

Telephone: (013) 741 1060 PO Box 3203  
Facsimile: (013) 741 3752 Nelspruit  
1200  
E-mail: plan2survey@telkomsa.net



Our Ref: K2386  
Your Ref: 9/2/254/0003

8 July 2011

The Director: Archaeology, Palaeontology &  
Meteorite Unit  
South African Heritage and Resources Association  
PO Box 4637  
CAPE TOWN  
8000

Acknowledgement of Receipt	
Name	
Position	
Tel No	
Fax No	
E-mail	
Cell No	
Signature	
Date	

Attention: Mr Phillip Hine  
Telephone: (021) 462 4502  
Telefax: (021) 462 4509  
E-mail: phine@sahra.org.za  
Physical Address: 111 Harrington Street, Cape Town, 8001

Dear Sir

PROPOSED APPLICATION FOR A LAND DEVELOPMENT AREA IN TERMS OF THE DEVELOPMENT FACILITATION, 1995 (ACT 67 OF 1995) ON PORTION 1 OF THE FARM THE BENDS NO 417-IT:- PROPOSED JABULANI AGRI-VILLAGE DEVELOPMENT

**NOTICE OF LAND DEVELOPMENT AREA APPLICATION  
[REF: MDT15/12/10/01/JABULANI AGRI-VILLAGE]**

We attach hereto a letter of 27 September 2010 as released by your office. The heritage impact assessment matters have thus been addressed. This can assist in your comment feedback herein.

Yours faithfully

KEVIN KRITZINGER (Pr. Plan A/813/1995)  
Plan-2-Survey Africa Incorporated (87/03480/21)  
Ref: k2386a



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KEVIN KRITZINGER (Pr. Plan A/813/1995)  
Plan-2-Survey Africa Incorporated (87/03480/21)  
Ref: k2386a





SOUTH AFRICAN HERITAGE RESOURCES AGENCY  
111 HARRINGTON STREET, CAPE TOWN, 8001  
PO BOX 4637, CAPE TOWN, 8000  
TEL: 021 462 4502 FAX: 021 462 4509

FOR ATTENTION: SAHRA Mpumalanga OR PHRA: Mpumalanga

**FOR OFFICIAL USE ONLY:**

SAHRA File No 9/2/254/0003  
Date Received: 30 April 2010  
Date of Comment: 27 September 2010  
Sent to Peer Review: .....  
Date to Peer Review: .....  
SAHRA Contact Person: Mr. Phillip Hine  
DME Ref No:

## REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY PALAEOLOGY & METEORITE UNIT OF THE HERITAGE RESOURCES AGENCY

*South Africa has a unique and non-renewable archaeological and palaeontological heritage. Archaeological and palaeontological sites are protected in terms of the National Heritage Resources Act (Act No 25 of 1999) and may not be disturbed without a permit. Archaeological Impact Assessments (AIAs) and Palaeontological Impact Assessments (PIAs) identify and assess the significance of the sites, assess the potential impact of developments upon such sites, and make recommendations concerning mitigation and management of these sites. On the basis of satisfactory specialist reports SAHRA or the relevant heritage resources agency can assess whether or not it has objection to a development and indicate the conditions upon which such development might proceed and assess whether or not to issue permission to destroy such sites.*

*AIAs and PIAs often form part of the heritage component of an Environmental Impact Assessment or Environmental Management Plan. They may also form part of a Heritage Impact Assessment called for in terms of section 38 of the National Heritage Resources Act, Act No. 25, 1999. They may have other origins. In any event they should comply with basic minimum standards of reporting as indicated in SAHRA Regulations and Guidelines.*

*This form provides review comment from the Archaeologist of the relevant heritage resources authority for use by Heritage Managers, for example, when informing authorities that have applied to SAHRA for comment and for inclusion in documentation sent to environmental authorities. It may be used in conjunction with Form B, which provides relevant peer review comment.*

- A. PROVINCIAL HERITAGE RESOURCES AUTHORITY: Mpumalanga/Benjamin Moduka .....
- B. AUTHOR(S) OF REPORT: Pelsler, A.J., & Van Vollenhoven, A.C.
- C. ARCHAEOLOGY CONTRACT GROUP: Archaeos Culture and Cultural
- D. CONTACT DETAILS: P.O. Box 31064, Wonderboompoort 0033 .....
- E. DATE OF REPORT: February 2010
- F. TITLE OF REPORT: A report on a Heritage Impact Assessment for the Jabulani Village Development, on portion 1 of the farm The Bends 417 IT, Amsterdam Area, Mpumalanga .....
- G. Please circle as relevant: Archaeological component of EIA / EMP / HIA / CMP Other (Specify) .....
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): Plan2Survey
- I. CONTACT DETAILS: P.O. Box 3203, Nelspruit 1200
- J. COMMENTS: .....

*Please see comment on next page.....*



## REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

Pelser, A.J., & Van Vollenhoven, A.C.

Date Received: 30 April 2010 Comment: 27 September 2010

### A report on a Heritage Impact Assessment for the Jabulani Village Development, on portion 1 of the farm The Bends 417 IT, Amsterdam Area, Mpumalanga.

#### INTRODUCTION

An Agrivillage consisting of 110 homesteads is proposed on Portion 1 of the farm The Bends 417 IT, Amsterdam, Mpumalanga. No archaeological sites were identified during the survey. However, three graveyards were identified:

- Site 1 falls outside the development area. It is a recent informal graveyard containing 23 stone packed graves without headstones.
- Site 2 is a possible gravesite containing a single stone packed grave.
- Site 3 is a large informal graveyard, containing approximately 68 graves. It was speculated that this graveyard might be younger than 60 years.

