

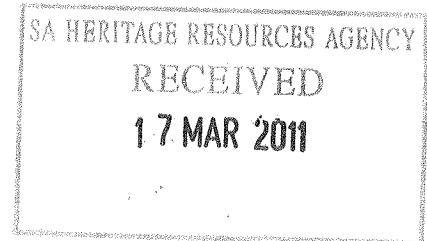


caseID: 1935
NPM PLANNING

TOWN & REGIONAL PLANNERS

OUR REF:6466.13
YOUR REF:
02 March 2011

South African Heritage Resource Agency
PO Box 758
Grahamstown
6140



ATT: Mr. Thanduxolo Lungile

IN THE DEVELOPMENT TRIBUNAL FOR THE EASTERN CAPE

CASE NO: DT (EC) 004/2011

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

NOTICE is hereby given that **NPM PLANNING cc** acting on behalf of the **SLIPKNOT INVESTMENTS 74 (PTY) LTD** has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on **Portion 6 of Farm 1048 East London**.

The proposed development **Case No:004/2011** comprises the following:

- The approval of a land development area application in respect of the development shown on Site Development Plan 6466.06 covering a total area of 101.4 ha to accommodate the land use
- Application for special consent use;
- Departure to relax building lines.

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, Bisho, 5605 and at the offices of the land development applicant for a period of 21 days from **2 March 2011**.

The application will be considered at a **TRIBUNAL HEARING** to be held at the **Kidd's Beach Bowling Club, Kidd's Beach** on **09 June 2011 at 10h00** and the **PRE-HEARING CONFERENCE** will be held at the **SAME VENUE** on **12 May 2011 at 10H00**.

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 **23 March 2011**.

www.npmplanning.co.za

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PROFESSIONAL TOWN & REGIONAL PLANNERS, GIS CONSULTANTS, DEVELOPMENT PLANNERS AND LAND REFORM PRACTITIONERS
DIRECTORS: DB Pootman TRP(SA), B.TR(PUP), M.U.R.P.(UFS); SD Mgugudo TRP(SA), N.DIP(TRP), B.TECH(TRP); MJ Medcalf PR.L(SA), B.Sc(Survey), B.Sc(Civil Eng)

NPM PLANNING CC Registration Number: 2008/134189/23

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 in Bhisho.

You may contact Ms T. Mapasa 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

8 Anderson Road, Berea

Tel : 043 – 721 2306

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 SLIPKNOT INVESTMENTS 74 (PTY) LTD

Portion 6 of Farm 1048 East London

APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA

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

PART 1 : ACKNOWLEDGEMENT OF RECEIPT

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

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

Annexure A	Title Deed
Annexure B	NPM Consent to lodgement
Annexure C	Conveyancer's Certificate
Annexure D	Land Claims Commissioner's consent
Annexure E	Power of Attorney
Annexure F	SRK Geo-hydrology Report
Annexure G	Engineering Services and Geo-technical Report
Annexure H	Environmental Scoping Report
Annexure I	Draft Home Owners' Association Constitution
Annexure J	Traffic Impact Assessment

Designated Officer

Date of receipt

PART 2 : APPLICATION

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

Applicant's Name **D. POORTMAN o.b.o. NPM PLANNING cc**

Applicant's Address **P.O. Box 19345 TECOMA, 5214 or 8 Anderson Road, Berea, East London, 5201**

Applicant's Tel. No. **043 721 2306**
 Applicant's Facsimile No. **086 675 4814**
 Contact Person **Deon Poortman**

APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON :

Portion 6 of farm 1048, East London

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

Date : 21/01/2011



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
-----	------

-	the extent to which the development complies with the principles set out in Chapter 1 of the Act;	YES X	NO
-	the extent to which, if applicable, the development complies with the development objectives [Chapter IV of the Act] applicable in the area;	YES X	NO
[c]	A copy of the title deed[s] and diagram[s] to the land;	YES X	NO
[d]	A copy of every deed of servitude relating to the land only if not covered by certificate in terms of sub-paragraph [o];	YES	NO X
[e]	A copy of every mortgage bond[s] relating to the land together with the bondholder's consent if applicable [only if not covered by certificate in terms of sub-paragraph[o]];	YES	NO X
[f]	A copy of every certificate of mineral rights and cession thereof, together with the mineral holder's consent if applicable [only if not covered by certificate in terms of sub-paragraph[o]];	YES	NO X
[g]	The owner's consent and/or power[s] of attorney, if applicable;	YES X	NO
[h]	A copy of the land availability agreement, in any;	YES	NO X
[i]	A copy of the services agreement, if already concluded;	YES	NO X
[j]	A social compact agreement, if applicable;	YES	NO X
[k]	Documentation regarding the provision of community facilities and the responsibilities of public authorities in this regard;	YES	NO X
[l]	If the applicant is a company, close corporation or other legal entity other than a natural person, a copy of a valid authorizing resolution;	YES X	NO
[m]	A floodline certificate indicating whether the land is or is not subject to a 1 in 50 year flood;	YES	NO X
[n]	An initial geo-technical report as set out in regulation 30;	YES X	NO
[o]	A certificate from a conveyancer indicating who the registered owner of the land is, the conditions of title or servitude[s] recorded in the title deed[s] that affect the proposed land development, as well as the mortgage bonds registered against the property;	YES X	NO
[p]	Application for a registration arrangement substantially in the form of Annexure G , if applicable.	YES	NO X

[2] If any of the documents referred to in 1 [1] are considered not to be applicable, reasons must be given [lengthy explanations can be attached as annexures].

2.1 100 year floodline certificate is not required, as a 32m buffer has been provided. See motivation report.

[2] **SPECIFIC INFORMATION REGARDING PROPOSED LAND DEVELOPMENT AREA**

[1] Name of proposed land development area : **KIDDS BEACH COUNTRY RESORT**

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

(a) Portion 6 of farm 1048 East London Deed of Transfer No. T4693/2007

[3] Full name[s] of registered owner[s] of the land : **SLIPKNOT INVESTMENTS 74 (PTY) LTD**

[4] The land is not mortgaged.

[5] Mineral rights have not been severed from the ownership of the land.

[6] A lease of the rights to minerals has not been granted.

[7] A prospecting contract has not been entered into.

[8] The proposed land development area –

[a] is situated within the local government area of : **BUFFALO CITY LOCAL MUNICIPALITY**

[b] adjoins the following local government body areas : **N/A**

[9] The proposed land development area falls within the area of the **BUFFALO CITY MUNICIPALITY**

[10] Proposed land use[s] [the following are examples only] in a land development area excluding small-scale farming in terms of Chapter V of the Act and total number of erven for each use [if applicable]. A layout plan indicating the uses assigned to portions or percentages of land may be attached if the land is not to be subdivided. **Note** : If the Interim Land Use Conditions set out in Annexure J to the Development Facilitation Regulations will be used, the following categories should be changed to correspond to Annexure J. Similarly, if an existing zoning scheme is to be extended also to apply to the land development area, the following categories must be amended to correspond to the categories in the zoning scheme.

The KIDDS BEACH COUNTRY ESTATE development application consists of the following elements:

[a] The approval of a land development area application in respect of the development shown on Site Development Plan 6466.06 covering a total area of 101.4 ha to accommodate the belowmentioned land uses:

LAND USE	ZONING	PORTION NO.	HA	% OF TOTAL
Conservation and dwelling unit	Open Space Zone 3	Rem. 1-12	98.13	96.78
Lodge, resort units, shop, conference centre, restaurant, tea garden, play park, care-takers cottage, gatehouse, parking and private roadway	Resort Zone	13	3.27	3.22
TOTALS		14	101.4	100

[b] The approval of Subdivision Plan 6466.07 indicating 14 portions (including the remainder) to, inter alia, accommodate the proposed development;

[c] Application for special consent use for:

- lodge/hotel (licensed);
- conference centre;
- restaurant;
- resort shop;

[d] Departure to relax Resort Zone portion 13, building lines to align with Site Development Plan 6466.06, from 10m to 5m.

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

NOT APPLICABLE

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

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.

SEE ENGINEERING REPORT.

(2) Open space endowment

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

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

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

AS SHOWN ON THE DEVELOPMENT PLAN – THE DEVELOPMENT WILL BE PRIVATELY OPERATED AND CONTROLLED BY A HOME OWNERS' ASSOCIATION. ADEQUATE PROVISION HAS BEEN MADE IN THE CONSTITUTION OF THIS ASSOCIATION FOR THE PROTECTION AND UTILIZATION OF STREETS, PARKS AND OPEN SPACES INCLUDED IN THE PROPOSED DEVELOPMENT.

(4) Suspension of existing conditions of title

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

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:

THE CREATION OF NEW SERVITUDE RIGHTS OF WAY AS PER THE SITE DEVELOPMENT AND SUBDIVISION PLANS

(6) Building standards (if any)

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

(7) Application of zoning scheme or other measures

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

THE STANDARD ZONING SCHEME REGULATIONS PROMULGATED UNDER THE BUFFALO CITY ZONING SCHEME OF 2008

(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:

NIL

(10) Subdivision (if applicable)

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

NOT APPLICABLE

(11) Ownership and administration (if applicable)

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

N/A

(12) Environmental conservation

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

A SEPARATE APPLICATION WILL BE SUBMITTED TO THE EASTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS IN TERMS OF THE PROVISIONS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 FOR AUTHORIZATION TO CONDUCT THE ACTIVITIES ON THE SUBJECT PROPERTY AS AFORESAID. THIS MATTER WILL BE DEALT WITH SEPARATELY FROM THE LAND DEVELOPMENT AREA APPLICATION, HAVING

REGARD TO THE FACT THAT NO SPECIFIC ENVIRONMENTAL ASPECTS NEED TO BE CONSIDERED IN THIS CONTEXT.

