

START



OUR REF: 6438.14
YOUR REF:
23 August 2010

South African National Heritage resource Agency
PO Box 758
Grahamstown
6140

ATT: Mr. Thanduxolo Lungile

IN THE DEVELOPMENT TRIBUNAL FOR THE EASTERN CAPE

CASE NO: DT (EC) 0013/2010

**NOTICE IN TERMS OF REGULATION 21(6) OF THE REGULATIONS UNDER
THE DEVELOPMENT FACILITATION ACT, 67 OF 1995**

NOTICE OF LAND DEVELOPMENT AREA APPLICATION

NOTICE is hereby given that **NPM PLANNING cc** acting on behalf of the **CRIMSON RIVER INVESTMENTS (PTY) LTD** has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on **ERVEN 3948 AND 5712, BEACON BAY, EAST LONDON**

The proposed development comprises the following:

- The approval of a land development area and rezoning in respect of the development shown on Site Development Plan 6438.05 covering a total area of 1.2824 ha to accommodate the Crimson Park Development;
- Rezoning from Agriculture Zone to Business Zone 1.

The relevant plan(s), document(s) and information are available for inspection at Department of Local Government and Traditional Affairs, Room 4186, Fourth Floor, Tyamazashe Building, Phola Avenue, Bhisho, 5605 and at the offices of the land development applicant for a period of 21 days from **23 August 2010**.

The application will be considered at a **TRIBUNAL HEARING** to be held at the **Blue Lagoon Hotel, Beacon Bay, East London** on **2 December 2010** at **10h00** and the **PREHEARING CONFERENCE** will be held at the **SAME VENUE** on **04 November 2010** at **10H00**.

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PROFESSIONAL TOWN & REGIONAL PLANNERS, GIS CONSULTANTS, DEVELOPMENT PLANNERS AND LAND REFORM PRACTITIONERS
DIRECTORS: DB Poortman TRP(SA), B.TRPU(P), M.U.R.P.(UFS); SD Mngqubo TRP(SA), N.DIP(TRP), B.TECH(TRP); MJ Medcalf PRL(SA), B.Sc(Survey), B.Sc(Civil Eng)

Any person having an interest in the application should please note that:

1. You may provide the Designated Officer with your written objections or representations by **13 September 2010**.
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal on the date mentioned above. Only objectors who attend the pre-hearing may be entitled to attend the hearing, as per Development Facilitation Act rules. Any written objection or representation must state the name, address and contact number of the person or body making the objection or representation, the interest that such person or body has in the matter and the reason for the objection or representation. .

Any written objection or representation must be delivered to the Designated Officer at the Department of Local Government and Traditional Affairs, Room 4186, Fourth Floor, Tyamzashe Building, Phola Avenue, BHISHO, 5605.

You may contact Mr M.M. Mona on Telephone No. 040 609 5465 or Fax No. 040 -609 5198 if you have any queries concerning the application.

LAND DEVELOPMENT APPLICANT

NPM PLANNING cc
Town and Regional Planners
Represented by: Deon Poortman
7 King Street, Southernwood
East London, 5201

Tel : 043 – 722 2935
Fax : 086 675 4814
Email : el@npmplanning.co.za

Yours faithfully,



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 CRIMSON RIVER INVESTMENTS (PROPRIETARY) LIMITED

ERVEN 5712 AND 3948 BEACON BAY

APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA AND REZONING

[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

Annexure B – NPM Consent to lodgement

Annexure C – Conveyancer's Certificate

Annexure D – Letter from Land Claims

Annexure E – Power of Attorney and resolution

Annexure F – Bondholder's Consent

Annexure G – Engineering Services and Geo-technical Report

Annexure H – Stormwater Management Plan

Annexure I – Traffic Impact Assessment

Annexure J – Environmental Scoping Report

Annexure K – Deed of Servitudes

LAND USE	ZONING	EMT NO.	No of Du	m	% OF TOTAL
Office, parking, private roadway	Business Zone 1	3948	0	5476	100
Office, parking, private roadway, townhouses	Business Zone 1	5712	5	7348	100
TOTALS		2	5	1,282	100

The **Crimson Park** development application consists of the following elements:

[a] The approval of a land development area and rezoning in respect of the development shown on Site Development Plan 6438.05 covering a total area of 1,2824 ha to accommodate the Crimson Park development;

[b] The approval of Site Development Plan 6348.05, to, inter alia, accommodate the proposed development, as follows:

The application in terms of Section 31 and Regulation 21 of the DFA for the establishment of a land development area, to be named **Crimson Park**, a mixed use development application, which consists of the following elements, which this report serves to motivate:

ERVEN 5712 AND 3948 BEACON BAY

APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA AND REZONING ON :

Applicant's Name DEON BARRY 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 DEON POORTMAN

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

PART 2 : APPLICATION

Designated Officer

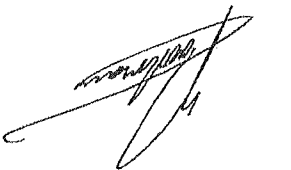
Date of receipt

[c] Rezoning from Agriculture Zone to Business Zone 1;

ERT NO.	Coverage	Parking Bays	Building Lines	Height	GLA m ²
3948	8.3%	30	0m	1 floor	382
5712	19.6%	48	0m	1 floor	538
TOTALS		78			

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

Date : 29/07/2010



Signature of Applicant

Place : EAST LONDON

* 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

YES X	NO
-------	----

[b] A memorandum in support of the application, setting out all relevant facts and circumstances, and specifically including a report on -

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;

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;

YES	NO X
-----	------

- a scoping report of the impact of the development on the environment as set out in regulation 31;

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;

YES	NO X
-----	------

[2]

SPECIFIC INFORMATION REGARDING PROPOSED LAND DEVELOPMENT AREA

[1]

Name of proposed land development area : CRIMSON PARK

[2]

n/a

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 annexes].

[p]

Application for a registration arrangement substantially in the form of Annexure G, if applicable.

YES	NO X
-----	------

[o]

A certificate from a conveyancer indicating who the registered owner of the land is, the conditions of title or servitudes 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
-------	----

[n]

An initial geo-technical report as set out in regulation 30.

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
-----	------

[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
-------	----

[k]

Documentation regarding the provision of community facilities and the responsibilities of public authorities in this regard.

YES	NO X
-----	------

[j]

A social compact agreement, if applicable.

YES	NO X
-----	------

[i]

A copy of the services agreement, if already concluded.

YES	NO X
-----	------

[h]

A copy of the land availability agreement, in any.

YES	NO X
-----	------

[g]

The owner's consent and/or power[s] of attorney, if applicable.

YES X	NO
-------	----

[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
-----	------

[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 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 X	NO
-------	----

[c]

A copy of the title deed[s] and diagram[s] to the land.

YES X	NO
-------	----

- the extent to which the development complies with the development objectives [Chapter IV of the Act] applicable in the area.

YES X	NO
-------	----

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

YES X	NO
-------	----

[2]

The deed description of every portion of the land on which the proposed land development area is to be established :

Description	Ownership	Extent
Erf 5712 Beacon Bay	Crimson River Investments (Proprietary) Limited	7348 m
Erf 3948 Beacon Bay	Crimson River Investments (Proprietary) Limited	5476 m ²

[3]

Full name[s] of registered owner[s] of the land : AS ABOVE

[4]

The land is 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 : BUFFALO CITY LOCAL MUNICIPALITY.

[b]

adjoins the following local government body areas : None

[9]

The proposed land development area falls within the area of the Buffalo City ZONING SCHEME REGULATIONS of 2008.

[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.

[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:

LAND USE	ZONING	Erf NO.	No. of Du	m ²
Office, parking, private roadway	Business Zone 1	3948	0	5476
Office, parking, private roadway, townhouses	Business Zone 1	5712	5	7348
TOTALS		2	5	1 282

[12] The land on which the land development area will be established is owned by the OWNERS REFERRED TO IN SUBPARAGRAPH 2 ABOVE.

NOT APPLICABLE

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 CONDITIONS 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.

(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 SITE DEVELOPMENT PLAN - THE DEVELOPMENT WILL BE PRIVATELY OPERATED AND CONTROLLED AS PART OF THE TRIPLE POINT PRECINCT

(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]:

NONE

(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:

n/a

(6) Building standards (if any)

ALL BUILDINGS TO BE ERRECTED 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 AS THE BUFFALO CITY ZONING SCHEME REGULATIONS OF 2008 SHALL APPLY

(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:

N/A

(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 even or portions of land as educational and/or community facilities:

- (10) Subdivision (if applicable)
 - NIL
 - 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):
 - As per applicant
- (12) Environmental conservation
 - The land development applicant will undertake to do the following in terms of regulation 31 of the Development Facilitation Regulations:
 - N/a see report
- (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.
 - N/A
- (14) General
 - n/a

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NPM PLANNING
TOWN & REGIONAL PLANNERS



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

www.npmplanning.co.za

SUBMITTED TO:
EASTERN CAPE
DEVELOPMENT TRIBUNAL

CRIMSON PARK
Rezoning of erven 5712 and 3948
Beacon Bay

27 JULY 2010

DATE: 27 July 2010

REPORT NUMBER: 6348.01

PREPARED FOR: EASTERN CAPE DEVELOPMENT TRIBUNAL

CONTACT: Mr Ivan Senar

SUBMITTED BY: NPM PLANNING

PO BOX 19345
TECOMA
5214

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ENQUIRIES: Mr Deon Poortman

043 722 2935



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Contents

1	INTRODUCTION.....	3
2	THE APPLICATION.....	3
3	PROPERTY PARTICULARS.....	4
3.1	Description, ownership and size.....	4
3.2	Locality.....	5
3.3	Conveyancing certificate.....	5
3.4	Bondholders consent.....	5
3.5	Land Claim status.....	6
3.6	Authority to submit and represent the land owner.....	6
3.7	Servitudes.....	6
4	SITE ANALYSIS.....	7
4.1	Existing Land Use.....	7
4.2	Surrounding land uses.....	9
4.3	Zoning.....	9
4.4	Access and linkages.....	10
4.5	Topography, slopes, vegetation and drainage.....	10
4.6	Surrounding character.....	11
5	DEVELOPMENT PROPOSAL.....	12
5.1	General.....	12
5.2	Site Development Plan.....	13
6	SITE PLANNING.....	15
7	Zoning Regulations.....	16
8	MOTIVATION.....	17
8.1	Introduction.....	17
8.2	Macro-economic overview.....	18
8.3	Local Economic Development.....	19
8.4	General.....	20
9	DEVELOPMENT FACILITATION ACT PRINCIPLES.....	20
10	ENGINEERING SERVICES.....	24
10.1	General.....	24
10.2	Flood line.....	25
10.3	Design Principles.....	25
10.4	Services Agreement.....	25
10.5	Water.....	25
10.6	Sanitation.....	25
10.7	Solid Waste.....	26
10.8	Roads.....	26
10.9	Stormwater.....	26
10.10	Electricity.....	27
10.11	Geology.....	27
10.12	Telkom.....	27
11	Traffic Impact Assessment.....	28
12	AGRICULTURAL POTENTIAL.....	30
13	ENVIRONMENTAL SUSTAINABILITY.....	30
14	SPATIAL DEVELOPMENT FRAMEWORK.....	31
15	CONCLUSION.....	32

PLANS

1. Locality Plan 6438.01
2. Land use Plan 6438.02
3. Zoning Plan 6438.03
4. Site Plan 6438.04
5. Site Development Plan 6438.05

SUPPORTING ANNEXURES

- Annexure A – Title Deed
- Annexure B – NPM Consent to lodgement
- Annexure C – Conveyancer's Certificate
- Annexure D – Letter from Land Claims
- Annexure E – Power of Attorney and resolution
- Annexure F – Bondholder's Consent
- Annexure G – Engineering Services and Geo-technical Report
- Annexure H – Stormwater Management Plan
- Annexure I – Traffic Impact Assessment
- Annexure J – Environmental Scoping Report
- Annexure K – Deed of Servitudes and SG Diagrams

1 INTRODUCTION

NPM Planning – Town & Regional Planners has been appointed by Crimson River Investments (Pty) Ltd to submit a land development area and rezoning application to the Eastern Cape Development Tribunal for the proposed Crimson Park mixed use development on Erf 3948 and Erf 5712, Beacon Bay, East London situated in the Buffalo City Municipality.

The above erven are situated on land immediately south of the Quenera River and north of the proposed Quenera Road, Beacon Bay, hereinafter referred to as "the site".

It is the intention of the developer to have these two erven rezoned from *Agriculture Zone to Business Zone 1*, in accordance with the Buffalo City Municipality (BCM) Zoning Scheme.

The applicant intends obtaining the rights for a business park development on a portion of the subject property, aimed at serving the growing need for office, residential and future retail and business land uses in this popular part of Beacon Bay.