#### SAHRA RECOMMENDATIONS

The SAHRA APM Unit supports the general recommendations proposed by the specialist report. The APM Unit has no objections to the development in terms of archaeological component of the heritage resources. However, the following recommendations must be adhered to:

- The recommendations of the specialist that the three graveyards must not be disturbed are supported. The graves should be restored where these are dilapidated, protected and conserved in perpetuity. For this purpose, a proper fence must be build around them including entry gates to allow visits from relatives and family friends. The fence must be placed 2 meters away from the perimeter of the graves. No development is allowed within 15 meters from the fence line surrounding the graves.
- If any evidence of archaeological sites or artefacts, or other heritage resources are found during construction activities, the SAHRA APM Unit (**Mr. Phillip Hine, tel: 021-462 4502**), must be alerted immediately, and a professional archaeologist/palaeontologist must be contacted as soon as possible to inspect the findings at the cost of the developer. If the newly discovered heritage resources prove to be of archaeological/palaeontological significance, then a Phase 2 rescue operation might be necessary at the cost of the developer.
- Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, the developer must ensure that a professional Palaeontological Desk Top study is undertaken to assess whether or not the development will impact upon palaeontological resources. If this is deemed unnecessary, a letter of recommendation for exemption from a professional





Palaeontologist is needed. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see attached list of accredited Palaeontologists).

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes are not the function of this unit. Please refer to Mpumalanga Provincial Heritage Authority (Mpumalanga, Mr Benjamin Moduka, bmoduka@nel.mpu.gov.za) to whom we will send the Impact Assessment Report and this Comment.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: .....

EMAIL: *phine@sahra.org.za* .....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:  .....

EMAIL: *mndobochani@sahra.org.za* .....

NAME OF HERITAGE RESOURCES AGENCY: *SAHRA* .....

PLEASE NOTE THAT THE COMMENT (ABOVE OR APPENDED) CONSTITUTES THE COMMENT OF THE HERITAGE RESOURCES AGENCY ARCHAEOLOGIST AND THAT ANY DEVELOPMENT THAT INVOLVES DESTRUCTION OF ANY ARCHAEOLOGICAL/PALAEONTOLOGICAL SITE IS STILL SUBJECT TO A PERMIT/PERMISSION FOR DESTRUCTION OF SUCH SITE GIVEN TO THE DEVELOPER BY THE RELEVANT HERITAGE RESOURCES AGENCY ARCHAEOLOGICAL AND PALAEONTOLOGICAL PERMIT COMMITTEE (THIS WILL BE SUBJECT TO APPROVAL OF THE PHASE 2 OR ARCHAEOLOGICAL/PALAEONTOLOGICAL MITIGATION AS NECESSARY). THIS REPORT MAY BE TAKEN ONLY AS APPROVAL IN TERMS OF SECTION 35 OF THE NATIONAL HERITAGE RESOURCES ACT. THE PROVINCIAL MANAGER OF THE HERITAGE RESOURCES AUTHORITY MUST ADVISE AS TO APPROVAL IN TERMS OF HERITAGE ISSUES ENCOMPASSED BY OTHER ASPECTS OF THE LEGISLATION, SUCH AS ISSUES OF THE BUILT ENVIRONMENT (STRUCTURES (E.G. FARM HOUSES), OVER 60 YEARS), INDIGENOUS KNOWLEDGE SYSTEMS OR OF CULTURAL LANDSCAPES AS THIS IS NOT WITHIN THE SCOPE OF THE ARCHAEOLOGIST.

PLEASE NOTE THAT SAHRA IS NOW RESPONSIBLE FOR GRADE I HERITAGE RESOURCES (AND EXPORT) AND THE PROVINCIAL HERITAGE RESOURCES ARE RESPONSIBLE FOR GRADE II AND GRADE III HERITAGE RESOURCES, EXCEPT WHERE THERE IS AN AGENCY ARRANGEMENT WITH THE PROVINCIAL HERITAGE RESOURCES AUTHORITY.

#### APPENDIX 1

##### Protection of Graves

In terms of the National Heritage Resources Act (No. 25 of 1999) graves older than 60 years (not in a municipal graveyard) are protected. Human remains younger than 60 years should be handled only by a registered undertaker or an institution declared under the Human Tissues Act.

Anyone who wishes to develop an area where there are graves older than 60 years is required to follow the process described in the legislation (section 36 and associated regulations). The specialist will require a permit from the heritage resources authority:

1. Determine/ confirm the presence of the graves on the property. Normally the quickest way to proceed is to obtain the service of a professional archaeologist accredited to undertake burial relocations (see attached list). The archaeologist will provide an estimate of the age of the graves. There may be a need for archival research and possibly test excavations (permit required).
2. The preferred decision is to move the development so that the graves may remain undisturbed. If this is done, the developer must satisfy SAHRA that adequate arrangements have been made to protect the graves on site from the impact of the development. This usually involves fencing the grave(yard) and setting up a small site management plan indicating who will be responsible for maintaining the graves and how this is legally tied into the development. It is recommended that a distance of 10-20 m is left undisturbed between the grave and the fence around the graves.
3. If the developer wishes to relocate or disturb the graves:
  - a. A 60-day public participation (social consultation) process as required by section 36 (and regulations - see attachment), must be undertaken to identify any direct descendants of those buried on the property. This allows for a period of consultation with any family members or community to ascertain what their wishes are for the burials. It involves notices to the public on site and through representative media. This may be done by the archaeologist, who can explain the process, but for large or sensitive sites a social consultant should be employed. Archaeologists often work with undertakers, who rebury the human remains.
  - b. If as a result of the public participation, the family (where descendants are identified) or the community agree to the relocation process then the graves may be relocated.
  - c. The archaeologist must submit a permit application to SAHRA for the disinterment of the burials. This must include written approval of the descendants or, if there has not been success



in identifying direct descendants, written documentation of the social consultation process, which must indicate to SAHRA's satisfaction, the efforts that have been made to locate them. It must also include details of the exhumation process and the place to which the burials are to be relocated. (There are regulations regarding creating new cemeteries and so this usually means that relocation must be to an established communal rural or formal municipal cemetery.)