(13) Consolidation of component portions

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

NOT APPLICABLE

(14) General

THE DEPARTMENT OF AGRICULTURE WILL BE PROVIDED WITH A COPY OF THE APPLICATION

14 JANUARY 2011

KIDD'S BEACH COUNTRY RESORT

PROPOSED LAND DEVELOPMENT AREA ON
PORTION 6 OF FARM 1048 EAST LONDON

EAST LONDON
28/01/2011

Member of the South African Council for Planners (SACPA) and
the International Planning Institute (IPI)



NPM PLANNING
TOWN & REGIONAL PLANNERS

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Email: pe@npmplanning.co.za

DATE: 14 January 2011

REPORT NUMBER: 6466.01

PREPARED FOR: EASTERN CAPE DEVELOPMENT TRIBUNAL

OWNER: SLIP KNOT INVESTMENTS 74 (PTY) LTD

SUBMITTED BY: NPM PLANNING
PO BOX 19345
TECOMA
5214

deon@npmplanning.co.za

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ENQUIRIES: Mr Deon Poortman

043 721 2306



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PLANS

1. Regional Locality Plan
2. Locality Plan
3. Land use Plan
4. Zoning Plan
5. Site Plan
6. Site Development Plan
7. Subdivision Plan

SUPPORTING ANNEXURES

Annexure A – Title Deed

Annexure B – NPM Consent to lodgement

Annexure C – Conveyancer's Certificate

Annexure D – Letter from Land Claims Commission

Annexure E – Power of Attorney

Annexure F – SRK Geo-hydrology report

Annexure G – Engineering Services and Geo-technical Report

Annexure H – Environmental Scoping Report

Annexure I – Draft Home Owners' Association Agreement

Annexure J – Traffic Impact Assessment

1 INTRODUCTION

NPM Planning cc has been authorised by SLIP KNOT INVESTMENTS 74 (PTY) LTD, the owner of portion 6 of farm 1048 East London consisting of 101.40 ha, to submit a land development area application to the Eastern Cape Development Tribunal for the proposed establishment of a country themed development resort, to be known as the Kidd's Beach Country Resort, with associated complimentary land uses such as, play and tea garden, restaurant/dining room, resort shop, caretakers cottage, gatehouse and lodge/conferencing venue, to be phased based on demand, situated in the Buffalo City Municipality.

The farm is located due west of the R347, some 4 km north-west of Kidd's Beach.

The Kidd's Beach Country Resort is an initiative by the land owner which has identified the opportunity and need for a development of this nature and character in this western region of this municipality. It is envisaged that the proposed development will, over time, enjoy increased prominence relevant to the growth in this region, which will in turn have numerous positive impacts and boost the local economy.

The applicant intends obtaining the rights for low density and clustered exclusive country resort with rights for 32 resort units, a double storey lodge, resort shop, caretaker's cottage and gatehouse, positioned on 3.2% of the subject property. Notable is that 96.8% of the property will be remaining rural/agriculture/open space and un-hindered with 12 dwelling units. This will ensure that the character and open space feel is retained in future.

The DFA principles and market demand has guided the project team in terms of site planning, with the resort stands being planning to meet these demands. Aspects such as low density, space and economy of scale, have resulted in an end product site development plan which accommodates the 12 stands, each 1000m² in size. The resort has been positioned on land that has been disturbed from an environmental perspective as well as benefiting from spectacular views towards the south down the valley towards the coast, which is seen in the distance. The other land uses proposed and positioning benefit from placement in strategically located areas adjacent to existing dams, ridges and environmentally disturbed areas.

The purpose of this report is to motivate and substantiate the land development application. The project team consists of the following professional firms: NPM Planning – Town and Regional Planners, XL Consulting – Environmental, Emonti – Civil and Traffic Engineering, Agricultural – Chris Bradfield, NPM Geomatics – Land Surveying and SRK Geo-hydrology.

The overall application and report 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, agricultural, engineering and environmental factors, including opportunities and constraints, pertaining to the subject property and as more fully set out herein.



2 THE APPLICATION

The Kidd's Beach Country Resort development application consists of the following elements:

- [a] The approval of a land development area application in respect of the development shown on Site Development Plan 6466.06 covering a total area of 101.4 ha to accommodate the belowmentioned land uses:

LAND USE	ZONING	PORTION NO.	HA	% OF TOTAL
Conservation and dwelling unit	Open Space Zone 3	Rem. 1-12	98.13	96.78
Lodge, resort units, shop, conference centre, restaurant, tea garden, play park, care-takers cottage, gatehouse, parking and private roadway	Resort Zone	13	3.27	3.22
TOTALS		14	101.4	100

- [b] The approval of Subdivision Plan 6466.07 indicating 14 portions (including the remainder) to, inter alia, accommodate the proposed development;
- [c] Application for special consent use for:
- lodge/hotel (licensed);
 - conference centre;
 - restaurant;
 - resort shop;
- [d] Departure to relax Resort Zone portion 13, building lines to align with Site Development Plan 6466.06, from 10m to 5m.

3 PROPERTY PARTICULARS

3.1 Description, ownership and size

SLIP KNOT INVESTMENTS 74 (PTY) LTD is the registered owner of the property which is held by virtue of Deed of Transfer No. T4693/2007.



The title deed is attached marked **Annexure "A."**

There are no land claims or caveats registered against the property.

The overall extent of the land development area is 101.4 ha

3.2 Locality

Within a regional context, the properties fall within the municipal area of Buffalo Municipality. The farm is situated between the settlements of Kidd's Beach and Sunny South/Chalumna.

A regional locality plan, is annexed, marked Regional Locality Plan 6466.01

The property is strategically located as it is located adjacent to the R347, which links the coastal resort towns along the R72 with King William's Town in the hinterland.

A locality plan is annexed, marked Locality Plan 6466.02.

The site enjoys proximity to the coast and is readily accessible, directly from the R72 and R347. The site is located about 4km from Kidd's Beach.

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

There is no bond registered over the property comprising the proposed development.

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"**.



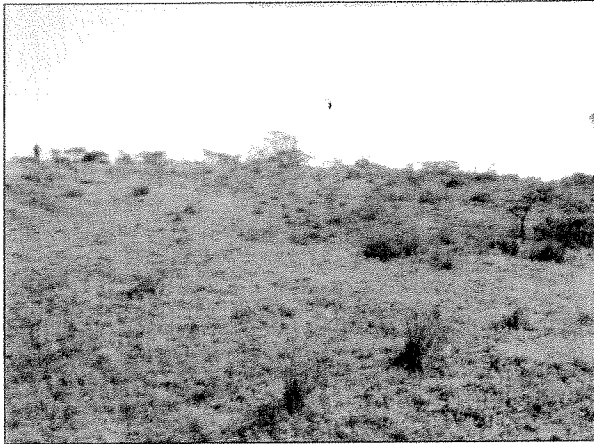


Image 1: Topography towards the north-west

Image 2: Dam on the property

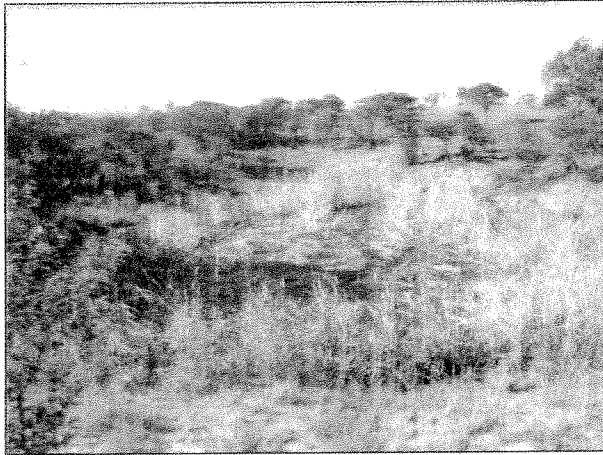


Image 3: Eskom powerline

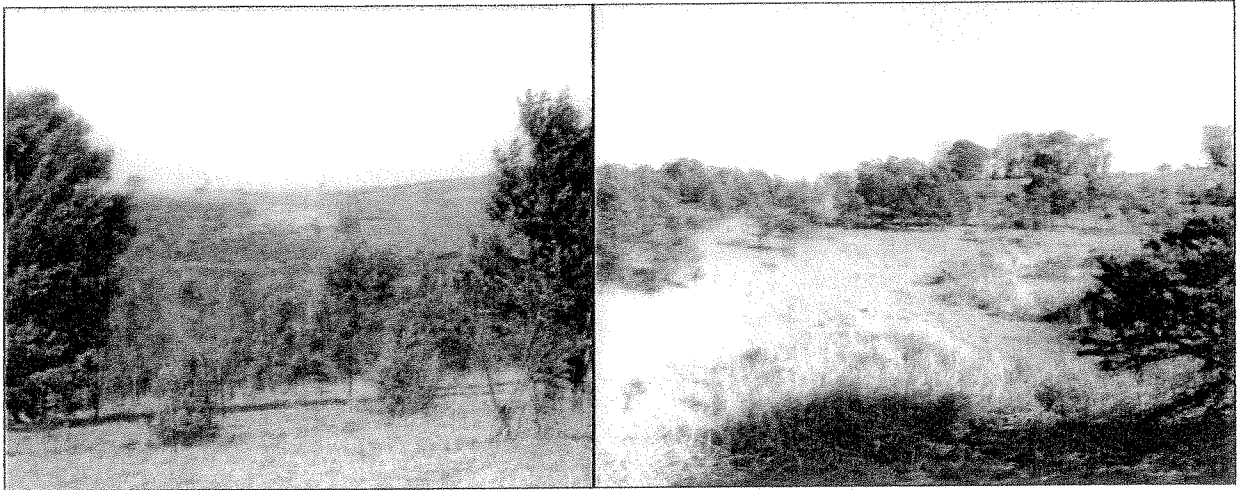


Image 4: Landscape and topography



Image 5: Landscape to the south

Image 5: Landscape to the west / resort site



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: Farm

To the west: Vacant land and rural countryside

To the east: R347 roadway, vacant land and agricultural/countryside

To the south: Vacant land and rural countryside

The subject property is bordered by predominantly non-agriculturally viable farm land, which is used for small holdings/residential purposes, and is not commercially farmed due to steep slopes, sub-standard soil conditions, erosion, and dense bush. When the site planning was undertaken, the farm to the north was the only one which was being farmed in some manner.

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

The surrounding area is suitable for tourism related purposes including low density resorts and can be accommodated agricultural productivity. The proposed use is thus desirable in terms of the surrounding character.

A land use plan, is annexed, marked Land Use Plan 6466.03

4.3 Zoning

The subject property is, in terms of the Buffalo City Zoning Scheme Regulations zoned for Agriculture Zone 1 purposes. All surrounding properties are also zoned for Agricultural Zone 1 purposes.

A zoning plan, is annexed, marked Zoning Plan 6466.04

4.4 Access

Having regard to the fact that the subject property is bordered by the R347, the property currently obtains access directly from a gravel farm road, via the R347, and the R72.

As a major arterial it follows that the development proposal should also be assessed in the context of Provincial and BCM policies as well as design requirements. The Project Traffic Engineer will be communicating to the relevant authorities in this regard.

4.5 Topography, slopes, vegetation and drainage

The **topography** of the area is characterised by a moderate relief with a central valley and stream which runs through the property, generally running in a southerly direction cutting the area at regular intervals. There are, therefore, limited tracts of flat land for settlement.

In terms of the proposed land development area, the site topography could be described as gradual **slopes**. Flooding is not expected within the development area of the site due to the limited catchment area and position of the proposed development area to the existing valley.