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

2 THE APPLICATION

The proposed development comprises two phases, namely phase 1 offices and residential. In the future, the developer envisages that retail will be an additional land use that will be more suitable to this area, which is in transition, which could result in phase 2 adding retail buildings to the development.

The two erven for the purposes of this application have been treated as a single development in their entirety and will be commonly referred to hereafter as "the site". The site shares an unusual shape with farm 53/817 East London.

Although the development will be treated as a single development, the demands of the various services will be separated per phase.

The **Crimson Park** development application consists of the following elements:

[a] The approval of a land development area and rezoning in respect of the development shown on Site Development Plan 6438.05 covering a total area of 1,2824 ha to accommodate the Crimson Park development.

[b] The approval of Site Development Plan 6348.05, to, inter alia, accommodate the proposed development, as follows:

LAND USE	ZONING	Eft NO.	No of Du	m ²	% OF TOTAL
Office, parking, private roadway	Business Zone 1	3948	0	5476	100
Office, parking, private roadway, townhouses	Business Zone 1	5712	5	7348	100
TOTALS		2	5	1,282	100

Eft NO.	Coverage	Parking Bays	Building Lines	Height	GLA m ²
3948	8.3%	30	0m	1 floor	382
5712	19.6%	48	0m	1 floor	538
TOTALS		78			

[c] Rezoning from Agriculture Zone to Business Zone 1;

3 PROPERTY PARTICULARS

3.1 Description, ownership and size

Crimson River Investments (Proprietary) Limited is the registered owner of the properties which is held by virtue of Deed of Transfer No.

The title deed is attached marked Annexure "A".

The development description, ownership and extent is as follows:

Description	Ownership	Extent
Eft 5712 Beacon Bay	Crimson River Investments (Proprietary) Limited	7348 m ²
Eft 3948 Beacon Bay	Crimson River Investments (Proprietary) Limited	5476 m ²

3.2 Locality

Within a regional context, the properties fall within the municipal area of Buffalo City Municipality.

The site is elevated with commanding northern views, which overlook the *Quenera River* valley and nearby farmland and equestrian facilities across the river, in close proximity to the necessary community facilities in *Beacon Bay*.

The site borders the proposed *Riverheah* mixed-use development to its immediate north and Triple Point Phase I, with the proposed *Quenera Road* along its western boundary. The Quenera Drive borders the development to the south.

Existing development upon the site consists of residential buildings with ancillary outbuildings in good condition. The site is ideally situated in that it forms a natural extension to the existing and planned development of Beacon Bay to the south and west.

The land immediately surrounding the site (south, east & west) is under private ownership and accommodates mixed use developments such as Triple Point, Life Hospital and town house complexes such as Ascot.

A locality plan, is annexed, marked Locality Plan 6438.01.

3.3 Conveyancing certificate

A conveyancer's certificate is attached marked Annexure "C"

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

3.4 Bondholders consent

Bondholder's consent has been provided for the properties comprising the proposed development.

Consent is attached marked Annexure "F"

3.5 Land Claim status

There are no land claims or caveats registered against the properties comprising the proposed development.

A letter to the above effect from the Regional Land Claims Commissioner is attached marked Annexure "D".

3.6 Authority to submit and represent the land owner

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 B.

A power of attorney signed by Mr Ivan Senar, who has authority to sign is attached marked Annexure E.

A resolution by Crimson River Investments authorizing Mr Ivan Senar to act on behalf of the company in this application is, further, attached, marked Annexure F.

3.7 Servitudes

A portion of the two subject properties has been expropriated for the provision of the extension of the **Quenera Drive Road Reserve**. This has been indicated on site development plan 6438.05 in yellow cross hatch.

The existing 6,3m **servitude** right of ways (SROW) on erven 5712 and 3948 Beacon Bay, as indicated will then be cancelled.

The existing **servitude** right of ways (SROW) on erven 5712 and 3948 Beacon Bay, as indicated will be cancelled.

A new access SROW will be registered over farm 53/817 East London, which will provide vehicular access to the two land units, as indicated on site development plan 6438.05.

The two erven for the purposes of this application have been treated as a single development in their entirety and will be commonly referred to hereafter as "the site". The site shares an unusual shape with farm 53/817 East London. Although the development will be treated as a single development, the demands of the various services will be separated per phase. If further SROW are needed, these will be discussed and implemented as part of the service level agreement.



4 SITE ANALYSIS

4.1 Existing Land Use

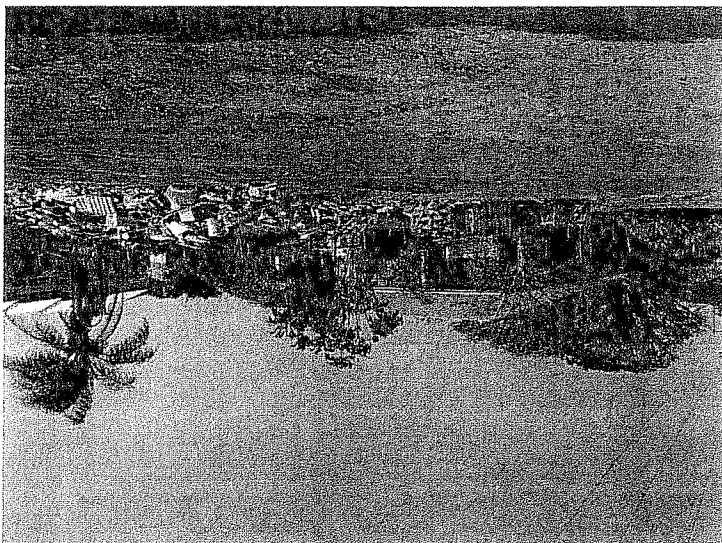
This area of Beacon Bay is considered to be in transition and mixed use in nature, with a fresh character that is associated with this new precinct, as part of Triple Point.

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

- [a] Five residential dwellings with garages;
- [b] Private roadway;
- [c] Outbuildings;

A site plan, is annexed, marked Site Plan 6348.04





4.2 Surrounding land uses

The proposed land development area is bordered by a variety of land uses.

The surrounding land uses include the following:

To the north: Portion 53 of farm 817, East London (Riverleah) is vacant. There is a pending mixed use development application at BCM.

To the west: Triple Point and public roadway

To the east: Loeite Farm – Ptn 48 of Farm 817 East London

To the south: Quenera Drive

A land use plan, is annexed, marked Land Use Plan 6348.02

4.3 Zoning

The existing zoning in terms of the Buffalo City Zoning Scheme is as follows:

- Erf 5712 Beacon Bay (Agricultural Zone); and
- Erf 3948 Beacon Bay (Agricultural Zone).

The land in the areas is zoned for various mixed uses, including offices, residential, business, retail, public open space, private open space, hotel, hospital and agricultural purposes, however numerous development applications have been submitted in the surrounding vicinity, which will change the formal rights in the near future.

The attached Zoning Plan illustrates the zoning of land in the vicinity of the site.

A zoning plan, is annexed, marked Zoning Plan 6438.03



4.4 Access and linkages

On the southern portion of the site, no direct access will be obtained from the Quenera public road, other than the formal traffic circles. This will reduce congestion and enable smooth traffic flow on this major arterial. Major access to the new erven will therefore be serviced by the "High" Road, 16m wide public road which is located due north of the subject properties and runs parallel to Quenera Road.

The public roads have been planned as 16m wide. The precinct road network has been checked by the Traffic Engineer and Civil Engineer.

The subject properties currently obtain access from a gravel road via servitudes. A portion thereof is being incorporated into the new Quenera Drive.

A portion of the three subject properties is in the process of being expropriated for the provision of the extension of the **Quenera Drive Road Reserve**. This has been indicated on the site plan.

The existing **servitude** right of ways (SROW) on erven 5712 and 3948 Beacon Bay, as indicated will be cancelled.

4.5 Topography, slopes, vegetation and drainage

The site is gently sloping in a northerly direction in most parts and relatively flat in some areas, therefore favourable to this development proposal.

There are no significant topographical and drainage constraints that hinder the proposed development in any way.

The site is elevated in parts with views of the *N2 National Route* to the west and nearby fallow bush / farmland in the distance to the north. The site is in reasonable close proximity to the necessary community facilities in Beacon Bay including the new hospital and retail park.

The site is ideally situated in that it forms a natural extension to the existing infrastructure.

The site is drained by means of surface flow in a northerly direction, towards the Quenera River, that drains into the Indian Ocean approximately 9 km south of the site. The site exhibits no prominent drainage features.

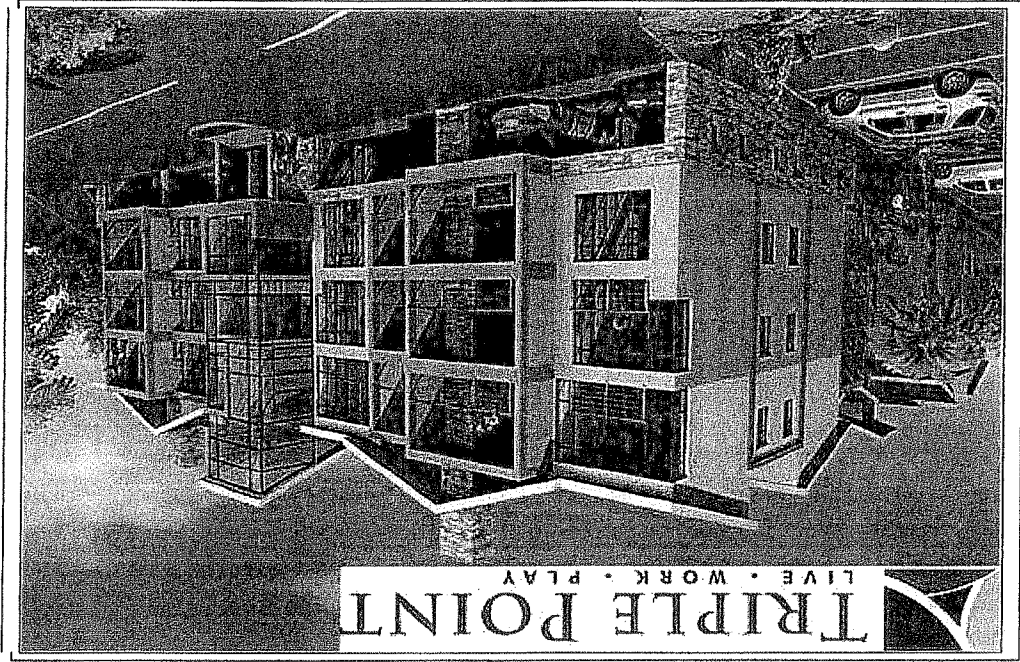


4.6 Surrounding character

This proposal will be incorporated into the Triple Point precinct as a phased mixed use development that will increase in size over time and expand according to future market needs. Triple Point development will be East London's largest private development to-date. Inspired by Melrose Arch in Johannesburg, Triple Point has taken the concept of mixed-use development to the next level by integrating residential, commercial and leisure facilities in one unique space.

The objectives of the development are to:

- Provide a mixed use precinct that blends in with Triple Point Phase 1 and adjoining Riverbush developments as one precinct;
- Provide a safe, middle to upmarket housing, gymnasium, park, retirement village, offices and retail facilities to meet current demand in the area;
- To plan for the creation of a sustainable, vibrant and supportive urban environment;
- To enhance the quality of life of the new residents by offering desirable housing options and creation of a lifestyle that is unique to the Eastern Cape;
- Promote environmentally sensitive and economically sustainable development that benefits not only local residents, but the area as a whole.



5 DEVELOPMENT PROPOSAL

5.1 General

The focus for the Crimson Park development is upon the concept of being part of a live, work and play neighbourhood. This will be an extension of the Triple Point precinct. Additional offices space has been verified and this proposal aims to obtain the rights to meet this demand. Future retail as phase II is envisaged to meet demand in the area, as the existing retail park is almost at capacity at present.

The motivation in support of the proposed **Rezoning** of the subject properties is based on the principle of **promoting** suitable land use, which is regarded as the most efficient, appropriate, sustainable, and viable use for the subject development, as well as being compatible with the surrounding uses and needs.

This development application aims to complete the Triple Point mixed use development precinct (Eastern Portion Phase II) consisting of retail, business, office and middle to upper income high density residential housing.

The approval of this development will contribute to economic growth and sustainability as seen with the inception of Phase I. The site is also located in an ideal location in terms of visibility and accessibility (next to the N2).

