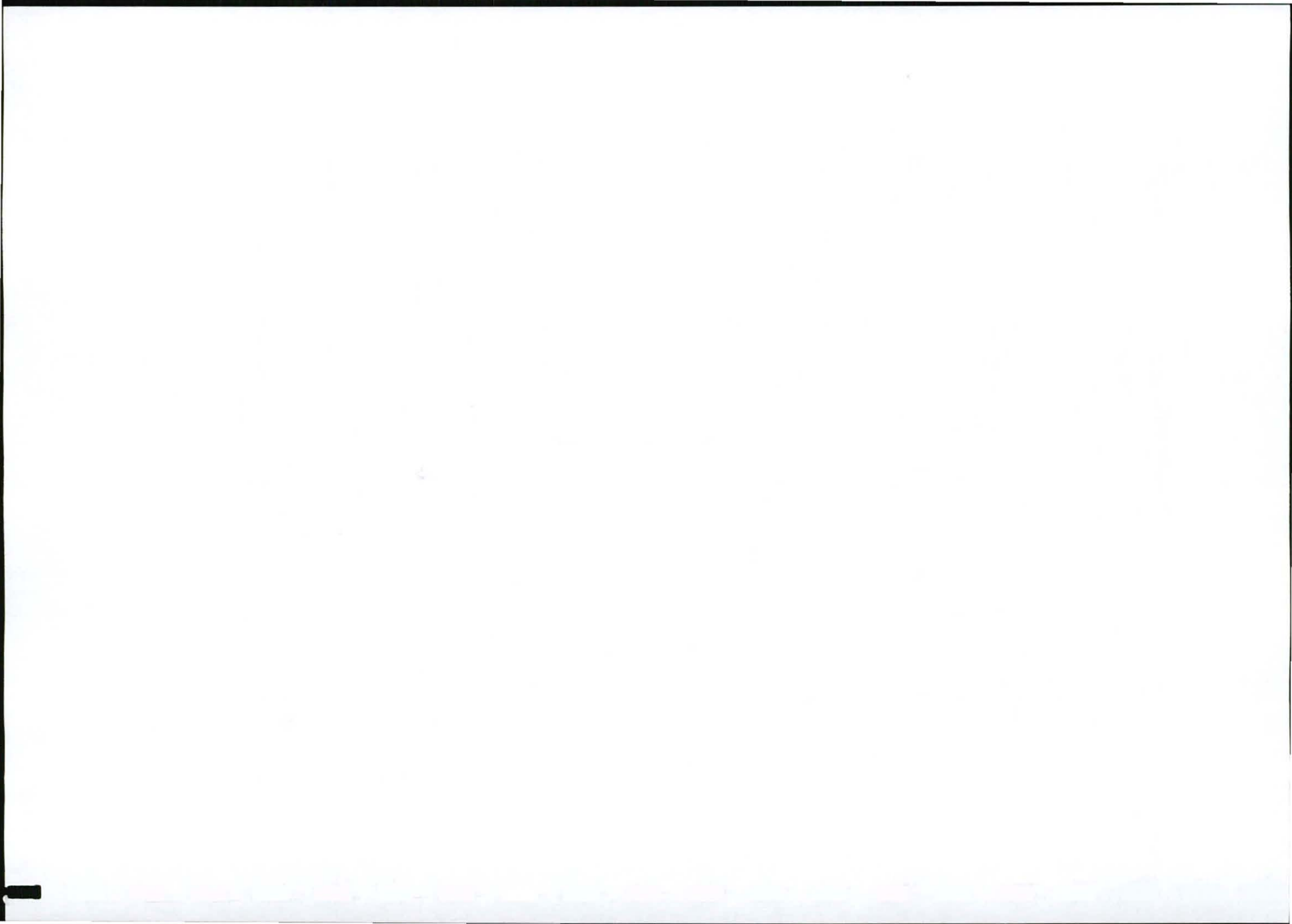
In order to ensure the above development, the application consists of the following elements:

- [a] The approval of a land development area application in respect of the development shown on Plan 5965.06 which comprises three sections covering a total area of 23.0ha to accommodate the low density residential estate development, the resort area and a remainder which will retain its existing agricultural zoning ;
- [b] The approval of Subdivision Plan 5965.07 and Site Development Plan 5965.08 indicating 61 portions (including the remainder) to, inter alia, accommodate the resort and low density residential estate development, as follows:

LAND USE	ZONING	PORTION NO'S	AREA(ha)	%
Rural Residential	Special Zone	1-46	4.0	17.73
Private Open Space	Open Space Zone II	47-51	3.40	15.07
Areena Island View Resort	Resort Zone II	52	1.10	4.88
Private Roadway	Special Zone	53-55	2.93	12.98
Gatehouse Access Control, Roadway	Special Zone	56	0.09	0.40
Package Plant	Special Zone	57	0.06	0.27
Agriculture	Agricultural Zone 1	58-60 and Remainder	10.98	48.67
TOTAL		61	23.00	100

- [c] The de-proclamation of Minor Road 111 which is situated on the subject property as shown on Plan 5965.09;
- [d] The creation of a new Servitude Right of Way (SROW) to be registered in place of Divisional Road 111 in favour of the owners of Farms 1419, 694/7, 695/3, 695/1, 695, and 694/5.
- [e] The creation of various Servitude Rights of Way (SROW) to provide Areena Resort Trust (which will be responsible for the estate/resort maintenance management) with access to water and sanitation infrastructure, as indicated on Subdivision Plan 5965.07.





The low density residential estate development will be named the Areena Rivendell Estate. The resort will be named the Areena Island View Resort;

Having regard to Land Development Area Plan 5965.05, it should be noted that the land development area application for the residential estate and resort only pertains to an area of 44%.

It is proposed to retain the remainder of the subject property as per its current land use, namely as part of the Areena Conservancy and game farm.

3 PROPERTY PARTICULARS

3.1 Description, ownership and size

The subject property is described as Portion 2 of Farm 695 East London and is held by Areena Resort Trust No IT.2662/1996 under Deed of Transfer No. T4643/2000 dated 21 July 2000. The title deed is attached marked "Annexure A."

3.2 Locality and extent

The subject property is situated approximately 25km north-east of East London near the Yellowsands area, between Sharp Peak and Bolegha Hill. The subject property borders the Kwelera River to the south and the Areena Resort to the west.

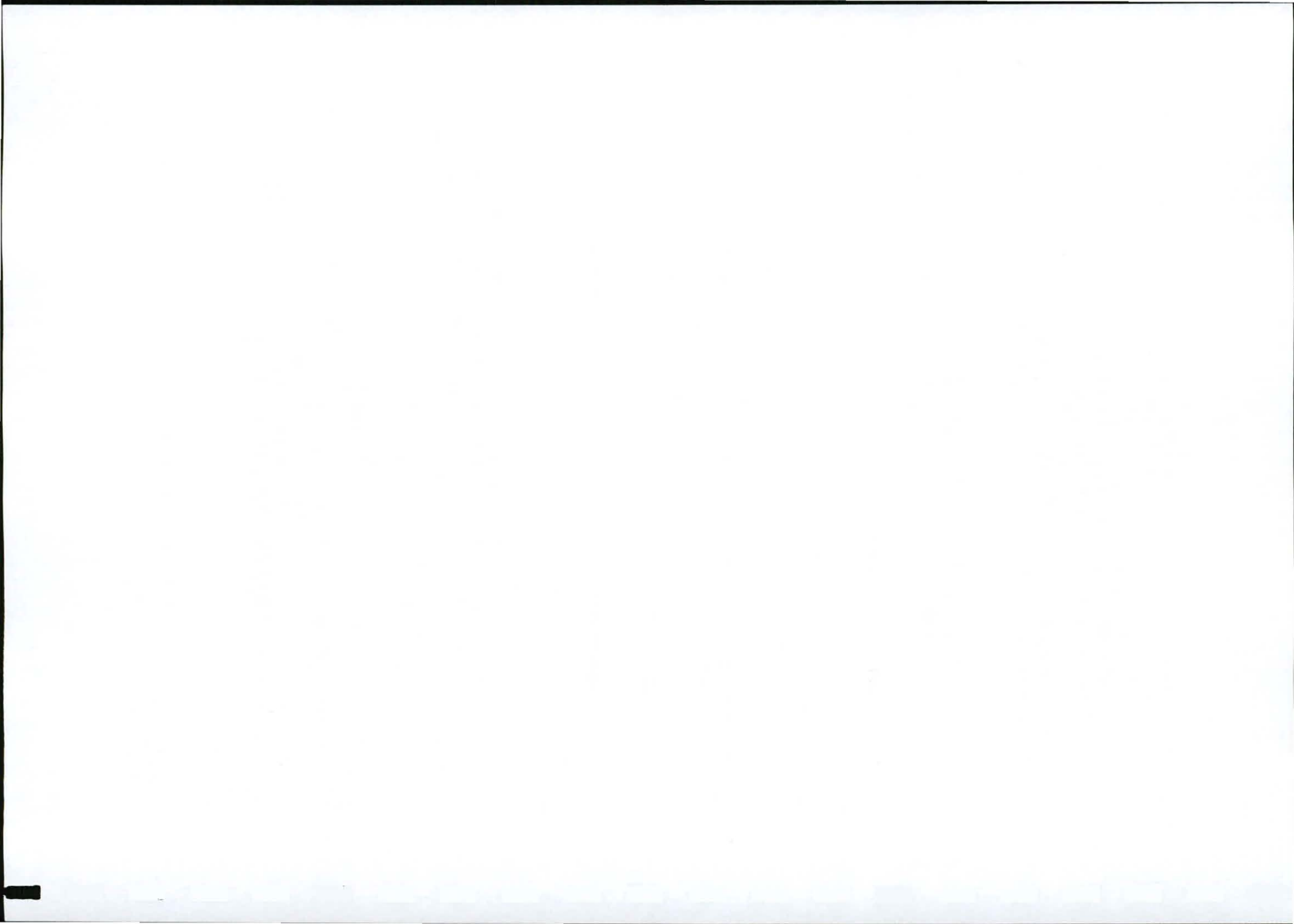
The proposed land development area borders onto the east bank of the tidal Kwelera River 2,0 km upstream from the mouth of the Kwelera River, and approximately 20 km northeast of East London along the Indian Ocean coastline. Access to the site is directly off the tarred 'East Coast Resorts' District Road (DR02730), also called 'Schafli Road', opposite the intersection of the tarred road District Road (DR02737), to Glengariff at Bulura and Kwelera Mouth. From this intersection, a proclaimed Minor Road 111 permits access to the existing Areena Resort on the banks of the Kwelera River.

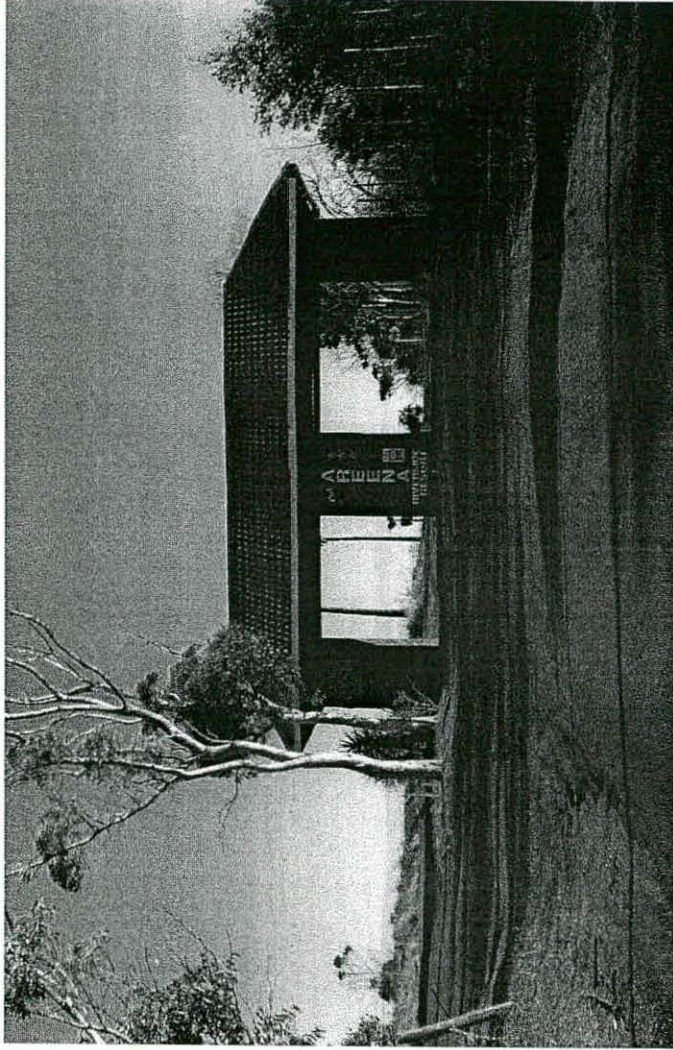
A regional locality plan, is annexed, marked Regional Locality Plan 5965.01

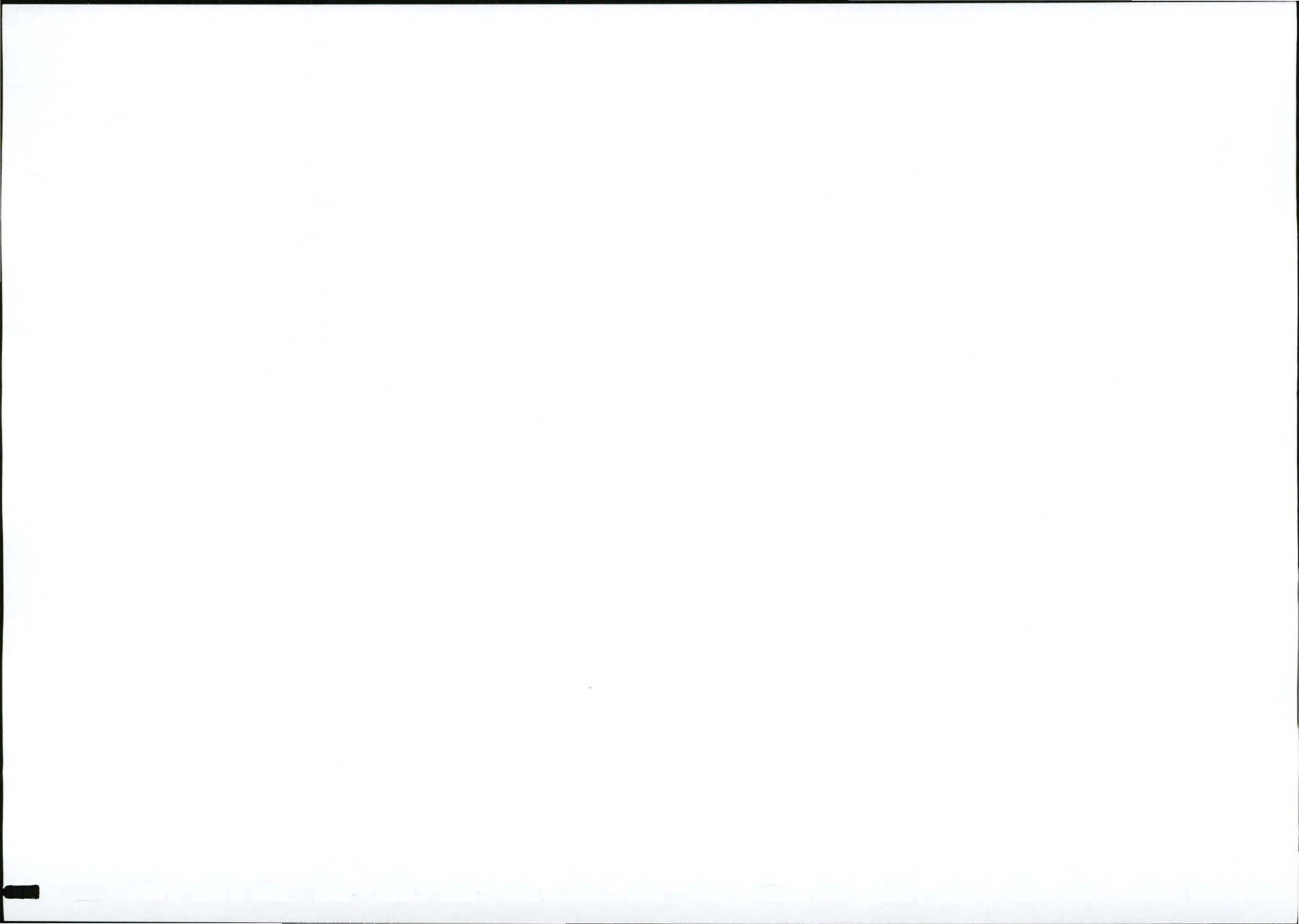
A locality plan, is annexed, marked Locality Plan 5965.02

Within a regional context, the properties fall within the municipal area of Great Kei Municipality under the district authority of the Amatole District Municipality.

The land development area is made up of one property which measures 23ha.







3.3 Conveyancing certificate

A conveyancer's certificate prepared by Mr Grant Berndt of Abdo & Abdo is attached marked "Annexure B."

There are no restrictive conditions of title precluding the development of the subject property as proposed.

3.4 Bondholders consent

There is no bond registered over the subject property.

3.5 Land Claim status

There are no land claims or caveats registered against the subject property. A letter to the above effect from the Land Claims Commission is attached marked "Annexure C".

3.6 Servitudes

The property is subject to one registered servitude i.e a servitude right of way 9.45 metres in width in favour of Portion 1 of Farm Lot 3, Division of East London. This servitude has been accommodated in the Subdivision Plan 5965.07 and is also depicted on the Site Development Plan 5965.08.

The Surveyor General Diagram is attached marked "Annexure D"

4 SITE ANALYSIS

4.1 Existing Land Use

Portion 2 of the Farm 695, East London is situated in the beautiful Kwelera River Valley. The area has diverse vegetation ranging from dense bush to open plains including areas that flood.

The current land uses on the subject property are as follows:

- [a] A small caravan park which accommodates the overflow from the Areena Resort and comprising 10 caravan sites and an ablution.





- [b] Two formal residential dwellings, stabling and the entry gatehouse which provides formal access to the Areena and neighbouring properties;
- [c] A sewage treatment works in the centre of the property.

The dominant use of the property is for recreational purposes including game viewing.

The dominant and most active land use in this local region is found west of the property. The Areena Resort is highly active and is sought after as a retirement and attractive residential and permanent holiday haven.

An existing site plan, is annexed, marked Site Plan 5965.05



4.2 Surrounding land uses

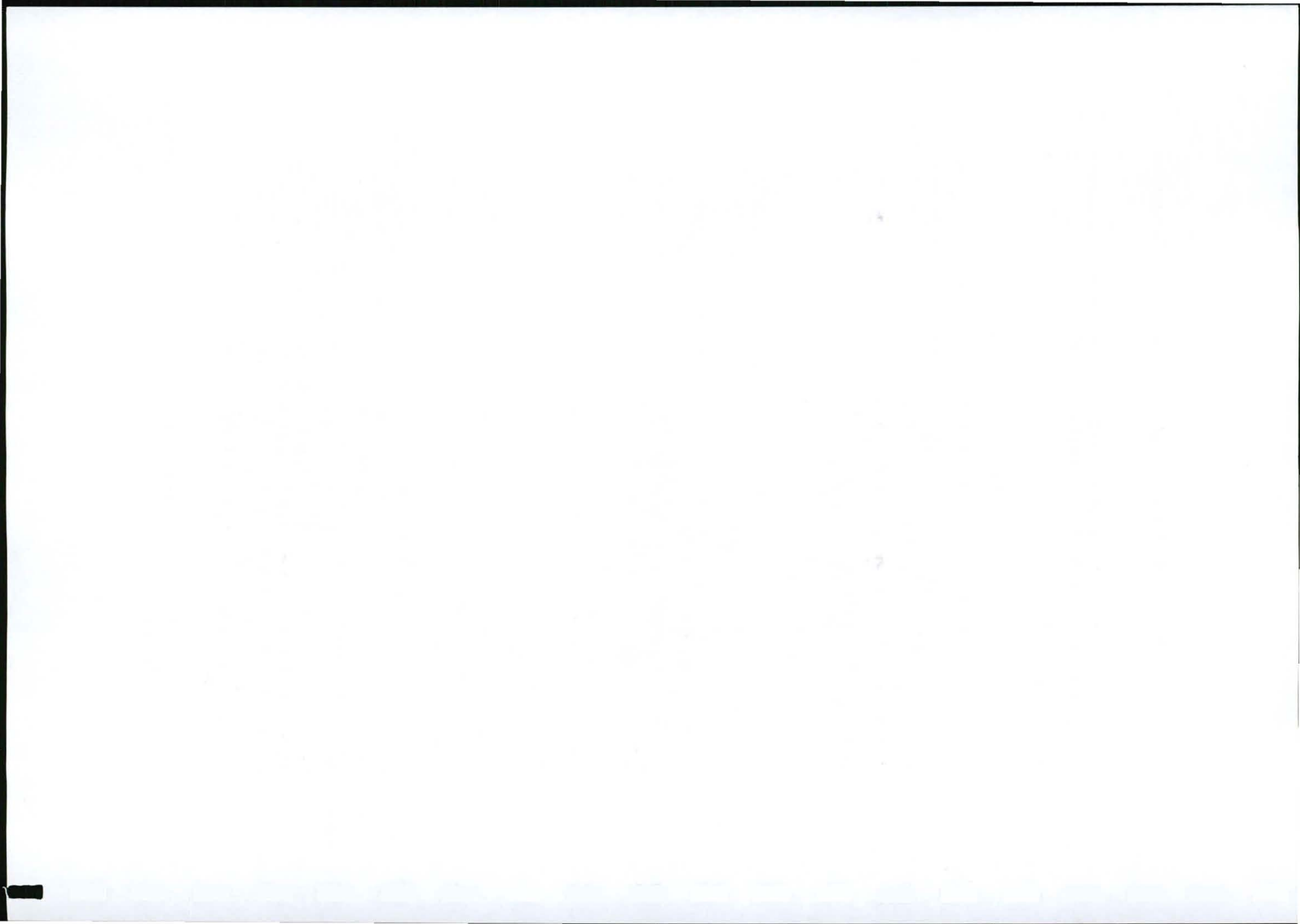
The subject property is bordered by the Kwelera River to the west, small holdings to the south, Yellowsands Road to the east and game farming and bush to the north.

The Yellowsands Resort is highly active and is sought after as a retirement and attractive residential and permanent holiday haven. Yellowsands is well known for its surf and golden beach.

Scenic splendour, access to the beach, sea views and a 20 min drive to Beacon Bay, make the East Coast and Yellowsands area attractive to investors and residents. This area is, however, not fully developed at this stage and can accommodate additional low intensity resort / estate development.