A brief slope calculation was conducted using the available SDP. The slopes of the proposed development area of the site are up to 3 degrees. Due to the proposed position and nature of the development the slope of the development area of the site is not expected to influence the development.

The site is located at an elevation of between 70 and 125 mamsl with the highest and lowest elevations being the northern and southern portions of the site respectively. The proposed development is expected to be between 82 and 103 mamsl.

The site is **drained** by means of surface flow in a southerly direction, via tributaries and valleys, towards the Mlele River, that drains into the Indian Ocean approximately 6 km south of the site.

The site exhibits a number of smaller valleys that will be used as natural water drainage features where no development will take place. Five small to average sized earth dams are currently located at various locations on the site.

Vegetation classification maps are generally very broad with the result that small deviations within an area are often not clearly defined. The South African Vegetation Map, 2006 and Vegetation Biomes indicate this as Buffels Thicket. No "farm specific" information, in respect of veld types or long-term carrying capacities etc. is provided in this classification.

The "Agricultural Development Programme for the Eastern Cape Region, 1986 Department of Agriculture and Water Supply" is specific in terms of Relative Homogenous Farming Areas and the author prefers to make use of this information. This study refers to the area as being within the Mixed Thornveld Area, which retains palatability throughout the year with bush encroachment.

The mixed thornveld with bush component encompasses most of the study area and the presence of *Acacia* and *Scutia myrtina* enhances year round palatability. Wooded natural watercourses occur. The vegetation commonly found in this veld type and where the natural vegetation is in a good condition comprises:

- *Themeda triandra*
- *Heteropogon contortus*
- *Tristachya leucothrix*
- *Acacia karroo*
- *Diospyros lycioides* (Bongisa)
- *Scutia myrtina* (Droogie)
- *Rhus* spp. (Blinkblaar and Umntlokotshane etc.)

It appears that a large percentage of the property was cultivated in the past and this would have impacted negatively on the natural vegetation and there may also be residues of weedicides in the soil profiles if pineapples were produced.

An optimistic long-term carrying capacity of the natural grazing area would not exceed 2.5 ha/LSU, the equivalent of 40 Large Stock Units (LSU).

Invader (exotic) species impact negatively on the natural resources and Black Wattle was noted on the property.

4.6 Climate and rainfall

The area is frost- free.

The site is located within the summer rainfall regions of eastern South Africa, and is part of the Keiskamma River catchment management area which receives an approximate annual precipitation of 900mm

Temperatures are warm in Summer (mean range of 10.2 – 26 °C) with an extreme maximum of 41 °C. Winter temperatures are relatively mild (mean range of 8.5 – 23 °C).

4.7 Soil

General soil conditions on the development portion of the site were observed during the onsite inspection. The soils are generally shallow, overlaying weathered rock, or localised rock outcrops. Glenrosa, Mispah Cartreff and Lilafontes would be typical soil types found in the area. Soil depths had to be estimated as no soil trial pits were available at the time of completing this report. Average soil depths over the development area are estimated to be in the order of between 450mm and 750mm.



5.3 Site Development Plan 6466.06

The proposed site development plan is attached as Plan 6466.06.

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

LAND USE	ZONING	PORTION NO.	HA	% OF TOTAL
Conservation and dwelling unit	Open Space Zone 3	Rem. 1-12	98.13	96.78
Lodge, resort units, shop, conference centre, restaurant, tea garden, play park, care- takers cottage, gatehouse, parking and private roadway	Resort Zone	13	3.27	3.22
TOTALS		14	101.4	100

[a] Portion 13 – Resort Zone (Lodge, conference centre and chalets)

Portion 13 accommodates the resort units as well as the main lodge, conference, shop, tea garden, play park, caretakers cottage, private roadway and parking. Coverage is 3.2% of the portion. The Lodge (10 units), as well as the 32 chalets of 65m² in size, are at an overall density of 0.31 du/ha. The conference centre can accommodate 200 guests.

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

The applicant proposes that as part of the overall vision of this scheme that a conference centre is to be planned/developed, which would add to the overall value and attractiveness of this development. This is envisaged to be the core activity.

The estate and resort have similar and integrated characteristics which make it ideally suited. The spectacular views, serenity, accessibility and nature surrounding the development, will ensure that this development is a success.

The overall development area coverage is 5% of the portion size, which is well below the standard. Three conference centres are proposed consisting of 200 seats in total. A large flagship 500m² centre is proposed. 160 parking bays have been planned for.



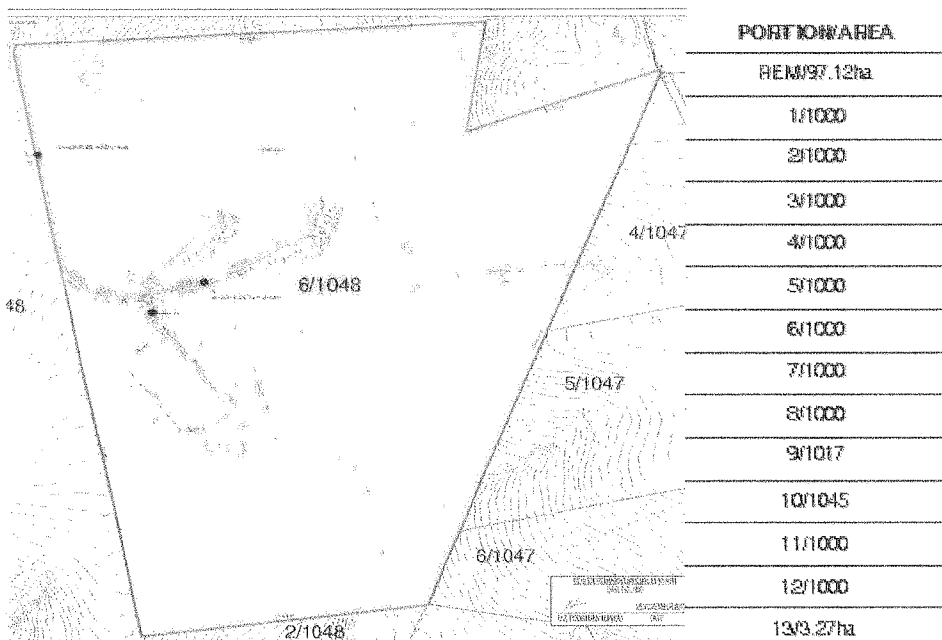
5 DEVELOPMENT PROPOSAL

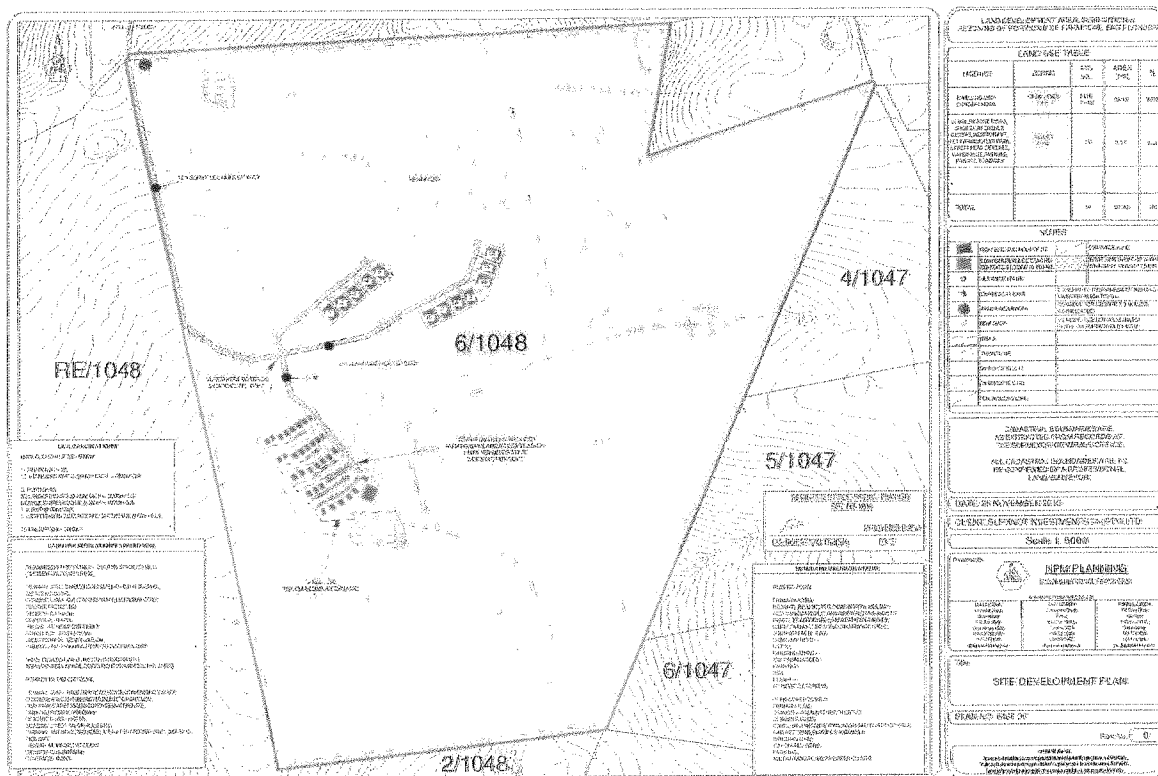
5.1 General

The focus for the Kidd's Beach Country Resort is upon the concept of a countryside local-level resort, positioned within a country setting, with excellent access and adjacent to a formal mobility route, and the R72 regional transportation route. Splendidly positioned and highly accessible, the proposed land development area is just 30km from East London and 4km north of Kidd's Beach and enjoys a temperate sub-tropical climate with excellent visibility and accessibility, within tranquil surroundings. Ultimately 3.2% of the property is proposed to be occupied by the resort. The 12 residential estate stands, and associated infrastructure, private road way and parking, ensure that development area does not exceed 5%. This leaves 95% of the land area as open space. The concept for the development is a low-impact country estate development and resort. In keeping with this, the development footprint will be restricted to a minimum of 5%, while low impact construction and technology alternatives will be selected where possible. A hiking trail, bird watching and a range of environmentally friendly activities will be made available to the estate owners, and their guests. The estate development will be secure and access control will be managed by a gatehouse and reception office.

5.2 Subdivision Plan

The proposed subdivision plan is attached as Plan 6466.07. Provision has been made for 14 portions, including the remainder. The remainder will be zoned open space zone 3. The coverage of this land use is 97 % of total land area. The following portions are included:





[b] Open Space Zone 3 - Dwelling houses - Estate Erven (Portions 1-12 and Rem)

It is proposed that the Country Estate section will consist of 12 freehold erven to be administered by a Home Owners' Association.