The proposed development is seen to be desirable, based on the following main points extracted from this application:

- It is proposed to develop the Triple Point Precinct into a world class and unique development inspired by Melrose Arch in Johannesburg. Triple Point has taken the concept of mixed-use development to the next level by integrating residential, commercial and leisure facilities in one unique space;
- Has the key success elements of excellent visibility, locality and accessibility;
- This development is desirable in terms of community needs and the general public at large;
- Infrastructure in particular roadway will be upgraded;
- The development achieves the goals of social, economic and environmental sustainability;
- Will assist with land use efficiency;
- Protects environmental resources with a large open space system;
- The land is not agriculturally valuable;
- The proposed uses are compatible with needs and surrounding uses;
- The development aligns with the goal of encouraging compact and well balanced sustainable developments;
- The development will remain within infrastructural guidelines and capacity; and



- Infrastructure will be provided for by the developer in terms of an appropriate development contribution in conjunction with the municipality;
- Acknowledged demand and need for a facility of this nature together with complementing land uses;
- Employment creation and sustainable new secondary node;
- Establishing residential areas within close proximity of employment;
- Promote efficient use of land and existing infrastructure;
- Promote economic and environmental sustainability;
- Promote areas of mixed use; and
- Increase the rates and taxes base of the City.

The general principles which have been formulated to guide spatial development, as contained in the Development Facilitation Act, and which is applied nationally, have been considered in the formulation of the proposal. The principle of this development relates to efficiency, accessibility and variation as key components and integration hereof is an important factor. The dire need for and consumer demand for a centre of this nature that will serve all income groups of the highly expanding population of East London and Beacon Bay towards the east, is a serious reality.

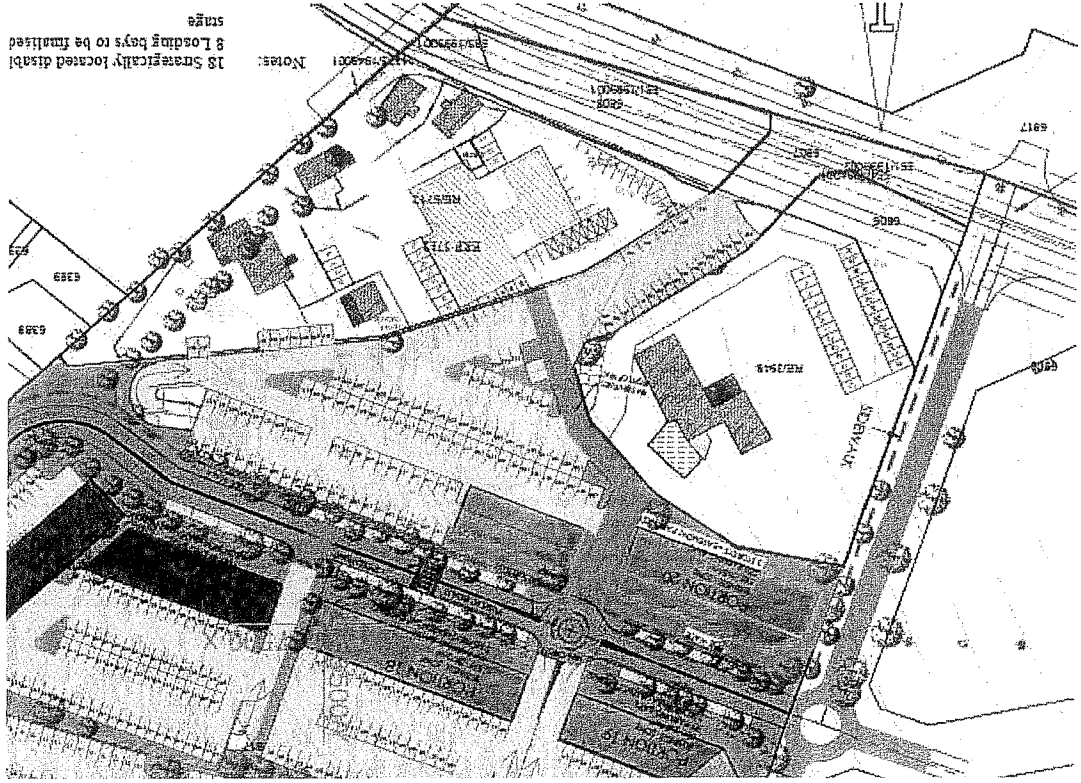
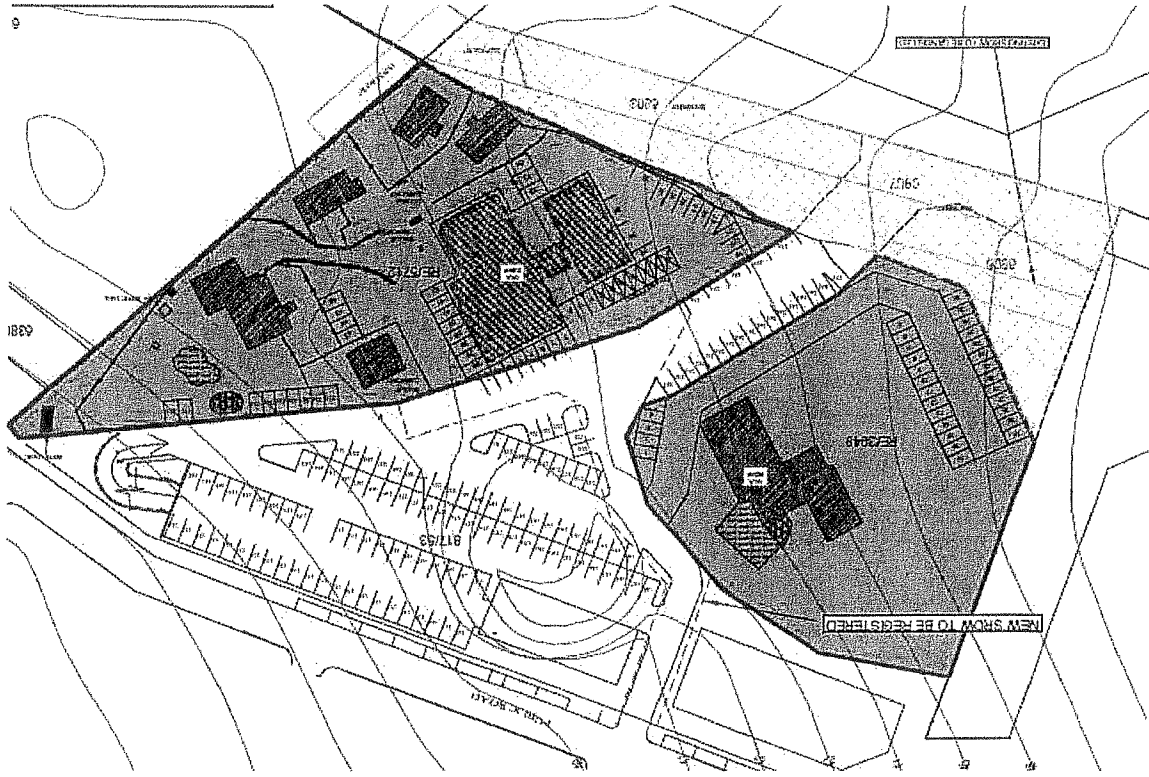
The critical mass required to make this proposed development successful is evident in market analysis and development trends in this region of the City in terms of unprecedented growth and demand. Other positive factors include future expansion potential, the close proximity to labour, macro-economic reasons, positive directional growth for the area that is urgently needed, high population growth and high income levels and growth. Lastly, travel distance is minimal as this development has all of the benefits that will attract consumers.

5.2 Site Development Plan

The approval of Site Development Plan 6303.05, to, inter alia, accommodate the proposed development, as follows:

LAND USE	ZONING	EFT NO.	No of DU	m ²	% OF TOTAL
Office, parking, private roadway	Business Zone 1	3948	0	5476	100
Office, parking, private roadway, townhouses	Business Zone 1	5712	5	7348	100
TOTALS		2	5	1,282	100

EFT NO.	Coverage	Parking Bays	Building Lines	Height	GLA m ²
3948	8.3%	30	0m	1 floor	382
5712	19.6%	48	0m	1 floor	538
TOTALS		78			





1. the development's close proximity to the Triple Point development to the west;
2. the general tranquil character of the area and the associated lifestyle;
3. the favourable physical site characteristics and topography;
4. economic viability, in that the application is regarded as an economic viable proposition;
5. precedents of this nature and type of development are evident all over South Africa and the proposed development will, accordingly, not be out of character.

Site Planning has been based upon:

The proposed development will comply with the land use restrictions as provided.

Vehicle ingress / egress to each erf is to be provided off the internal road system.

It is envisaged that the existing buildings are to be utilised

Site planning has been informed by the nature and character of the land and its surrounding area as well as natural site processes.

The long-term land use proposals of the subject property are not affected by specific proposals.

The intention is to develop a top mixed use development with a small estate, with the intention of attracting people from a broad background.

The vision is to create a mixed use higher order urban development that will add immense value and opportunity to the sub-region, thereby promoting local job creation.

The development policy of similar extent has been taken into consideration as well.

This site planning has been based on the characteristics of the existing structures, roadway, parking needs, spatial policy, demand and needs analysis, and infrastructure.

Bulk services are available. This urban development contributes to the spatial objectives of restructuring the city and supports efficiency in term of urban form and processes.

This area of Beacon Bay is acknowledged to be in transition and is a partly developed area, with dispersed developments and lack of municipal bulk infrastructure is certain areas. The area is suitable for urban development within the short term (next 5 years) and is highly integrated with the larger urban system.

6 SITE PLANNING

7 Zoning Regulations

As this development is unique, the applicant proposes the following land use regulations are specified for each portion, based on the Buffalo City Municipality 2008 Zoning scheme regulations.

Business Zone I

COLOUR NOTATION: Dark blue

Primary Use : Business premises, supermarkets, bottle stores, town houses, flats, residential buildings, funeral parlours, place of worship.

Consent Use : Commercial workshop, place of assembly, place of instruction, institution, day care centre, service station, hypermarket, place of entertainment, adult shop, mortuary, escort agency.

3.8.2 LAND USE RESTRICTIONS

Floor Factor : Unrestricted

Coverage : 100%

Street Building Line : Zero, subject to 10,0m from centre line of road reserve if the road reserve width is less than 20,0m

Side Building Line : Zero, provided that:

(a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;

(b) Council may lay down side building lines in the interest of public health or in order to enforce any law or right; and

(c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line : Zero, provided that:

(a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;

(b) Council may lay down rear building lines in the interest of public health or in order to enforce any law or right; and

(c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking: For the ground floor - 6 bays/100m² G.L.A. shall be required subject to Section 4.13.1 on parking alternatives and Sub-Section 4.13.1.3 on a reduction in parking requirements for the CBD and provided that the residential or other use of the property may not affect this parking requirement. For other storeys parking requirement is to be determined based on the use – as set out in Annexure F.

Loading: As per the Municipality's Guidelines for Off-Street Loading Facilities and subject to Section 4.13.2.

Height: Unrestricted

3.8.3 PROJECTIONS

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.

8 MOTIVATION

8.1 Introduction

The motivation in support of the proposed **Rezoning** is based on the principle of **promoting** land use, which is regarded as the most efficient, sustainable, and viable use for the subject properties, as well as being compatible with the surrounding land uses.

The retail market in East London and the wider region has, due to many factors, developed to a milestone, which will be able to support a new large mixed use facility, due to the completion of the Hermingways Super Regional Shopping Mall. There is however scope for small and medium neighbourhood retail developments, such as Triple Point which attracts a particular discerning investor (live, work and play environment) and an expanding Quenera residential area, between Beacon Bay and Goube. A clear trend and accepted planning principle has been to develop medium and large mixed use developments on main transportation routes. The Quenera Drive can be seen as

The development will also be dealing greatly with the phenomenon of urban sprawl, the development precinct will consist of mix of land uses ranging from upmarket residential and retail, with associated offices all in close proximity to each other, such as Crimson Park. People residing in the proposed development will be spending a lot of time and money in order to find work. Upon them saving on transportation time and money this will contribute to economic sustainability. The site is also located in an ideal location (next to the N2), which can be viewed as a growth point, and mixed use development economic corridor.

The proposed development is seen to be desirable, based on the following main points extracted from this application:

- It is proposed to develop the site as part of the existing Triple Point Precinct;
- Access is suitable with the Quenera Drive and N2 in close proximity;
- Promote a balanced residential, economic and entertainment development mix;
- Increase the rates and taxes base of the city;
- Employment creation and sustainable new mixed use node;
- Establishing employment within close proximity of residential areas;
- Compact city and efficient use of land and existing infrastructure;
- Abide by a "live, work and play"
- Promoting areas of mixed use;
- Promoting integration and sustainability; and
- Promoting the principle of densification.

The general principles which have been formulated to guide spatial development, as contained in the Development Facilitation Act, and which is applied nationally, have been considered in the formulation of the proposal.

Due consideration has been given to the spatial proposals as contained in the SDF and LSDP policies. The mixed use principle of this development relates to efficiency, accessibility and variation as key components and integration hereof is an important factor.