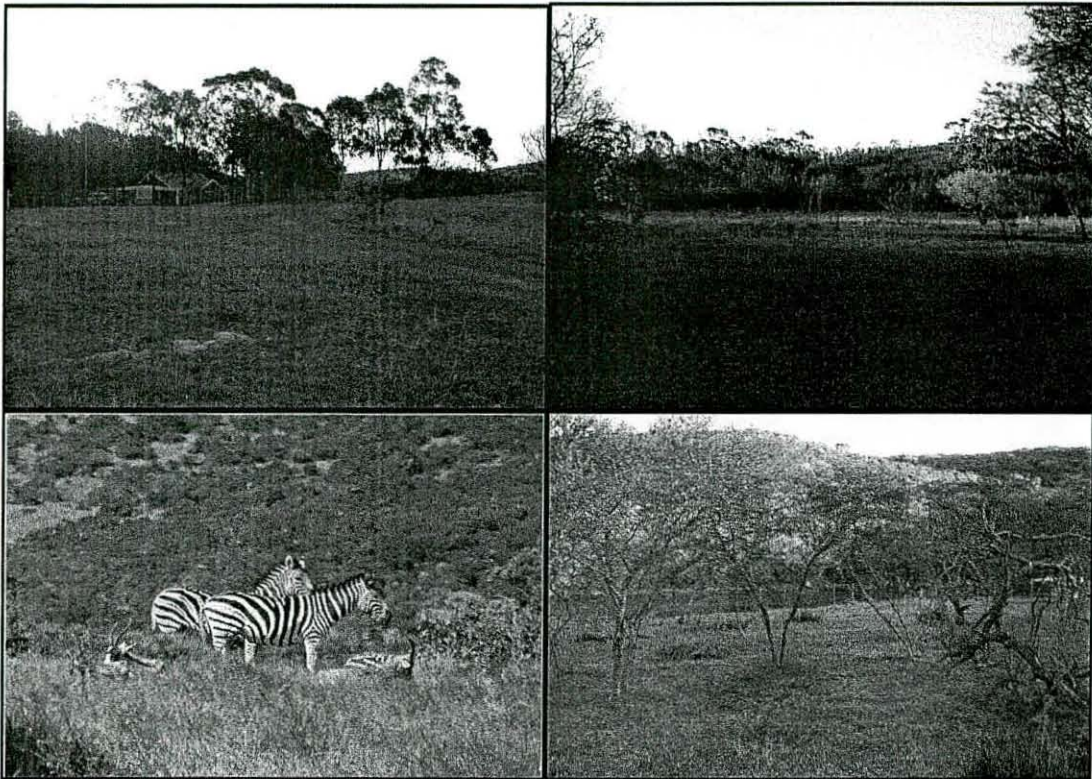
The subject property is bordered by predominantly non-agriculturally viable farm land, which is used for small holdings/residential purposes, and is not commercially farmed due to steep slopes, dense bush and vegetation.

Other formal developments in the vicinity include Bulugha River Estate and the Glens.

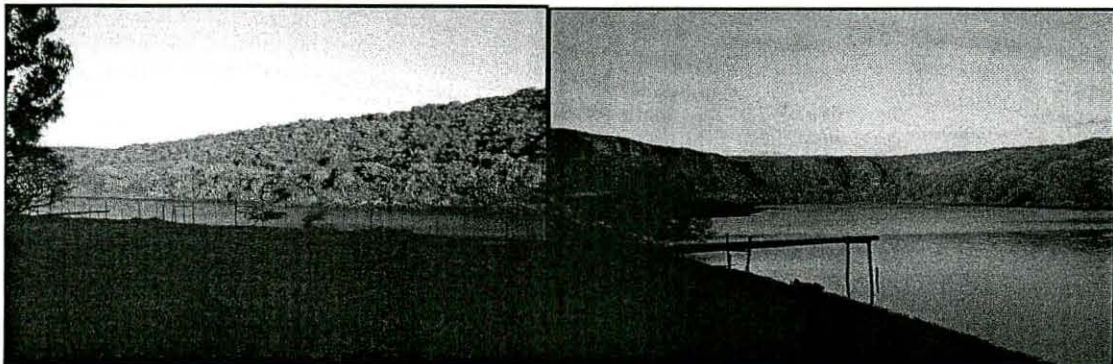


There are also informal developments in the area that rely on the tourism and recreational attributes of this scenic area. It is thus clear from the character of the surrounding area that the very low density proposal contained in this report will not detract from the current character of the area.

A land use plan, is annexed, marked Land Use Plan 5965.03



The surrounding area is very suitable for recreational or tourism related purposes including low density resorts and is not regarded as an area that is suitable for intensive or commercial agricultural productivity. The proposed use is thus desirable in terms of the surrounding character.





4.3 Zoning

The subject property is, in terms of the Section 8 Zoning Scheme Regulations framed under the Land Use Planning Ordinance 15 of 1985 zoned for Agriculture Zone 1 purposes. All surrounding properties, except Portion 7 of Farm 694, East London, are also zoned for Agricultural Zone. The said Portion of Farm 694, East London is zoned for Resort Zone II purposes.

A zoning plan, is annexed, marked Zoning Plan 5965.04

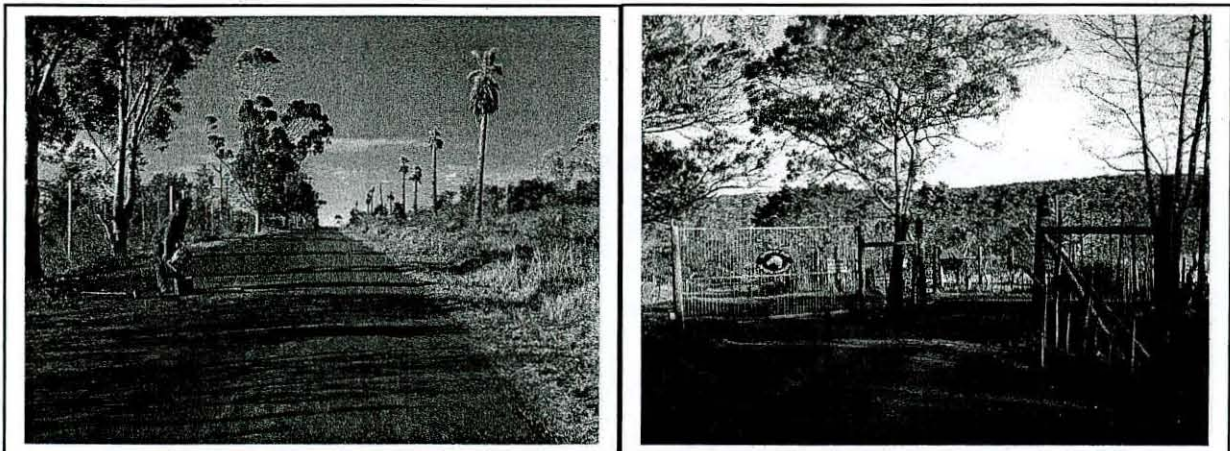
4.4 Access

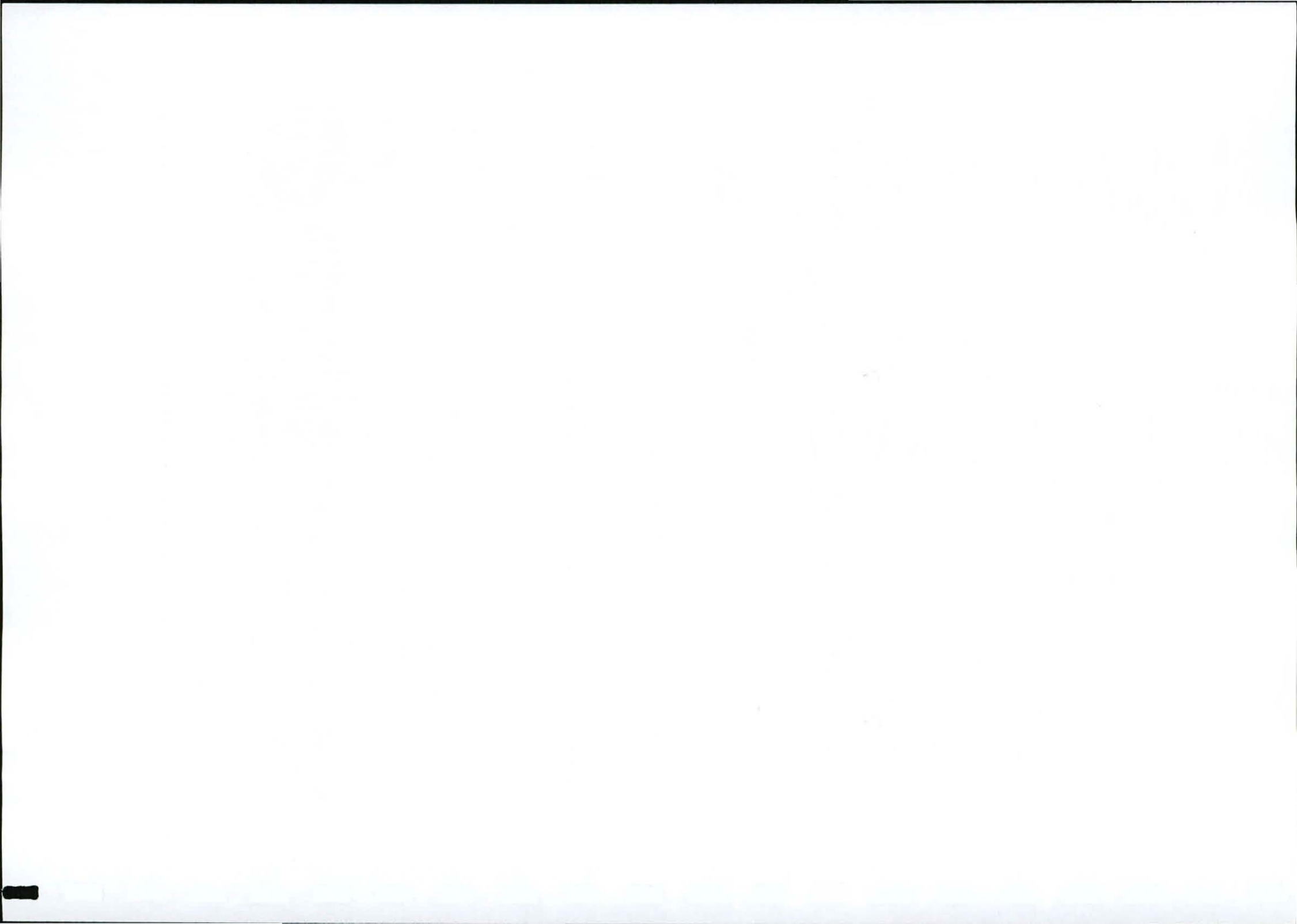
The main access to the subject property is via Schafli Road DR 02730, the District Road and directly from DR 02737 Yellowsands/Balugha Main Road, which borders it. Direct access is then obtained over proclaimed Minor Road 111 which is situated on the property.

This Minor Road provides access to all of the surrounding farms. There are also servitude rights of way that have been registered providing access for neighbouring farm owners. These will be retained.

Annexed as Annexure H is the gazetted notice proclaiming Minor Road 111 in 1979.

Having regard to the fact that the subject property is affected by certain existing and provincial roads, it follows that the development proposal should also be assessed in the context of Provincial Road policies and design requirements.





4.5 Topography, Slopes and Vegetation

The land has a generally northern aspect with moderate western views of the Kwelera River valley and the surrounding cliffs. There are no steep slopes which need to be avoided. The vegetation consists of open veld to coastal bush and shrubs.

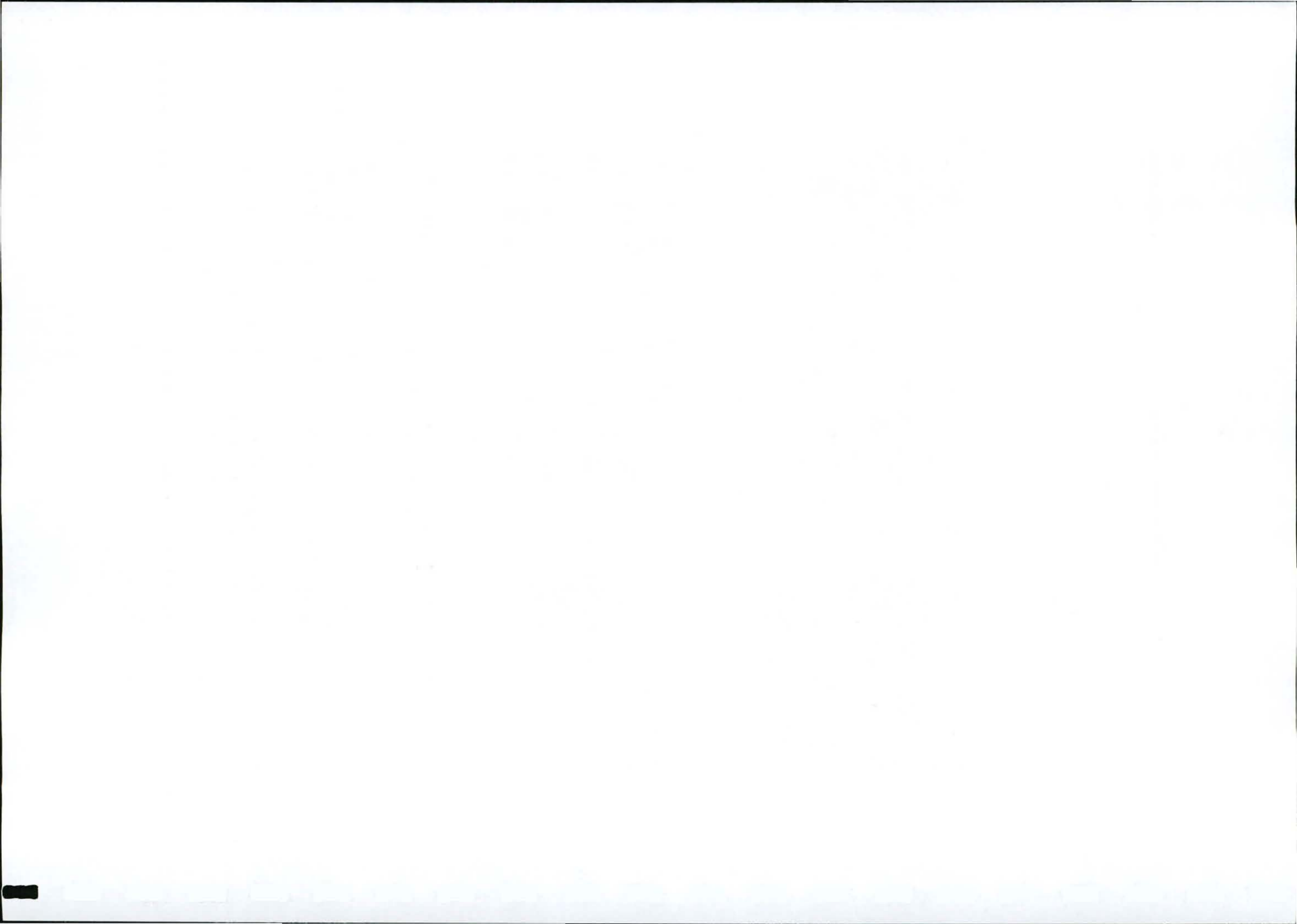


5 AUTHORITY AND POWER OF ATTORNEY

A trust resolution signed by the trustees of Areena Resort Trust authorizing this application is annexed marked Annexure D.

A power of attorney signed by Mr Ed Rathbone, who has authority to sign on behalf of the trust is attached as Annexure E.

A resolution by NPM Planning cc authorizing Mr Deon Barry Poortman to act on behalf of the close corporation in this application is, further, attached, marked Annexure F.



6 DEVELOPMENT PROPOSAL

6.1 General

The focus for the Areena Rivendell Estate and Areena Island View Resort is upon the concept of "being home to an array of game and bird life, as part of the wider Areena Conservancy". This will be an idyllic place where peace, privacy and serenity are supreme and people live in harmony with nature but in luxurious comfort and style. Splendidly positioned at the beginning of the Wild Coast and adjacent to the sought after and award winning Areena Resort, the proposed Areena Rivendell Estate is just 30km east of East London and enjoys a temperate sub-tropical climate. Waters are warm, winters' are mild and summers' pleasant, with humidity being greatly reduced, thanks to the gentle coastal breeze.

6.2 Areena Conservancy

An Areena Conservancy Plan has been formulated, which is attached as Plan 5965.10. This plan shows the extent of the Areena Conservancy to which neighbouring farms could be added over time. The conservancy is, at present, fenced off with a 2m high game fence and is well managed. The total size of the Areena Conservancy and Game Park is 170 ha in size.

The conservancy itself comprises Farms 1419, 694/7, 694/6, 695/2 and 694/5 East London.

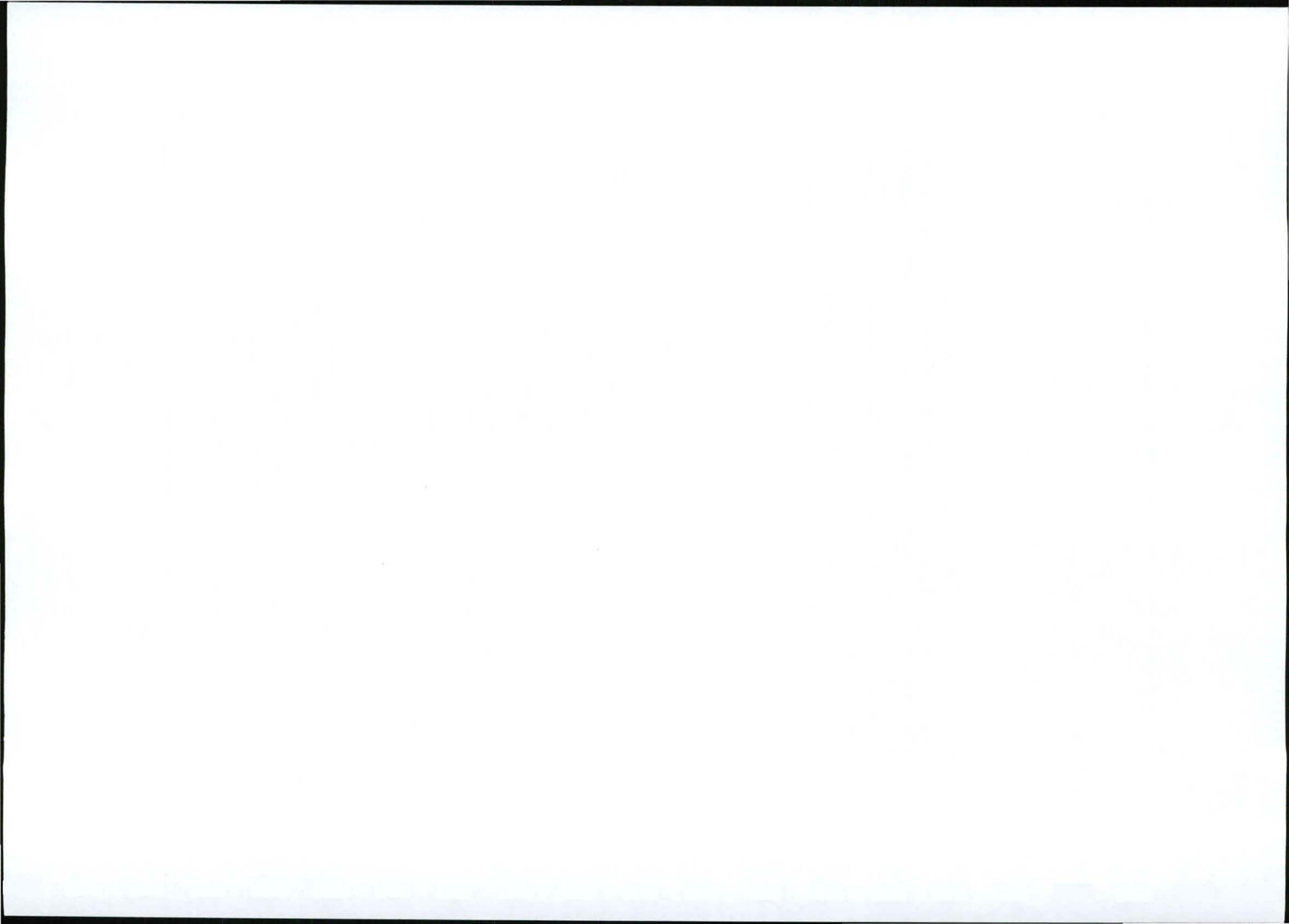
Various types of game including giraffe, wildebees, impala, blesbuck, gemsbuck, eland, zebra, ostrich, emu, nyala, and various other species roam in the conservancy.

One of the principles of this application is to retain and improve the conservancy in conjunction with the eco type development at a low density, as per our proposal.

There are numerous examples of developments where this concept has been implemented successfully inter alia, San Lameer on the Kwazulu-Natal South Coast.

The above conservancy and lifestyle estate development has been majestically development over the last 25 years. The environment has been protected, maintained and enhanced with funding received from profits of the development. There has been a formal compromise between humans and the environment, which has benefitted all tremendously. It is envisaged that this development proposal will do likewise and learn from what has been implemented and achieved at San Lameer and other similar developments. It must be noted that San Lameer is a much larger and multifaceted type estate including a golf course. Approval for San Lameer was granted by the authorities on the basis of a density of 20du/ha which is far greater than the 2 du/ha for the estate component of the proposed land development area.





6.3 Land Development Area Plan 5965.06

A Land Development Area Plan has been formulated and is attached as Plan 5965.06. Provision has been made for three large portions, collectively 23 ha.

The land is affected by a floodline along the southern boundary.

The Land Development Area Plan divides the subject property into 3 distinct zones with specific purposes, namely:

Proposed Use	Colour	Portion No	Area in ha	% Coverage	No of Units	Broad Use Rights
Agriculture and Nature Conservancy		1	12.81	55.69	0	Agriculture, Conservancy, private roadway, package plant, game farm, and gatehouse/access
Rural Residential Dwellings		2	9.02	39.22	46	Private roadway, private open space, low density rural residential dwelling units
Resort/Estate Apartments		3	1.17	5.09	23	Private open space, and resort estate apartment units
Total		3	23.00	100	69	

A 15m building line is proposed along boundary AB, adjacent to DR 02737, at the existing access gatehouse.

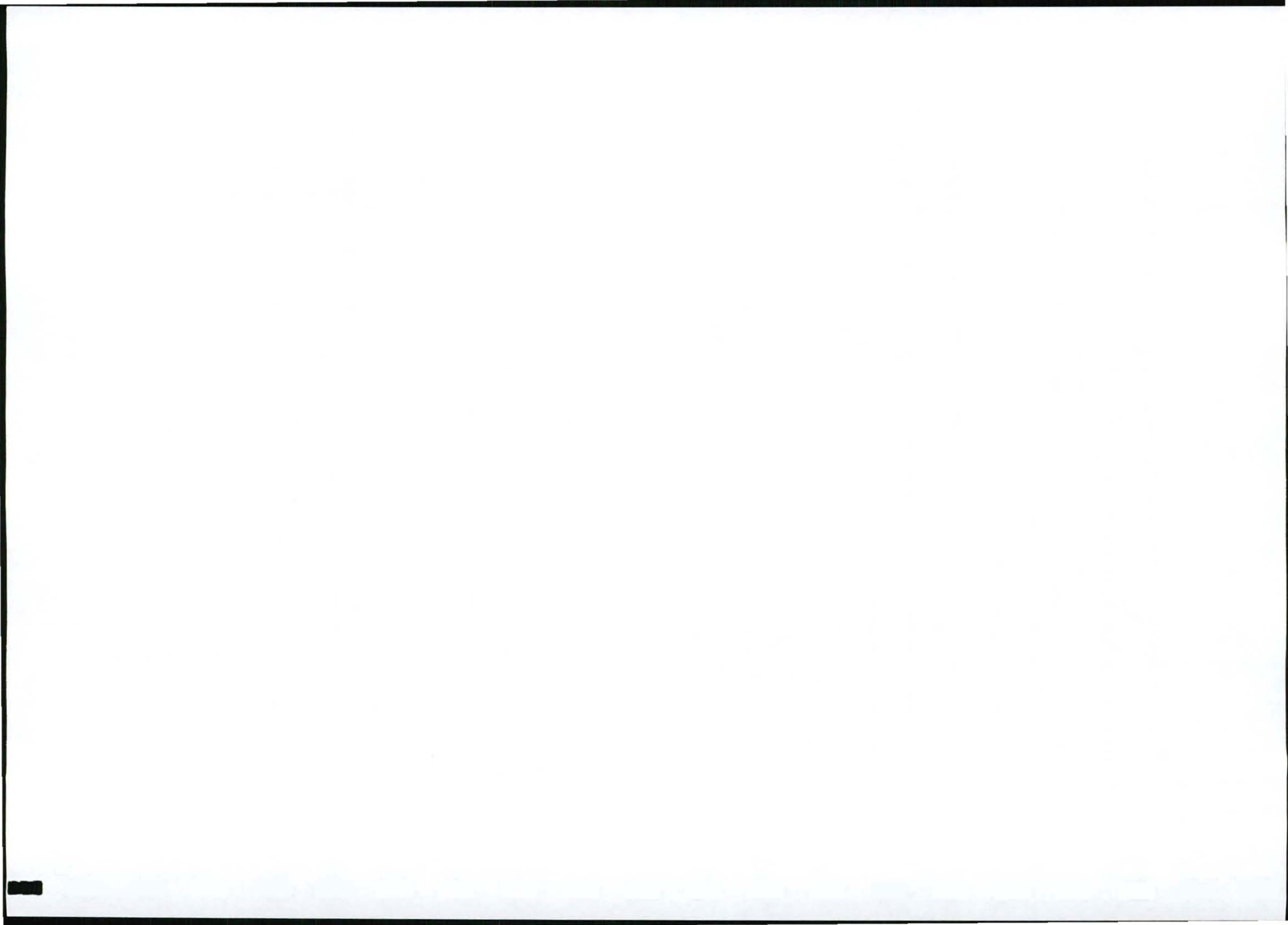
The 1:100 year floodline has been calculated and the land below the floodline has been earmarked as private open space.