- d. Permission must be obtained before exhumation takes place from the landowner where the graves are located, and from the owners/managers of the graveyard to which the remains will be relocated.
- e. Other relevant legislation must be complied with, including the Human Tissues Act (National Department of Health) and any ordinances of the Provincial Department of Health). The archaeologist can usually advise about this.





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K2386

**LOCALITY PLAN**  
 REMAINDER (Only for Road  
 Access) AND PORTION 1  
 OF THE FARM  
 THE BENDS No 417-IT



SCALE 1:100 000

**plan2survey**  
 africa

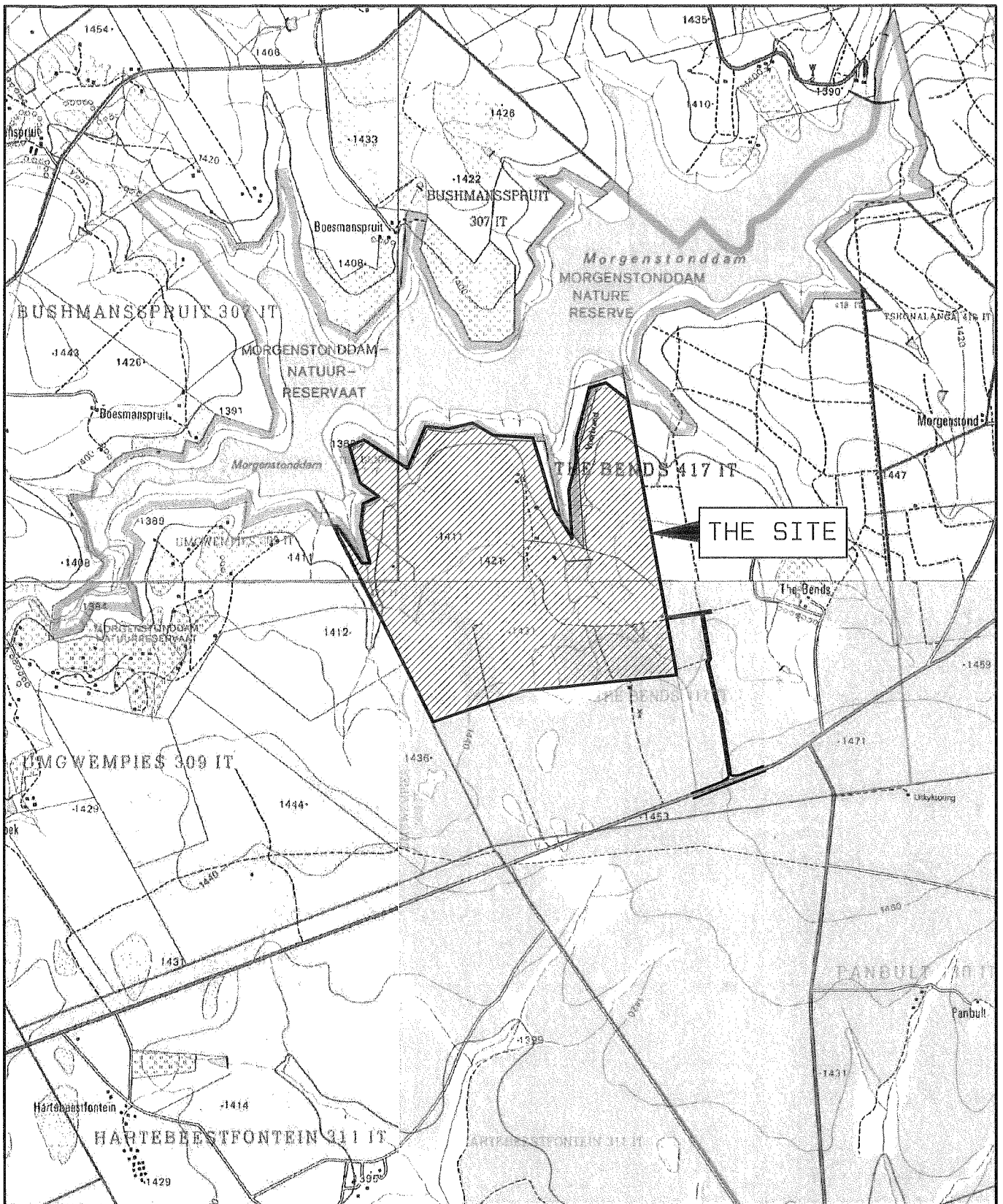
TOWN & REGIONAL PLANNERS  
 PROJECT COORDINATION  
 SURVEY CONSULTANTS  
 FACILITATION

PO Box 3203 Nelspruit 1200

Tel: (013) 741-1060

Fax: (013) 741-3752





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**LOCALITY PLAN**  
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SCALE 1:50 000

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 africa

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Our Ref: K2386  
Your Ref:

8 July 2011

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**PROPOSED APPLICATION FOR A LAND DEVELOPMENT AREA IN TERMS OF THE DEVELOPMENT FACILITATION, 1995 (ACT OF 1995) ON PORTION 1 OF THE FARM THE BENDS NO 417-IT:- PROPOSED JABULANI AGRI-VILLAGE DEVELOPMENT**

**NOTICE OF LAND DEVELOPMENT AREA APPLICATION  
[REF: MDT15/12/10/01/JABULANI AGRI-VILLAGE]**

Kevin Neil Kritzinger of Plan-2-Survey Africa Incorporated has been appointed by Mondi Limited to apply to the Mpumalanga Development Tribunal for a Land Development Area to be known as Jabulani Agri-village in terms of Chapter VI of the Development Facilitation Act, 1995 (Act 67 of 1995).