This development application has been planned as a future mixed use node that has the key success elements of the ideal location factor, good accessibility and visibility.

The critical mass required to make this proposed development successful is evident in market analysis and development trends in this region. Other positive factors include future expansion potential, the close proximity to labour, macro-economic reasons, positive directional growth for the area that is urgently needed, population growth and high income levels and growth. Lastly, travel distance will be minimal as this mixed use development has all of the benefits that will attract and maintain an expanding community to the east and at the same time serve the community and improve the overall socio-economic circumstances.

8.2 Macro-economic overview

An intricate relationship exists between the economic sectors and various urban property and retail markets. The performance of the economic sectors serves as a proxy for the performance of underlying markets. The trend at present consists of recovering and stable economic growth with decreasing/stable unemployment levels, and static levels of growth in retail sales, in general. There are cases where there is buoyancy and growth. The short to medium term implications of this indicate a fair performance in the property sector, retail, office demand, and demand from the growing black middle class, with stable levels of disposable household income.





8.3 Local Economic Development

The City is faced with the following challenges, which this proposal contributes towards in a positive manner:

- High unemployment.
- Limited infrastructure for establishing projects, and
- Private sector guidance and investment is required to have successful projects.

In summary, the macro-economic conditions create a fair climate for investment – in particular those sectors that benefit from low and stable interest rates and inflation, including residential and retail markets. There is a general consensus among real estate practitioners that the economy is in out of the window period and in the building period. During this period, retailers are likely to build for current as well as future demand, hence this application.

The retail market has been incredibly buoyant up to 2009 and has experienced growth last seen in the 1970's. This growth is expected to continue, albeit stably into the future. In terms of offices, it has been noted that the lack of stock in South African commercial markets is evident. Composite rental and vacancy indicators suggest that these markets are at the dawn of a new growth phase. The South African economy experienced its longest, uninterrupted period of positive economic growth since the post 1945 WWII period. These positive and fairly stable macroeconomic conditions create positive spin-off effects. There is general consensus that the residential property market has tapered off, albeit that growth is still positive and that the commercial boom lies ahead.

- A domestic economy expanding with a growth rate in the region of 3%.
- It is estimated that poor households spend 71% of their budget on food, compared with 24% by middle income earners and 28% by upper income groups, an independent survey has found.
- A living standard survey, undertaken by Unisa, shows that there is a rapid growth of the middle class, mostly made up of previously disadvantaged blacks and a widening gap between the rich and poor.
- Strong growth in assets – houses and equities, causing consumers to feel richer and spend more.
- Positive real increases in remuneration for a number of sectors.
- The growth stimulus, particularly for luxury consumer goods is expected to continue.

8.4 General

The development is ideally located to adhere to the changing trends described above. Due to the impacted nature of the environment, the environmental impact of the proposed development will be minimal. There are no endangered species or especially important habitat or fauna on site which could require that it be conserved.

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

This development also offers the opportunity of sustainable development.

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

9 DEVELOPMENT FACILITATION ACT PRINCIPLES

The applicant is required to demonstrate compliance with the development principles enshrined in the Development Facilitation Act No. 67 of 1995.

The Development Principles, listed in chapter 1 to the development Facilitation Act, 1995 (Act 67 of 1995), regulate matters of general principle whilst providing mechanisms for more detailed principles and policies to acquire statutory force at national, provincial and local 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

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 land development area 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 rezoning to Business Zone 1 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 underdeveloped. 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. It is clear that the local development policies of the Local Municipality has earmarked this area for a form of development which may be generally described as "urban" in nature, as a mixed use area, in transition.



Having regard to the locational context of the proposed land development area and the results of the environmental scoping exercise and engineering report, it is clear that the land development area, is appropriate.

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.

(d) 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.

(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 accommodating previously disadvantaged persons. It follows that the principle is not specifically applicable to this development. The development will, however, lead to the creation of employment in the area. Employment will also be created over the longer term by the introduction of the new development area requiring construction, on-site security and maintenance staff and a number of opportunities for persons active within the area such as Nonphumele and Mzamomhle settlements.

(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 they 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 a 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. It is 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 (separate title). 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.



(i) 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 development with other land uses in the neighbourhood is evident and proper integration and congruence will, accordingly, 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.

10 ENGINEERING SERVICES

10.1 General

Arcus GIBB (Pty) Ltd has undertaken an investigation into the availability and capacity of BCM services to accommodate the Crimson Park development, and is able to conclude that the proposed development can be provided with engineering services.

This report includes detail concerning accessibility, roads, geology, refuse collection, storm water control, sewerage, electricity, and water.

The detailed Engineering Services Report is attached as Annexure "G".





In order to connect to the Quenera Bulk Outfall Sewer, it would be necessary to establish sewer servitudes across neighbouring erven. In the event that other municipal sewerage infrastructure is constructed prior to the establishment of this particular development, it may

developments connect to this infrastructure. Where bulk outfall sewers have been constructed, it is required that support this idea. Necessary to connect to the municipal infrastructure. BCM Sanitation does not however it was anticipated that the existing septic tanks would be utilised until such time as it became necessary to connect to the municipal infrastructure.

Allowance has been made for the inclusion of effluent from the developments along Quenera Drive into the Quenera Bulk Outfall Sewer. This has been confirmed in correspondence from the BCM Sanitation Division. This bulk outfall sewer lies to the north east of Erf 3948 and Erf 5712, at a distance of approximately 190m as the crow flies.

10.6 Sanitation

All works shall be designed and constructed in accordance with the BCM Water Branch specifications.

Both sites will be supplied from the BCM water network. BCM confirmed previously that a bulk supply main will be constructed parallel to Quenera Drive, to serve all proposed adjacent developments. This water main has been partially installed already, currently terminating at the traffic circle access to Triple Point.

10.5 Water

The developer will need to negotiate with the Municipality and a service level agreement will need to be drafted and agreed upon. This will, however, be based on cost and capacity and a decision will need to be made in this regard before construction of the development commences.

10.4 Services Agreement

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

10.3 Design Principles

There is no floodplain, nor rivers and streams within the development site.

10.2 Flood line

be possible to connect into such, instead of directly into the bulk outfall sewer. This would require further investigation during the design phase.

10.7 Solid Waste

Refuse collection trucks will access the development via the proposed public access collector and servitude right of way and collection will be made by BCM.

10.8 Roads

It is proposed that the existing public access collector which traverses the Triple Point development will be extended towards the east. The proposed Crimson Park development will be accessed from this road, which lies to the north east of Erf 3948 and Erf 5712. There is no direct access onto Quenera Drive – one will turn off of Quenera Drive and onto the public access collector at the main traffic circle to Triple Point, then proceed along this route to the proposed development.

The public access collector will have a road reserve width of 16m, and the road will be surfaced to match existing. The road will be designed to accommodate the design traffic, and will fulfil all BCM requirements.

A servitude right of way will be created across Erf 817/53, to extend from the main public access collector to the proposed development. The width of this right of way is indicated as 8 metres on the Draft Site Development Plan – refer to the red dashed lines.

An internal private road is proposed for Erf 3948, as indicated on the draft site development plan.

10.9 Stormwater

The drainage design will be conducted using the Rational Method and the rainfall intensity-duration-frequency curves for East London, with a 50-year return period. The site drains towards the Quenera River. The 1:100 year flood line has already been determined by others, prior to the construction of the Quenera Bulk Outfall Sewer. The flood line does not encroach on either of the proposed development sites. The lowest point on Erf 5712 lies approximately 250m away from the flood line, while the lowest point on Erf 3948 lies approximately 190m away from the flood line.

The outflow from the stormwater detention ponds cannot be discharged directly into a water course, as neither erf drains into such. The pond outlets will have to drain into the municipal stormwater network at an appropriate point along the proposed extension to the public access collector. It should be noted that, in order for stormwater from Erf 3948 to reach the municipal infrastructure, a stormwater servitude will be required across Erf 817/53.



A separate Stormwater Management Plan has been compiled to quantify the necessary measures to control stormwater discharge, as per BCM guidelines.

10.10 Electricity

The development lies within the bounds of the BCM electricity supply area. It has been confirmed that both even are already serviced. Medium voltage (MV) overhead lines as well as cables traverse this land. Registration of electricity servitudes will be a requirement.

The local network is of sufficient capacity to accommodate proposed developments along Quenera Drive. In the event that the current supply is inadequate for the intended land use, application for the upgrade thereof may be made to BCM.

10.11 Geology

No adverse conditions prohibiting the proposed development were observed on site.

General soil conditions on the development portion of the site were observed during the on-site inspection.

It is recommended that the site be developed as no adverse conditions totally prohibiting the construction of single or double story residential structures were identified and the site is economically and practically suitable for proposed development. The medium risk associated with the medium expansive clayey material must be taken into account in the foundation design.

10.12 Telkom

Bulk Supply

The proposed development will be supplied by means of an overhead or underground cable within sleeves.

Installation

The developer is to install the telecommunication reticulation as supplied by the service provider.

The service provider will only commence with the provision of telecommunication facilities (cabling) once they have determined the demand for telecommunication services at the development and the project has been proved to be viable.

The proposed bulk point will be obtained from the existing Telkom line.

11 Traffic Impact Assessment

Following the investigation and analysis it is concluded that:

- i. The current operating conditions found on the road network within the study area are found to be acceptable with no LOS or capacity failures.
- ii. The posted speed limit of 60 km/h along St Helena Road and Quenera Drive, in the vicinity of the site access, is appropriate for the current and expected future traffic conditions.
- iii. The existing critical peak, in terms of traffic volume, was found to be the SAT peak hour while the PM peak hour tested very similar but with marginally lower demands.
- iv. Once developed and fully occupied, the proposed development may be expected to generate in the order of 293 and 463 vehicle trips in PM and SAT commuter peak hours.
- v. The combined critical peak hour of existing and development trips is found to be the PM peak hour.
- vi. The network is not overloaded when development trips are assigned for any of the given tested peak hours, subject to the recommended road network improvements being undertaken.
- vii. The proposed changes to the proposed layout and road network, as shown in Figures 6.1 and 8.1 respectively, the site layout and road network adequately serve the proposed development.
- viii. Development levels, as described in Appendix C, are applicable to the road infrastructure required by this development.

RECOMMENDATIONS

Based on the investigation and conclusions it is recommended that:

- i. This Traffic Impact Study being submitted to the Buffalo City Municipality for their perusal with the complete development proposal.
 - ii. The development proposal, that is the rezoning of erven 3948 and 5712, East London to Business I, as submitted and reflected herein, being approved in principle by the Buffalo City Municipality from a traffic impact perspective.
 - iii. The site layout changes, as shown in Figure 6.1, being made a condition of approval.
- The required internal road network improvements to be made by the development are as follows:
- a. disabled parking bays,
 - b. pedestrian facilities.
- iv. The road network improvements, as listed below and shown in Figures 6.1 and 8.1,



being made a condition of approval. It should however be noted that these improvements may change subject to subsequent investigations in consultation with the Buffalo City Municipality. The required public road network improvements to be made to accommodate the development are as follows:

a. The construction of the fourth leg of the Quenera Drive/St Helena Road roundabout. It should be noted that it is essential that the fourth leg of the roundabout be installed prior to this development becoming operational.

b. The changing of all the yield signs (R2) to roundabout signs (R137) at the two existing roundabouts along Quenera Drive.

c. The adjustment of the traffic signal timings by 2010 and the construction of a roundabout by 2015 at the Quenera Drive/Bonza Bay Road intersection. It should be noted that the roundabout is not required due to the development and is only further required by 2015.

d. A public transport facility being constructed on the eastbound exit side of the Quenera Drive/St Helena Road intersection at the same time as Quenera Drive is extended to the east.

e. Pedestrian sidewalks, which tie into the existing pedestrian/cycle facilities at the Quenera Drive/St Helena Road intersection, being constructed along St Helena Road until the access point to the Spinal Access Road.

f. Pedestrian sidewalks being constructed along the Spinal Access Road, west of the proposed servitude right of way.

g. Access to erven 3948 and 5712 being provided via a servitude right of way that traverses Portion 20 of Portion 53 of Farm 817. It is further recommended that the owners of erven 3948 and 5712, and the developer of Portion 53 of Farm 817 liaise with one another in this regard.

h. Temporary access being permitted onto Quenera Drive via the current servitude right of way until such time as Portion 53 of Farm 817 is developed to an extent that permits access via St Helena Road and the Spinal Access Road.

i. The current servitude right of way being closed at its intersection with Quenera Drive so as to limit the number of accesses onto this road of metropolitan significance.

j. No direct vehicular and/or pedestrian access being permitted on Quenera Drive.

k. A 5m building line being imposed on the sites abutting Quenera Drive.

l. The section of roadway required for the extension of Quenera Drive being registered as roadway.

v. The developer requests the Buffalo City Municipality to consider granting a parking bay reduction as per details as described in section 6.2.

vi. All costs associated with the internal roads, as indicated in Figures 6.1, being solely to the developer's account.

vii. Due to the development and its associated generated traffic falling within the Beacon Bay LSDF area, the developer is required to contribute a development levy based on the trips generated. With a new expected 463 trips being generated, the developer is to contribute an amount of R 972,300 plus escalation that is to be calculated at the CPI from 1 January 2009 to date the Site Development Plan is approved.

viii. This development levy being utilised for the following:

a. The construction of a fourth leg of the roundabout at the Quenera Drive/St Helena



13 ENVIRONMENTAL SUSTAINABILITY

With reference to Regulation 31 of the Development Facilitation Act Regulations, a scoping report has been prepared, in which it is confirmed that, the subject property, land development area and the proposed development footprints was found not to be sensitive from an environmental perspective, as per the assessment.