Portion 1 will remain undeveloped and will form part of the wider Areena Conservancy. Game will be free to roam over the conservancy without restriction. This section will accommodate game, package plant, private roadway and gatehouse/access control.

The land development applicant proposes that Portion 2 i.e the Areena Rivendell Estate consisting of 46 freehold erven be administered by a Home Owners: Association.

The proposed density of 46 freehold units is based on the overall subject property extent of 23 ha, at a density of 2 du/ha. It is proposed that the estate will also consist of private roadway, private open space and dwelling units.

The land development applicant also proposes that Portion 3, which is to be known as Areena Island View Resort, should consist of a maximum 23 resort/estate type apartment double storey apartment units and be administered by Areena Resort Trust. It is proposed that this apartment type development will form part of Phase II of this development and will be developed in time to come. Apartment type units will be low density and will either be



leased out or sold as sectional title units with possible fractional ownership. Visitors, tourists and owners will be able to enjoy all facilities in the Areena Resort and the wider Conservancy.

Areena Resort Trust will be responsible for the provision and maintenance of infrastructure and services to Areena Rivendell Estate until a Home Owners' Association has been established for this Estate.

6.4 Subdivision Plan 5965.07

A Subdivision Plan has been formulated, which is attached as Plan 5965.07. Provision has been made for 61 portions, including the remainder, collectively 23 ha.

The remainder and portions 58, 59 and 60 will remain Agriculture Zone I (Game farm and Conservancy). The coverage of this land use is 11 ha or 48.67% of total land area.

Private open space makes up 15% or 3.4 ha of the total land development area.

Portions 1-46 consist of Residential Zone 1 (single dwelling units) and sizes vary from 1042m to 602 m, with an average of approximately 800 m. The total coverage is 17.73%.

The 1:100 year floodline is indicated on the plan.

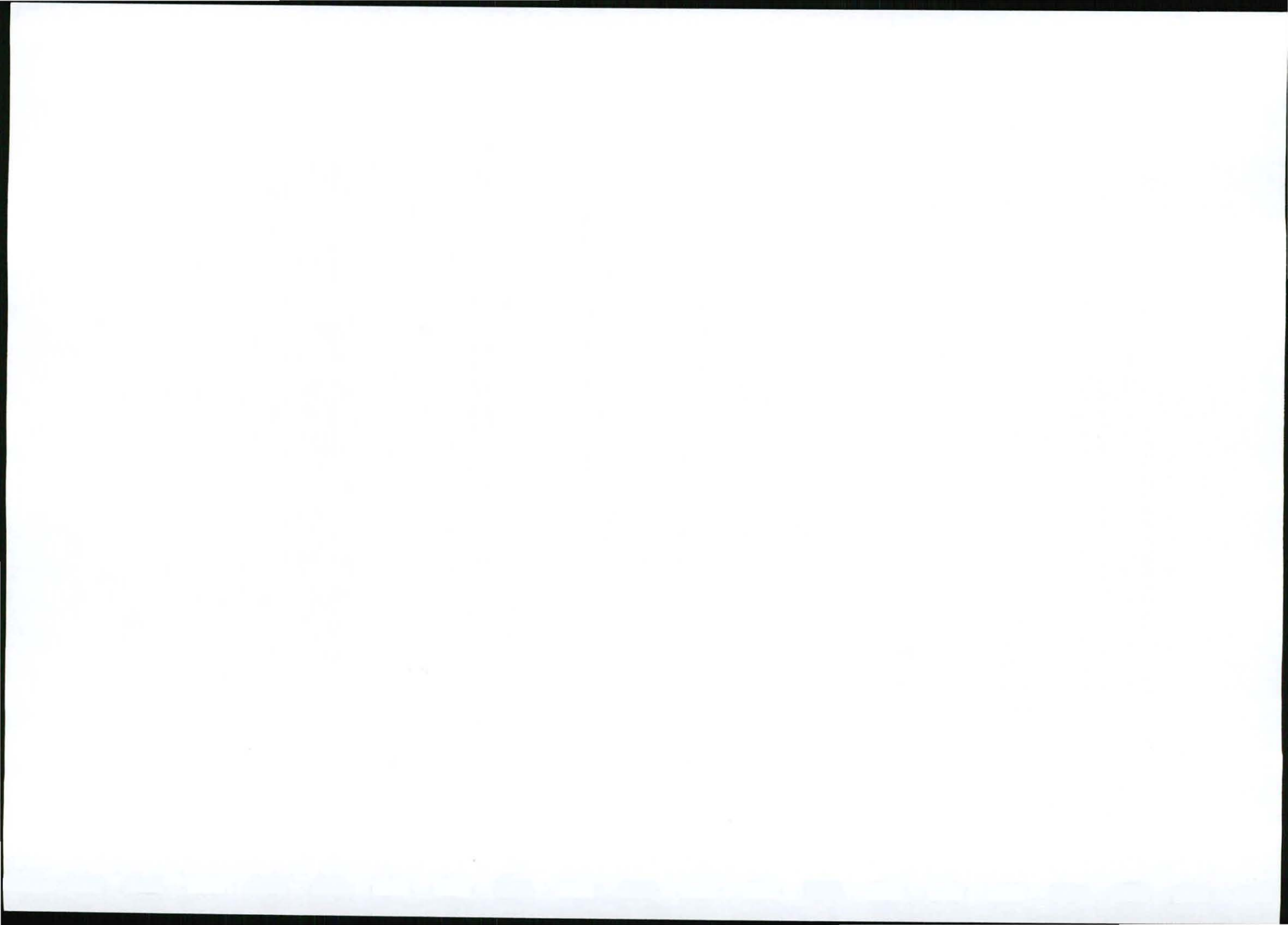
All existing and proposed servitudes are also shown on the plan. This includes the proposed new servitude right of way in favour of the surrounding farms in the event of Minor Road 111 being deproclaimed.

Water and sanitation pipeline infrastructural servitudes in favour of Areena Resort Trust are proposed over infrastructure within Areena Rivendell Estate and Areena Island View Estate. The purpose hereof is to allow Areena Resort Trust, the maintenance authority of the conservancy/estate to be able to access and maintain infrastructure on Areena Rivendell Estate and Areena Island View Estate. These have been indicated on subdivision plan 5965.07.

The following land use zonings are proposed for the various portions:

LAND USE	ZONING	PORTION NO'S	AREA(ha)	%
Rural Residential	Special Zone	1-46	4.0	17.73
Private Open Space	Open Space Zone II	47-51	3.40	15.07
Areena Island View Resort	Resort Zone II	52	1.10	4.88





LAND USE	ZONING	PORTION NO'S	AREA(ha)	%
Private Roadway	Special Zone	53-55	2.93	12.98
Gatehouse Access Control, Roadway	Special Zone	56	0.09	0.40
Package Plant	Special Zone	57	0.06	0.27
Agriculture	Agricultural Zone 1	58-60 and Remainder	10.98	48.67
TOTAL		61	23.00	100

6.5 Site Development Plan 5965.08

Access to the land development area will be taken off Provincial District Road DR072737 along the eastern boundary. Internal circulation via private roadways will allow access to various components of the land development area.

The land development area has been divided into three distinct portions, as stated above, namely:

- [a] Portion 1 will remain relatively undeveloped and will form part of the wider Areena Conservancy. Areena Resort Trust will own and manage this portion, including access control, gatehouse, private roadway, package plant and game/conservation land units.

This portion encompasses a large open space/conservancy section consisting of about 50% of the total area. The motivation behind this is to encourage and retain game movement within the entire Areena conservancy.

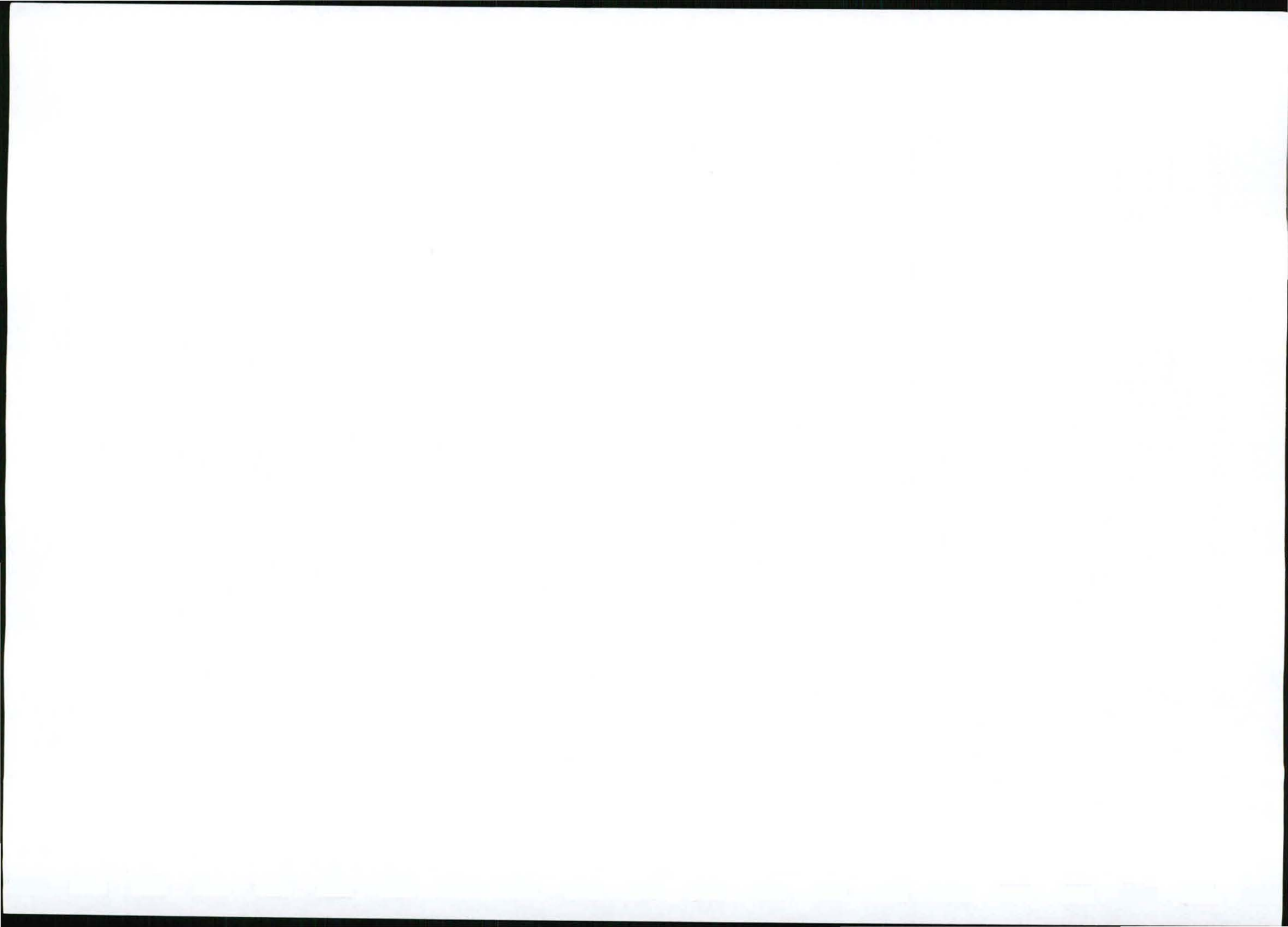
- [b] It is proposed that Portion 2, is to be known as Areena Rivendell Estate which will consist of 46 freehold erven be administered by a Home Owners' Association. The draft Home Owners Association agreement is attached as "Annexure M".

It is further proposed that Portions 1-16 have a maximum footprint of 300m². Portions 17 - 46 to have a maximum footprint of 250m².

Further proposals are as follows:

- o Double storey units are to be permitted.
- o Design regulations are to be managed by the Home Owners' Association Agreement.





- o 1 parking bay per site has been planned for, as per the applicable scheme regulations.

The 1:100 year floodline has been indicated on the plan.

Water and pipeline servitudes have been indicated on the plan in favour of Areena Resort Trust.

Refuse will be stored at the Areena Resort refuse station/structure and will be disposed of weekly by the resort's private contractor, as per current operations.

Application is made to depart from the Section 8 Zoning Scheme Regulations to reduce the side (lateral) building line from 2m to 1m.

A 4m street building line and 1m side and rear building line is proposed for the residential erven. The reason for the departure is mainly due to the high level of accessibility that all erven benefit from due to the high amount of private open spaces adjacent to all of the properties, which will therefore not have an impact on rescue vehicles and other emergency access requirements. Furthermore, this will allow dwellings to be positioned close to each other, enhancing the clustered nature of the development.

A 15m building line at the entrance adjoining DR072737 has been proposed.

- [c] Portion 3, is to be known as Areena Island View Resort, is proposed to consist of a maximum density of 20 resort type residential dwelling units.

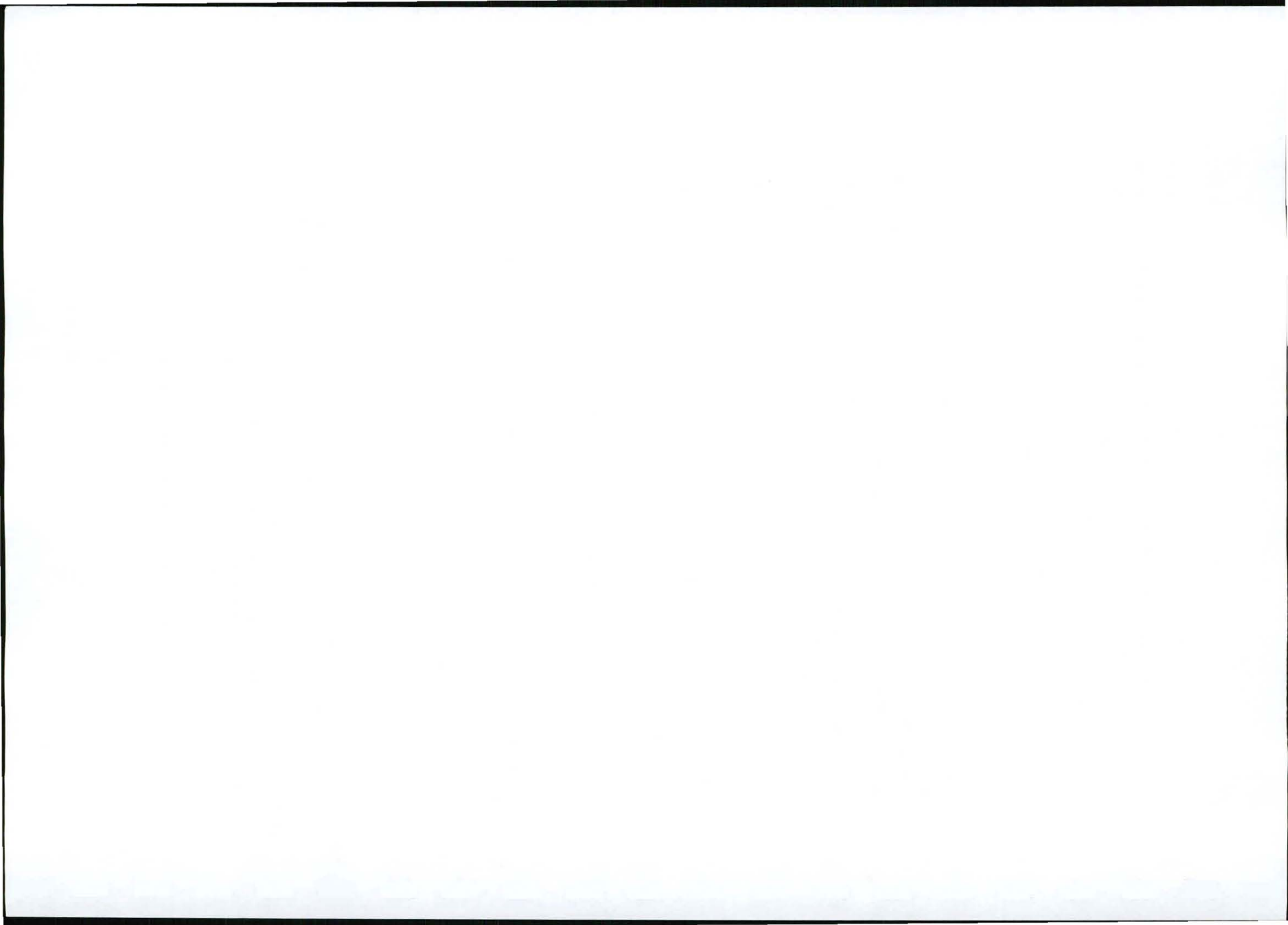
The site development plan for this Phase II development will be submitted to the Great Kei Municipality for assessment in future, once planning has been completed, resources and infrastructure is available.

The aforesaid Zoning Scheme Regulations will apply to the site development plan formulation.

6.6 Minor Road 111 De-proclamation Plan 5965.09

Application is made for approval to the de-proclamation of the Minor Road 111. The reason for this proposal is that the land development applicant has improved (tarred) and maintained the road in question over the last 2 decades without any assistance. The applicant is of the opinion that a servitude right of way in favour of farms 694/7, 695/3, 695/1, 695 and 1419, East London, in the place of the proclaimed Minor road will be sufficient to give right of access to all surrounding neighbours. The retention of the existing minor road will prevent





the land use applicant from providing suitable and acceptable access control measures to the proposed development.

It should be noted that the Department of Public Works (District Road Engineer), does not acknowledge that the Minor Road in question is its responsibility. This road does not even exist on the Provincial Road network of minor or district roads.

7 SITE PLANNING

The development concept flows from the developer's vision to establish and develop an extremely low density exclusive country lifestyle estate and resort which will enhance outdoor living in a natural environment. The preservation and enhancement of the environment through a conservancy is a top priority for the land owner.

In the light of the limited agricultural potential of the farm, the very low density and its close locality to the Kwelera River, it can be assumed that the proposed land development area and subdivision is not undesirable in terms of the long term land use proposals for the area.

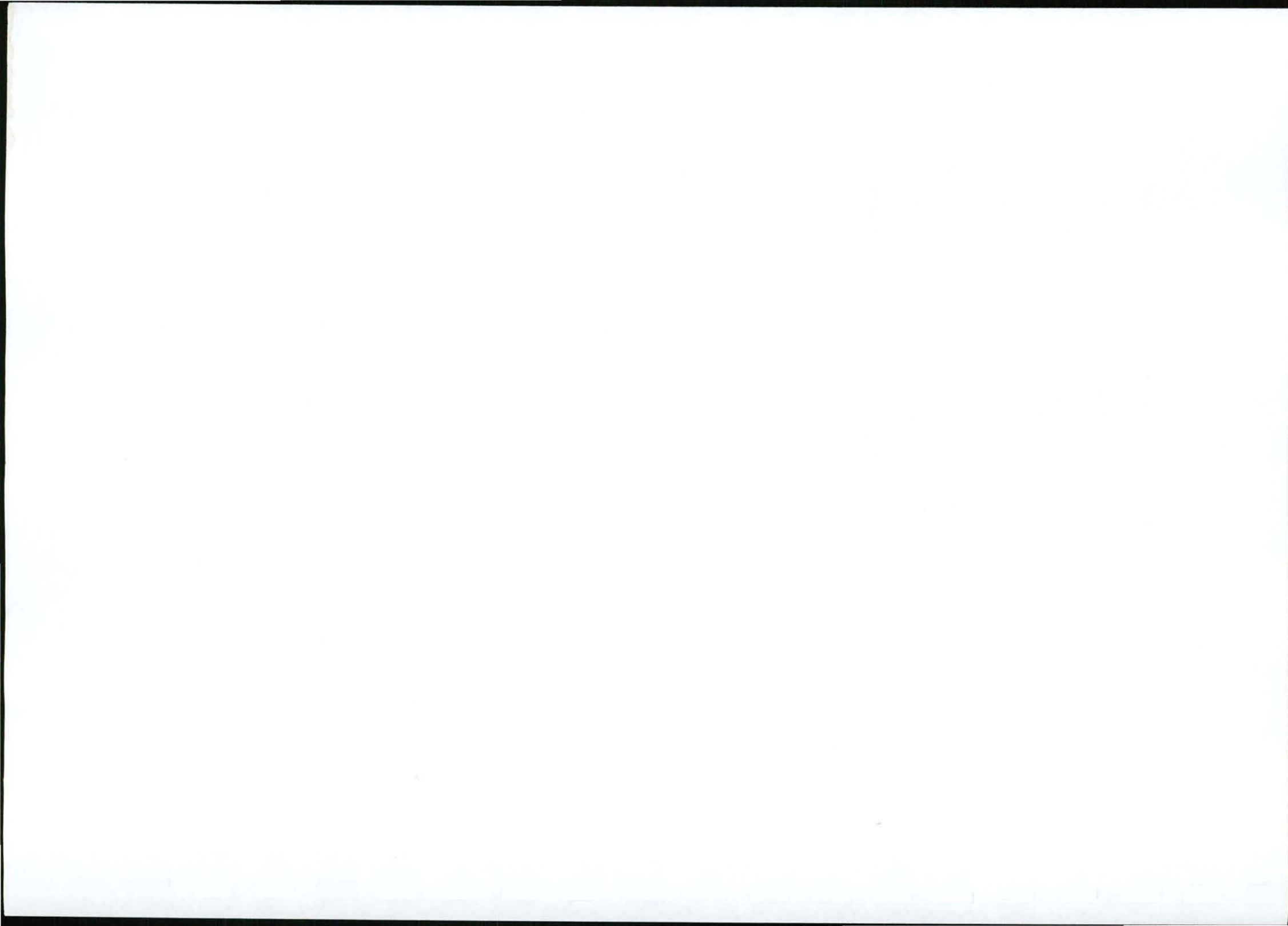
The most significant opportunities that the land development area has to offer relates to the potential development of the site in line with its locality in close proximity to East London, Beacon Bay and the Kwelera River Valley which provides a high value recreational amenity.

The main opportunities relevant to the development potential of the land development area are:

- the proximity to the Kwelera River Valley and the ocean;
- the favourable physical site characteristics and exclusivity;
- being part of the Areena Conservancy
- the general tranquil character of the area and the associated lifestyle,
- very low density of a maximum density of 2 estate dwelling units per hectare for the Areena Rivendell Estate;

The combined yield has been calculated at 46 residential plots or dwelling units for the Areena Rivendell Estate. The overall density is, therefore, 2 units per hectare in total. This figure is relatively low and is well below the normal density for limited development areas of this nature.