The relevant plans, documents and information are available for inspection at the Designated Officer at the offices of the Department of Agriculture, Rural Development and Land Administration situated at 50 Murray Street, Nelspruit, 1200 and/or our office (contact detail is noted on the letterhead) for a period of 21 days from 8 July 2011.

Attached herewith please find the following documentation for your information:

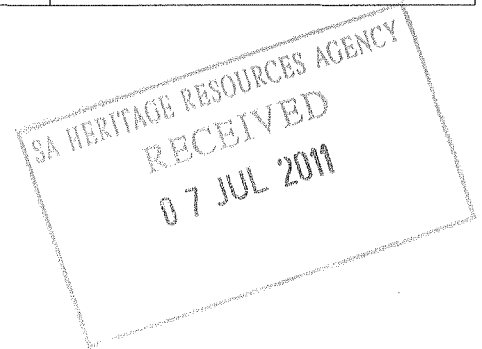
1. A copy of the locality plan(s).
2. A copy of the layout plan (Drawing K2386/11).
3. A copy of the motivating memorandum (excluding annexures).

The actual motivation report is comprehensive. The report can be inspected if arrangements are made, or specific parts of reference can be availed if motivated in some form of communication.

The proposed development will consist of:

- 110 residential / small scale farming units with a ruling size of approximately 2700 m<sup>2</sup> each,
- 2 church (community facility) portions,

Acknowledgement of Receipt	
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The proposed development will consist of:

- 110 residential / small scale farming units with a ruling size of approximately 2700 m<sup>2</sup> each,
- 2 church (community facility) portions,



- 1 crèche (community facility) portion,
- 1 portion for municipal services,
- 1 portion for residential and / or municipal and / or community facility,
- 1 mixed use portion that will incorporate business uses, beehive industries and a community facility,
- 1 primary school portion,
- 12 leisure residential (tourism) portions,
- 1 lodge (tourism) portion,
- 1 camp site (tourism) portion,
- 1 picnic site (tourism) portion, and
- the remainder of 545,1807 hectares will comprise of an extensive agricultural portion where large scale agricultural facilities will be conducted by the communities that will establish themselves within the land development area.

The aforesaid tourism facilities will be established to the North West and West of the development area on the shores of the Morgenstond Dam.

The application property is 598,07989 hectares in extent. The proposed land development area is located within the rural areas of the South Eastern part of the Mpumalanga Province. The property is situated approximately 20 km South West of Amsterdam, 9 km to the north of the National Road between Ermelo and Piet Retief, 40 km to the North West of Piet Retief and 57 km to the South East of Ermelo

The application will be considered at a Tribunal Hearing to be held at the Waterside Lodge, Piet Retief on 20 October 2011 at 9h00, and the Pre-hearing Conference will be held at 18 Jones Street, Nelspruit on 20 September 2011 at 9h00.

Any person having an interest in the application, should please note that in terms of the Development Facilitation Act, 1995 (Act 67 of 1995):

1. You must within 21 (twenty one) days from 10 June 2011, provide the land development applicant with your written representation in support of the application or any other written representation not amount to an objection, in which case you are not required to attend the Tribunal Hearing;
- or
2. If your comments constitute an objection to any aspect of the land development application, you or duly authorized representative must appear in person before the Tribunal on the date mentioned for the pre-hearing conference above, or on any other date of which you may be given notice.

In terms of the Development Facilitation Act, 1995 (Act 67 of 1995) this notice has the effect of a subpoena and failure to comply with this notice constitutes a criminal offence.

Any objection or representation must state:

- (a) the name and address of the person making the objection or representation;
- (b) the interest of the objector or person making the representation in the application;
- (c) the reason for the objection in or representation; and
- (d) an address for the service of documents.



Any written objection or representation must be delivered to the land development applicant at PO Box 3203, Nelspruit, 1200 or Unit 89, Sonpark Boulevard, 1 Le Roux Street (C/o Le Roux and Faurie Street), Sonheuwel, Nelspruit, 1200, and you may contact the Designated Officer if you have any queries on telephone no (084) 799 5921 and fax no (013) 766 8247 or the land development applicant on telephone no (013) 741 1060 and fax no (013) 741 3752.