Attached as **Annexure J** is the DFA environmental scoping report.

A copy of this application can be forwarded to the Department of Agriculture and it may respond to the application.

The property is, at present, zoned as Agriculture Zone according to the BCM zoning scheme. The property is located within a LSDF and well within the urban edge of BCM. The entire subject properties on which the land development area application is applied for is, at present, not used for any commercial agricultural purposes.

The proposed development application can thus be regarded as an attempt to make full use of the properties. It is the intention of the applicant to maintain and improve the properties so that it can be operational and successful in future.

12 AGRICULTURAL POTENTIAL

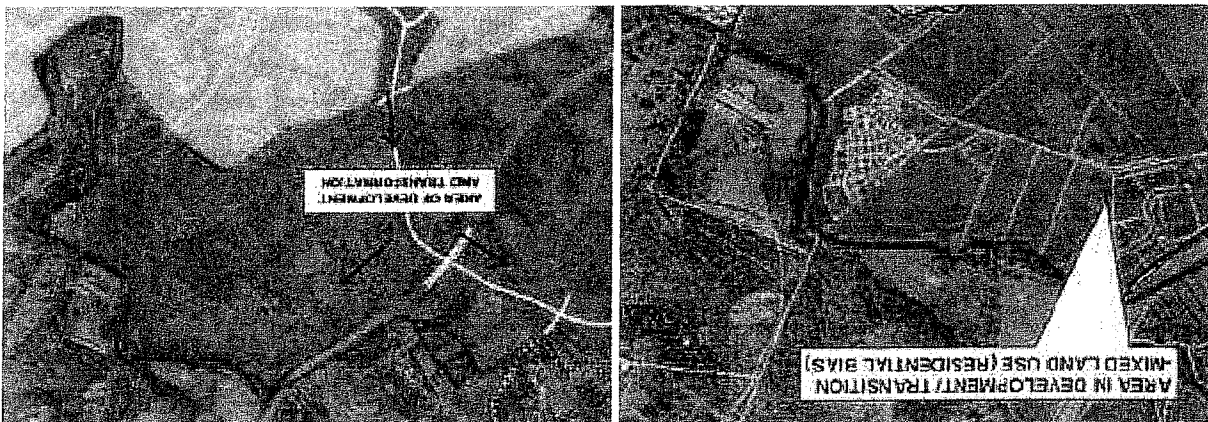
- a. Road intersection as listed in "IV", item "a".
- b. The construction of the pedestrian facilities along St Helena Road and the Spinal Access Road as listed in "IV", items "e" and "f".
- c. The construction of the public transport facilities on the eastbound exit to the Quenera Drive/St Helena Road intersection as listed in "IV", item "d".
- d. The closing off of the servitude right-of-way access onto Quenera Drive as listed in "IV", item "i".
- e. The construction of a roundabout at the Quenera Drive/Bonza Bay Road as listed in "IV", item "c".
- ix. All costs associated with the recommendations as listed in "IV", items "b" and "i" above being solely to the Buffalo City Municipality's account.
- x. All costs associated with the recommendations as listed in "IV", items "g", "h", "j", "k", and "k", being solely to the developer's account.

14 SPATIAL DEVELOPMENT FRAMEWORK

The subject properties are located within the Buffalo City Municipality Urban edge and within the Local Spatial Development Framework Zone for Beacon Bay of 2007.

This area has been identified for Mixed Use, where no restriction is placed on the type of business use to be developed and the Buffalo City Zoning Scheme, Business Zones I – V could be utilised to achieve the desired land development. For the purposes of calculating maximum floor areas, however, a floor factor of 0.55 has been used to provide a general indication of the likely impact of the take-up of such use rights in the development nodes and corridors.

The belowmentioned extracts from the Beacon Bay LSDF of 2007 indicate the position of the subject properties as within the mixed use demarcated area.



The application is in compliance with the following BCM planning instruments:

Land Use Management

The development accords with the requirements of the *Buffalo City Municipality Zoning Scheme*, under the appropriate zoning and land use controls.

Buffalo City Municipality SDF and Urban Edge Policy

This development can be classified as a defined node which falls inside of the formal urban edge. The node can be characterised as a primary node with a combination of mixed uses such as retail/business, housing, office and other related activities to be accommodated, at medium to high density, with minimum related impacts.

The spatial component of the plan complies with policy and proposals of the Buffalo City Municipality Spatial Development Framework Plan.

15 CONCLUSION

It is submitted that this application has adequately demonstrated the *desirability* of the proposed land development area and rezoning and that the proposal is acceptable and feasible.

The **Crimson Park** development application consists of the following elements:

[a] The approval of a land development area and rezoning in respect of the development shown on Site Development Plan 6438.05 covering a total area of 1.2824 ha to accommodate the **Crimson Park** development;

[b] The approval of Site Development Plan 6303.05, to, inter alia, accommodate the proposed development, as follows:

LAND USE	ZONING	Eft NO.	No of Du	m ²	% OF TOTAL
Office, parking, private roadway	Business Zone 1	3948	0	5476	100
Office, parking, private roadway, townhouses	Business Zone 1	5712	5	7348	100
TOTALS		2	5	1.282	100

Eft NO.	Coverage	Parking Bays	Building Lines	Height	GLA m ²
3948	8.3%	30	0m	1 floor	382
5712	19.6%	48	0m	1 floor	538
TOTALS		78			

[c] Rezoning from Agriculture Zone to Business Zone 1;

The "site" constitutes relatively under developed parcels of land and is therefore a logical and suitable development, especially considering recent surrounding development growth and associated land uses. The Triple Point precinct will be a landmark and unique development for BCM which will optimise and encourage further national and even international investor confidence in the city, as an emerging and significant investment prospect.

The extent of this development proposal substantiates this attainable objective. The employment opportunities and infrastructural investment will be substantial and will benefit the area tremendously.

The development proposal is ideally located to adhere to the changing trends as described in this planning report.

The applicant has demonstrated that the proposal finds support in adopted policies and development principles relevant to the area in which the subject land is located.

It is considered that, in view of the above, there are no apparent impediments against the application being approved by the Eastern Cape Development Tribunal.



LOCALITY PLAN

PLAN 1

LOCALITY PLAN

Erven 3948 & 5712

BEACON BAY

SITUATE IN BUFFALO CITY MUNICIPALITY
 ADMINISTRATIVE DISTRICT OF EAST LONDON
 PROVINCE OF THE EASTERN CAPE
 Extracted from Surveyor General Spatial Database



Produced by
NPM PLANNING
 TOWN & REGIONAL PLANNERS

PORT ELIZABETH

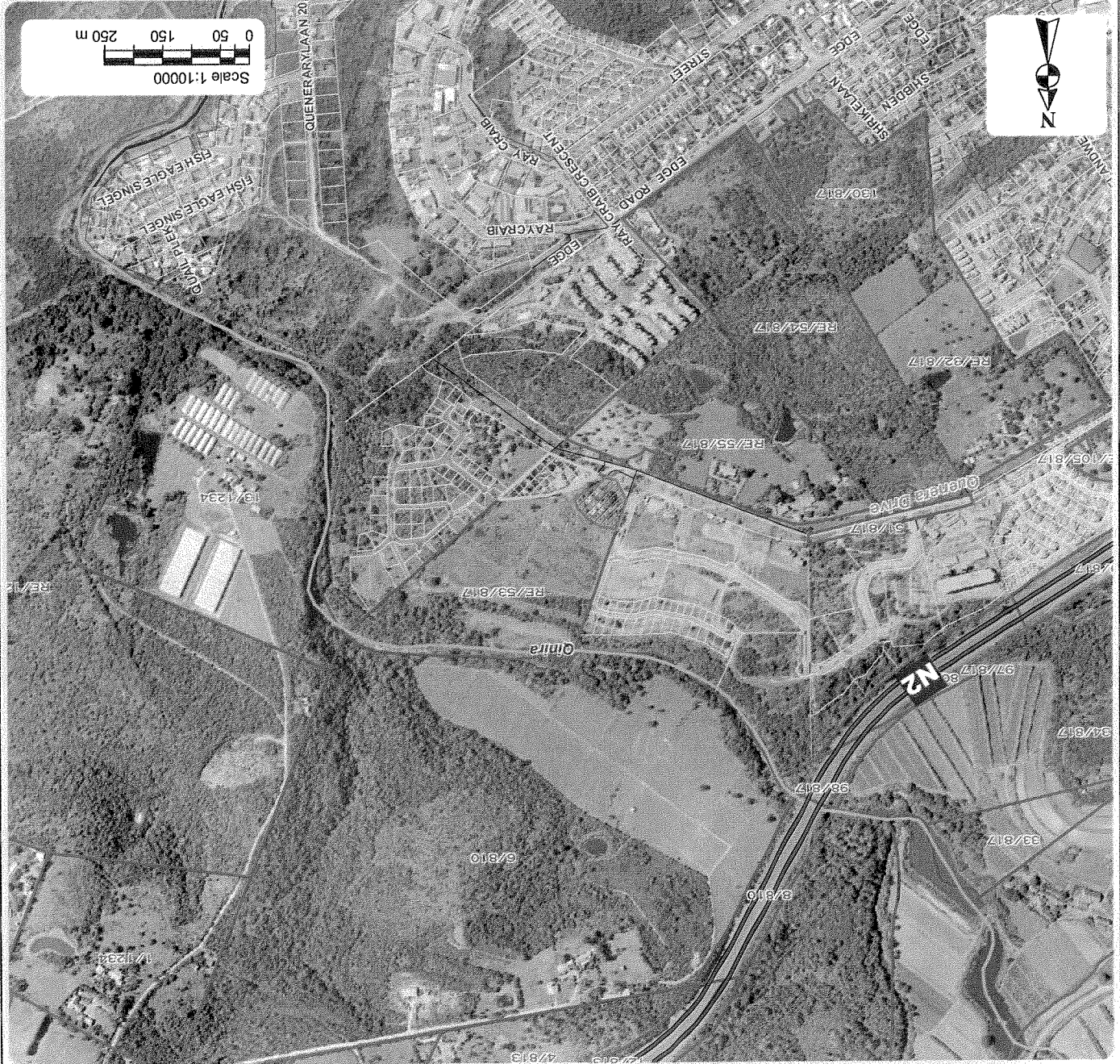
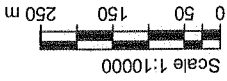
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 5320
 Phone: 045 838 2029
 Fax: 045 838 2016
 Email: qm@nmpplanning.co.za



LEGEND

- Erf 5712 Beacon Bay Road class
- Erf 3948 Beacon Bay

Client: **Crimson River Investments (Pty) Ltd**

Project: **Land Development Area: Rezoning & Subdivision of Erven 3948 & 5712, Beacon Bay**

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Date: July 2010 Plan No: 6438-01