7.1 Vision

In deciding upon the concept of a country estate, the owners vision was.... "to create an exclusive country lifestyle estate in the Areena Rivendell Estate and Areena Island View Resort that safeguards and enhances the region's indigenous habitat, preserves the biodiversity of species and provides a high standard of living for residents."

Maintaining a balance between conservation, community and development has been at the core of developing the estate and is central to this application.

7.2 Approach

The land development applicant is seeking development use rights on only a small portion of the property that would allow the alteration of the landscape, including the subdivision of properties for low density single residential estate housing.

This application will achieve an understanding of the impacts of very low density residential development on the natural habitat and ensure the mitigation of these impacts through the arrangement of the parcels and uses within the layout of the land development area.

The proposed development will create job opportunities within the area at different phases in time – construction and operational day-to-day.

7.3 Factors informing the Proposal

Long-term

The long-term land use proposals of the subject property are not affected by specific proposals. The coastal area, is however, covered by a coastal plan, indicating broad guidelines for development of the coastal area and river valleys. These guidelines will be addressed in detail during the Environmental Basic Assessment process.

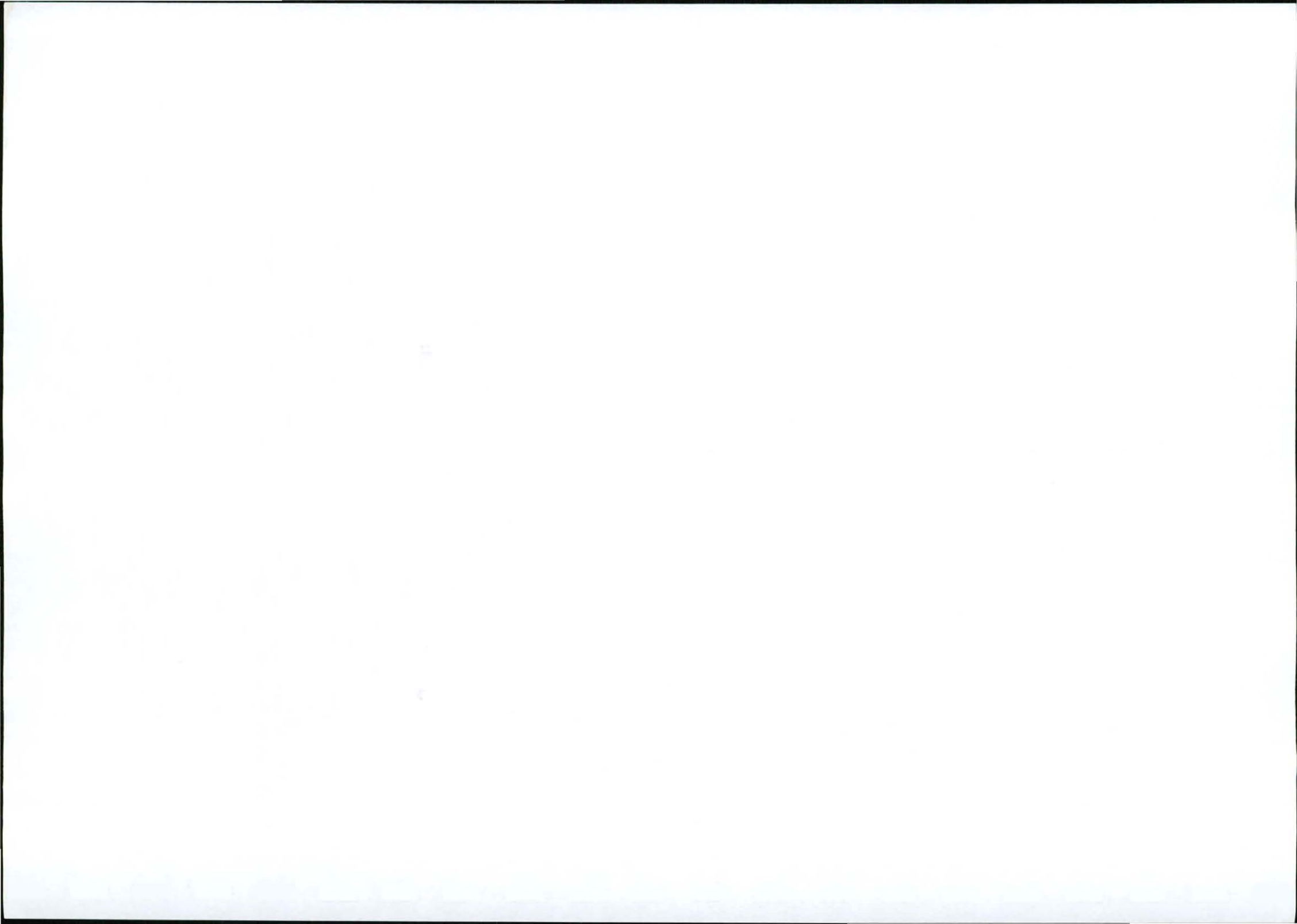
Site Planning

Site planning has been informed by the nature and character of the land and its surrounding area as well as natural site processes. Accordingly, the property site is not subject to flooding as the 100 year floodline indicates all the properties as falling beyond the horizon.

It is envisaged that single residential erven be placed against the internal private road system with individual access to each of the units. Each unit is to have an individual parking space for residents and visitors.

The detailed design provides for 46 erven.





- Limited infrastructure for establishing projects;
- Private sector investment is required to have successful projects; and
- Insufficient infrastructure to accommodate tourism initiatives.

The development proposal is ideally located to adhere to the changing trends described above.

Due to the impacted nature of the environment, the environmental impact of the development will be minimal. To this end, the proposed development will include initiatives to improve and retain indigenous fauna and flora.

There are no endangered species or especially important habitat or fauna on site which could require that it be conserved. The development will not impact on the cycads which occur downslope of the land development area. The access road is set in a small valley which will keep traffic well hidden from outside view. The architectural design aims at minimising the impact on outside viewers. No landscaping in open space areas will be permitted and no alien species will be imported. Every effort will be taken to minimise the impact on the environment of the site and of the valley.

The motivation in support of the proposed development is based on the principle of promoting land use, which is regarded as being the most efficient, sustainable and viable use for the subject site.

In most cases, peri-urban and rural areas offer tranquil, aesthetic and environmentally pleasing environment, which has resulted in a growing market demand for not only overnight accommodation but for resort style residential even for permanent occupation.

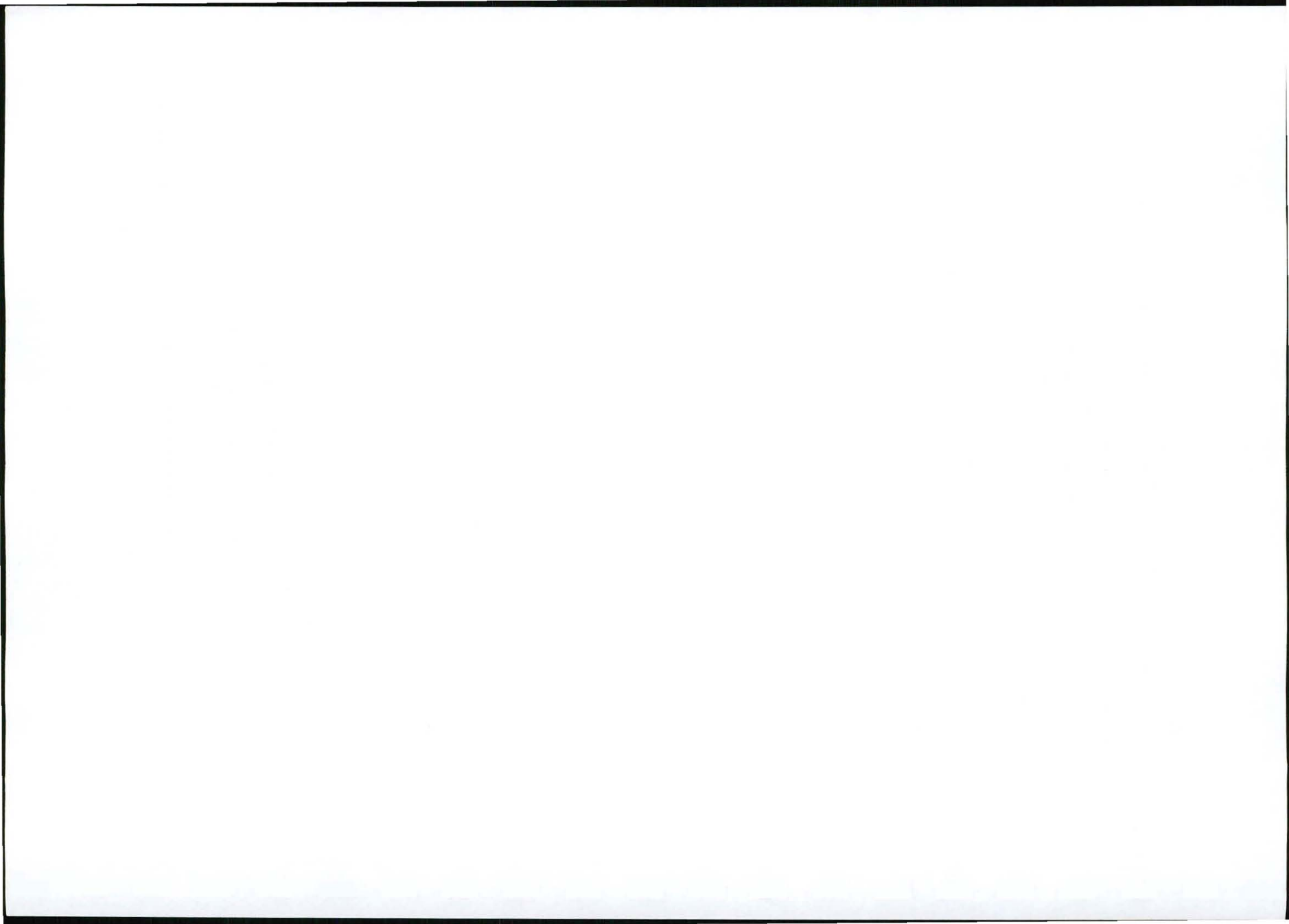
The proposed development will be self-sufficient as far as civil engineering services are concerned, which attributes the principle of the sustainable use of the subject site.

The developer has initiated an environmental impact assessment process as part of the application which will determine the environmental sustainability of the proposed development and ensure the safe utilisation of land by taking into consideration factors such as geological formations.

The basic agricultural assessment has found that the site has no arable potential and that its development for a game farming lifestyle estate will not lead to a loss of high potential agricultural land.

In terms of unemployment, the figures are high in the area. Significant local economic development and opportunities for the populace is, therefore, lacking and new employment opportunities are needed in the area.





The project will create more jobs in an area than is currently offered. The development can provide benefits for the community at large as well as for the developer without detracting from the environmental sensitivities and thereby ensuring a balanced environment.

This proposed low density development has the long term potential of generating jobs and income for the surrounding communities and revenue for the Municipality in a sustainable and balanced manner within this environment.

This development offers the opportunity of sustainable development in an area which currently supports a sparse (human) population because of its poor resource base.

The above-mentioned factors clearly illustrated the desirability of the proposal.

7.5 Zoning Regulations

Extracts from the land use planning ordinance Section 8 Zoning Scheme Regulations are as follows:

Resort Zone II

Definition:

"a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel."

Primary use – Residential Zone 1

Secondary use – Open Space zone 1

Other uses – Resort Zone II; Special Zone; Agriculture Zone 1

Residential Zone 1 (Single Residential)

Primary use: dwelling house

Consent use: additional dwelling unit (this is not applied for)

Coverage: at most 50 %

Height: at most two storeys

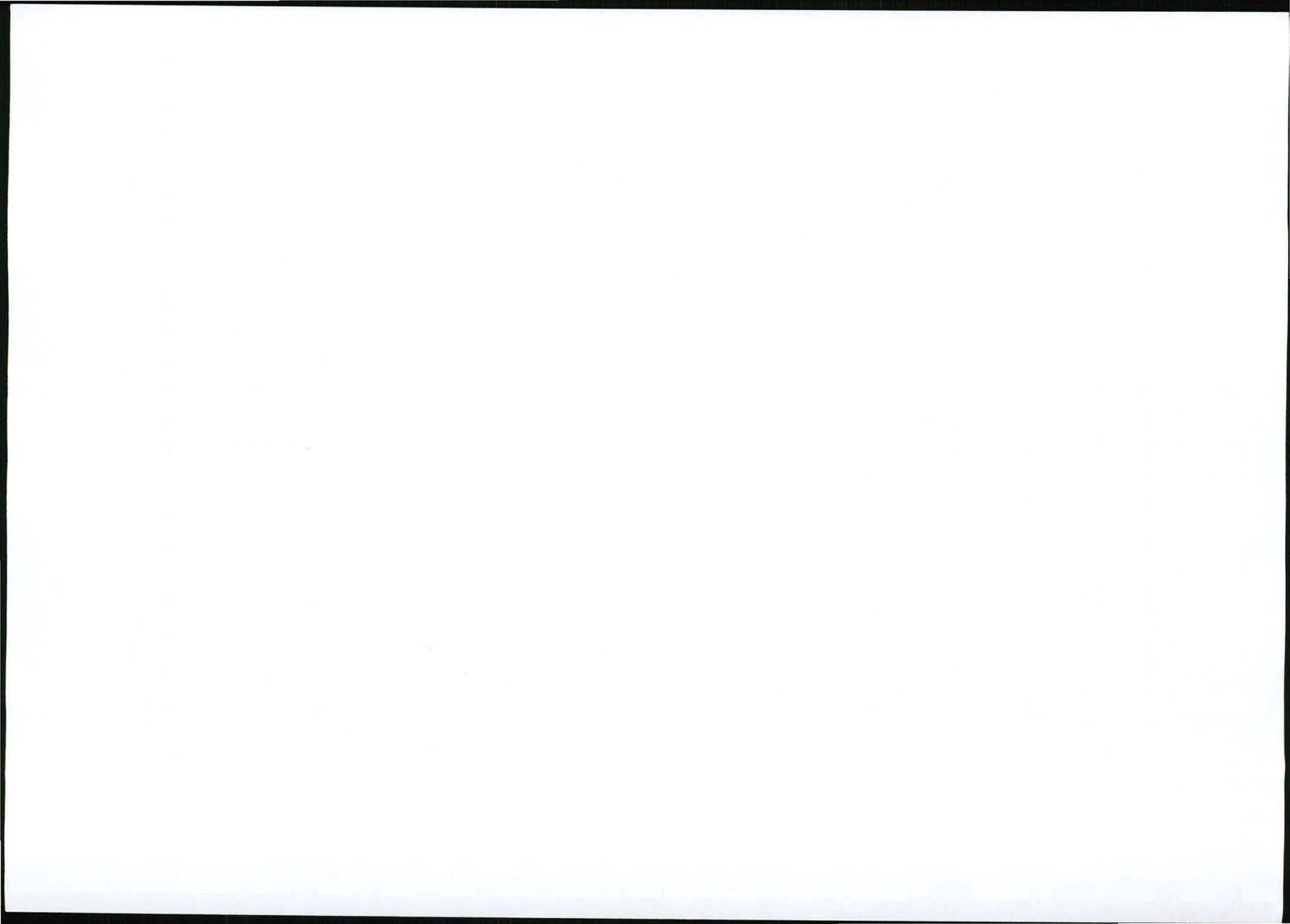
Street building line: at least 4m

Side building line: at least 2m

Parking: at least one parking bay per land unit, on the land unit.

Except with regard to the side (lateral) building line the abovementioned restrictions have been adhered to in terms of the site development plan and subdivision plan formulation.





8 DEVELOPMENT FACILITATION ACT PRINCIPLES

The applicant is required to demonstrate compliance with the development principles enshrined in the Development Facilitation Act No. 36 of 1995.

The Development Principles, listed in chapter 1 to the development Facilitation Act, 1995 (Act 6 of 1995), legislate matters of general principles whilst providing mechanisms for more detailed principles and policies to acquire statutory force at national and provincial levels of government. The responsibility is encapsulated in these principles. The principles aim to reduce the likelihood of capricious or arbitrary decisions in respect of land development proposals by preventing incidents in response to political pressures or otherwise. Such principles were intended to render the development environment more predictable and rational when compared to past planning systems. It is in this regard, that reference is made to the later paragraphs of this submission dealing with the adopted policies and development guidelines applicable to the area in which the subject property is located. These are indeed the more detailed principles and policies at local level, aimed at facilitating informed decision-making, based on the overriding principles enshrined in Chapter 1 of the Act.

- **The Principles in Chapter 1 are divided into two general categories namely:**

General principles for land development; and
General principles for decision making and conflict resolution

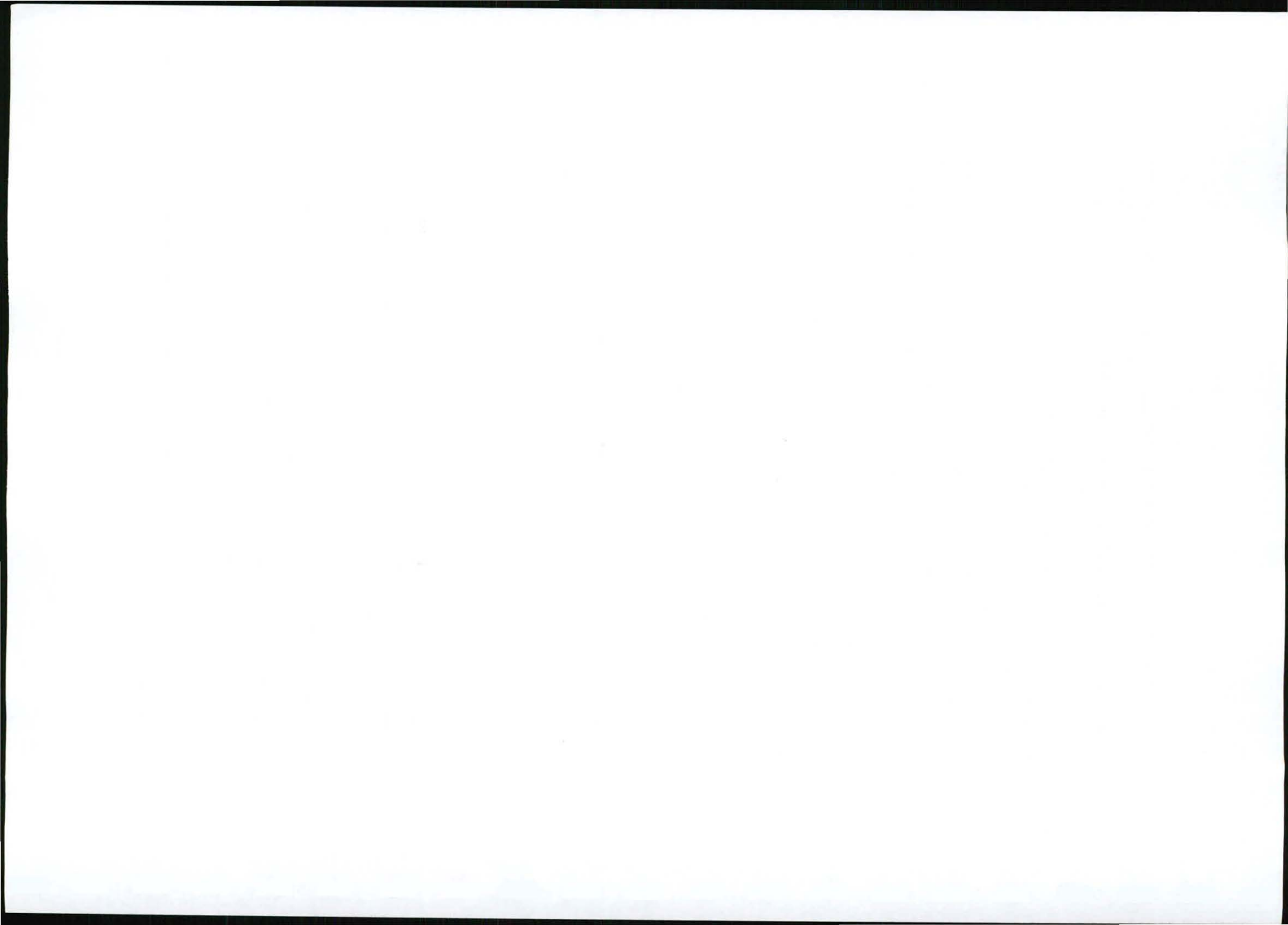
The General principles for land development are set out in 13 sub-paragraphs dealing with 13 separate topics. In this regard, the principles affect the entire range of land use control systems and instruments throughout South Africa, irrespective of whether or not such systems are administered under the Act or in terms of other statutory instruments such as local planning schemes or ordinances. It follows that such principles apply to the development area and its surrounding environment in the circumstances. As a consequence, the 13 general principles for land development deal with a variety of subjects, ranging from planning and tenure considerations to issues of administrative justice.

The following is a summary of the relevant aspects of the principles as they apply to this development application:

(a) Policy, administrative practices and laws should provide for urban and rural development and should facilitate the development of formal and informal, existing and new settlements.

This principle aims to "equalize" the importance associated with different forms of land development. The principle recognises that there is both urban and rural land development and that equal weight should be afforded to such categories. It follows that the intended establishment of a resort and low density lifestyle estate, as proposed by the applicant, cannot be considered to be in conflict with this principle.





(b) Policy, administrative practices and laws must discourage the illegal occupation of land, with due recognition of informal land development processes.

The principle discourages illegal occupation of land. Whilst this aspect does not specifically apply to the development area, it is clear that, in its current state, the development area remains under developed and unsettled. The proposed development area will inter alia, result in securing the perimeter of the development area and introducing a measure of development, which, in turn, will discourage illegal occupation of the land, should this ever become relevant.

(c) Policy, administrative practices and laws should promote efficient and integrated land development.

Under this principle, 8 sub-principles are listed to support the general notion of integrated land development. This principle envisages land development, which goes beyond the traditional approach to physical planning by expressly requiring that the physical aspects of land development should be integrated with institutional, social and economic aspects.

The concept of "development planning" is central to this principle, as opposed to the historic approach to planning of land development areas which concentrated largely on physical aspects. This principle determines, inter alia, that urban and rural development plans and projects should not be considered in isolation, as urban and rural areas should be developed in support of each other.

It is clear that the local development policies of the Municipality earmark the Kwelera area for a form of development, which may be generally described as "rural" in nature. The proposed low density country lifestyle and resort type estate will provide a different development option when compared to a typical urban development associated with the core urban development areas of the municipality. This specific estate does not support the norm of more densely developed urban areas such as Cintsa East or Kei Mouth, as more fully set out in the local development policies adopted for the area and the applicants application, the land development applicant's proposed development will serve a specific purpose of a low density country estate with 46 freehold plots at a density of 2 du/ha.

Having regard to the proximity of the development area to the various tourist attractions in the area (i.e. Cintsa, Yellowsands, Jikeleza Route etc), it is evident that the estate will indeed fulfill a regional function and attract discerning and exclusive use investors, which are constantly wanting to invest in the Municipality, in particular such a development. The principle of developing urban and rural areas in support of each other, accordingly, supports this development proposal.

Having regard to the locational context of the development area and the results of the environmental scoping exercise, it is clear that the inherent agricultural potential of the land is such that viable commercial agriculture, other than the resort/recreational activities and existing game farm, which will be retained as part of the Areena Conservancy, is not possible on the subject property. It follows that, as a resource, agricultural potential will not be "lost" by the introduction of the land development area, as a large portion of the subject property



will be included into the wider Areena Conservancy. The applicant is of the opinion that the subject land development area would be put to a better land use, as proposed by the applicant, to unlock the development potential inherent on this land development area which, by implication, finds support within this policy principle.