It is proposed that Portions 1-12 will have a maximum developable footprint of 300m². The various clusters will be linked by formal private roadway.

Further proposals are as follows:

- o Double storey units are to be permitted.
- o Design regulations are to be managed in terms of the Home Owners' Association Constitution.
- o 2 parking bays per site have been planned for, as per the applicable scheme regulations.

A refuse storage area has been indicated.

The overall development density of 0.12 dwelling houses per hectare is within best practice and acceptable for this region.

A draft Home Owners' Association Constitution is attached as **Annexure "I"**.

[c] GLA CALCULATIONS

MAX. GLA PERMITTED - 8000m²

1. PORTIONS 1 - 12:

12 x DWELLING UNITS @400m² EACH = 4800m² GLA

2. PORTION 13:

32 x RESORT UNITS @ 65m² EACH = 2080m² GLA

DOUBLE STOREY LODGE @ 500m² = 1000m² GLA

1 x SHOP @ 60m² GLA

1 x CARETAKERS COTTAGE AND GATEHOUSE @ 60m² GLA

TOTAL SDP GLA = 8000m²

6 SITE PLANNING

6.1 Introduction

This area of Buffalo City Municipality is a sparsely developed rural area. The area is not suitable for urban development and is not highly integrated with the larger urban system. No bulk services are available or should be made available.

This particular area encompasses natural features, disturbed space which was grazed and cultivated decades ago and struggles in general economically as well as socially. Although adjacent or in close proximity to one another, the countryside has varying characteristics, ranging from vegetation type, topography, extent, density, land use and rural function. The character of the area forms the basis of determining the various growth development and management policy for this rural area or zone. The R72 mobility corridor has a tremendous role in that it is the primary transporter and main route.

This scheme and the site planning has been based on the extent of this rural area and the need for this rural mixed use development. In order to retain the character of this specific portion of the rural area, site planning considered the belowmentioned points-

- Topography;
- Slopes;
- Drainage features;
- Views;
- Accessibility;

- Visibility;
- Volume of traffic;
- Place-making.

The layout has been adapted to the topography in order to maximize the unique sense of place and the views offered by the particular zones.

The topographical characteristics of the sites allows for a diversity of views, primarily to the south-east. These views were accommodated on a site level by structuring the layout of the erven at an angle thus limiting the need to specify elaborate building lines in order to ensure sight lines for the erven.

This also allows for the optimum area use of the respective erven during housing design and construction.

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

- R72/ R347 mobility corridor;
- the proximity to East London Airport and Kidd's Beach;
- the favourable physical site characteristics and exclusivity;
- being part of nature / estate type lifestyle;
- the general tranquil character of the area and the associated lifestyle,
- very low freehold residential density;
- distant sea views;
- economic viability and potential;
- from a social point of view, the demand for estate/country living, should be recognised;
- the evident needs of the market driven economy for this type of lifestyle and trends should satisfy this need;
- low density and nature conservation;
- 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.

6.2 Vision

The vision is to create a country resort development that will add immense value and opportunity to the sub-region and hinterland, thereby promoting local job creation and meaning to all.

The intention is to develop a top mixed use development with a small private country estate, with the intention of attracting people from a broad background, for residential purposes, nature lovers, business, social, health and wellness. The profile of the investors and homeowners' is such that they will be willing to commit to a conservation area, which will be governed by a strict code of conduct.

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

6.3 Approach

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

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

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

6.4 Factors informing the Proposal

Long-term

The long-term land use proposals of the subject property are not affected by specific proposals. Any guidelines will be addressed in detail during the Environmental Basic Assessment process.

6.5 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 Zoning scheme regulations framed under the Land Use Planning Ordinance, 15 of 1985.

BCM REGULATIONS

RESORT ZONE:

PRIMARY USES -

RESORT, RESORT ACCOMMODATION, HOLIDAY ACCOMMODATION, CARAVAN PARK, CAMPING SITE, PLACE OF ASSEMBLY, RECREATION COMPLEX, CARETAKERS COTTAGE, CONVENIENCE SHOP, TOURIST FACILITIES

CONSENT USES -

HOTEL

BUILDING LINES -

10m ON ALL SIDES



PARKING -
N/A
HEIGHT -
AT MOST 2 STOREYS

OPEN SPACE ZONE 3:

PRIMARY USE -
CONSERVATION,NATURE RESERVE
CONSENT USES -
DWELLING UNITS,CERTAIN ASSOCIATED STRUCTURES
AND ACTIVITIES,PLACE OF ASSEMBLY
BUILDING LINE -
10m ON ALL SIDES
PARKING -
ALL PARKING TO BE PROVIDED ON SITE

PROPOSED LAND USE REGULATIONS

REMAINDER & PORTIONS 1 - 12 ; OPEN SPACE ZONE 3

(RESIDENTIAL ZONE 2 REGS)
PRIMARY USES -DWELLING HOUSE,HOLIDAY HOUSING, ESTATE HOUSING
CONSENT USES -DAY CARE CENTRE, LICENSED HOTEL, TOURIST FACILITIES
DENSITY - 0.11du/ha
COVERAGE - 0.47%
HEIGHT - AT MOST 2 STOREYS
STREET BUILDING LINE-5m
SIDE & REAR BUILDING LINE -3m
PARKING - ALL PARKING TO BE PROVIDED ON-SITE
NOTE: RESIDENTIAL ZONE 2 RESTRICTIONS TO
APPLY TO OPEN SPACE ZONE 3 PORTIONS (DWELLING UNITS)

PORTION 13; RESORT ZONE

PRIMARY USES - RESORT UNITS,LODGE,CONVENIENCE SHOP, CONFERENCE
CENTRE,RESTAURANT,TEA GARDEN, PLAY PARK,CARETAKERS COTTAGE,GATEHOUSE,
PARKING, PRIVATE ROADWAY
CONSENT USES - HOTEL
BUILDING LINES - 5m ON ALL SIDES
PARKING - 160 BAYS PROVIDED, 1 BAY PER RESORT UNIT, 0.64 BAYS PER SEAT
HEIGHT - AT MOST 2 STOREYS
DENSITY - 0.31UNITS/ha
COVERAGE - 0.26%

7 MOTIVATION

7.1 Introduction

The Eastern Cape coastal zone has recently experienced unprecedented development, which contributes towards coastal sprawl. The 2003 ADM LED report indicates that the demand for **coastal housing developments** continues to exert significant pressure on

coastal areas for land and development. Coastal residential "resorts" range from caravan and cottage type clusters to high income residential units. The development of residential, resort and tourism facilities on the proposed development represents an important movement of development *inland from the coast* as opposed to development *along the coast*.

The viability of the development is dependent upon its financial attractiveness to potential investors. A balance, therefore, needs to be established between the financial aspects of the initiative (investor expectations, extent of development, and financial requirements, etc) and meeting the core objectives of the initiative.

It is considered that the development is desirable in that:

- It represents a market mechanism for allocating private land to benefit the region;
- It is a sustainable form of land development;
- It sets in place a development pattern and formal zoning that entrenches a very low density form of land development while maximising the area of land set aside for conservation;
- It meets a tangible need in the market place for such a development; and
- It will provide employment opportunities for local residents during the construction and operational phase of the activity.

7.2 Tourism

The Tourism Master Plan for Buffalo City Municipality has been consulted to provide support to this development area application. The tourism states that the tourism potential for the study area was not being harnessed properly.

This area has excellent opportunities to accommodate resorts, such as low density estates etc. The West Bank area needs to be marketed as a tourist destination. The sunshine coast is marketed but includes only the area from Hamburg towards Port Alfred. The study area includes the East London Airport which brings in thousands of tourists weekly, which are then transported to other areas of Buffalo City and the Eastern Cape. A tourism and local economic development plan is proposed to deal specifically with a tourism and local economic potential of the area.

As the locus of world poverty shifts to urban centres through the process of urbanization the limitations of urban infrastructure in developing countries to sustain sufficient economic activity and provide healthier, more literate and more prosperous communities, are becoming evident. Urbanisation is a reality and with it comes the realisation that the lives of people can only improve if the ability of cities to sustain a higher level of economic activity increases. Such economic activity depends on the availability of more than just basic municipal services, and also has to incorporate basic economic infrastructure such as airports, road links, rail connectivity and ports.

The core assumptions underpinning this strategic response framework are that the economic trends will:

- a) Lead to an inevitable decline in primary sector activity such as agriculture and forestry. Interventions in this sector is thus to manage decline and prepare this economic sector for fundamental reform leading into a shift from subsistence to commercial agriculture and value add forestry and agricultural beneficiation (short-term lead time);
- b) Gradual decline in the proportional (not necessary real) contribution of secondary economic activity such as manufacturing. However, maintaining the manufacturing base in Buffalo City is crucial and essential into the future. The assumption is that manufacturing decline will bottom out following intervention that would allow the city to position itself to attract new growth over time (immediate response required);
- c) Real future growth will come from the services sector. This sector contains tourism, hospitality, financial services, social services etc. and most importantly, depends on lifestyle and environmental quality factors for success. Not only is the services sector a key international driver of employment, it is set to outstrip manufacturing employment even in Countries such as China. This sector is skills dependent (making the location of Fort Hare Campus crucial), municipal services reliant and highly scaleable (medium to long term impact based on short term steps).

7.3 Local Economic Development and Tourism

Buffalo City and Western Region is characterized by the following characteristics:

1. High Unemployment.
2. Limited infrastructure for establishing projects, e.g. premises.
3. Communities are provided only with technical skills. Business skills are required to make the projects sustainable.
4. Market analysis has to be done to establish demand.
5. Access to transport and state of roads affects distribution of products.
6. Weeds and pests are a problem in agriculture projects.
7. Private sector investment is required to have successful projects.
8. Access to land to establish LED and tourism initiatives is a problem.
9. Insufficient infrastructure to accommodate tourism initiatives.
10. No marketing of the area.
11. Identification of historical, cultural and attractions is required.
12. Lack of skills.

7.4 Buffalo City Development Strategy

There is general consensus that the core challenge for Buffalo City and virtually all other cities is to capture sufficient economic activity that can support a level of job creation and

improve the quality of life of all its residents within a sustainable environment – the well known triple bottom line.

Analysis suggests that one single solution (a silver bullet) cannot resolve all the challenges, but that a series of high impact targeted investments can play a highly catalytic role in triggering a decisive change in the city's fortunes. "Crowding-in" investment is a key element of the BCDS's approach and responds to national goals of achieving a sustainable 6% growth rate and halving unemployment by 2014.

Impacting on poverty through growth: The BCDS is a city-region strategy that turns the area into an engine of equitable (shared) economic development and has a direct impact on poverty reduction, local economic growth and improved governance.

The BCDS thus approaches the question of poverty reduction through the achievement of shared growth.