LAND USE PLAN

PLAN 2

LAND USE PLAN

Erven 3948 & 5712

BEACON BAY

SITUATE IN BUFFALO CITY MUNICIPALITY
ADMINISTRATIVE DISTRICT OF EAST LONDON
PROVINCE OF THE EASTERN CAPE

Extracted from Surveyor General Spatial Database

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PORT ELIZABETH

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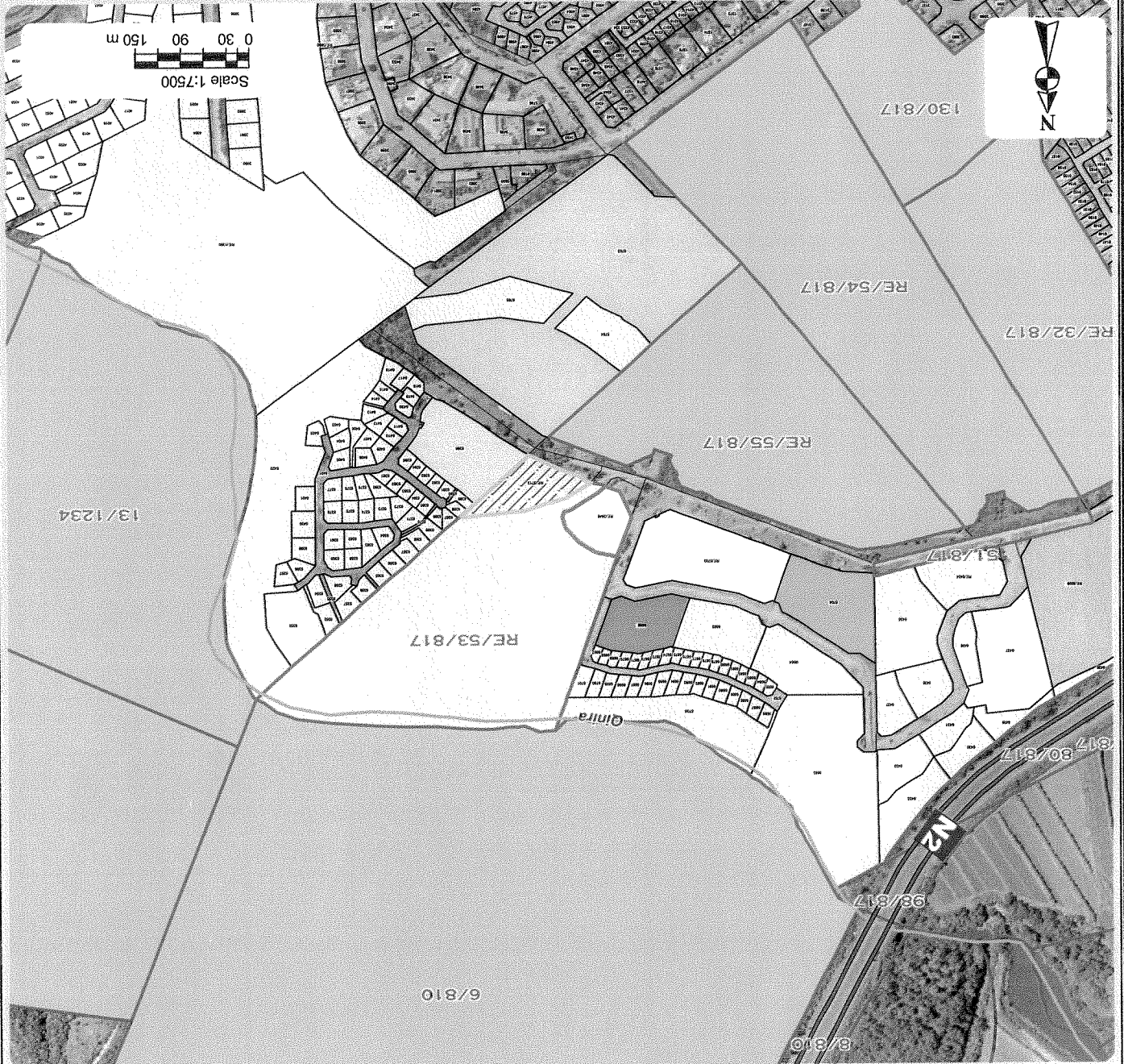
Linton Gange, 6105
Linton Gange, 6105

Produced by



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NPM PLANNING



LEGEND

- Erf 3948 Beacon Bay
- Erf 5712 Beacon Bay
- Land Uses
- Agricultural Land
- Flats
- Hospital
- Offices

- Residential
- Residential / Business
- Smallholding
- Townhouses
- Vacant
- Road class



Project: Land Development Area:
Rezoning & Subdivision of
Erven 3948 & 5712, Beacon Bay

Client: Crimson River
Investments (Pty) Ltd

Date: July 2010 **Plan No:** 6438-02

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ZONING PLAN

PLAN 3

ZONING PLAN

Erven 3948 & 5712

BEACON BAY

SITUATE IN BUFFALO CITY MUNICIPALITY
ADMINISTRATIVE DISTRICT OF EAST LONDON
PROVINCE OF THE EASTERN CAPE

Extracted from Surveyor General Spatial Database

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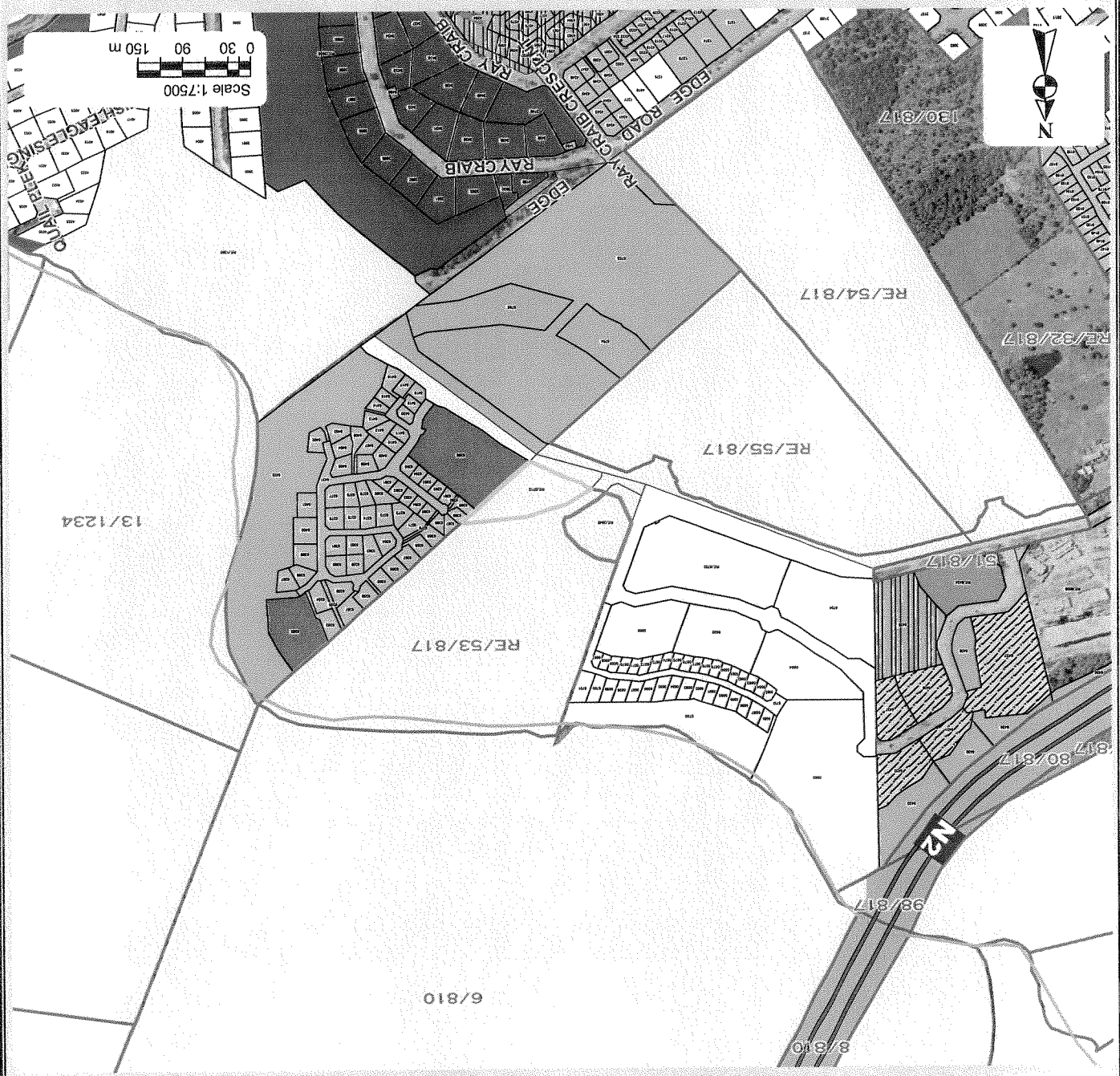
Phone: 045 838 2029
Fax: 045 838 2016

Email: pm@npmplanning.co.za

Email: ei@npmplanning.co.za

Email: qm@npmplanning.co.za

All cadastral boundaries are to be confirmed by a Professional Land Surveyor



LEGEND

- Erf 3948 Beacon Bay
- Erf 5712 Beacon Bay
- ZONING**
- MULTIPLE ZONE
- AGRICULTURAL ZONE 1
- BUSINESS ZONE 1
- BUSINESS ZONE 4
- INDUSTRIAL ZONE 1
- PUBLIC OPEN SPACE ZONE 1
- PUBLIC OPEN SPACE ZONE 2
- RESIDENTIAL ZONE 3B
- RESIDENTIAL ZONE 4
- RESIDENTIAL ZONE 5
- RESORT ZONE 2
- TRANSPORT ZONE 2
- Road class
- N

Date: July 2010 Plan No: 6438-03

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Project: Land Development Area: Rezoning & Subdivision of Erven 3948 & 5712, Beacon Bay

Client: Crimson River Investments (Pty) Ltd

SITE PLAN

PLAN 4



**LAND DEVELOPMENT AREA:
REZONING OF EREVEN 3948 & 5712, BEACON BAY**


NOTATION	DESCRIPTION
⊖	WATER PIPELINE MARKER
⊕	FLAG POLE
⊙	LAMP POST
⊚	SIGN POST
⊛	WATER METERS
⊜	CABLE MARKER
⊝	TAP
⊞	STEEL POLE
⊟	WOODEN POLE
⊠	CABLE CHAMBER
⊡	VALVE
⊢	FIRE HYDRANT
⊣	STOPWATER MANHOLE
⊤	STOPWATER MANHOLE (SQUARE)
⊥	MANHOLE (ROUND)
⊦	GRAVEL ROAD
⊧	GATE
⊨	STAY WIRE
⊩	STRUT POLE
⊪	POWER LINE
⊫	TAR ROAD
⊬	WALL
⊭	EXISTING BUILDINGS
⊮	FENCE
⊯	LAWN
⊰	SWIMMING POOL
⊱	VERANDAH
⊲	EXISTING SHEDS

CADASTRAL BOUNDARIES ARE AS EXTRACTED FROM RECORDS AT THE SURVEYOR GENERAL'S OFFICE. ALL CADASTRAL BOUNDARIES ARE TO BE CONFIRMED BY A PROFESSIONAL LAND SURVEYOR.

DATE: 26 JULY 2010

CLIENT: CRIMSON RIVER INVESTMENTS (PTY) LTD

Scale 1: 1500

Prepared by:

NPM PLANNING
 TOWN & REGIONAL PLANNERS

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SITE PLAN

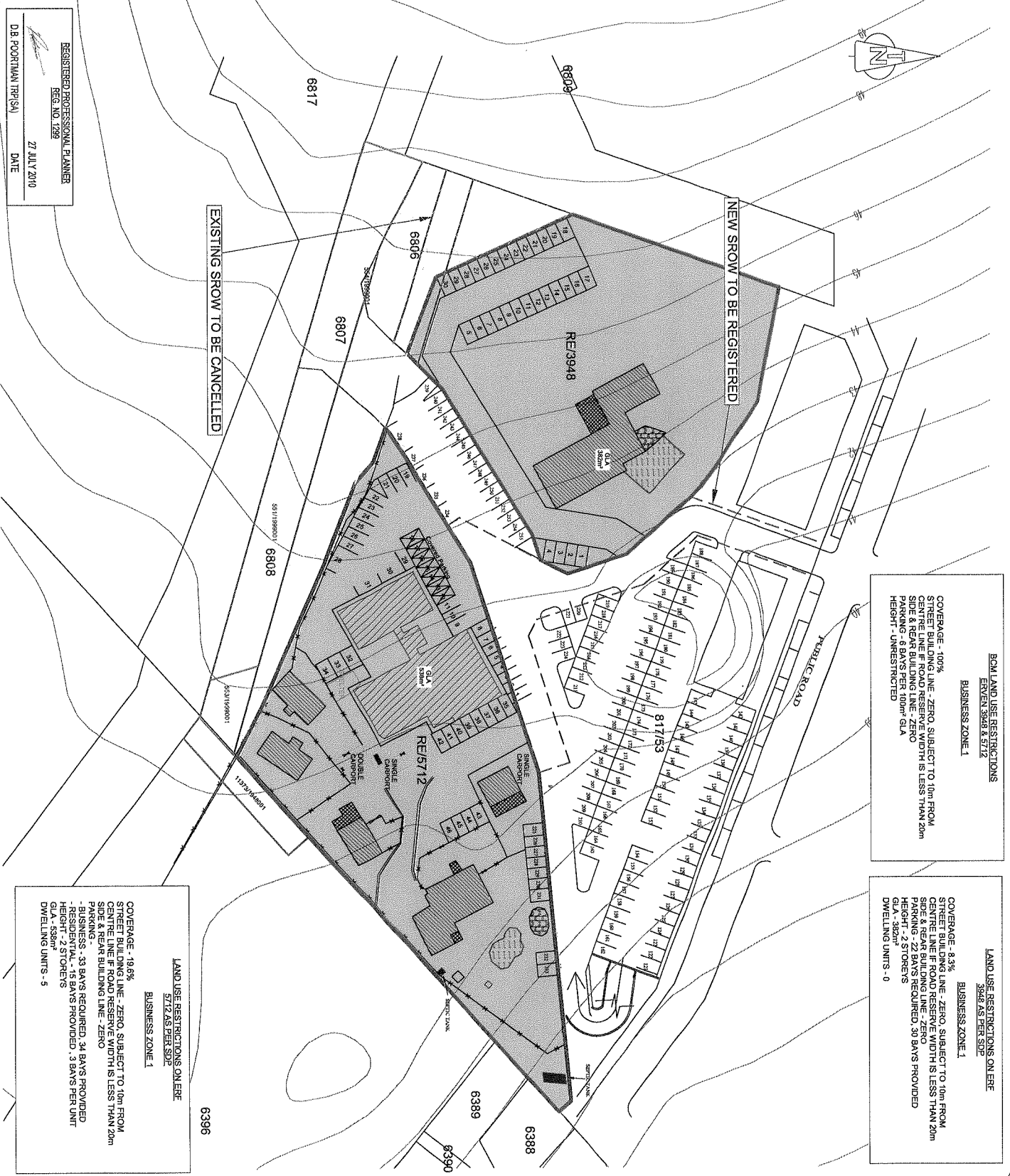
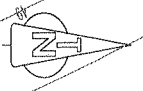
PLAN NO.: 6438_04