This Development Principle also relies on the concept of environmental sustainability. Having regard to the results of the environmental scoping process, it is evident that the proposal is indeed environmentally sustainable in all relevant respects. In this regard, the anticipated ecological footprint of the development will avoid the sensitive flood area on the site. This area will be retained as a landscaped private open space and be protected in an appropriate manner.

Members of communities affected by land development should actively participate in the process of land development

Community involvement is central to this principle. In this regard, it is evident that the policies prepared and adopted for the area in which the subject property is located were the subject of community involvement during their preparation and adoption.

In addition, the environmental assessment, provides for a separate process of notifying interested and affected parties (the affected public), the conducting of a public meeting and the opportunity being offered to the relevant community to respond to the proposals of the applicant. These matters are fully reported in the scoping report, which will form part of this application, and as a consequence, it is submitted that the Applicant has fully complied with this requirement of the Act.

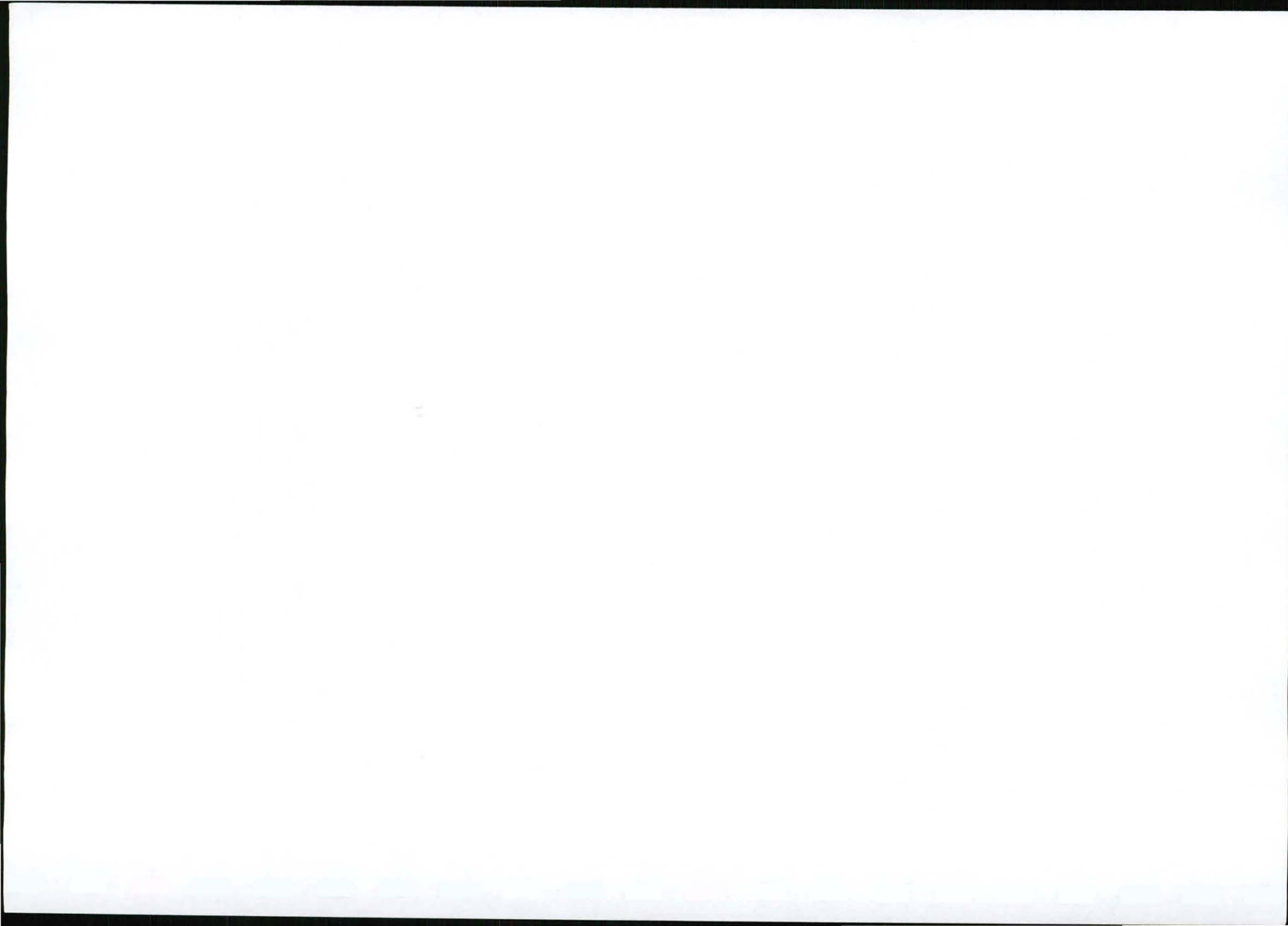
(e) Skills and capacities of disadvantaged persons involved in land development should be developed

Having regard to the nature of the development, it is evident that the proposal is not aimed at resettling a disadvantaged group of individuals nor is it aimed at providing for housing typologies aimed at accommodation previously disadvantaged persons. It follows that the principle is not specifically applicable to this development will, by implication, be developed by the creation of employment. Employment will also be created over the longer term by the introduction of the new development area requiring on-site security and maintenance staff and a number of opportunities for persons active within the accommodation and service markets.

(f) Policy, administrative practice and laws should encourage and optimise the contributions of all sectors of the economy to land development

This principle discourages extreme approaches to land development, for example, approaches which would exclude the private sector from the land development industry or which advocate a total absence of government intervention. This principle places various obligations on the 3 tiers of government and is not specifically relevant to the area and controls land development through its adopted Development Principle of the Act. It follows that both the private sector and the local authority are involved whilst other government





agencies (i.e. Provincial Roads Authorities) play a role in providing roads and other infrastructure in the vicinity to serve the development area.

(g) Laws, procedures and administrative practice relating to land development should be clear,

Again, this principle seeks to entrench open and even-handed administrative practices. It follows that this principle does not specifically apply to the Land Development Area but rather to the relevant authorities. It is submitted that the local authority has demonstrated its compliance with this principle by the manner in which development policies for the area have been prepared in consultation with the affected communities.

(h) Policy, administrative practices and laws should promote sustainable land development

This principle aims at discouraging approaches to land development which are unlikely to make a substantial contribution to development over time. The main affect of this principle will be found in the formulation of planning instruments. This requires fiscal, institutional and administrative involvement and the recognition of social, environmental and affordability criteria to be considered by the relevant authorities. As an example, authorities should be reminded that developments, however socially desirable or economically feasible, should not be permitted in circumstances where it would be geo-technically dangerous or where such development areas may be hazardous as a result of, for instance, mining activities or other prevailing circumstances.

It is submitted that, having regard to the adopted policies relevant to the area in which the subject property is located, these precautions do not apply and it may be concluded that the development will indeed be sustainable in a general sense, with particular reference to the absence of any natural or man-made features which may be regarded as hazardous or less desirable for development as proposed by the Land Development Area Applicant.

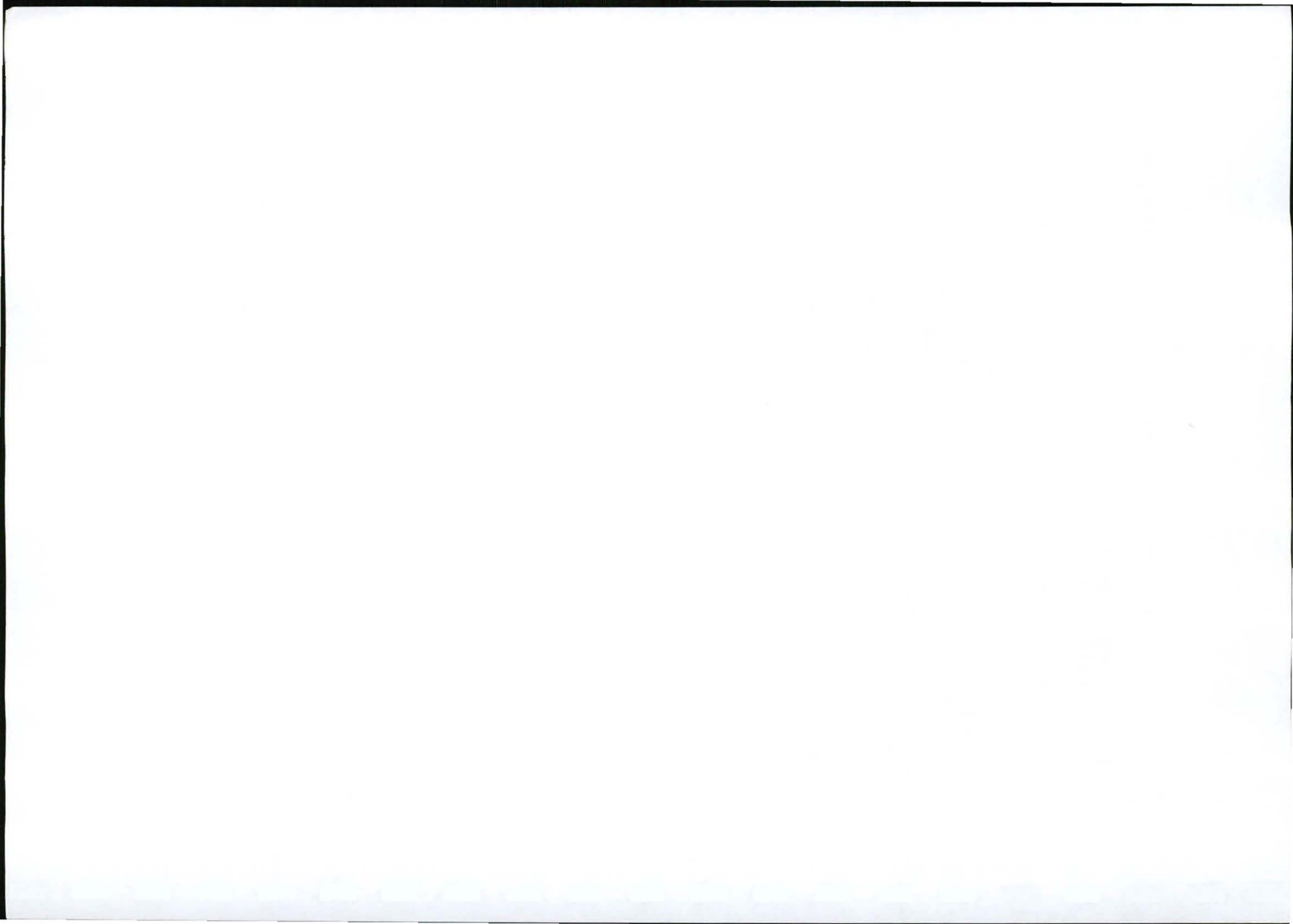
(i) Policy, administrative practices and laws should promote speedy land development

This principle applies generally to the authorities, which administer and control land development processes. The procedure set out in the Development Facilitation Act, 1995 provides for a structured land development process and, if the authorities are able to co-operate in seeking resolution to the matter (rather than being obstructive), this principle will be served in a general sense.

(j) Each proposed development area should be judged on its own merit and no particular use of land should, in advance, or in general, be regarded as being less important or desirable than any other use of land

This principle merely supports the earlier notion that various land use typologies should be afforded equal weight when considering land development applications. A low density country lifestyle estate as is proposed by the applicant, should not be regarded as being more or less important than a typical suburban residential development, located within the





recognised urban development area of the Municipality. It is respectively submitted that in all relevant respects, the application complies with this principle and it is incumbent upon the decision-making authorities to apply the same principle in the circumstances.

(k) Land development should result in security of tenure

The proposed development area will be held in freehold title ownership. It follows that security of tenure will be undisputed in the context of the prevailing laws of the country. This principle is, therefore, complied with as a result.

(l) Competent authority at national, provincial and local government shall co-ordinate the interests of various sectors involved in land development

This principle applies to the relevant decision making authorities and not specifically to the Land Development Area Applicant in the circumstances. The principle merely requires of the responsible authorities to go beyond a laissez-faire approach to development and rather to support the notion of pro-active co-ordination at all levels.

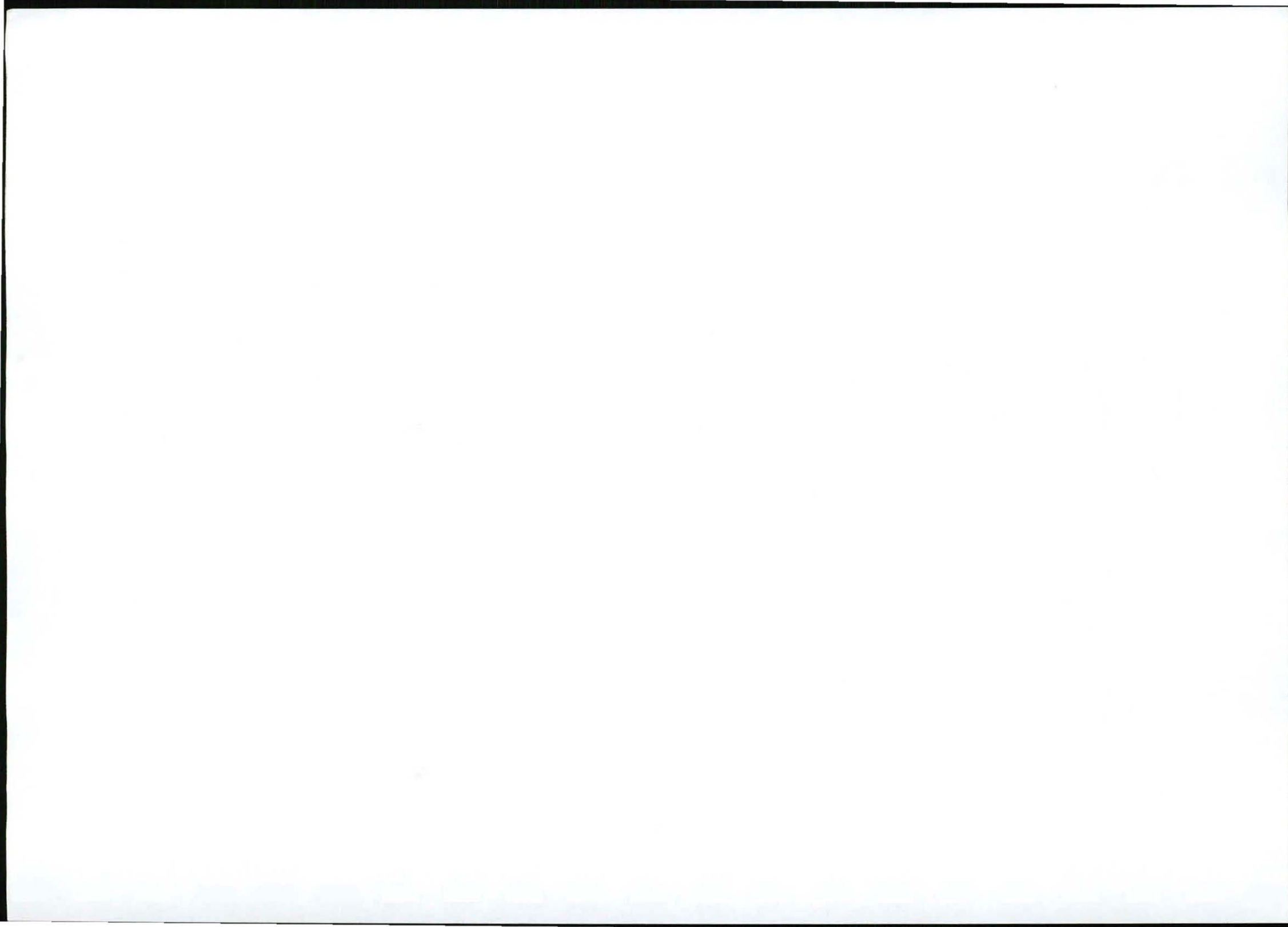
This would specifically apply to the interaction between the environmental and road authorities at national and provincial levels and the local authority, to seek congruence so as not to provide for conflicting decisions on matters where both levels of government appear to have a role to play.

The compatibility of this estate development with the Jikeleza Route and Yellowsands and other nearby tourist attractions is evident and proper integration and congruence will therefore result.

(m) Policy, administrative practice and laws should stimulate the effective functioning of land development market based on open competition...

The land development area will be presented to the market in a general sense and will have to compete with developments of similar nature located in different geographical locations.

The administrative policies and laws relevant to the development area do not contain any provisions which may prohibit free market competition in this regard and, as such, the establishment of the land development area will find support within this stated principle of the Act.



9 ENGINEERING SERVICES

9.1 General

An engineering services report has been compiled by Dennis Walters and Associates. The report includes detail concerning accessibility, floodline, geology, refuse collection, construction traffic, storm water control, sewerage, electricity, water and a conclusion. Further to the above, information on the package plant is included, supported by a hydrological report, percolation test and geo-technical investigation results.

Dennis Walters & Associates conclude that the proposed development can be provided with all the engineering services that will be required.

The detailed Engineering Services Report is attached as Annexure I.

9.2 Flood line

Due to the Kwelera River bordering the development area, the 1:100 year floodline had to be determined. This was completed by Dennis Walters and Associates.

No development footprints have been positioned within the floodplain on the site development plan.

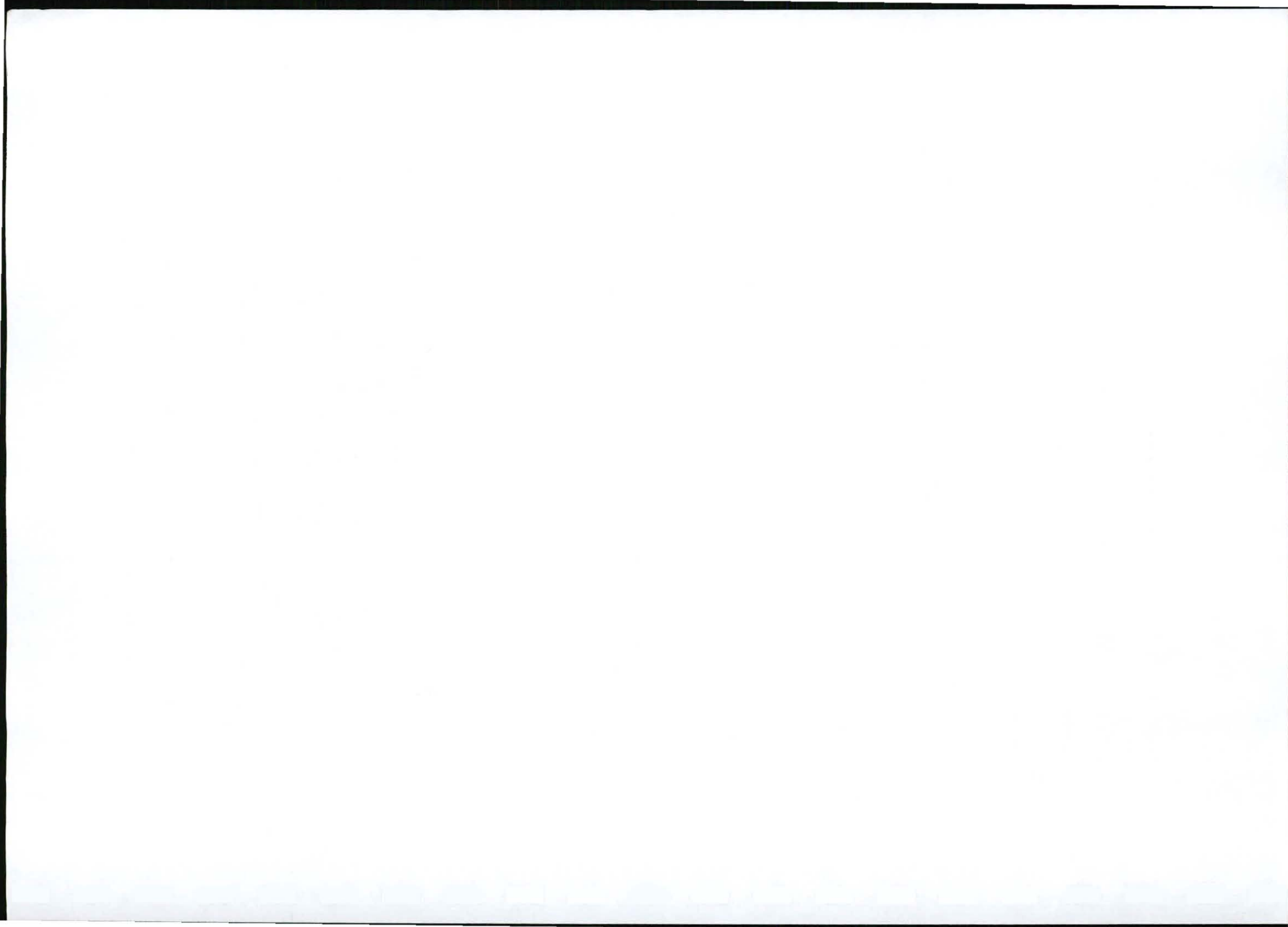
In order to plot the 100 year floodline along that portion of the Kwelera River that pushes up on to the riparian property of the land development area when in flood, - remove "and" hydrological calculations were carried out. The following two methods of flood discharge determination were used, to calculate the 100 year flood that passes the property from an upstream catchment area that measures approximately 450 square kilometres, and which has its headwaters on the watershed at Komga village.

- (a) The Unit Hydrograph Method : 980,0 cubic metres per second;
- (b) The Francou-Rodier Method : 1072,0 cubic metres per second.

In conjunction with the Unit Hydrograph discharge, Manning's Formula for open channel flow was used to determine the depth of flow of the 100 year flood at a cross section opposite the centre of the subdivided property. The 100 year floodline corresponding to two cross sections on the Kwelera River, has the following depth of flow and contour levels as indicated on the layout diagram, corresponding to the contour map of the surrounding area. In terms of current legislation dwellings are not permitted to be built below the 100 year floodline.

CHAINAGE	DEPTH OF FLOW	CONTOUR LEVEL
Upstream Boundary	h = 8,00m	2,30m - amsl
450m downstream	h = 9,00m	3,00m - amsl





9.3 Design Principles

The design principles have been based on the Red Book of Engineering Standards.

9.4 Services Agreement

It needs to be noted that this small scale development will be self-sustainable and no need arises for the developer to enter into a services agreement with the local authority.