Better urban development leads to less rural poverty: A successful Buffalo City is intrinsically linked to relieving rural poverty in the region. The BCDS is therefore a strategy for the growth and development of a functional region as much as it is for the urban core consisting of the East London-Mdantsane-Bisho-King William's Town spine.

"There is no magic formula for urban success. The economic innovations and cultural conditions that allowed particular cities to bloom in the past were specific to time and circumstance. Copying other cities' success stories is not a sure way of ensuring that the same effect will be achieved. Even success, when it happens, does not seem to last. History is full of remarkably short-lived and surprisingly rare examples of cities that have risen to capture a "golden age", only to lose their dominance, sometimes to succumb to decay and even to disappear. However, coastal cities do seem to have an edge in clawing their way into the national and global economy through conscious strategic interventions"

7.5 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. To this end, the proposed development will include initiatives to improve and retain indigenous fauna and flora.

There are no endangered species or especially important habitat or fauna on site which could require that it be conserved. The architectural design aims at minimising the impact of the development on outside viewers.

No landscaping in open space areas will be permitted and no alien species will be imported. Every effort will be made to minimise the impact of the clustered sites on the environment and the surrounding valley.

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

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

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

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

The Agricultural Assessment has found that the subject property has limited arable potential and that the proposed development will not lead to a loss of high potential agricultural land.

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

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

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

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

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

8 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 establishment of a very low density resort/estate, as proposed by the applicant, cannot be considered to be in conflict with this principle.

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

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

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

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

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

The development will provide a different option when compared to a typical urban development associated with the core urban development areas of the municipality. This specific estate does not support the norm of more densely developed urban areas, as more fully set out in the local development policies adopted for the area and the applicant's application.

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

Having regard to the locational context of the proposed land development area and the results of the environmental scoping exercise and agricultural specialist report, it is clear that the inherent agricultural potential of the land is such that viable commercial agriculture, other than the estate and resort type activities, which will be retained as part of the land development area, is not appropriate on a small portion the subject property. It follows that, as a resource, agricultural potential will not be "lost" by the introduction of the land development area. The applicant is of the opinion that a non-viable agricultural portion of the subject land development area, would be put to a better land use, as proposed by the applicant, to unlock the development potential inherent on the land which, by implication, finds support within this policy principle.

This development principle also relies on the concept of environmental sustainability. Having regard to the results of the environmental scoping process, it is evident that the proposal is indeed environmentally sustainable in all relevant respects. In this regard, the anticipated ecological footprint of the development will avoid the sensitive areas on the site.

(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.

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

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

Having regard to the nature of the development, it is evident that the proposal is not aimed at resettling a disadvantaged group of individuals nor is it aimed at providing for housing typologies aimed at 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 on-site security and maintenance staff and a number of opportunities for persons active within the hospitality, health and wellness service markets.

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

This principle discourages extreme approaches to land development, for example, approaches which would exclude the private sector from the land development industry or which advocate a total absence of government intervention. This principle places various obligations on the 3 tiers of government and is not specifically relevant to the area and controls land development through its adopted Development Principle of the Act. It follows that both the private sector and the local authority are involved whilst other government agencies (i.e. Provincial Roads Authorities) play a role in providing roads and other infrastructure in the vicinity to serve the development area.

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

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

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

This principle aims at discouraging approaches to land development which are unlikely to make a substantial contribution to development over time. The main affect of this principle will be found in the formulation of planning instruments. This requires fiscal, institutional and administrative involvement and the recognition of social, environmental and affordability criteria to be considered by the relevant authorities. As an example, authorities should be reminded that developments, however socially desirable or economically feasible, should not be permitted in circumstances where 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. A low density resort/estate as is proposed by the applicant, should not be regarded as being more or less important than a typical suburban residential development, located within the recognised urban development area of the Municipality. It is 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.

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

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

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

The compatibility of this estate development with other nearby tourist attractions 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.

9 ENGINEERING SERVICES

9.1 General

An engineering services report has been compiled by Emonti Consulting Engineers.

This report includes detail concerning accessibility, traffic impact assessment, geology, refuse collection, storm water control, sewerage, electricity, water, communications and a conclusion with recommendations.

Pr Engineer, Deon McQuirk concludes that the proposed development can be provided with all the engineering services that will be required from the start.

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

9.2 Flood line

There is a stream within the land development area. A 32m buffer has been calculated by the project team providing more than adequate buffer space between the perennial stream and the nearest footprint. The project civil engineer is satisfied that the positioning of the footprints are not subject to flooding in future.

9.3 Design Principles

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

9.4 Services Agreement

It needs to be noted that this development will be mostly self-sustainable. The developer might want to negotiate with the Municipality to assist with waste removal. 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. A service level agreement could be needed in this regard with the Municipality.

9.5 Water

Table 6.1, which is based on the Buffalo City Municipality's Guidelines and Standards for Design of Water Supply (reference 7), indicates the expected water demands for the site for various scenarios.

TABLE 6.1: Water supply demand.

PROPOSED LAND USE	Size/ Quant.	Units		Dem. rate (l/day unit)	Total Aver. Annual Daily Dem. (kl)	Peak factor	Instant. Peak Dem. (l/s)	Min. res. Head- (m)	Fire			Instant. Peak plus fire Demand (l/s)
		per	unit						Risk Rating (L,M, H)	Fire flow (l/s)	Head (m)	
POS III (dwellings)	12	1	unit	1000	12.0	3.2	0.4	20	L	15.0	7	
Resort- residential units	32	1	unit	500	16.0	3.2	0.6	20	H	15.0	15	
Resort- lodge	10	1	beds	200	2.0	3.2	0.1	20	H	15.0	15	
Resort- conference facility	200	1	seats	100	20.0	3.2	0.7	20	H	15.0	15	
Resort- restaurant facility	200	100	GLA	700	1.4	3.2	0.1	20	H	15.0	15	
Resort- convenience shop	60	100	GLA	700	0.4	3.2	0.0	20	H	15.0	15	
Resort- tea garden and playground*	1,000	100	GLA	700	7.0	3.2	0.3	20	H	15.0	15	
Caretaker and gatehouse	1	1	unit	1000	1.0	3.2	0.0	20	L	15.0	7	
Total					59.8		2.2		H	15.0		17.2
Max								20		15.0	15	

The development will have an Average Annual Daily Demand (AADD) of 59.8kl. An Instantaneous Peak Demand of 2.2 l/s is anticipated, which will rise to 17.2 l/s when fire flow of 15 l/s is taken into account.

There is currently no municipal water services infrastructure on or near the proposed development. The closest municipal supply is situated along the R72 some 2.5km south of the site that supplies the Kidd's Beach developments. Under normal conditions houses in the area use water pumped from boreholes, supplemented with rainwater. The proposed source of the water for the development will therefore be from the proposed borehole/s, referred to in reference 4, and rainfall. The rainfall shall be collected via tanks installed at each individual site and in the existing and proposed earth dams on the site.

The quantity of water expected from rainfall harvested from roof coverage is 10 kl/day and from surface runoff into the earth dams is in excess of the 50kl/day shortfall from the roof runoff. However, it is not recommended to rely solely on rainwater harvesting due to impact of possible droughts on the continual supply of water. It is therefore recommended that a suitable borehole/s supply be obtained. Taking the average of the existing boreholes in the area (2.5l/s or 108kl/day) and the low to moderate probability of obtaining a borehole of an estimated 2l/s or 173kl/day, it is recommended that the drilling of boreholes be implemented as a matter of urgency as to determine the exact water supply from such sources. Although sufficient runoff water is available it is recommended that a borehole yield of approximately 1.0l/s (75% of total demand) be obtained. This will be able to sustain the so call "permanent" component of the development as facilities such as the conference facilities will most likely not be used on a daily basis and therefore the water demand on an annual basis will be much lower than calculated in Table 6.1. An alternative source of water supply could be that of the existing supply to Kidd's Beach.

The storage required for the development amounts to approximately 119.6kl (59.8kl x 2) due to the system having a pumped supply. Fire fighting requires 100 kl (15 x 3600 x 2) storage. Due to the use of both borehole water and rain fall harvesting it is recommended that two separate reservoirs be constructed. The one will be used for potable water where the other will be used for irrigation and fire fighting. The location of the proposed reservoirs which will have a storage capacity of 120kl for potable water and 100kl for irrigation and fire fighting are indicated in Figure A.4.

A dual conventional water reticulation network will be installed. The one network will provide potable water from the one reservoir to the proposed development where the other network will provide the irrigation and fire fighting water from the other reservoir. Details of a provisional distribution networks will be provided once the preliminary design has been completed.

9.6 Sanitation

Table 7.1, which is based on the Buffalo City Municipality's Guidelines and Standards for Sewer Design (reference 8), indicates the expected effluent generated by the development.

TABLE 7.1: Effluent generation.

PROPOSED LAND USE	Size/ Quantity (1)	Units		Average Dry Weather Flow (l/d/e) (2)	Average Dry Weather Flow		Peak Dry Weather Flow Factor (5)	Peak Dry Weather Flow (l/d/e) (4)x(5)= (6)	Peak Wet Weather Flow (l/s) (6) x 2= (7)
		per	unit		(l/d) (3)	(l/s) (4)			
POS III (dwellings)	12	1	unit	750	9000	0.10	3.25	0.34	0.68
Resort- residential units	32	1	unit	400	12800	0.15	3.25	0.48	0.96
Resort- lodge	10	1	beds	160	1600	0.02	3.25	0.06	0.12
Resort- conference facility	200	1	seats	80	16000	0.19	3.25	0.60	1.20
Resort- restaurant facility	200	100	GLA	560	1120	0.01	3.25	0.04	0.08
Resort- convenience shop	60	100	GLA	560	336	0.00	3.25	0.01	0.03
Resort- tea garden and playground*	1,000	100	GLA	560	5600	0.06	3.25	0.21	0.42
Caretaker and gatehouse	1	1	erf	750	750	0.01	3.25	0.03	0.06
Total					47206				3.55

The effluent generated by the proposed site is estimated at 3.6 l/s, or 47.2kl/day. There is currently no nearby wastewater treatment works in the area. The closest treatment works is the Kidd's Beach Treatment Works located some 4 km from the site.

Various centralised and localised systems to treat the effluent generated by the proposed development are available. For this development a package plant (Lilliput) system is being considered. Some of the features and benefits of the system are as follows:

- i. Delivers exceptional reliability.
- ii. Requires little power.
- iii. Water Act compliant.
- iv. Consistently meets Department of Water Affairs and Forestry discharge limits.
- v. System operation is odourless and virtually silent.
- vi. Environmentally friendly.
- vii. The Lilliput water is clean, clear and 100% re-usable.