Yours faithfully

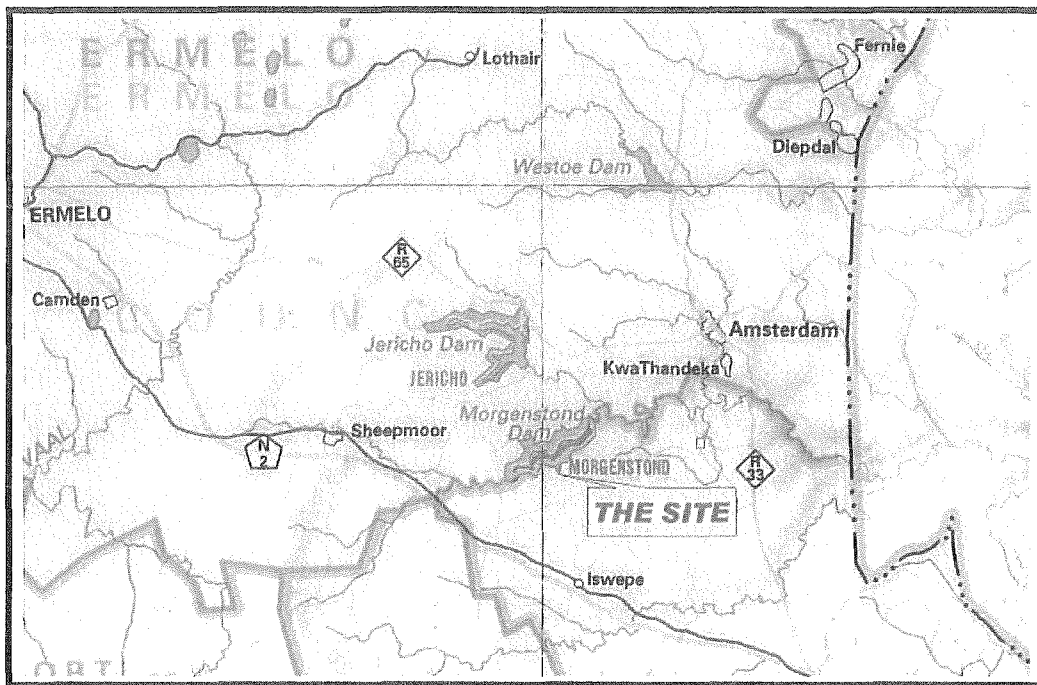
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**KEVIN KRITZINGER TRP(SA)**  
**Plan-2-Survey Africa Incorporated (87/03480/21)**  
**Ref: k2386**





**DEVELOPMENT FACILITATION ACT, 1995 (ACT 67 OF 1995): PORTION 1 OF THE FARM THE BENDS NO 417-IT with ACCESS OPPORTUNITIES OVER THE REMAINDER OF THE FARM THE BENDS NO 417-IT:- PROPOSED JABULANI AGRI-VILLAGE TOWNSHIP**



A Report compiled by  
KN KRITZINGER TRP(SA) (Professional Planner)  
PLAN-2-SURVEY AFRICA INCORPORATED  
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CONTACT PERSON: KEVIN KRITZINGER

REFERENCE NUMBER: K2386  
JUNE 2011  
Version 3

Signature:-

(KN Kritzing TRP(SA)(Professional Planner: Pr. Pln A/813/1995))



The report has been prepared by **Kevin Neil Kritzinger TRP (SA) (now Professional Planner)**, where the following qualifications and / or registration and / or background details apply:

1. Qualification: Tertiary: *B(TRP) (University of Pretoria, 1991)* and Thesis: *Grondgebruiksbeheer in Swart Gemeenskappe en die probleme wat daarmee gepaard gaan*
2. Professional Registration: Professional Planner in terms of the Planning Professions Act, 2002 (Act 36 of 2002):- Registration Number A/813/1995.
3. Company: Plan-2-Survey Africa Incorporated (Registration Number 87/03480/21)
4. Position held: Sole Director

Additional information can be made available at request:- Such can include the company profile, personal curriculum vitae and project involvement detail / background.





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ANNEXURE D:-	SETTLEMENT PLAN K2386/11
ANNEXURE E:-	ENVIRONMENTAL SCOPING REPORT
ANNEXURE F:-	INTERIM LAND USE CONDITION DOCUMENTATION