9.5 Water

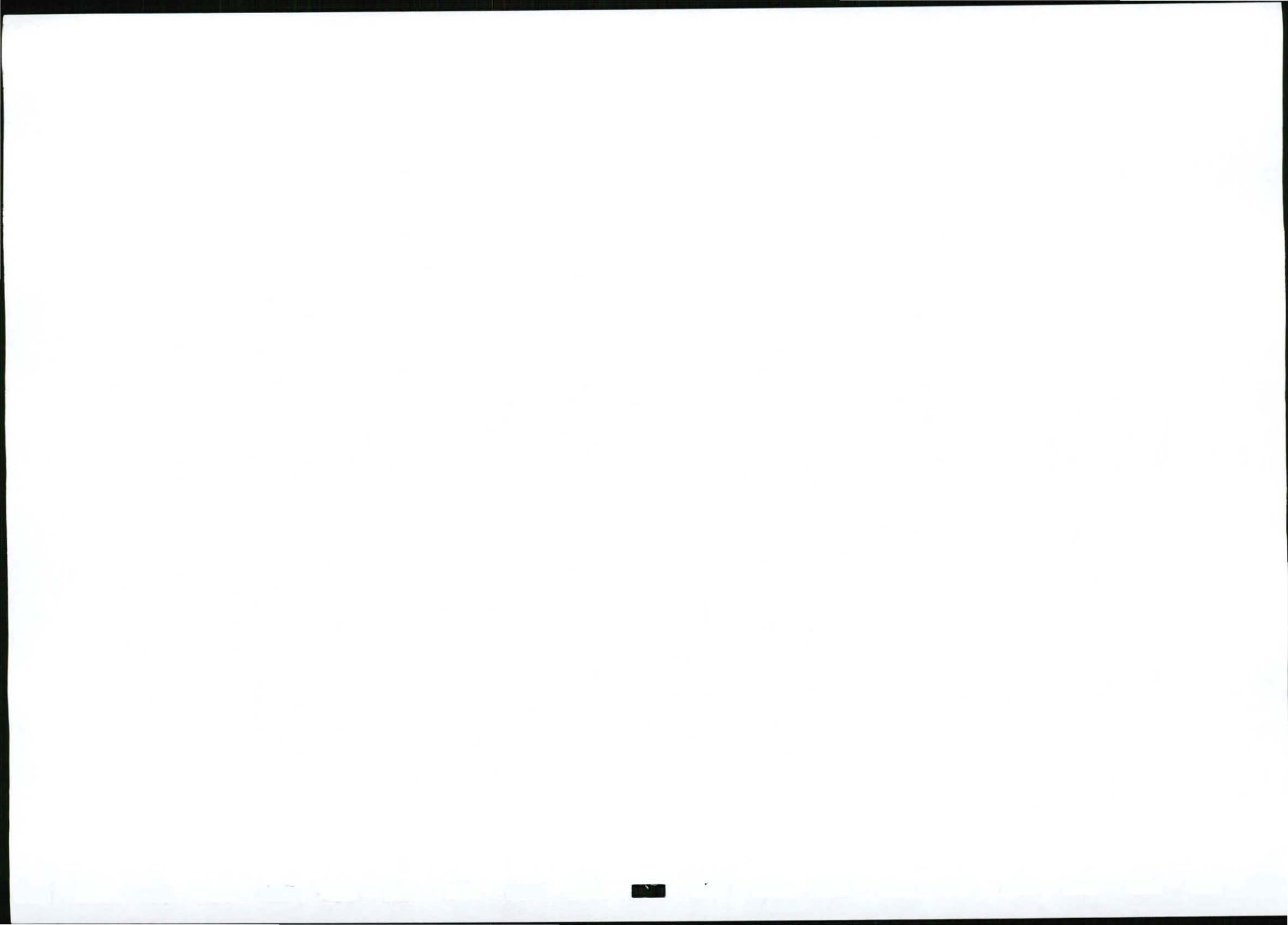
The properties in the vicinity all depend on either dam water which has to be treated, or borehole water as an emergency, as the Kwelera River is tidal, and, therefore, salty, for several kilometres upstream. The development area currently depends on using rainwater tanks for drinking purposes while treated dam water is used for washing, in toilets, etc.

The total number of residents currently able to be accommodated (in flats and caravans, etc) at the Areena Resort amounts to a total of approximately 700 persons during peak season. Allowing for 100 litres per person per day as an estimate for holiday resorts, this approximates to a peak demand of 70 000 litres of potable water per day. In terms of water demand during the year, approximately 75 persons or 7 500 litres per day (or 10 to 15% in high season) use the facilities on a daily basis. The proposed Rivendell development will add about 66 additional units/dwellings, or approximately 66 000 litres per day, when fully developed and occupied, after completion of Phases 1 and 2.

It is Walters and Associates – Engineering Consultants recommendation that the water treatment process should be totally mechanised and made automatic as the future total water Average Annual Daily Demand (AADD) will be in the region of approximately 140,0 kilolitres per day.

Three earth embankment storage dams are currently used, numbered Dam 'A' (the upper dam) with an estimated maximum capacity of 8 000 cubic metres, and the reserve dams, numbered Dam 'B' (the lower dam) with an estimated enlarged capacity of about 17 000 cubic metres, and Dam 'C' with an enlarged capacity of 6000 cubic metres, all when at full supply level. We understand that these dams are normally filled to capacity and overflow after every annual rainy season. Dam 'B' and 'C' will be used as the reserve backup supply for Dam 'A'. A preliminary water resources study of the above three dam's catchment area, using the Wits HRU publication "Surface Water Resources of the Eastern Cape", has revealed that to satisfy a gross demand of 23 000 cubic metres per annum, at a return period of 50 years, a storage capacity of 29 000 cubic metres is required, while the three dams have a combined storage capacity of 32 000 cubic metres, which should be sufficient for this holiday resort.





From Dam 'A', the raw water gravitates equally to five circular brick reservoirs, each of capacity of 50 cubic metres. The water in these five reservoirs are dosed manually with Alum (aluminium sulphate) flocculant and soda ash, and allowed to settle. Treated water is then piped to all the resort facilities, including the proposed development area.

The water samples taken from the clearwater reservoir indicate high Sodium Chloride, Conductivity and Hardness quantities. This can possibly be ascribed to the close proximity to the ocean and the seawater of the tidal Kwelera river. In addition, the soils of the dam basin indicate a definite dispersive and "sodic" appearance, from both colour, colloidal and erosion patterns. It should be noted that the water sample was taken at the driest (winter) time of the year, with the storage dams at their lowest levels. One would expect a much better result during the rainy season, when the water is more diluted. It should be noted that water samples are taken regularly every quarter by officials from the Amatole District Municipality.

9.6 Sanitation

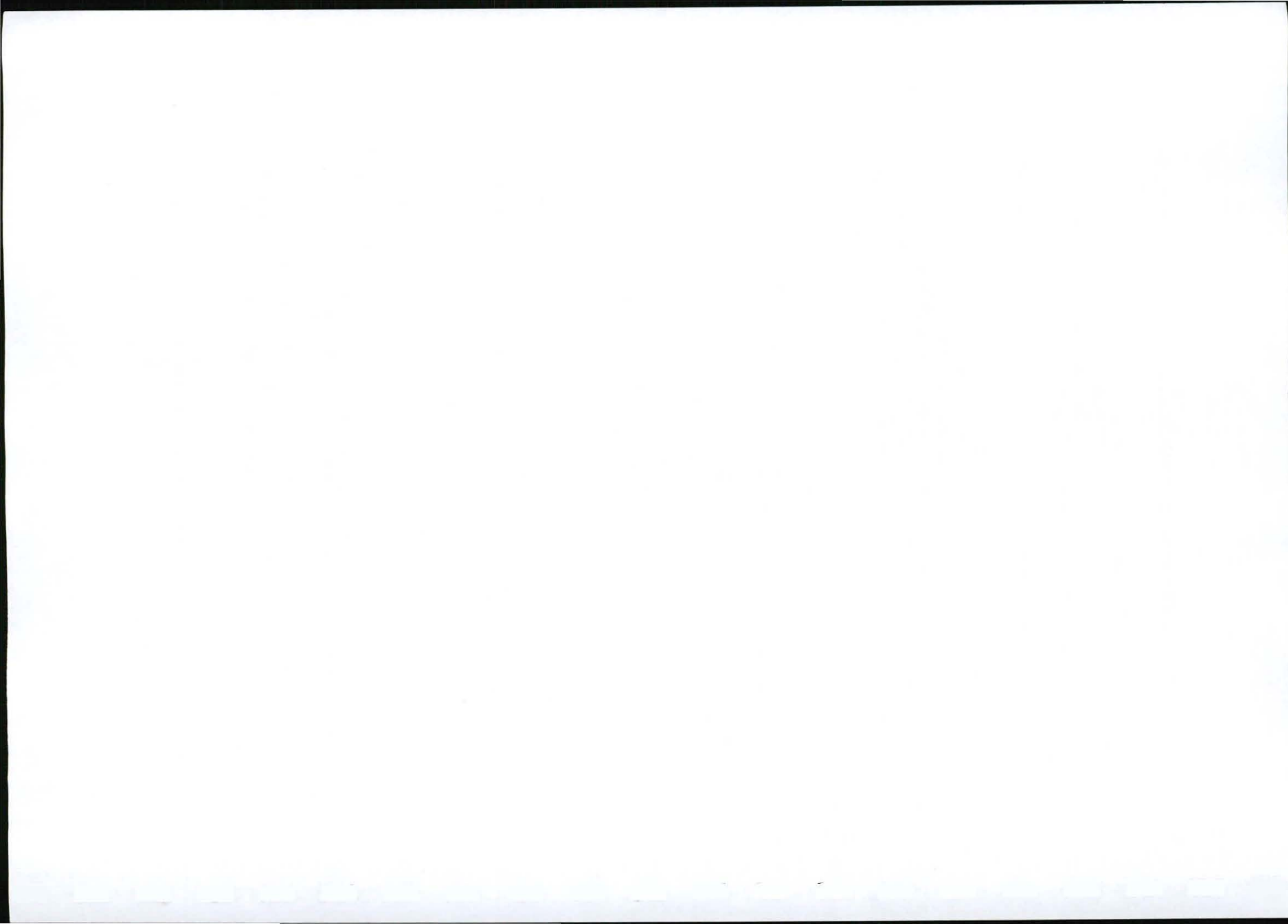
The sewage disposal system currently operating at Areena Riverside Resort may be described as a classical smallbore sewerage system, comprising numerous septic tanks, with outlet pipes discharging by gravity into sumps, and from which sewage pumps pump the 'grey water' effluent in rising mains up to a holding tank of 10 kilolitres, and from which the 'grey water' is disposed of by currently irrigating equestrian grazing camps.

A septic tank is normally a two chamber system that separates solids from liquids, retaining solids for sufficient time to allow sludge to form at the bottom of the tank where it is partially broken down by anaerobic bacteria. The liquid 'grey water' effluent drains through an outlet pipe to either a 'french drain' soakaway system, or is pumped away from pump sump chambers as is done at Areena, for further treatment and disposal.

There are five separate effluent pump stations, numbered PS1 to PS5 on the attached diagram - included in the report, where the 'grey water' effluent gravitates from four general ablution blocks and other residential housing units, prior to being pumped in 75mm diameter uPVC rising main pipelines to the central grey water storage reservoir, from where the effluent is irrigated on to grass pastures. Laboratory test results have indicated that this effluent should be treated properly, and to the prevailing General Standard.

The two options for effluent treatment are either by means of a normal facultative sewage pond system to treat the grey water effluent or by a Buffalo City Municipality approved proprietary 'Clearedge' biological filter-type package plant. If properly designed and constructed, we are confident that the final treated effluent will adequately meet the General Standard. A pond system would comprise of a primary pond, a secondary pond, and several tertiary ponds, all based on the volume of effluent inflow and the required detention periods. We envisage a system like the one the owner/developer have installed at Cove Rock Estate, which has a wetland for final polishing. However, a pond system while being very cheap to operate, requires a large area, and any surrounding dwellings, according to DWAF regulations, have to be quite a distance away.





9.7 Solid Waste

Solid waste / kitchen refuse is to be collected at the entrance gate to the property, stored in an existing secure facility and removed by the a private Contractor, employed by the Land Development Area Applicant and dumped at their registered solid waste site, and residents of the proposed development will be expected to comply with the Local Authority requirements. Disposal on-site in pits, etc, will not be permitted.

9.8 Roads & Stormwater

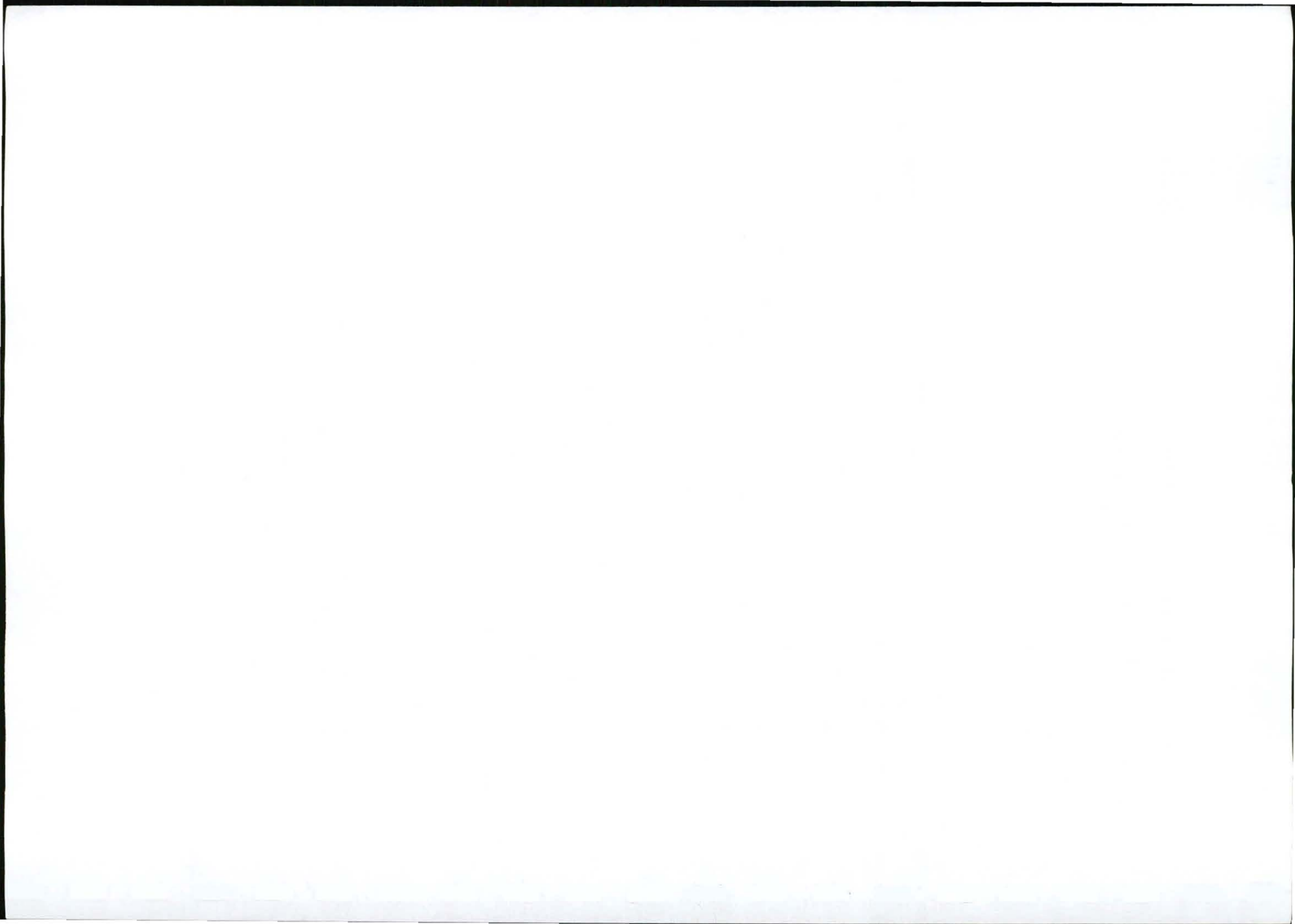
As outlined in the above section : Location, access to the proposed development will be directly off the East Coast Resorts Road, and down along the existing tarred access road, the proclaimed Divisional Road 111, to the existing Areena Resort. The road making properties of the in-situ mudstone materials as found within the development area are generally acceptable as fill and subgrade, when in a relatively coarse state. If used as gravel wearing course or base layer, the material should be stabilised with ordinary portland cement, in the proportions of at least 4,0% cement content by weight. On no account should the 'slaking' mudstone be used as wearing course on the roads, as the surfaces will turn into 'soap' during rainy and wet weather. The internal roads will have bitumen tarred surfaces. The basecourse layer should be a G4 material with a CBR >80, while the sub-base layer should be a G6 with a CBR>25. Layer works material will need to be imported for all internal roads. Any roads constructed at gradients greater/steeper than 1 : 6 should be surfaced.

The proper and effective control of stormwater runoff from the development area should be a priority due to the sloping nature of the surrounding terrain. Open side drains are to be used in conjunction with the tarred roads which should be constructed with a 3% camber. Where stormwater runoff is piped under roads, care should be taken to dissipate the energy of the discharging runoff. The Stormwater Management Plan has incorporated the existing dams on the property and the development, as detention facilities, and have their outlet discharging into the Kwelera River. The volume of the detention facilities required is 2 260 cubic metres to detain the 50 year stormwater runoff.

9.9 Electricity

A 11 kVA 240 Volt and 100kVA bulk Eskom electrical supply currently supplies the development area, where a powerline passes right through the adjacent resort, and from which connections will be made.

Eskom have indicated that the bulk supply will have to be upgraded to accommodate the increase in demand. Each individual erf would have a 60Amp circuit breaker with an "After Diversity Maximum Demand (ADMD)" of ± 6 kVA, while the electrical reticulation will



comprise of suitably sized underground cables, which will supply the individual dwellings with Eskom metered electrical connections from individual electrical kiosks.

9.10 Geology and topography

An initial geo-technical report prepared by Walters & Associates is submitted with the application.

The tidal Kwelera River and its immediate surrounds in the region of the proposed development area, falls within the south eastern Cape Coastal Zone, and is dominated by the great sedimentary deposits of the Karoo Supergroup.

While in the vicinity of the Kwelera River and surrounds, the Beaufort Group as the top sequence of the Karoo Supergroup predominates, and in particular, the Balfour Formation of the Adelaide Subgroup. Towards East London and up to the Kei River, the beds of the Karoo Supergroup are gently tilted, faulted and intruded by dolerite dykes and sills. Because of the general northerly and north-easterly dip of the beds, the Beaufort beds are exposed continuously along the Cape Coastal Zone, where they are not covered by sand dunes and beaches and Cretaceous deposits.

The Beaufort Group, unlike the underlying Ecca Group stratigraphically, is easily recognised by its mudstone beds, and is characterised by reddish-purple and mottled greenish and khaki mudstone deposits, as appearing quite prominently in the road cutting over the Kwelera River. Beaufort mudstone slakes readily in the humid climate of the Eastern Cape Coastal Zone, producing a rolling, hilly landscape with a veneer of clayey soil. In the drier inland areas, the hill slopes are essentially rocky mudstone exposures. Stream beds tend to be bare rock. The sandstone beds are cliff formers, as may be seen all around the subdivided farm, popular sites for absailing.

The development area is situated on the narrow alluvial river terrace sloping gently upwards from the water's edge of the Kwelera River, and comprising transported alluvial deposits of silty clay material in a matrix with rounded sandstone cobbles.

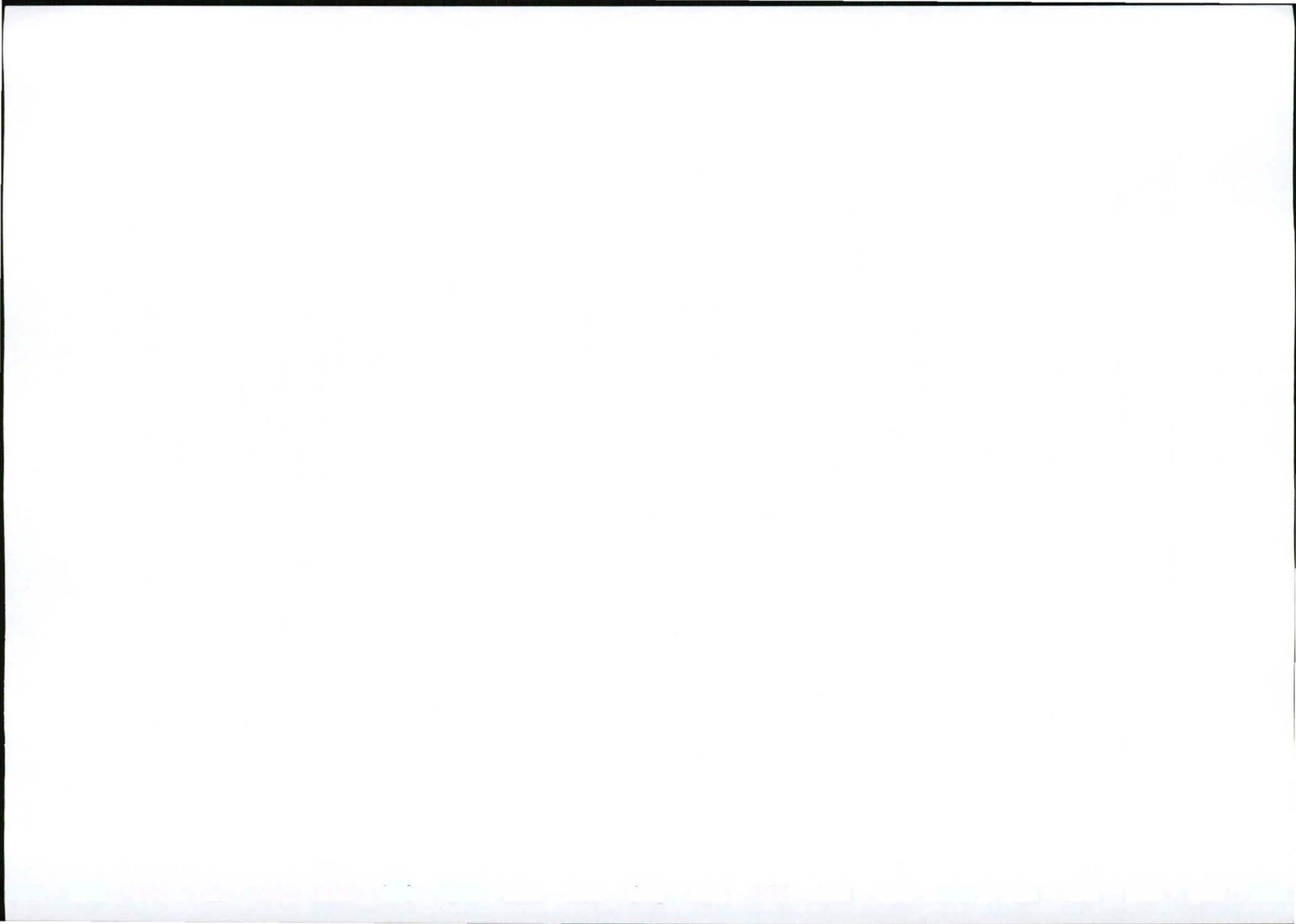
The Geo-technical and Engineering Services Report is attached marked Annexure I.

9.11 Traffic Impact Assessment

In terms of the traffic impact assessment undertaken by Walters and Associates, the intersection has an acceptable level of service, in that delays will be less than 10 seconds on average. This intersection has, accordingly, sufficient capacity to accommodate the additional traffic volumes generated by the proposed development.

The Traffic Impact Assessment Report is attached marked Annexure J.





9.12 Telkom

Telkom overhead and underground cables and connections will only be installed to individual dwellings after Telkom is satisfied with the actual applied demand for telephones from the proposed development.

9.13 Conclusion

The proposed development on the development area will be designed and implemented in accordance with generally accepted engineering practices as outlined in the 'Red Book', the 'Guidelines for the Development of Human Settlement and Planning', in addition to the relevant SABS 1200 series of Civil Engineering Specifications. All relevant statutory legislation as outlined in the Environmental and Water Acts will be strictly complied with in order to ensure that this development will be an outstanding example of environmental and engineering excellence.

10 AGRICULTURAL POTENTIAL

The subject property on which the land development area application is applied for is, at present, not used for commercial agricultural purposes and it is also not suitable to be used for such purposes either. This property together with the other four properties that make up the Areena Conservancy and Game Farm have an established game/wildlife conservancy that is fully operational and successfully managed.