The detailed design of the package plant, which will comply with all the necessary standards and guidelines, will be as per suppliers specifications and will be submitted at detailed design stage. The position of the package plant is indicated in Figure A.5. An alternative to the package plant would be the provision of conservancy tanks.

9.7 Solid Waste

Waste generation rates are mostly dependant on the socio-economic status of the population. The Department of Water Affairs, the erstwhile Department of Water Affairs and Forestry, estimates waste generation at 3.5 kg per capita per day in affluent areas such as the proposed development.

Table 8.1 below provides an indication of how much waste will be generated per day by the development.

TABLE 8.1: Waste generation.

PROPOSED LAND USE	Size/ Quantity	Units		No. of People per unit	Estimated No. of People	Waste generation per day	
		per	unit			By Mass (kg) *	By volume (m3) #
POS III (dwellings)	12	1	unit	4	48	168	0.3
Resort- residential units	32	1	unit	4	128	448	0.9
Resort- lodge	10	1	beds	1	10	35	0.1
Resort- conference facility	200	1	seats	1	200	700	1.4
Resort- restaurant facility	200	100	units	25	50	175	0.4
Resort- convenience shop	60	100	units	35	21	74	0.1
Resort- tea garden and playground*	1,000	100	units	5	50	175	0.4
Caretaker and gatehouse	1	1	units	2	2	7	0.0
Total per day						1782	3.6
Total per week						12471	24.9

Notes:

* Based on a waste generation rate of 3.5 kg/person/day

Based on a density of 500 kg/m³

It is common practice for municipalities in South Africa to render a door-to-door solid waste collection service within residential areas. Although the frequency of the service may differ from one area to the next, the norm for residential areas is once a week.

The waste for the proposed development will be transported by individual households to a proposed refuse area (local transfer station) located near the access control (gatehouse) to the development.

The service provider, being either the municipality or private contractor, will be responsible for transporting waste from the development transfer stations to the nearest landfill disposal site.

The internal collection service, including the nature of the service and its frequency, could be customised in accordance with the home owner's association requirements. The frequency of sufficient capacity to temporarily store waste for a maximum period of 14 days (2 weeks) to allow for possible disruptions in the regular service. The development will be expected to comply with the BCM requirements.

9.8 Roads

According to the SDP access to the proposed development will be via an existing access road (right of way servitude) that intersects with the R347. However, a detailed Traffic Impact Study has been conducted to establish the type of access required, as well as any other road network improvements (both internal and external) that may be required by the development of the site.

All road upgrades will be done according to recommendations from the TIS.

The internal roadways will be surfaced and designed to the relevant authority standards. Where no authority standards are applicable, the *Guidelines for Human Settlement Planning and Design*, reference 2, shall be implemented.

Geometric designs of the roads will ensure that the requirements of all types of vehicles are met, i.e. minimum turning radii, roadway widths, etc. The pavement design will be determined once results from a geotechnical investigation are available and suitable quarries or commercial sources for the construction materials have been identified. This will form part of the detailed design stage.

9.9 Stormwater

A detailed Stormwater Management Plan (SwMP) for the site will be conducted at the detailed design stage. These individual SwMPs will establish the stormwater discharge rates, storage capacity requirements, detention facilities, as well as requirements regarding maintenance.

The general drainage paths of the site will be utilized for the stormwater for the development. It is recommended that stormwater detention facilities, recommended in the individual SwMPs, be constructed on the respective sites to control the post-development stormwater runoff for the individual sites. The post-development stormwater runoff will then be directed via cut-off drains towards the proposed stormwater facilities. This will ensure that no damage is caused to the existing infrastructure by the increased stormwater runoff from the site.

The development area of the site is not susceptible to flooding and therefore the 1:100 year floodlines are not indicated in the SwMP. A buffer of at least 32m around and natural water feature has been adopted.

9.10 Electricity

The development is situated within BCM but in the Eskom supply area. An application for the electricity supply to the development must be however be directed to the Buffalo City Municipality's Directorate of Engineering Services, Electricity Department who will forward the application to Eskom. It is recommended that an application for an electricity supply connection be lodged as soon as possible.

The supply and bulk connection fee will thus be based on Eskom's connection cost, but the internal design will be done on BCM standards.

Energy Efficiency Measures (Households)

It is proposed that the following measures be considered by the home owner's association to reduce the dependency of households in particular, but also the development as a whole, on electrical energy. Not all of these may be applicable, but could be introduced as the technology becomes more affordable.

i. Behavior Management

This simply means that home owners will be made aware of the benefits of being "energy wise". The various Eskom and municipal energy efficiency campaign are examples of how it could be done. Particular focus could be placed on:

- Cooking times.
- Bathroom times.
- Geyser switching, either manually or automatically.
- Lowering geyser temperature settings.
- Migrating from filament light sources to LED or florescent light sources.
- Switching off equipment and electrical devises when not in use.

ii. Technology

Electrical energy consuming devices could be managed by use of technology such as:

- Swimming pool pumps.
- Geyser load control, either per development or as part of the larger geyser load control programme.
- Select higher efficiency goods such as:
 - o Fridges.
 - o Washing machines.
 - o Dish washers, etc.
- Use of modern technologies for lighting such as LED's

i. Fuel Switching

Other sources of energy should be considered as high priority by home owner's association. This could be made a condition for the approval of plans by the municipality. Examples are:

- Solar water heating.
- Gas for cooking and area heating.

Energy Efficiency Measures (Communal areas)

This requires a much simpler approach as there are only two users of electricity, i.e. public area lighting and pumps. As far as public area lighting is concerned, it is proposed that street

lights are of the high energy efficiency type. Lux levels should also be reduced to an acceptable minimum. The placement, mounting height and distribution of lighting luminaries play a role in this regard.

Pumps need to be sized to an acceptable minimum to perform the work required. Care will be taken to design the pump system to minimise the duty cycles.

9.11 Geo-hydrology

SRK Engineers and Scientists were appointed to undertake a feasibility study on the geo-hydrology aspects. Their findings are:

- The average yield in the area is 2.5 litres per second which is moderate to high.
- Water quality is poor.
- The water extracted will need to be treated before use.

See **Annexure F** for the full report.

9.12 Geology

According to the geological map from the Council for Geoscience, the site is underlain by Sandstone and Mudstone with Dolerite Sills to both the north and south of the site (not on the site).

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.

Soil depths had to be estimated as no soil trial pits were available at the time of completing this report. Average soil depths over the development area are estimated to be in the order of between 450 and 750 mm.

The applicant proposes that trial pits will be dug and tested and will form part of the detailed geotechnical investigation, once detailed engineering designs are required.

A desk-top analysis has been undertaken by the Civil Engineer regarding the underlying soil conditions and no constraints have been found. The Civil Engineer proposes that a detailed geo-technical assessment is undertaken before detailed engineering design work is started. Exemption is therefore applied for to proceed with the DFA legislative process without having conducted a full geo-technical study.

9.13 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.

9.14 Conclusion

Following the investigation and analysis it is concluded that:

- i. The topography and geology of the site is supportive of a development of this nature.
- ii. All road network improvements have been addressed in the Traffic Impact Study for the development under a separate report.
- iii. Stormwater infrastructure requirements for the individual sites will be addressed in the separate Stormwater Management Plans required for each individual site.
- iv. The stormwater for the internal roadways and hardened areas (including the estimated areas of future buildings) will be accommodated by the proposed detention facilities.
- v. Based on the water demand and the available water supply via rainfall harvesting additional water supply is required from a backup point of view in case of a possible drought situation. In this regard, new boreholes are required to supplement the water obtained from rainfall harvesting. An alternative source of water would be the existing supply to Kidd's Beach.
- vi. The effluent generated by the development will be treated via a package plant (Lilliput), details of which will be provided at detailed design stage. An alternative would be to provide conservancy tanks.
- vii. Waste generated from the development will need to be stored securely before collection.
- viii. Bulk electrical will be most likely be supplied to the development from the substation adjacent to the eastern boundary of the site and the home owner's association should ensure that appropriate energy efficient systems are adopted.
- ix. Telecommunication will be supplied to the development once the demand has proved to be viable.

9.15 Recommendations

Based on the investigation and conclusions it is recommended that:

- i. This Engineering Services Report, including desktop Geotechnical report, being submitted to the relevant authorities as part of the proposed development on the said site.
- ii. The Engineering Services Report, including desktop Geotechnical report, as submitted and reflected herein, being approved by the relevant authorities.
- iii. The proposed improvements, as listed below, being made a condition of approval of the development and for which details will be addressed in the detailed design stage.
 - a. A detailed geotechnical investigation being undertaken at the detailed design stage.
 - b. All road upgrades will be done according to recommendations from the TIS.
 - c. The pavement designs for the internal roads being determined once results from the detailed geotechnical investigation are available and suitable quarries or commercial sources for the construction materials have been identified.
 - d. The stormwater detention facilities and associated infrastructure, as per the SwMP for the individual sites, being constructed on the individual sites to control the postdevelopment stormwater runoff.
 - e. The stormwater detention facilities and associated infrastructure for the private roadways and hardened surfaces (including estimated future building area on individual erven), being constructed to control the post-development stormwater runoff.
 - f. The water supply required for the development being supplied from a combination of rainfall and boreholes. Water from rainfall harvesting is sufficient for the development. However, in the case of a possible drought, a backup in the form of boreholes is required. It is therefore recommended that boreholes be drilled to supply a backup water supply to the rainwater harvesting. The total yield from the borehole/s should be a minimum of 1.0 l/s. An alternative to this water supply, only if required by the local authority, would be to obtain water from the Kidd's Beach supply.
 - g. The effluent generated by the development will be treated via a package plant (Lilliput) and will be designed to meet all necessary guidelines and standards. Detailed designs will be supplied at detailed design stage. An alternative, only if required by the local authority, would be to provide conservancy tanks.
 - h. The waste for the proposed development will be transported by individual households or their designated service provider to a proposed refuse area (local transfer station) located near the gatehouse to the development, while the municipality/service provider will be responsible for transporting waste from the development transfer station to the nearest landfill disposal site.
 - i. Bulk and connector electricity to the development will be provided by Eskom.
 - j. Energy efficient measures should be adopted by and should form part of the home owner's association agreements.
 - k. 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.

10 AGRICULTURAL POTENTIAL

It is accepted that high potential farming land is a scarce commodity and where possible should be protected.

The property is, at present, zoned for agriculture and a change is proposed to open space zone 3 with a small resort portion consisting of 3%. It is our opinion that a change of land use from agriculture to open space zone 3 will not lead to a loss of high potential agricultural land, as the land will still be open space/undeveloped and can be used for agriculture at a later stage if required.