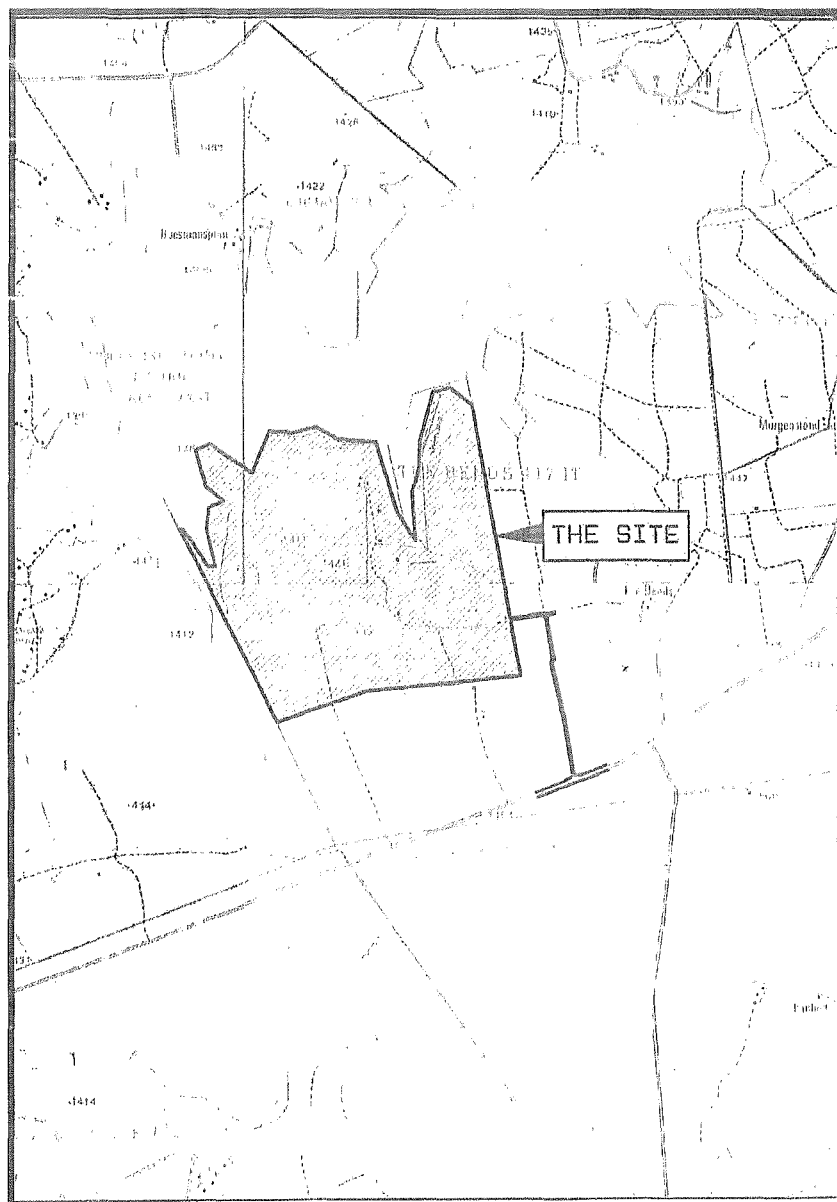


ANNEXURE G:-	COMPANY RESOLUTION
ANNEXURE H:-	SPECIAL POWER OF ATTORNEY
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ANNEXURE S:-	SOUTH AFRICAN HERITAGE RESOURCES AGENCY LETTER
ANNEXURE T:-	AGRICULTURAL AND FORESTRY POTENTIAL STUDY
ANNEXURE U:-	IMPLEMENTATION AND MANAGEMENT PLAN
ANNEXURE V:-	CONDITIONS OF ESTABLISHMENT



## 1. EXECUTIVE SUMMARY

- 1.1 Application is made by Kevin Neil Kritzinger of **Plan-2-Survey Africa Incorporated** (the duly authorised agent of the owner of the land) in terms of **Chapter 6 of the Development Facilitation Act, 1995 (Act 67 of 1995)** (*"the DFA"*) for the establishment of a land development area on the **Remaining Extent of Portion 1 of the farm The Bends 417-IT** (*"property" or "subject property"*). The subject property is registered in the name of **Mondi Limited**. The extent of the property is **598,0798 hectares** and the land development area will cover the full extent of the property.
- 1.2 The proposed land development area is located within the rural areas of the South Eastern part of the Mpumalanga Province. The property is situated approximately 20 km South West of Amsterdam, 9 km to the north of the National Road between Ermelo and Piet Retief, 40 km to the North West of Piet Retief and 57 km to the South East of Ermelo.