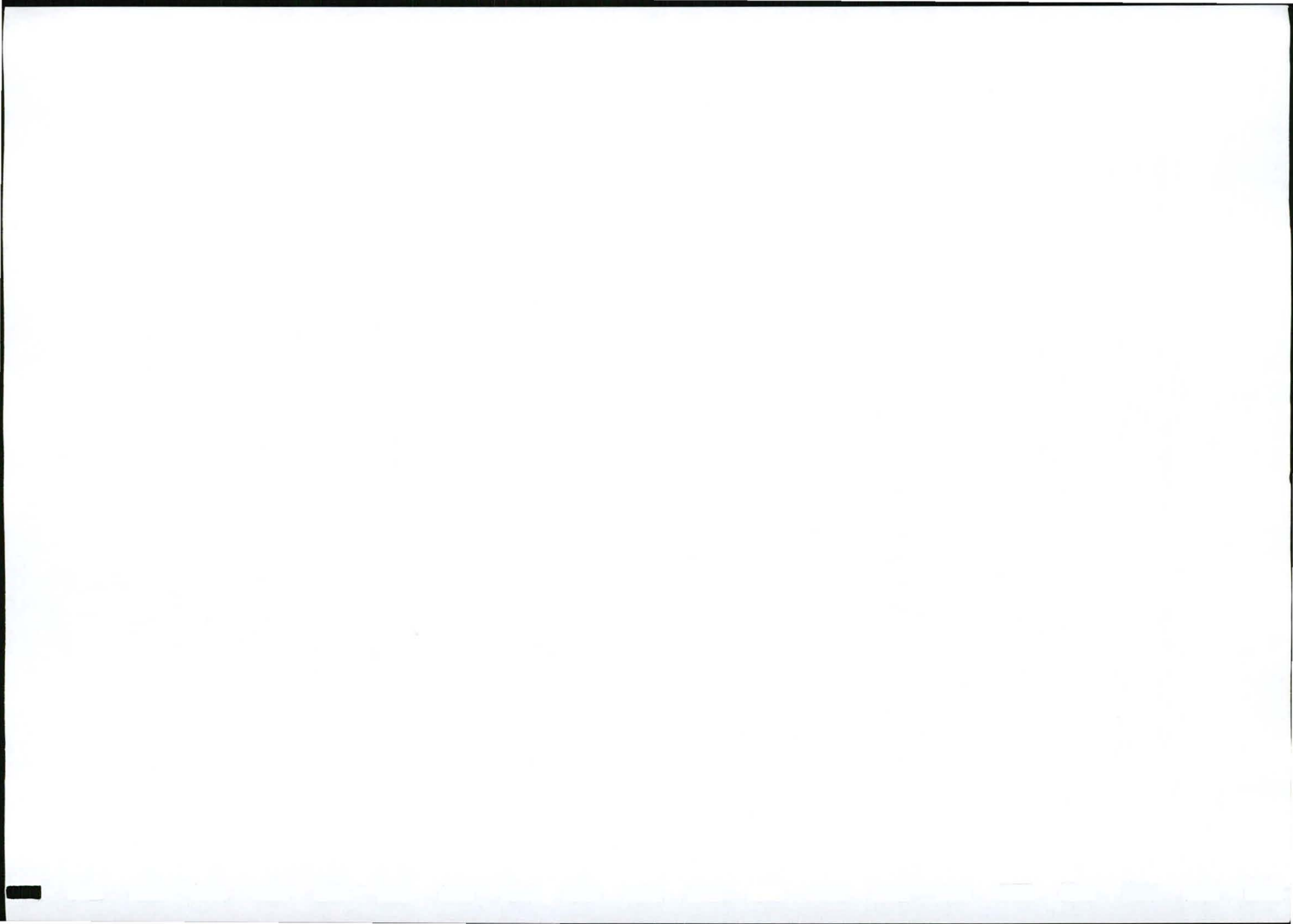
The proposed development application can thus be regarded as an attempt to make full use of a property which is currently being optimised for the conservancy/game farm. It is the intention of the applicant to maintain and improve the conservancy with a portion of the proceeds of the sale of the plots.

Department of Agricultural supported the previous application confirms that the proposed subdivision and rezoning shall not be undesirable from an agricultural point of view and that it is in line with the potential of the property.

An application will be lodged with the Department of Agriculture for consent to the further subdivision of the subject properties in terms of the Subdivision of Agricultural Land Act No. 70 of 1970. An Agricultural Specialist has been appointed to the team for this purpose.

The Great Kei Spatial Development Framework of 2005 states that the land capability of the area is non-arable and is limited to grazing and game farming. This severely limits this sector, as soil, climate and terrain are not suitable for intensive farming. Only 20% of the Municipality has arable land and, accordingly, intensive farming and agriculture has little influence in regards to economic growth, local GDP and job creation. It has been stated that





agriculture is a declining sector in this area and that it is expected that the tourism sector is a growing segment.

The farming industry in the area is also subject to increased criminal activities, high stock theft, labour competition and pricing irregularities, and the agricultural sector is therefore under tremendous strain to survive.

Attached as Annexure K, find the agriculture basic assessment report, as completed by Mr Chris Bradfield, Agricultural Specialist.

The intention of the applicant is therefore to promote the existing wildlife conservancy and game farm development, as per the established Areena Game Farm, to the benefit of the environment and conservation.

In view of the above, it is considered unnecessary for the land development applicant to apply for authority, in terms of the Subdivision of Agricultural Land Act No. 70 of 1970 to permit the proposed development and application is accordingly made for the suspension of the provisions of this Act to the extent that such suspension is required.

A copy of this application will be forwarded to the Department and it may respond to the application for suspension in accordance with normal "comment" procedures.

11 ENVIRONMENTAL SUSTAINABILITY

With reference to Regulation 31 of the Development Facilitation Act Regulations, a scoping report has been prepared by Dirk Prinsloo Environmental Consultant, in which it is confirmed that, other than the flood area, the subject property and the development footprints was found not specifically sensitive from an environmental perspective.

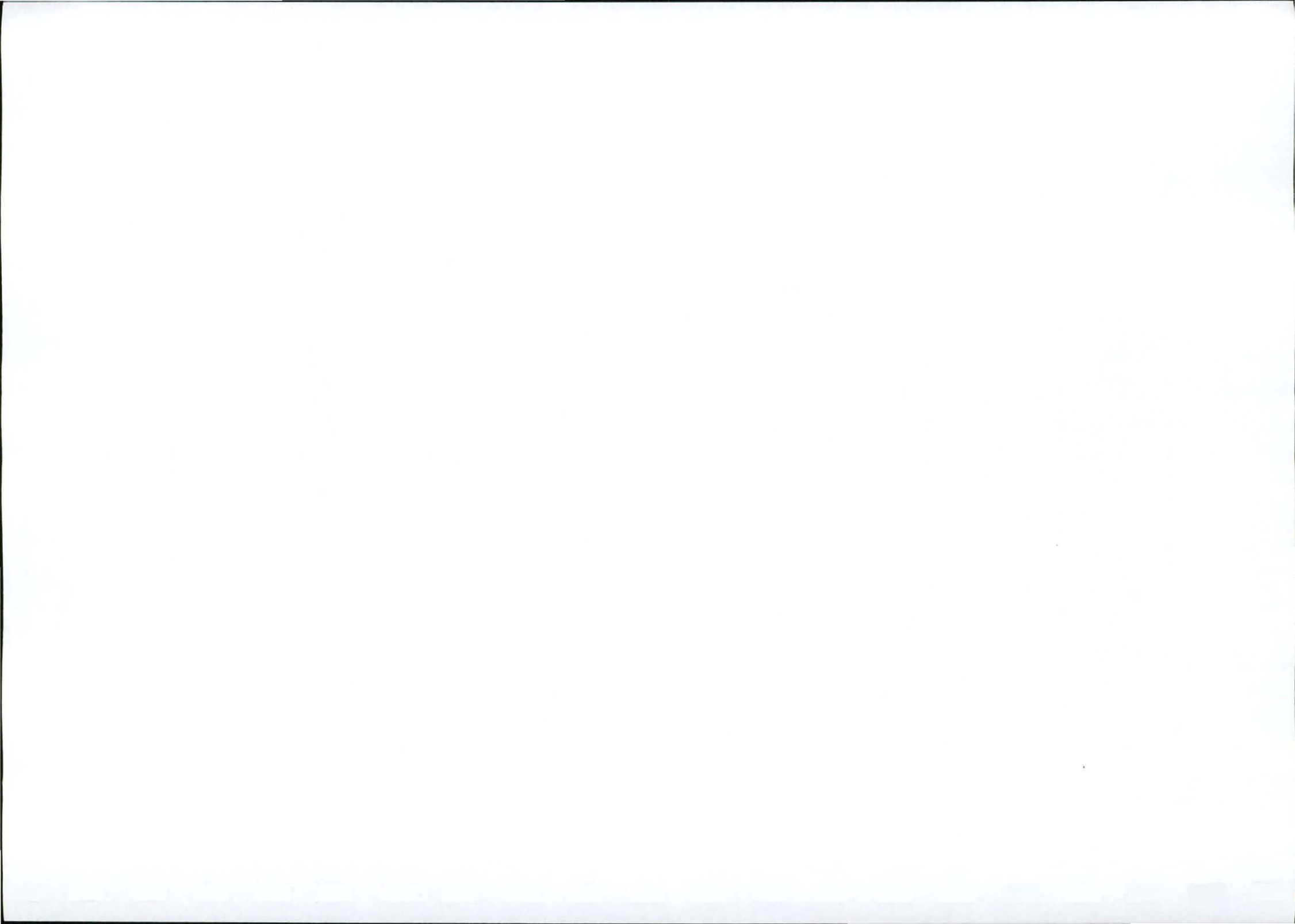
This report details the findings of a DFA Scoping Report as part of the Basic Assessment Procedures and related public participation component to identify key issues associated with the proposed projects at Areena Rivendell Estate & Areena Island View Resort

Out of these key issues, no ecological fatal flaws were identified for the proposed development at Areena Rivendell Estate & Areena Island View Resort that should prevent the project from taking place. All potential environmental impacts are considered to be of low significance and there are no impacts of concern that cannot be mitigated against.

It is recommend that an Environmental Management Plan be developed prior to construction commencing, approved by DEDEA and be incorporated into the relevant contract documentation of the preferred contractor.

The appointment of an Environment Control Officer is recommended for the construction phase of the development.





A separate application will be submitted to the Eastern Cape Department of Environmental Affairs in terms of the provisions of the National Environmental Management Act 107 of 1998 for authorization to conduct the activities on the subject property as aforesaid. This matter will be dealt with separately from the land development area application, having regard to the fact that no specific environmental aspects need to be considered in this context.

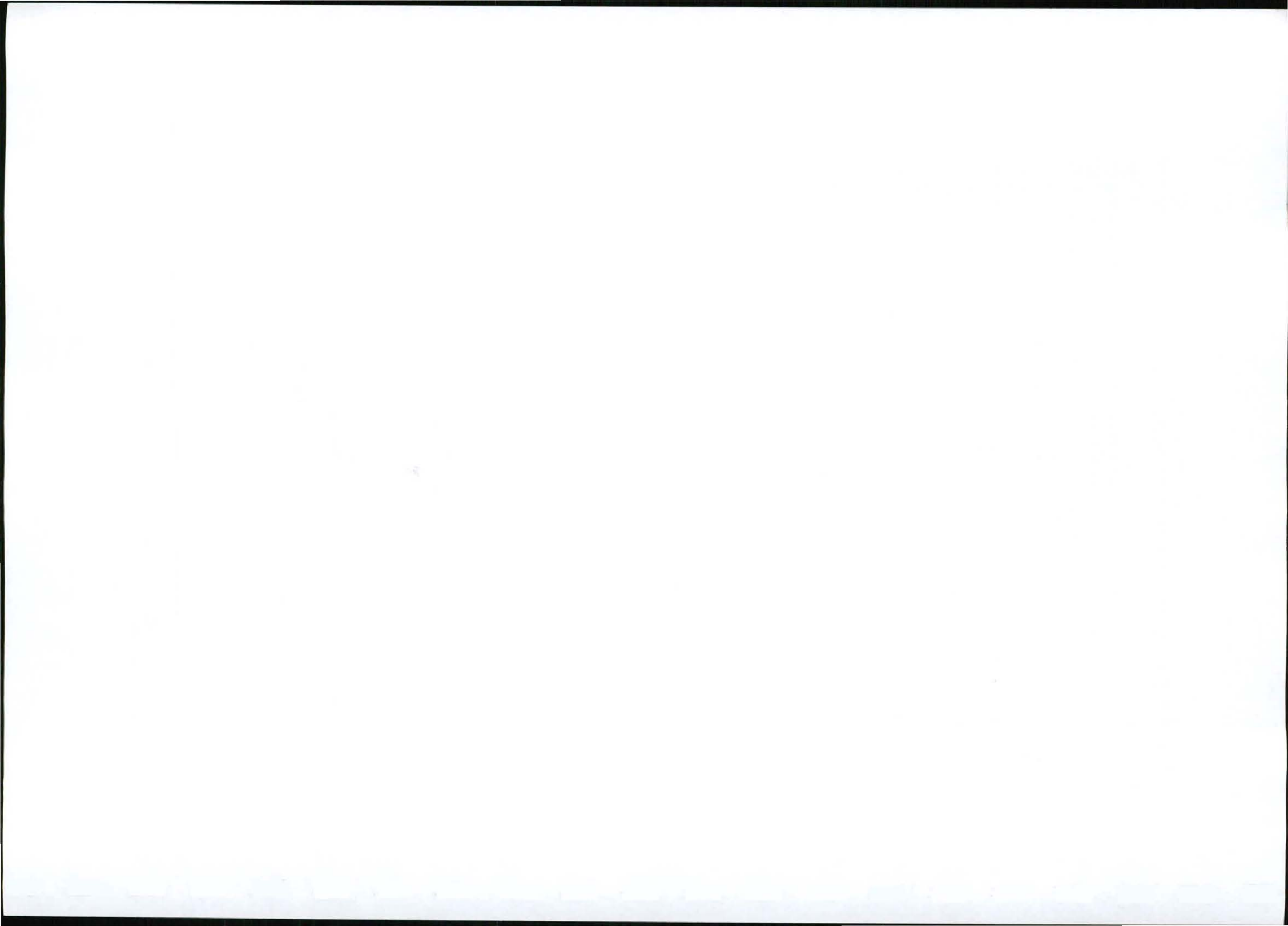
It is also important to consider that the preparation of the scoping report will be preceded by a separate public participation campaign during which affected parties will be offered the opportunity to raise issues of concern.

Attached as Annexure L please find the full scoping report, as completed by Dirk Prinsloo, Environmentalist.

The Scoping Report requirements are defined by the DFA Regulations and will indicate the extent to which the proposed activity or development will impact on the environment, and where appropriate deal with the following specific aspects of the environmental impact:

- a. The physical and landscape characteristics of the land development area and its surroundings;
- b. The ecological characteristics of the land development area and its surroundings;
- c. The current and potential land-uses of the land development area;
- d. Existing significant archaeological, historical and cultural sites in the land development area and its surroundings;
- e. The social and economic impact on communities in the land development area and surroundings;
- f. The existing infrastructure and/or services in or around the land development area;
- g. The existing social and community structures, services and facilities in or around the land development area;
- h. The levels of present and possible pollution, including noise pollution, in the future as a result of the proposed development;
- i. Any risks or hazards to the environment posed by the development;
- j. The health and safety of the public;
- k. The social costs of the proposed development;
- l. The effect of the proposed development on different groups or individuals;
- m. The medium and long term environmental sustainability of the proposed development;





- n. What mitigating measures could be implemented to reduce negative impacts and enhance positive impacts of the aspects described in paragraphs (a) to (m) and, where appropriate to what extent alternative sites for the development were investigated.

12 ARCHITECTURAL GUIDELINES

Vision

The Areena Rivendell Estate and Areena Island View Resort overlooks the pristine Kwelera River, magnificent cliffs and game conservancy endemic of the malaria free temperate climate of the Eastern Cape Wild Coast.

The Estate's greatest asset is its array of bird life and game such as the nyala, zebra, giraffe, bushbuck and giant tortoises which will be your neighbours and wander through your own piece of natural unfenced habitat.

It is the intention of the land development area applicant and the architect to create a modern interpretation of a combination of 'prairie' and river cottage bungalow type vernacular architecture, echoing the morphology of the landscape.

The overall vision is to merge with the natural environs without ostentation or barriers.

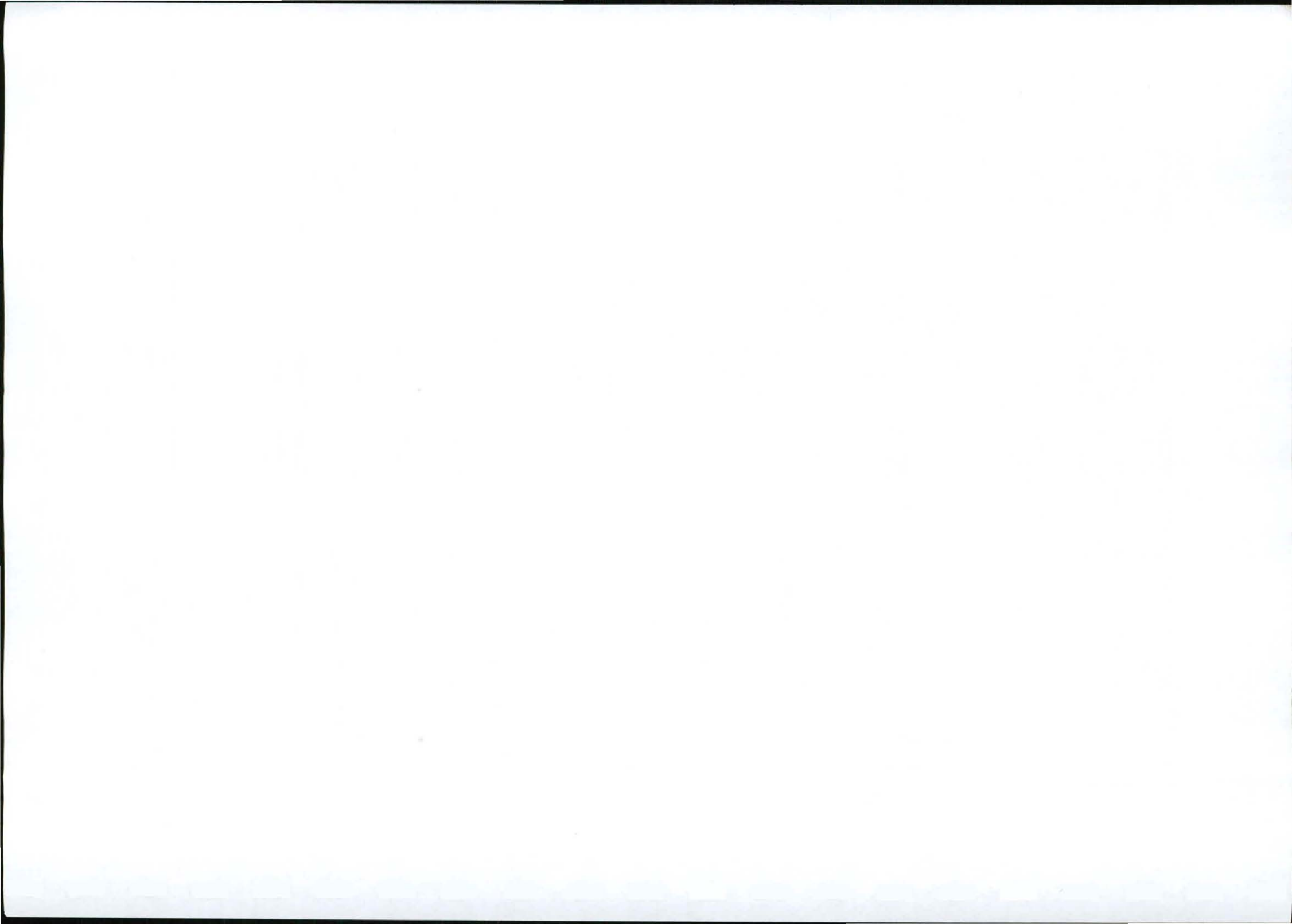
It is further recommended that window and door head heights will be set at 2380mm thus accentuating the relationship between inside and the views without.

Single level dwellings are encouraged with double storey dwellings permitted, the second storey being at the lower contour levels where this is practicable and the most cost effective design solution.

Landscape Concept

In essence, this application is based on the concept of extremely low density residential development within a tourism & country setting, yet offering high security in the form of access control. The scale and density of development will be extremely low. The estate development will be governed by a Home Owners' Association.

Preservation and enhancement of biodiversity of species is a central theme of the estate and the provision of indigenous trees and plants will see an increase in the variety of birds, small animals, insects and plants on the development. The green conservation area that has been allocated and joined by canopy corridors will also enhance the bird life on the development, and the estate will continue to be resonant with the sound of birdsong.



Security

The safety and security of the estate owners and visitors is of paramount importance. It is planned that a 24-hour access controlled entrance from the main road manned at all times by authorized security staff will be provided. All visitors will be required to sign in at the entrance and home owners will be responsible for their visitors during their stay. Security measures will be reviewed often to ensure that the relaxed, open lifestyle offered on the estate is sustained.

Landscaping Guidelines

The landscaping requirements set out below are compiled around the various garden types sustainable by the Kwelera River Valley and the natural diversity found on the estate and comprise strictly indigenous species of trees and shrubs in each instance.

It will be a condition of sale of an erf that the owner shall plant a minimum of 2 indigenous trees within the boundaries of his/her erf in accordance with the guidelines below.

The following general landscaping guidelines shall apply to all residential erven:

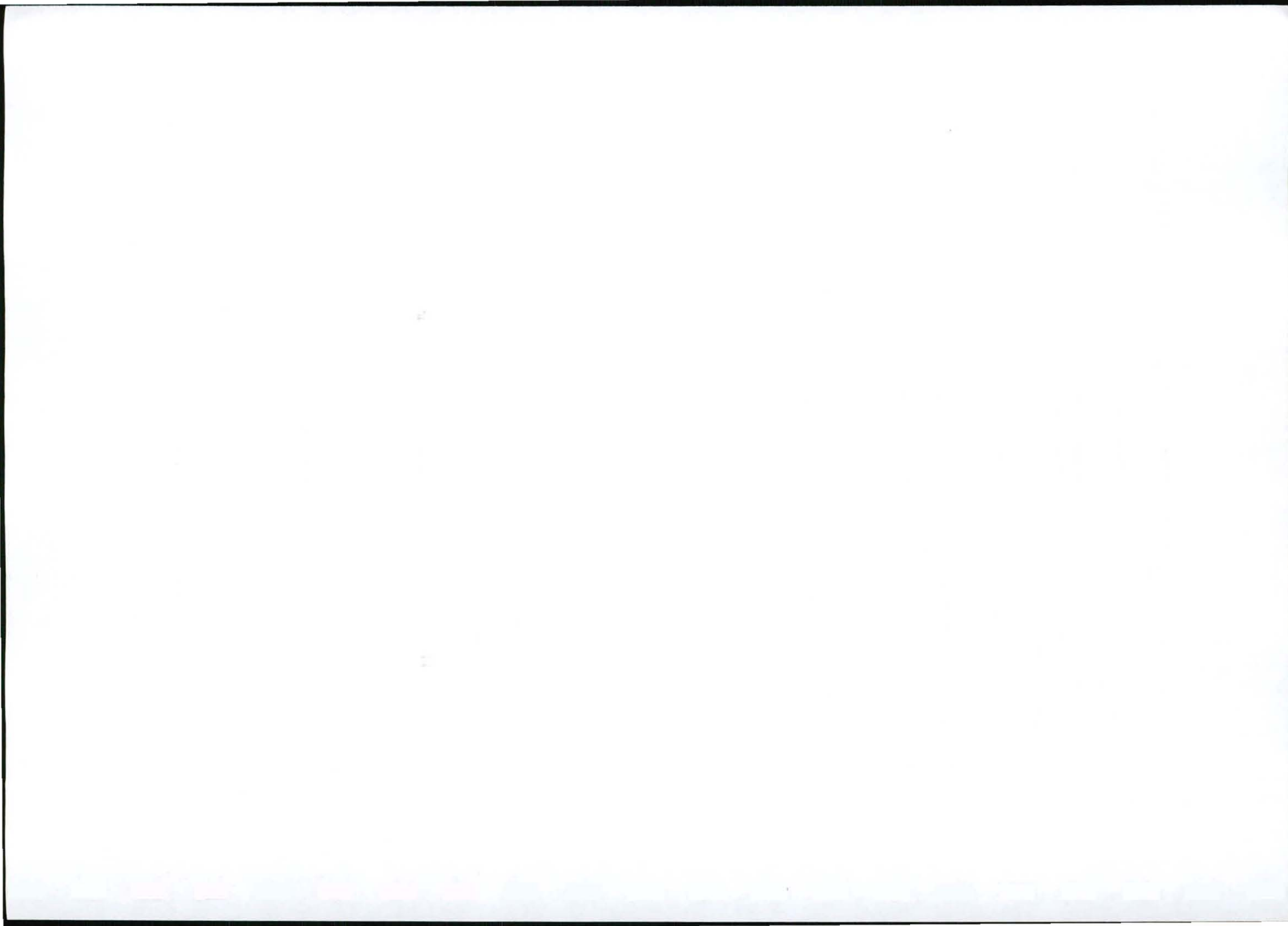
- landscaping should be implemented immediately following construction of the infrastructure and dwellings, in order to prevent erosion and help deal with storm water.
- owners are to plant indigenous trees and shrubs endemic to the Kwelera River Valley only.
- established vegetation within the road reserve should be taken into account when positioning access point to sites. No trees shall be cut down without the written and express agreement of the Home Owners' Association.