The subject property on which the land development area application is applied for is, at present, not used for commercial agricultural purposes and it is also not suitable to be used for such purposes either. It has never been used for commercial farming. The proposed development application can thus be regarded as an attempt to make full use of a property, considering the present circumstances to make a living..

There is no crop farming operation carried out in terms of cultivation of land, whether dry-land production or under irrigation or under intensive production e.g. tunnels. The natural grazing could be utilised by beef cattle.

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

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

Extract for Agricultural Specialist Study (Mr Chris Bradfield)

There is limited potential in terms of crop farming due to unavailability of irrigation water and the low to possible medium agricultural potential of the soils. Dryland cropping of cash crops such as Maize etc. would have to be very carefully considered as the viability may be questioned due to the high winds and humidity with a resultant high evaporation rate (exceeds annual rainfall). Intensive soil investigations and economic studies would be crucial in making this decision.

Farming options on the natural grazing area could only be beef or sheep enterprises. The natural grazing area is ±101 ha in extent. The long-term carrying capacity if based on 2.5 hectare per large stock unit (in the writer's opinion this is optimistic and on the high end) will allow for a maximum of ±40 large stock units (LSU) on the property.

Intensification of the resources by establishing grass pastures to increase the carrying capacity should be also questionable, as it is highly unlikely that this would be economically viable due to the high input costs in establishing pastures, lack of irrigation water and then maintaining the soil fertility.

In planning an enterprise consideration must be given to the guidelines in applicable legislation in respect of the gradient of the land and distances to be maintained from natural watercourses etc.

These aspects will reduce the extent of the area available for cropping etc. to substantially below the 101.4 ha of the property in question.

In terms of agricultural potential it is the author's opinion that:

- i. The property cannot, based on the natural resources and current infrastructure make up a stand-alone, viable commercial farming unit;
- ii. The proposed development and subsequent removal of this portion of land from agricultural use should have no significant impact on the overall agricultural production of the Buffalo City Municipal area as a whole.

11 ENVIRONMENTAL SUSTAINABILITY

With reference to Regulation 31 of the Development Facilitation Act Regulations, a scoping report has been prepared by XL Consulting, Environmental Consultants, 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 and analysis.

"This report provides an overview of the environmental risks and impacts with potential mitigation measures for the proposed Farm 1048/6 development to be located within the Buffalo City Municipality, Eastern Cape. The report has been prepared solely for the submission of the documentation in support of an application in terms of the Development Facilitation Act".

No environmental fatal flaws have been found with the development and there are no high negative environmental impacts identified to date which should prevent the project from proceeding.

The project is currently being subject to a Basic Environmental Impact Assessment process in terms of Section 24(D) of the National Environmental Management Act, Act (107 of 1998) and associated Regulations.

This report details the findings of a DFA Scoping Report as part of the EIA Procedures and related public participation component to identify key issues associated with the proposed project.

A separate application will be submitted to the Eastern Cape Department of Environmental Affairs in terms of the provisions of the National Environmental Management Act 107 of 1998

for authorization to conduct the activities on the subject property as aforesaid. This matter will be dealt with separately from the land development area application, having regard to the fact that no specific environmental aspects need to be considered in this context.

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

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

12 SPATIAL DEVELOPMENT FRAMEWORK

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

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

With respect to the current context, the SDF states that residential development refers to "separate legal title or ownership". The SDF states that low/limited density could be applicable. The Estate development density proposed is 0.12 units per hectare.

The Resort and Conferencing component consists of a maximum of 42 units/rooms at a density of 0.31 du/ha, which is less the best practice of 2/4 du/ha for this small to medium property size. The SDF states that Resort uses outside of the urban edge should only be permitted at low densities. The applicant has complied with this.

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

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

The rezoning of land outside the Urban Edge:

1. The rezoning of land outside the Urban Edge is permitted as follows:

- The rezoning of Business / Commercial/ Industrial uses must occur in conjunction with identified rural nodes.

2. The following principle applies to the rezoning of residential uses:-

- Additional residential uses and ownership outside the urban edge are permitted at low densities; this is considered desirable for the specific purpose of populating rural land with residents who will act as custodians of the natural environment.
- The intention is to allow rezoning to residential uses where the owners will actively manage and upgrade, were necessary, the surrounding natural environments of the land being rezoned.
- Rezoning applications to residential uses need to motivate how the rezoning will benefit the natural environment. To assist with this requirement each application will be subject to the usual Scoping and Environmental Impact Assessment, which must contain a suitable Environmental Management Plan (EMP). A Site Development Plan must be developed in conjunction with the EMP.
- Coverage to be clustered and must be located in portions on portions of the land that are least impacted; and the remainder of the property must be zoned as private open space or agricultural.

13 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

According to the Draft PSDF, this region covers the most diverse and contrasting land uses in the Eastern Cape. The coast also has high development potential with growing coastal resort settlements, tourism attractions and relatively well resourced agricultural areas situated between the cities; having access to infrastructure and all forms of modes of transport connecting with national and international markets.

Rural development along the coastal belt will not only be achieved through agricultural development in the future. Non farming economic development linked to community based tourism, small and medium enterprise development, aquaculture, mari-culture and agro beneficiation will play a greater role.

Tourism along the coast offers the greatest opportunities for the future owing to the temperate climate, malaria free natural attractions and the relatively under developed attractive environment.

3.4 Economic Spatial Framework

3.4.1 Objectives

The overall objectives of economic development are summarized in the Provincial Industrial Development Strategy (PIDS) 2010 as:

- *Employment generation;*
- *Increased growth and output;*
- *More even income distribution;*
- *More equal spatial distribution of economic activity;*
- *Transforming ownership and control of production, and;*
- *Enhanced technological capacity.*

3.4.3 Explanation

The future spatial framework associates spatial economic development with a strong intervention to foster economic growth in areas outside of the main economic drivers of the province (but without being to the detriment of those Provincial Centres). The strength of urbanising City regions/urban corridors/settlement regions is recognised with regional, national and international connectivity being achieved through strategic transportation corridors seen to be key to economic growth. This spatial framework also sees the development of unique tourism destination regions in the province, linked to heritage, leisure and adventure attractions, particularly along the coast, in the mountain regions and in the emerging game farming corridor in the central region. Similarly, the framework recognises the potential for revitalised small town economies; through establishment of competitive enterprises linked to changed economic opportunities in tourism, revitalised irrigation schemes and agro based industries (refer to figure 16 below).

14 CONCLUSION

The development proposal is ideally located to adhere to the changing trends as described in this planning report. The proposed Kidd's Beach Country Resort Development will enhance the region significantly, as the land development area borders the R347 and R72 in a strategic and desirable location.

In addition, the character of the site, as well as its varied topography and views provide for an ideal opportunity for a low density development focused in enhancing outdoor country type living.

The proposed site development plan serves to strengthen the primary design elements of the property i.e. sea views, varied topography and drainage features. 12 low density estate stands have been strategically located to create a low density development with the majority of stands having direct access to the surrounding conservation / open space area.

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

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.

More than 95 % of the subject land development area will be retained for open space land which utilises existing resources sparingly and this development will be mostly self-sustainable.

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

The abovementioned factors clearly illustrated the desirability of the proposal.

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.

PLAN 1

**Regional Locality Plan
6466.01**

REGIONAL LOCALITY PLAN

Portion 6 of Farm 1048

EAST LONDON

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

Extracted from Surveyor General Spatial Database

Produced by:



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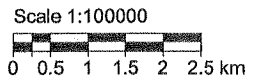
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All cadastral boundaries are to be confirmed by a Professional Land Surveyor



LEGEND

Portion 6 of Farm No 1048 East London

Road class

S
 R

Project:
LAND DEVELOPMENT AREA:
SUBDIVISION AND REZONING OF
PORTION 6 OF FARM 1048
EAST LONDON

Client:
SLIPKNOT INVESTMENTS 74 (PTY) LTD

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Date: Nov 2010 Plan No: 6466-01

PLAN 2

**Locality Plan
6466.02**

LOCALITY PLAN

Portion 6 of Farm 1048 EAST LONDON

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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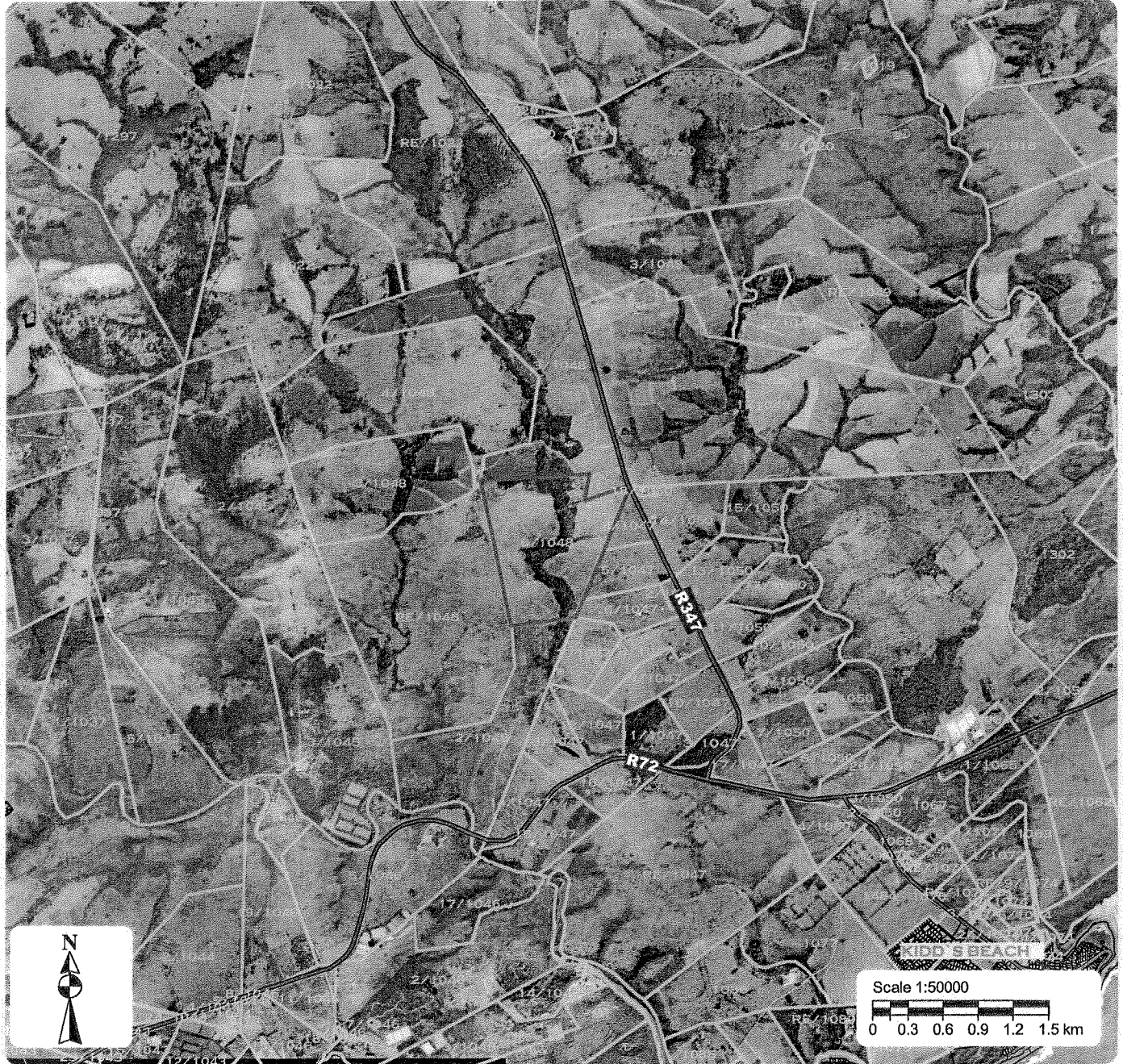
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LEGEND