**Figure 1 : Local Locality Plan**



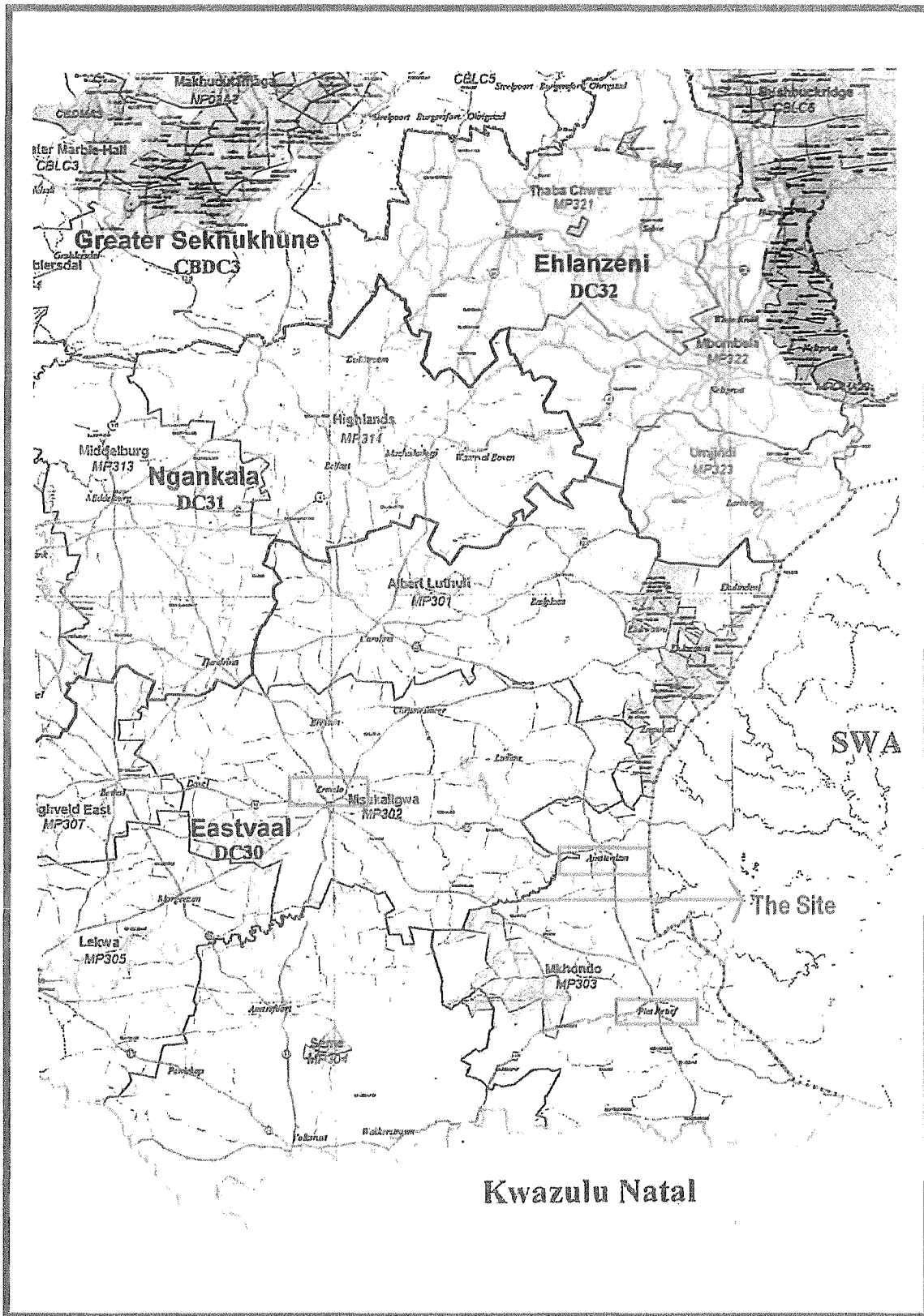


Figure 2 : Area Locality Plan

- 1.3 The purpose of the application is to, consistent with the applicable National, Provincial and Municipal policies pertaining to rural development, establish a township wherein a number of current informal settlements will be formalized, security of tenure created, social facilities provided and opportunities for small scale and bigger farming enterprise presented.

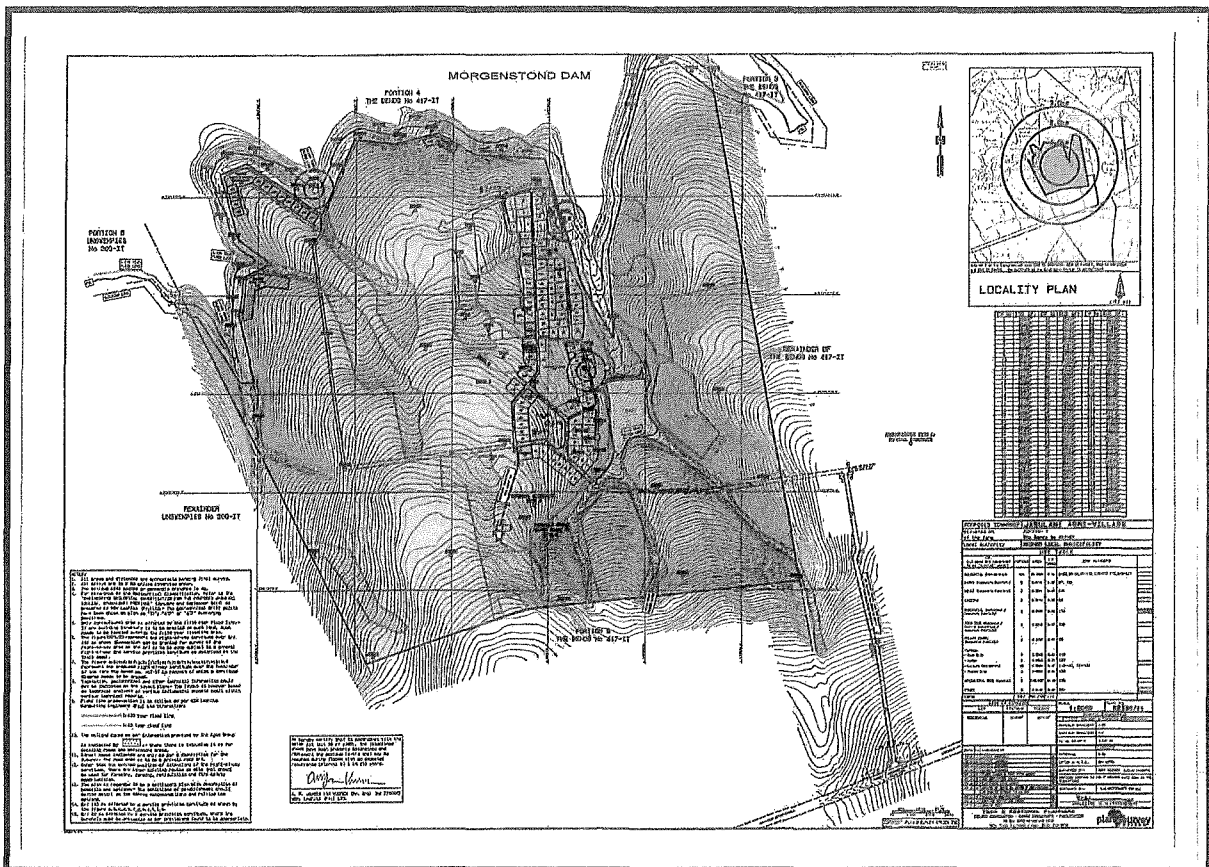


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- 1.4 The proposed development will consist of:
- 110 residential / small scale farming units with a ruling size of approximately 2700 m<sup>2</sup> each,
  - 2 church (community facility) portions,
  - 1 crèche (community facility) portion,
  - 1 portion for municipal services,
  - 1 portion for residential, and / or municipal and / or community facility,
  - 1 mixed use portion that will incorporate business uses, beehive industries and a community facility,
  - 1 primary school portion,
  - 12 leisure residential (tourism) portions,
  - 1 lodge (tourism) portion,
  - 1 camp site (tourism) portion,
  - 1 picnic site (tourism) portion, and
  - the remainder of 545,1807 hectares will comprise of an extensive agricultural portion where large scale agricultural facilities will be conducted by the communities that will establish themselves within the land development area.