Rev No 0

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SITE DEVELOPMENT PLAN

PLAN 5



BOM LAND USE RESTRICTIONS
 EVENEN 3948 & 5712
BUSINESS ZONE 1
 COVERAGE - 100%
 STREET BUILDING LINE - ZERO, SUBJECT TO 10m FROM CENTRE LINE IF ROAD RESERVE WIDTH IS LESS THAN 20m
 SIDE & REAR BUILDING LINE - ZERO
 PARKING - 5 BAYS PER 100m² GLA
 HEIGHT - UNRESTRICTED

LAND USE RESTRICTIONS ON FEE
 3948 AS PER SDP
BUSINESS ZONE 1
 COVERAGE - 8.3%
 STREET BUILDING LINE - ZERO, SUBJECT TO 10m FROM CENTRE LINE IF ROAD RESERVE WIDTH IS LESS THAN 20m
 SIDE & REAR BUILDING LINE - ZERO
 PARKING - 22 BAYS REQUIRED, 30 BAYS PROVIDED
 HEIGHT - 2 STOREYS
 DWELLING UNITS - 0

LAND USE RESTRICTIONS ON FEE
 5712 AS PER SDP
BUSINESS ZONE 1
 COVERAGE - 19.6%
 STREET BUILDING LINE - ZERO, SUBJECT TO 10m FROM CENTRE LINE IF ROAD RESERVE WIDTH IS LESS THAN 20m
 SIDE & REAR BUILDING LINE - ZERO
 PARKING - 32 BAYS REQUIRED, 34 BAYS PROVIDED
 RESIDENTIAL - 15 BAYS PROVIDED, 3 BAYS PER UNIT
 GLA - 533m²
 DWELLING UNITS - 5

REGISTERED PROFESSIONAL PLANNER
 REG. NO. 1292
 27 JULY 2010
 DATE
 D.B. POORTMAN (RP(SA))

LAND DEVELOPMENT AREA:
 REZONING OF EVENEN 3948 & 5712, BEACON BAY

LAND USE	ZONING	NO. OF DU.	AREA (m ²)	%
OFFICE, PARKING & PRIVATE ROADWAY	BUSINESS ZONE 1	0	5476	100
OFFICE, TOWNHOUSES, PARKING & PRIVATE ROADWAY	BUSINESS ZONE 1	5	7348	100

LAND USE TABLE - ERF 5712

LAND USE	ZONING	NO. OF DU.	AREA (m ²)	%
OFFICE, TOWNHOUSES, PARKING & PRIVATE ROADWAY	BUSINESS ZONE 1	5	7348	100


NOTES

- EXISTING BUILDINGS
- VERANDAH
- RENOVATED BUILDING
- SWIMMING POOL
- LABA
- SEPTIC TANK
- ERF 3948, BEACON BAY
- ERF 5712, BEACON BAY
- 1m CONTOURS
- SERVITUDE RIGHT OF WAY IN FAVOUR OF EVENEN 3948 & 5712
- BOM EXPROPRIATION

A SERVICE AND INFRASTRUCTURE AGREEMENT WILL BE DRAINED AND AGREED UPON BY THE OWNERS OF FARM 53917 AND EVENEN 3948 & 5712. BEACON BAY AS DEVELOPABLE ACCESS ARE SHARED BY BOTH PARTIES

CADASTRAL BOUNDARIES ARE AS SHOWN FROM RECORDS AT THE SURVEYOR GENERAL'S OFFICE
 ALL CADASTRAL BOUNDARIES ARE TO BE CONFIRMED BY A PROFESSIONAL LAND SURVEYOR

DATE: 27 JULY 2010
 CLIENT: CRIMSON RIVER INVESTMENTS (PTY)LTD
 Scale 1: 1250

Prepared by:

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Title
 SITE DEVELOPMENT PLAN
 PLAN NO. :6438.05
 Rev No 0

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ANNEXURE A
Title Deed

BROKER RIDGE CC
No. 1992/013747/23

appeared before me, REGISTRAR OF DEEDS, at KING WILLIAM'S TOWN,
the said appearer being duly authorised thereto by a Power of Attorney
which said Power of Attorney was signed at EAST LONDON on 5
NOVEMBER 2004 granted to him by

JACOBUS DE HART BURGER
BE IT HEREBY MADE KNOWN THAT

DEED OF TRANSFER

T 00733112004

VERBIND MORTGAGED		VIR FOR R 1040 000,00	REGISTRAR OF DEEDS
B		006 194 / 2004	2004-12-03

SETLREG
CONVEYANCE FEES
R 500,00

I C CLARK INC.
25 ST LUKES ROAD
SOUTHERNWOOD
EAST LONDON

1992/013747/23
No. 1992/013747/23

Clark
CONVEYANCER
CLARK IC

Prepared by me

And the appearer declared that his said principal had, on 14 September 2004, truly and legally sold by Private Treaty, and that he, the said Apparer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

The Trustees for the time being of LOURIE COUNTRY
ESTATE TRUST
No. IT 944/2004

its Successors in Office or assigns, in full and free property

PORTION 48 (A portion of Portion 47) of Farm 817
Buffalo City Local Municipality
Division of East London
Province of the Eastern Cape
IN EXTENT 8,9321 (EIGHT COMMA NINE THREE TWO ONE)
HECTARES

FIRST REGISTERED by Certificate of Registered Title No 869/1949 with Diagram No 3071/1947 relating thereto and held by Deed of Transfer No T5341/1992

A. **SUBJECT** to the conditions referred to in Deed of Transfer No T1586/1951 save in so far as these may have since lapsed or been cancelled.

B. **ENTITLED** to a 4,72 metre wide Roadway running along the South Eastern Boundary of Portion 31 of Portion 4 Farm No 817 as created in Notarial Deed of Servitude No 91/1937S.

C. **SUBJECT** to a Servitude Right in Perpetuity to convey electricity across the aforesaid property by means of one transmission line consisting of wires and/or cable or other appliances overhead or underground in favour of Escom with ancillary rights as created in Notarial Deed of Servitude No K135/1975S.

WHEREFORE the said Appearer, renouncing all right and title which the said

BROKER RIDGE CC
No. 1992/013747/23

heretofore had to the premises, did in consequence also acknowledge it to be entirely disposed of, and disentitled to the same, and that by virtue of these presents, the said

The Trustees for the time being of LOURIE COUNTRY

ESTATE TRUST
No. IT 944/2004

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price to be the sum of **R1 140 000,00 (ONE MILLION ONE HUNDRED AND FORTY THOUSAND RAND).**

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at King William's Town on

27. 7. 03

_____ q.d.

In my presence

REGISTRAR OF DEEDS



REGISTRATEUR/REGISTRAR	2006-09-12
	B 6907 / 2006
VERBIND VIR FOR R 1500 CCC.00 MORTGAGED	

REGISTRATEUR/REGISTRAR	2006-09-12
	B 6907 / 2006
DIE NAAM VAN DIE THE NAME OF THE within transfer IS VERANDERD MA THE TRUSTEES FOR THE TIME BEING OF HAS BEEN CHANGED TO Loerie Country Estate Trust No. 17 944/2004	

* Section 93(1) Act 47/1937

NPM Consent to Lodgement

ANNEXURE B

NPM PLANNING CC RESOLUTION

**RESOLUTION ADOPTED AT A MEETING OF THE MEMBERS OF NPM PLANNING
CC 2008/134189/23 HELD IN EAST LONDON ON 1 NOVEMBER 2008**

RESOLVED:

1. That MICHAEL JOHN MEDCALF, DEON BARRY POOKTMAN AND SAKUMZI DALUBU including the appearance before any body, institution or tribunal as may be reasonably necessary application and to sign all necessary documents and perform any acts and make any representative power of attorney has been granted appointing NPM PLANNING CC to represent a client in any su Company in any application under town planning, land use and land development legislation including but not limited to the Development Facilitation Act No. 67 of 1995 in instances where MGUGUDO members of NPM PLANNING CC be and are hereby authorized to act on behalf of

2. That the aforesaid members are hereby granted the authority and power to nominate any associate the Company or any consultant and/or legal advisor appointed by the Company to appear on the behalf and make such representations as may be reasonably necessary or required in connection an application referred to in paragraph 1 hereof.

3. That the members hereby ratify and adopt as valid any documentation already signed and acts performed by any of them in connection herewith.

SIGNED AT EAST LONDON

THIS 1ST DAY OF NOVEMBER 2008

IN THE PRESENCE OF THE

UNDERSIGNED WITNESSES.

DEON BARRY POOKTMAN

MICHAEL JOHN MEDCALF

SAKUMZI DALUBU

AS WITNESSES

Charlotte Poulsen

Nelumbo Comago

ANNEXURE C
Conveyancer's Certificate

CONVEYANCER'S CERTIFICATE

I, the undersigned, DEREK PIERRE DEXTER, a practising Conveyancer of King William's Town, hereby certify that from an examination of the King William's Town Deeds Office records I have established the following facts appertaining to:-

ERF 5712 BEACON BAY
Local Municipality of Buffalo City
Division of East London
Province of the Eastern Cape

IN EXTENT : 7348 (Seven Thousand Three Hundred and Forty Eight) Square Metres

1. The said Erf is held by Deed of Transfer No T 3811/2008 registered on the 31st July 2008.

2. The registered owner is:-

CRIMSON RIVER INVESTMENTS (PROPRIETARY) LIMITED
Registration Number : 2005/023984/07

3. The said Erf is mortgaged under:-

Mortgage Bond No B 2933/2009
Dated 4th December 2009
Passed by
Crimson River Investments (Proprietary) limited,
Registration Number 2005/023984/07
AAA INVESTMENTS (PROPRIETARY) LIMITED,
Registration Number 1997/002165/07
For the sum of
R10 000 000,00 (TEN MILLION RAND) plus
R2 000 000,00 (TWO MILLION RAND) being the additional
amount to cover costs.

4. The following servitudes are registered in favour of and over the said Erf:-

a) ENTITLED to the use of a certain roadway 4,72 metres wide over Portion 31 (a portion of portion 4) of Farm 817, Division of East London running along the South Eastern boundary of the said Portion 31, created in Notarial Deed of Servitude No 91/1937S.

b) ENTITLED by Deed of Servitude No 28/1952S to a servitude of right of way 6,30 metres wide over Portion 49 (a portion of portion 73) of Farm, 817, Division of East London.

c) ENTITLED to a 16 (sixteen) metre wide servitude of right of way over Remainder of Portion 53 of Farm 817 East London, the southern boundary of

which is represented by the line EFGHJKAB on Diagram S.G. No 552/1999 created by Notarial Deed of Servitude No K39/2004S

Herewith a copy of Notarial Deed of Servitude No K39/2004S

d) A servitude over a portion of this Erf as depicted by the letters JDEFGH on the attached Diagram S.G. No 552/1999

SUBJECT to a 10 metre wide servitude of Right of Way, the Southern boundary of which is represented by the line DE on Diagram S.G. No 552/1999 in favour of the Local Municipality of Buffalo City created in Deed of Transfer No T 3237/2001

e) A Servitude over a portion of this Erf also depicted by the letters ABCDJK on the said Diagram S.G. No 552/1999

SUBJECT to a 10 metre wide servitude of Right of Way, the Southern boundary of which is represented by the line CD on Diagram S.G. No 552/1999 in favour of the Local Municipality of Buffalo City created in Notarial Deed of Servitude No K 59/2001S.