Portion 6 of Farm No 1048 East London

Road class

R

S

Project:
**LAND DEVELOPMENT AREA:
SUBDIVISION AND REZONING OF
PORTION 6 OF FARM 1048
EAST LONDON**

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Date: Nov 2010 Plan No: 6466-02

PLAN 3

**Land Use Plan
6466.03**

LAND USE PLAN

Portion 6 of Farm 1048

EAST LONDON

SITUATE IN BUFFALO CITY MUNICIPALITY
 ADMINISTRATIVE DISTRICT OF EAST LONDON
 PROVINCE OF THE EASTERN CAPE
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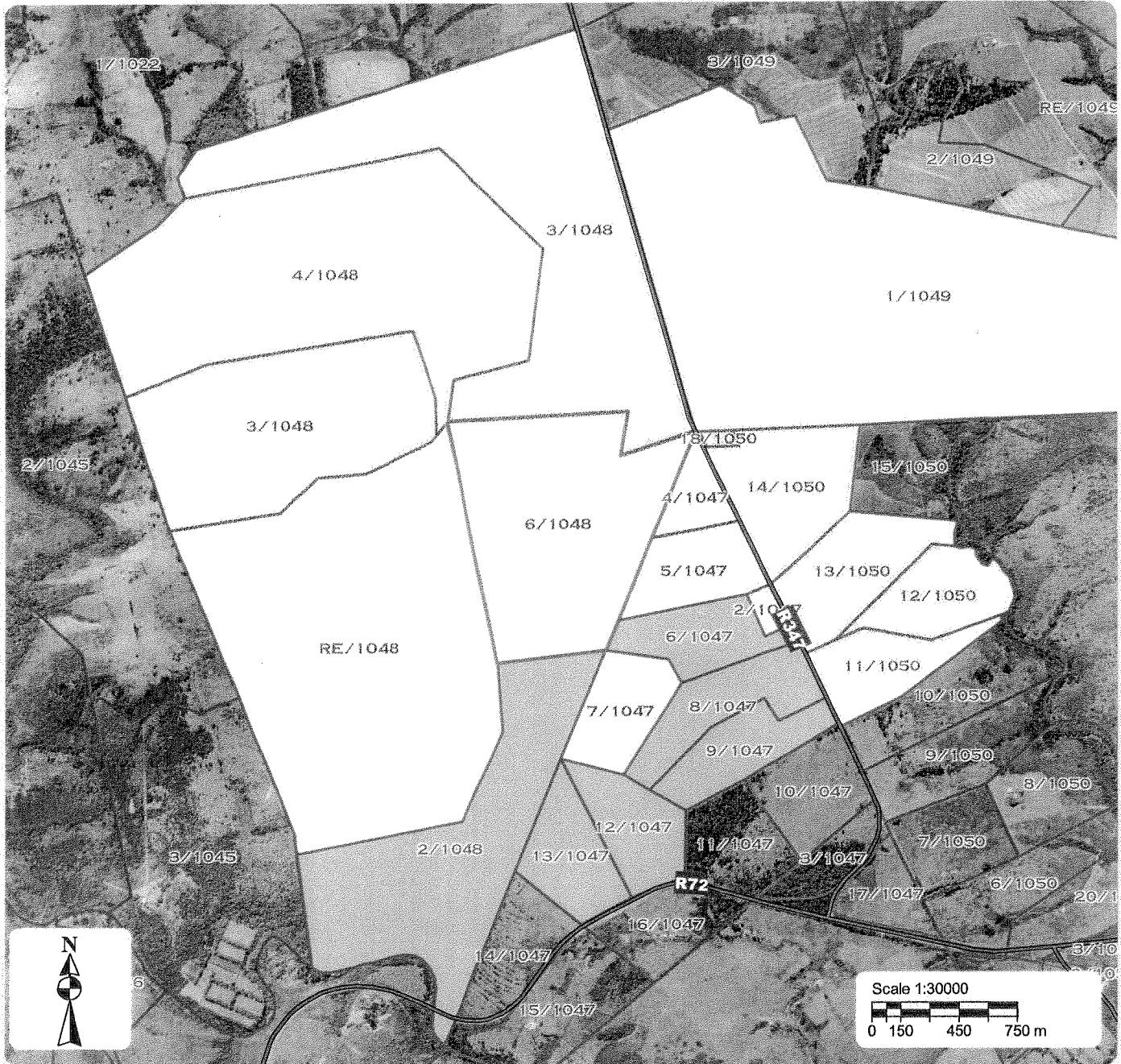
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All cadastral boundaries are to be confirmed by a Professional Land Surveyor



LEGEND

- | | | |
|--------------------------|---------------------------------------|-----------------|
| <input type="checkbox"/> | Portion 6 of Farm No 1048 East London | LAND USE |
| <u> </u> | Road class | AGRICULTURE |
| — R | | ESKOM |
| — S | | SMALLHOLDING |
| | | VACANT |

Project:
**LAND DEVELOPMENT AREA:
 SUBDIVISION AND REZONING OF
 PORTION 6 OF FARM 1048
 EAST LONDON**

Client:
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Date: Nov 2010 Plan No: 6466-03

PLAN 4

**Zoning Plan
6466.04**

ZONING PLAN

Portion 6 of Farm 1048 EAST LONDON

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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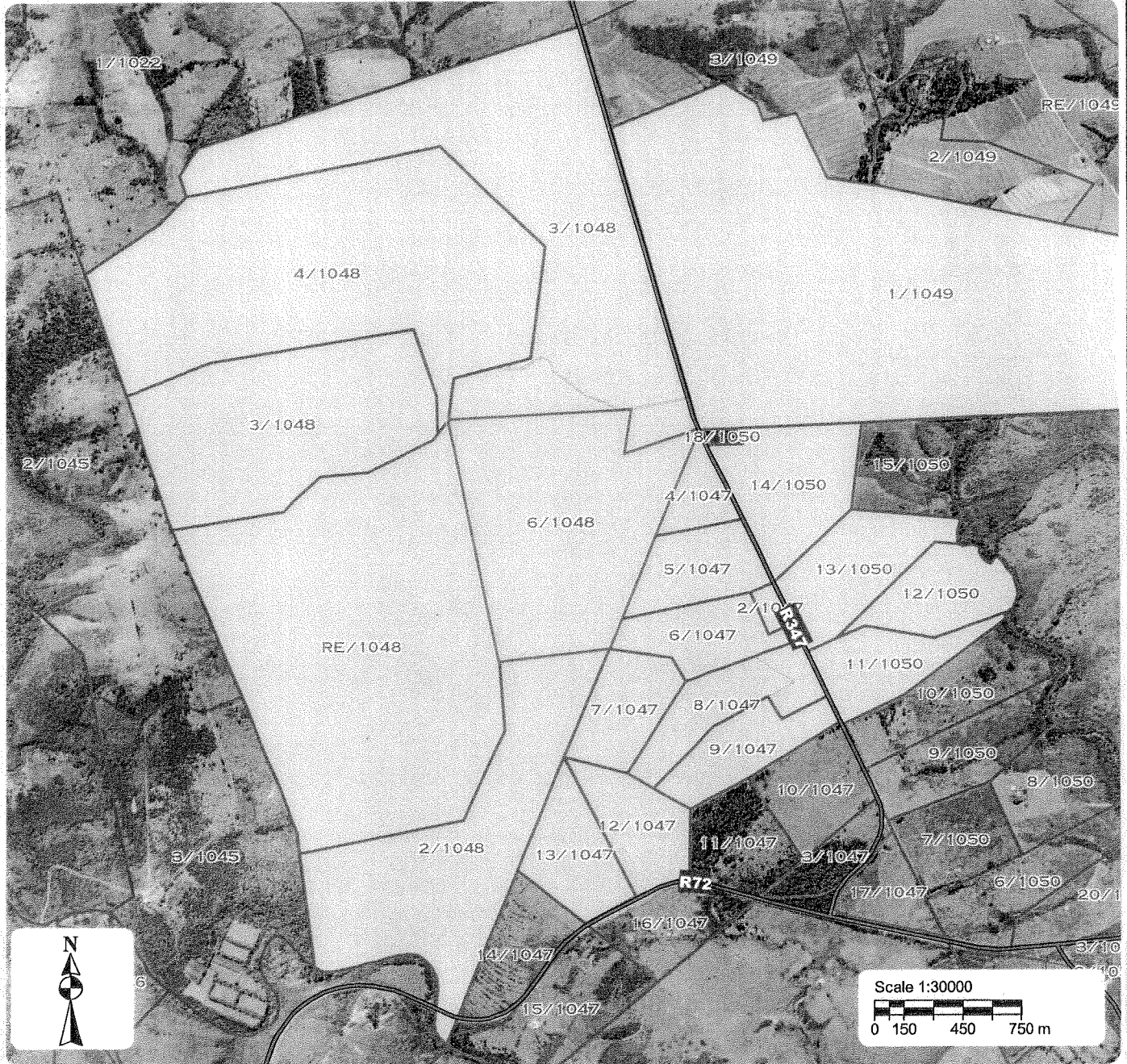
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LEGEND

- Portion 6 of Farm No 1048 East London
- Road class
- R
- S
- AGRICULTURE ZONE 1
- AUTHORITY ZONE 1

Project:
**LAND DEVELOPMENT AREA:
SUBDIVISION AND REZONING OF
PORTION 6 OF FARM 1048
EAST LONDON**

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Date: Nov 2010 Plan No: 6466-04

PLAN 5

**Site Plan
6466.05**

PLAN 6

**Site Development Plan
6466.06**