Architectural Guidelines

The developer will appoint an approved architect to design, document and supervise all improvements on the estate to Home Owners' Association requirements, and subject to the Architectural and Landscaping Guidelines that will be formulated.

These architectural guidelines will be adopted to create harmonious living and a coherent theme for the estate. The Estate Manager appointed by the Home Owners' Association and Areena Resort Trust, together with the appointed Estate Architect, will administer these draft guidelines as well as approve and monitor the contractors' compliance with the development procedures and site and security protocols.

This document is specific to the Areena Rivendell Estate and Island View Resort and outlines aesthetic, planning and procedural considerations. Each home owner will be strongly encouraged to peruse this document as it will form part of the sale agreement and be contractually binding.



The objective of the **Draft Architectural Guidelines** is as follows:

- to create a harmonious environment on the Estate that will be sensitive to the natural beauty of the surrounds and add to the creation of an indigenous landscaped garden estate.
- to ensure that all owners' co-operate on the estate to enhance the living experience of all residents.

The Architectural Guidelines and prescriptive procedures with regard to plan approvals and building operations on the estate are described to prevent deviations from the theme each owner has bought into.

Contractors' regulations are necessary to ensure that the tranquility of the estate is preserved for all during its time of establishment as well as thereafter.

The guidelines and regulations with regard to the buildings themselves are to ensure that buildings of quality are erected by professional contractors in an effective and organized manner.

An appropriate architectural language has been established in terms of the following:

- Climate
- Geography (Kwelera River Valley)
- Topography (Sloping landscape)
- Context (farmland)
- Cost Efficiency
- Technology
- Contemporary Lifestyle
- Sustainability

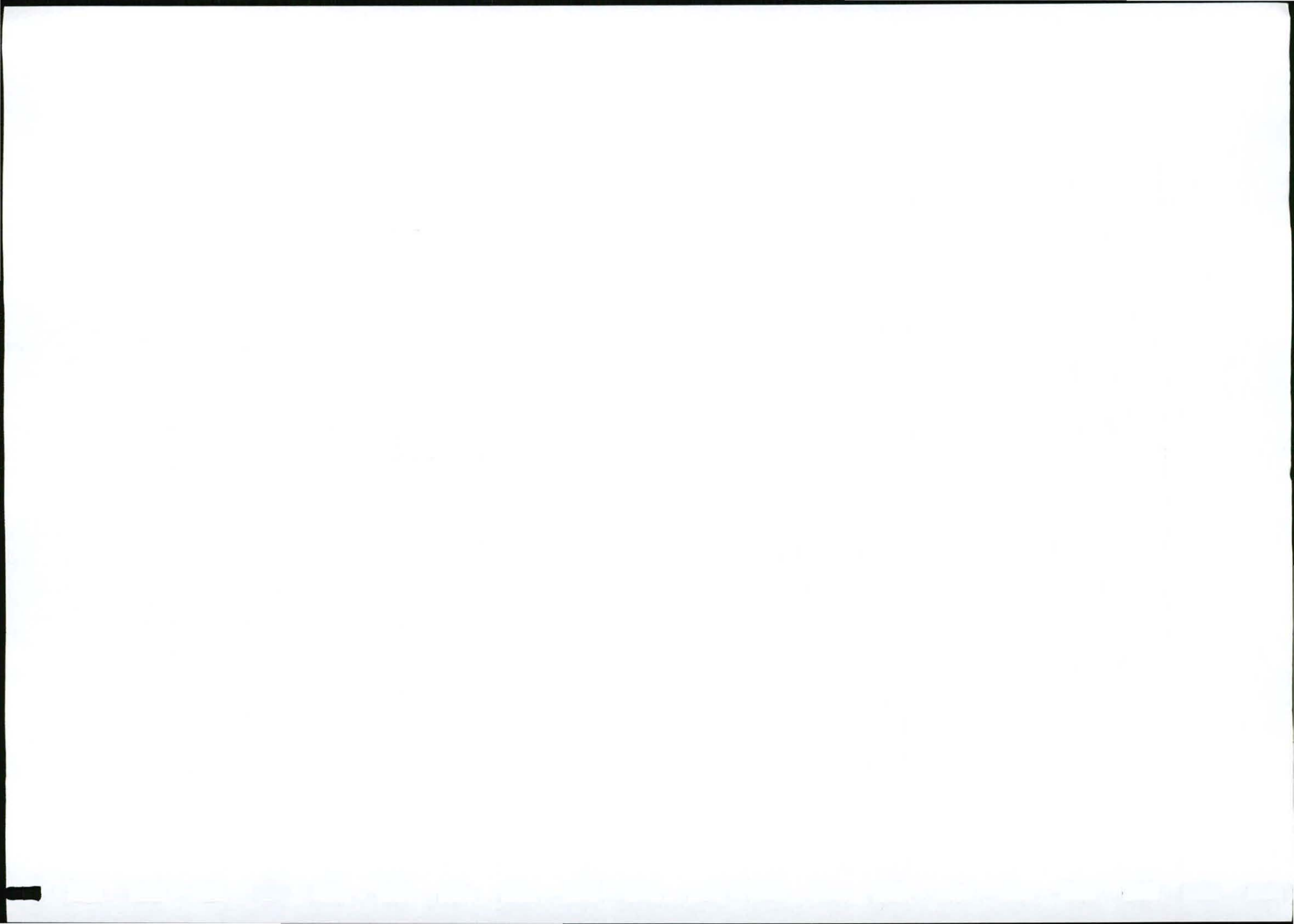
Any proposed improvements on the estate planned by the owner will require the submission of building plans to the Home Owners' Association for approval according to the procedures and guidelines on aesthetics outlined herein.

It is to be noted that, whilst a proposal may comply with the Architectural and Town Planning Controls as set out in this document, it must also capture the intended architectural ethos of the estate.

Draft Building Guidelines

- Single story buildings will be encouraged, however double storey will be permitted
- Water tanks at rear of building
- No visible guttering
- Low pitched roof with thatch surround
- Neutral earthy colours to walls





- Low level lighting
- Natural timber structures for decks
- Draft Home Owners' Rules
- No pets
- No spotlights
- No flower gardens – only indigenous local vegetation
- Natural flora and fauna protected
- Noise restrictions to be enforced

These guidelines, whilst having produced an architectural style will allow flexibility for individual expression. A continuity of the built fabric is to be achieved through uniformity of materials and colour, and by controlling the forms and elements, such as shutters, additional stonework and variations to ballustrading, all to the approval of the Architectural Review Committee.

National Building Regulations

All materials used, construction methods, plumbing and electrical requirements, and health and safety precautions are to comply with the National Building Regulations AND BUILDING STANDARDS ACT, 1997 and applicable S.A.B.S. codes of practice.

Architectural Form

The forms used should be in conformity with the design principals of the prototype plans.

The use of projecting decks and eaves to shade walls and areas of glass and thereby break up the visual impact of the building will be encouraged.

General Building Control

The dwellings and garages must be located within the building lines on the individual sites.

The minimum floor space of a dwelling shall be 200m² inclusive of garages and covered balconies, decks and terraces.

No second dwellings will be permitted on any site

Use of dwellings shall be restricted to single residential zoning only.

Coverage

The average erf size is 800m².

The maximum allowable coverage shall be 50%, which translates into approximately 400m² dependant upon final survey erven beacons.



Building lines

A building line of 4.0m shall apply to street boundaries and 1.0m to remaining side and rear boundaries.

Architectural projections over building lines (roof overhangs, bay windows, chimneys) shall be restricted to 800mm and 0.0m on the abutting dwelling common walls which are to be of the parapet type.

Height restriction

The height of either a single level or double storey dwellings measured to the centre line of the roof structure from the mean site contour shall be 8.0m.

No portion of the building, except chimneys, shall be higher than 9.0m.

No vertical face of the building shall be higher than 5.8m measured externally from finished ground level to wallplate or eaves level.

The height restrictions are intended to protect views across the site as well as to generate stepping of the dwellings in line with the natural site contours.

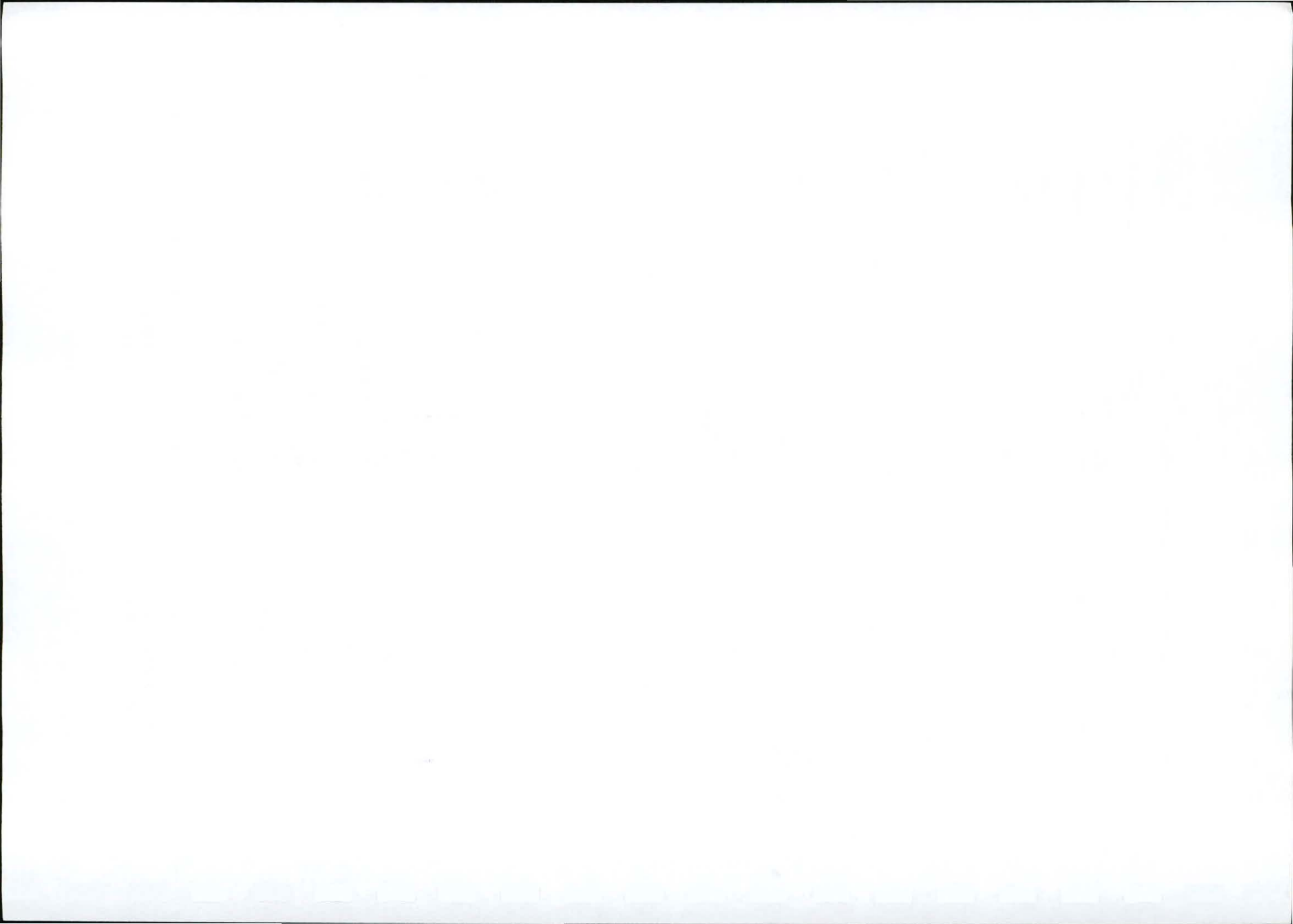
13 DEVELOPMENT BEYOND THE URBAN FRINGE

"New order legislation" such as the Development Facilitation Act, 1995 has been introduced to modify plans and to allow planning to take account of a broader range of material considerations to enable it to work more effectively and to ensure that it engages communities in the planning process. With the new policy direction which underpinned the new order legislation such as the Development Facilitation Act, 1995, came the concept of containment of perceived urban sprawl and all the perceived ills associated with this modern defining and "urban edge", alternatively "urban boundary" alternatively a "fringe" ostensibly with a view to putting in place an outer perimeter boundary to contain urban style development.

The imposition of the urban edge policy was based on the assumption that development beyond the edge or fringe would be of a style different to typical urban development and would, inter alia, protect scarce resources such as:

- valuable agricultural land;
- regional open space systems;
- conservation areas and the like.





New concepts have emerged for consideration in planning terms and in this regard the following is quoted from Planning on the Edge:

Strategic gaps:

They are to protect the setting and separate identity of settlements and to avoid coalescence, to retain the existing settlement pattern by maintaining the openness of land and to retain the physical and psychological benefits of having open land near to where people live.

Rural buffers:

To avoid coalescence with settlements (including adjacent villages) near a town until the long term direction of growth is decided,

Green wedges:

To protect strategic open land, helping to shape urban growth and its progresses, to preserve and enhance links between urban areas and the policy has been implemented by certain planning authorities in South Africa, and while such policies have resulted in "leap frogging" beyond designated boundaries, the green wedge concept may be used to promote "development fingers" stretching out from the built up area where such fingers are indeed relevant having regard to landscape, natural areas and the like. Proposed activity corridors associated with tourism, transportation and routes, such as the Coastal Areas of Great Kei is a case in point.

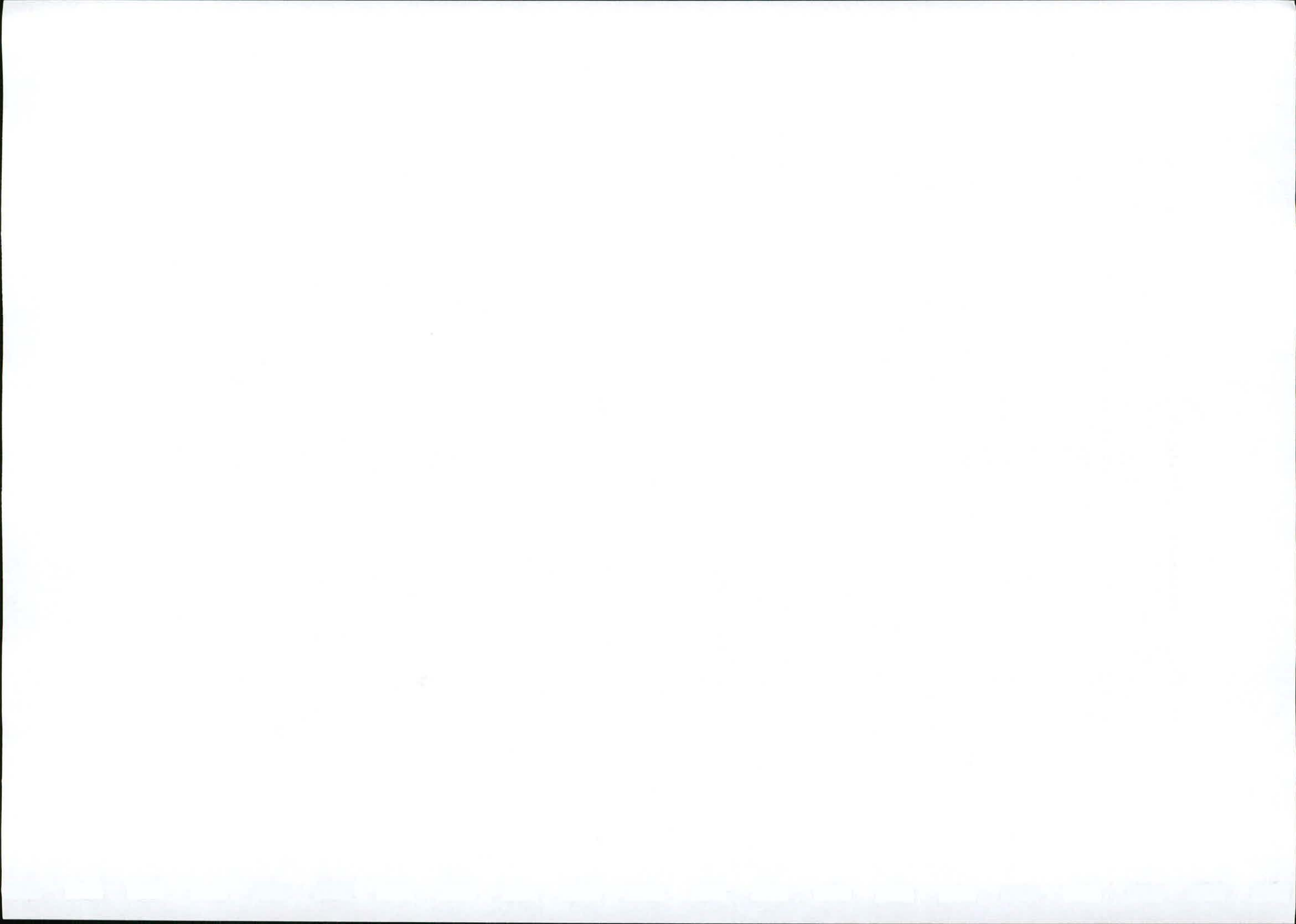
14 GREAT KEI SPATIAL DEVELOPMENT FRAMEWORK AND IDP

The Spatial Development Framework (SDF) as part of the Integrated Development Plan (IDP) is given legal status in terms of the Municipal Systems Act (Act 32 of 2000) and Municipal Planning and Performance Management Regulations as published on 24 August 2001.

In terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Great Kei Local Municipality has adopted an Integrated Development Plan for its area of jurisdiction and as a consequence, a Spatial Development Framework has been developed to visually illustrate the goals and objectives of the municipality with regard to future desired spatial patterns relevant to the area in which the subject property is located.

In town planning terms, it would be prudent to implement a development of this nature on the subject property considering that it is in close proximity to the N2 Freeway which is a link to other destinations in the Eastern Cape and South Africa.

The East Coast Resorts and Wild Coast form part of this land development area. The subject property is easily accessible from the N2 national freeway, Jikeleza Tourism Route and



Schafli/East Coast Resorts Road which functions as a link between the East Coast Resorts, Wild Coast and Gonubie/East London/Greater Buffalo City Municipality. It is, therefore, clear that the property enjoys good accessibility and is adequately linked with other destinations, which may be visited by prospective clients/tourists.

The proposed land development area may further compliment surrounding land uses especially along the Jikeleza Tourism Route such as the well-known Areena Resort, Yellowsands Resort, Queensberry Bay, Cintsa East and West, Inkwenkwezi Game Reserve, Glengariff and Gleneden Resorts. The fact that the site is located en-route on an established Tourism Route from an established urban environment creates the opportunity. The development should not harm the amenity of the surrounding agricultural environment and must therefore be treated sensitively as for as scale and design are concerned.

The Jikeleza Tourism Route has been earmarked as a special development route and the subject property is therefore directly affected in the sense that future tourism type and resort developments could be planned in close proximity, providing an opportunity for integration.

It is emphasized in the SDF that tourism and investment development occurs in this area and job creation must be promoted. This is what the proposed development aims to achieve. The proposed development appears to be in line with the vision of the local authority. There are no apparent fatal flaws associated with town planning considerations relevant to the subject property.

According to the Great Kei SDF 5.3.3.5 it reads, "The Chintsa East Urban Edge circumscribes the largest area identified for urban-type land development, in recognition of the fact that the town and adjacent areas falls under the significant influence of the East London and related coastal areas land market."

With respect to the current context, the SDF states that residential development refers to "separate legal title or ownership" (eg. Residential or Resort Zone II Zoning). The SDF states that low/limited density could be applicable. The Areena Rivendell Estate development density proposed is 2 units per hectare. The SDF states that Resort uses outside of the urban edge should only be permitted at low densities.

As is evident from the above, the adopted policy for the area indeed supports the notion of the use of subject property for the intended purposes of a resort style development in a mixed use configuration.

It is also evident that the subject property's locational context at the intersection of the gateway road (Provincial District Roads) is therefore significant. As part of the facilities located within the surrounding properties of the intersection, it is evident that the proposal by the applicant will serve to support the notion of developing an identifiable gateway to the Areena Conservancy and Resort facility which enjoys national recognition and is fast becoming one of the most frequently visited tourist/resort attractions in Eastern Cape.

The Land Use Management guidelines of the SDF are seen to be preferred outcomes and are the base from which applications can be determined.



The Great Kei SDF states that, "only appropriately low impact development should be permitted in the species rich coastal grasslands between Glen Gariff and Yellowsands".

The 2005 Great Kei Spatial Development Framework provides spatial and strategic planning guidance/proposals regarding the development of the properties. The SDF identifies the subject property as falling outside of a specific higher order node or urban edge. However, an application of this nature has aligned and adhered to the following principles, thereby making the application desirable from a planning perspective:

- Will form part of the Areena Conservancy;
- EIA Process being undertaken in terms of NEMA legislation;
- Density/footprint and impact restrictions are evident as per the SDP;
- No environmentally sensitive areas have been impeded;
- Low density development;
- Sustainability has been proven by the engineering report;
- There will be socio-economic benefits, where there will be significant opportunities for the surrounding community and unemployed;
- Aesthetic controls will be applied, as per the draft Home Owners Association Rules;
- Any negative/destructive impacts have been mitigated; and
- Provision of services has been proven.

The specific purpose of capacitating the Home Owners' Association / residents who will act as custodians of the natural environment, where such natural resources are zoned and managed for conservation purposes and restricted against further medium or high density residential development. It is, therefore, clear that the proposed land development area is viewed as acceptable in terms of the SDF. This application should be viewed in this light.

"..in relation to the greater East London area – and the consequent pressures emanating from the land market for land developments ranging from smallholdings through to resort development to 'Lifestyle' - type developments, it is envisaged that this area could accommodate well motivated and sustainable developments that are in keeping with land development trends and needs."

The subject development area finds itself in the midst of an area identified as having all these development pressures and potential uses. Hence, knowing that planning is fundamentally a tool used to anticipate growth and control its development pattern in an orderly fashion, one cannot eliminate the fact that this application is one such area that has the characteristics of a country lifestyle estate and this should be considered for this purpose. We submit that this area is an area in transition and should, therefore, be afforded full limited / low density development rights.

The Go-But Category of the SDF does not rule out limited low density development, but is subject to meticulous evaluation. The applicant therefore is of the opinion that the professional and qualified project team has undertaken the detailed planning that is required