5. I could find no record of:-

(i) any Certificate of Mineral Rights or any cession thereof affecting the said erf

(ii) any expropriation/land claim caveat registered over the said erf in the said Deeds Office records

6. The only other rights registered on this erf are:-

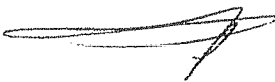
a) SUBJECT to the conditions contained in Regulation 3.5 of the Scheme Regulations (PN 1047/88) in terms of Section 7 (2) of the Land Use Planning Ordinance No 15/1985 created in Deed of Transfer No T 3237/2001.

b) SUBJECT to the conditions imposed by and in favour of the Local Municipality of Buffalo City on subdivision in terms of Ordinance No 15/1985 created in Deed of Transfer No T 3237/2001 reading:-

"The erf shall only be used for purposes permitted in terms of the Beacon Bay Zoning Scheme"

Both of which are only applicable to the portion of this erf represented by the figure JDEFGH on Diagram SG 552/1999.

SIGNED at KING WILLIAM'S TOWN on 9th July 2010


CONVEYANCER

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CONVEYANCER'S CERTIFICATE

I, the undersigned, DEREK PIERRE DEXTER, a practising Conveyancer of King William's Town, hereby certify that from an examination of the King William's Town Deeds Office records I have established the following facts appertaining to:-

ERF 3948 BEACON BAY
Local Municipality of Buffalo City
Division of East London
Province of the Eastern Cape

IN EXTENT : 5476 (Five Thousand Four Hundred and Seventy Six) Square Metres

1. The said Erf is held by Deed of Transfer No T 7112/2007 registered on the 10th December 2007.

2. The registered owner is:-

CRIMSON RIVER INVESTMENTS (PROPRIETARY) LIMITED
Registration Number : 2005/023984/07

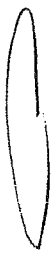
3. The said Erf is mortgaged under:-

Mortgage Bond No B 8315/2007
Dated 10th December 2007
Passed by Crimson River Investments (Proprietary) limited,
Registration Number 2005/023984/07
In favour of AAA INVESTMENTS (PROPRIETARY) LIMITED,
Registration Number 1997/002165/07
For the sum of R9 250 000,00 (NINE MILLION TWO HUNDRED AND FIFTY THOUSAND RAND) plus R1 850 000,00 (ONE MILLION EIGHT HUNDRED AND FIFTY THOUSAND RAND) being the additional amount to cover costs.

4. The following servitudes are registered in favour of and over the said Erf:-

a) ENTITLED to the use of a certain roadway 4,72 metres wide over Portion 31 (a portion of portion 4) of Farm 817, Division of East London running along the South Eastern boundary of the said Portion 31, created in Notarial Deed of Servitude No 91/1937S.

b) ENTITLED by Deed of Servitude No 28/1952S to a servitude of right of way 6,30 metres wide over Portion 49 (a portion of portion 73) of Farm, 817, Division of East London.



c) SUBJECT to a servitude of Right of Way 6,30 metres wide, the area of Buffalo City Local Municipality, created in Notarial Deed of Servitude No K 59/2001S, which is represented by figure ABC on Diagram S.G. 554/99 in favour of 59/2001S.

Herewith attached is a copy of Notarial Deed of Servitude No K 59/2001S with copy of Diagram SG 554/1999.


5. I could find no record of:-

(i) any Certificate of Mineral Rights or any cession thereof affecting the said erf

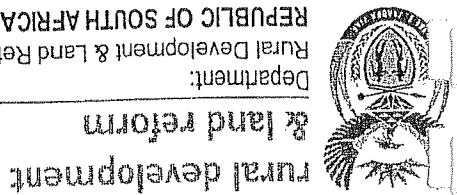
(ii) any expropriation/land claim caveat registered over the said erf in the said Deeds Office records

(iii) any other registered rights over the said Erf

SIGNED at KING WILLIAM'S TOWN on 9th July 2010


CONVEVANCER
DEXTER D P

ANNEXURE D
Letter from Land Claims



rural development
& land reform
Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER EASTERN CAPE PROVINCE
P.O. BOX 1375, East London, 5200; Tel: 043 700 6000; Fax: 043 743 3687

To: Regional Land Claims Commissioner

Ms L Faleni

FROM : Mr. J. Mayo

SUBJECT : Confirmation of Land Claims

DATE : 07 July 2010

Purpose

To request the Regional Land Claims Commissioner, Ms L Faleni, to sign the letter attached hereto.

Background

NPM Planning requested a written confirmation from our office that there are no land claims currently pending against the properties being:

> Erf 3978, Erf 5712, East London Province of the Eastern Cape

There are no claims on the above-mentioned properties.

Mr J. Mayo

Project Co-Ordinator: Investigation

Date: 26/07/2010

Mr M. Jekwa

Deputy Director: Investigations

Date: 26/07/2010

Mr Zama Memela

Director: Operational Management

Date: 26/07/2010



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER EASTERN CAPE PROVINCE
P.O. BOX 1375, East London, 5200; Tel: 043 700 6000; Fax: 043 743 3687

Enquiries: Z. Ngubo

Your Ref: 6438.03

Attention: Deon Poortman

Tel: 043 722 2935

Fax: 086 509 3487

Dear Sir

Your letter dated 28 June 2010, has a reference

PROPERTY:

> Erf 3978, Erf 5712, East London Province of the Eastern Cape

This serves to confirm that there are no claims registered on the abovementioned properties.

It must also be pointed out that some claims have been received for unspecified land and until such claims have been field visited it is not known to which portions of land it applies. Therefore the fact that a claim has not been registered specifically on the abovementioned property at this stage does not preclude the fact that it might be included in the unspecified claims mentioned above.

While reasonable care has been taken in ensuring the accuracy in the compilation of this information, the office of the Commissioner can not be held accountable for any claims that may be brought as a result of legal actions based on the information thus given.

Please feel free to contact us for any clarification that may be required.

Yours faithfully

Ms L. Fatemi

Regional Land Claims Commissioner: Eastern Cape

Date: 26/07/2010

ANNEXURE E
Power of Attorney

POWER OF ATTORNEY

I, the undersigned, **IVAN SENAR** duly authorised hereto by a resolution of Crimson River Investments adopted on 17 June 2010 a copy of which is attached marked **Annexure A** do hereby appoint **DEON BARRY POORTMAN OF NPM PLANNING CC NO. 2008/134189/23** (hereinafter called "the Agent") (and including its associates) to be my lawful agent with full power and authority and in my name:

1. To apply in terms of the Development Facilitation Act No. 67 of 1995 for the approval of a land development area on the properties referred to in the said Annexure A which also includes details of the nature and extent of the said development all of which are authorized and approved in terms of this **POWER OF ATTORNEY**.

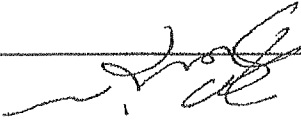
2. To sign all documents as may be necessary in connection with the aforementioned application.

3. To undertake and perform such duties including the authorisation of such appointments as may be necessary in connection with or related to the application referred to in paragraph 1 above.

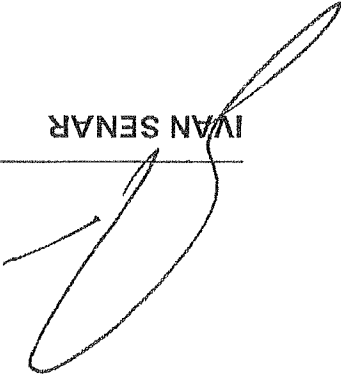
5. To appear before and make such representations as may be necessary to the East Cape Development Tribunal, Buffalo City Municipality and any other entity or government department or parastatal in connection with the aforementioned application.

SIGNED at EAST LONDON on this 17 day of June, 2010.

As witnesses:

1. 

2. 



IVAN SENAR

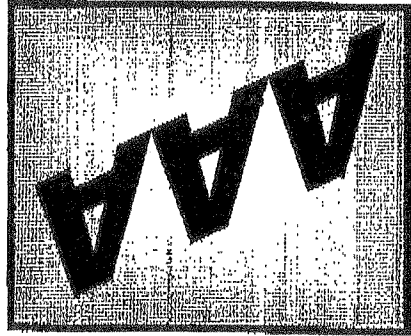
ANNEXURE F
Bondholder's Consent

AAA Investments (Pty) Ltd.

REG 1997/002865/07

Tell 046 - 6225731
Fax: 046 - 6368901
Fax to Mail: 0866860064
Cell: 0828041669 (Mr. P Moll)
Cell: 0828041659 (Mrs. C Moll)
E-mail: aaacim@iutekom.co.za

P O Box 6105
Market Square
GRAHAMSTOWN
6141



NPM Planning

To whom it may concern

25th July 2010

THE REZONING AND LAND DEVELOPMENT AREA ESTABLISHMENT OF

ERVEN 5712 AND 3948 EAST LONDON

AAA Investments (Pty) Ltd, as bond holders, hereby consent to the application of rezoning and land development area establishment of Erven 5712 and 3948 East London, mortgage bond numbers B2933/2009 and B8315/2007 respectively.

Yours faithfully

Mr. P de V Moll

(Managing Director)

ANNEXURE G
**Engineering Services & Geo-
Technical Report**

Engineering Services Report

We change lives

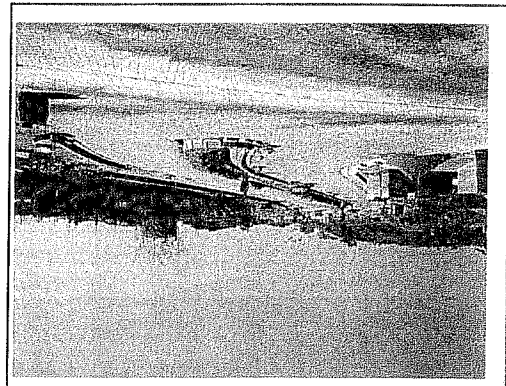
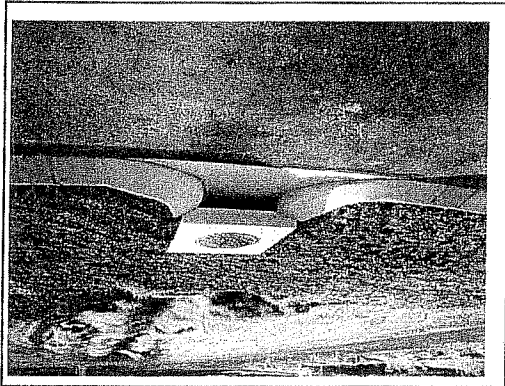
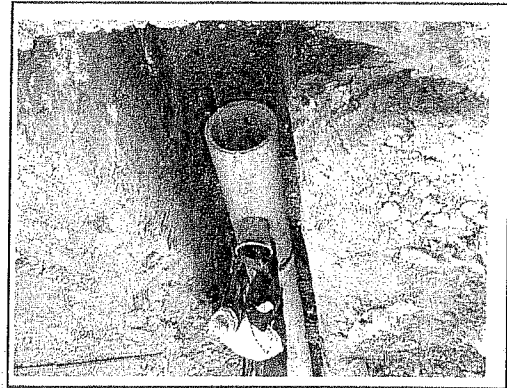
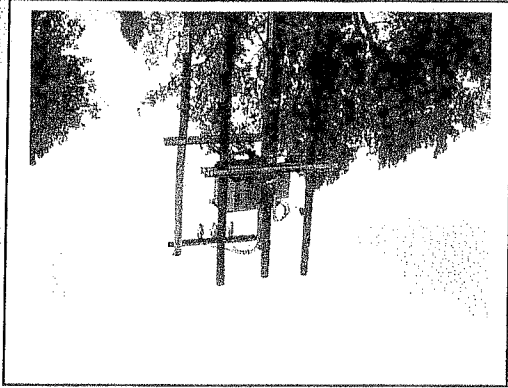
ENGINEERING & SCIENCE

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July 2010

J30114



Proposed Rezoning of Erf 3948 and Erf 5712, East London

**Report on Engineering Services
for Crimson Park :**

Crimson River Investments (Pty) Ltd

**REPORT ON ENGINEERING SERVICES FOR CRIMSON PARK :
 PROPOSED REZONING OF ERF 3948 AND ERF 5712, EAST LONDON**

CONTENTS

Chapter	Description	Page
1	INTRODUCTION	1
2	PUBLIC ROADS	1
3	INTERNAL PRIVATE ROADS	1
4	STORMWATER CONTROL	1
5	WATER	2
6	SEWERAGE	2
7	ELECTRICITY	3
8	REFUSE COLLECTION	3
9	CONCLUSION	3
	APPENDICES	