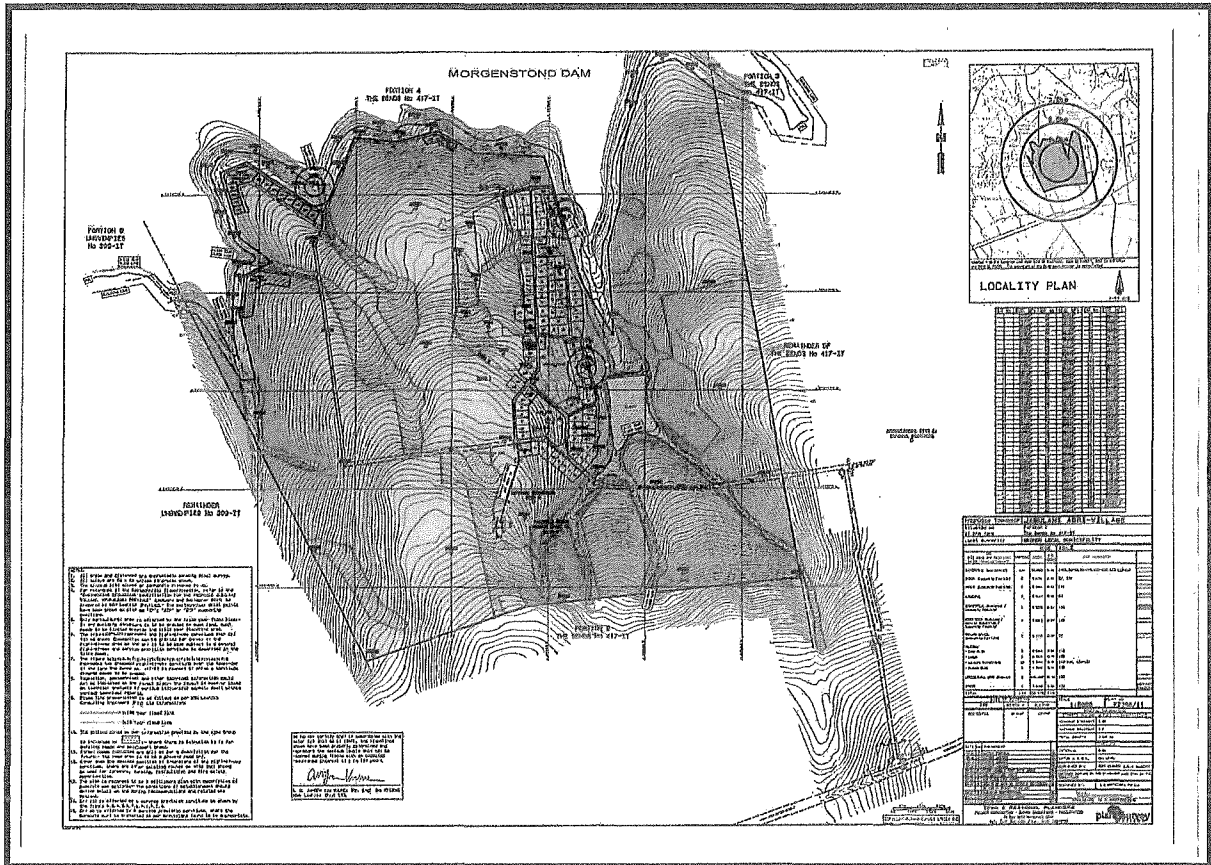
The aforesaid tourism facilities will be established to the North West and West of the development area on the shores of the Morgenstond Dam.

- 1.5 Once established, the tourism and agricultural facilities will be operated and managed by the community for its profit and will provide a source of income that will be applied towards the maintenance of infrastructure and general upliftment of the community. An image of the proposed layout appears hereunder.









**Figure 3 : Layout Plan**

1.6 The development will be referred to in this memorandum as the Jabulani Agri-village Township or project.

**2. INTRODUCTION, BACKGROUND AND HISTORY**

**2.1 Mondi Ltd**

Mondi Ltd is a paper and packaging company with operations in 56 countries worldwide. It operates two facilities in South Africa, a pulp mill located in Richards Bay and a paper factory in Durban. Mondi manages extensive forestry holdings in the Mpumalanga Province. Timber produced in these forests is transported by rail to Mondi's Richards Bay mill for processing.

**2.2 Mondi's Operations in the Mkhondo Municipal Area**

Mondi owns, leases or operates via joint venture some 77 800 ha of forestry land in the Mkhondo municipal area which produce 600 000 tons of fibre per annum. The sicultural and harvesting operations associated with these holdings are outsourced to independent sicultural and harvesting contractors based in the Mkhondo region. The direct and indirect employment generated by Mondi's forestry operations in the region totalled some 4,445 people in 2004.

Sixty one settlements are located on Mondi operated holdings in the Mkhondo Municipal area. These settlements accommodate approximately 10 000 people in approximately 2 700 households. These settlements should not be seen as forestry worker compounds since 90%



of the populace of the residents of these villages have no employment relationship (past or present) with Mondi.

Mondi has, for some time, been concerned with the living conditions and underdevelopment of these village communities and in 2007 initiated a comprehensive programme, entitled the Mondi Mkhondo Development Partnership (MMDP), which seeks to address the developmental needs of these village communities in partnership with government and the communities themselves. The Jabulani Agri-village project is one of the projects falling under the MMDP and the front runner in respect of developing a solution suited to rurally tied households in commercial forestry areas.

### 2.3 Project Origins

The intention of the Jabulani Agri-village pilot project is to pioneer and test a development approach which can be replicated as a land reform and rural development model across the full extent of the Mkhondo region – (In Mkhondo two thirds of the land remains in private and company ownership and half of Mkhondo's population live in settlements located within these commercial farm / forestry areas).

In early 2009 the foundations of a public private partnership to promote rural development in Mkhondo were laid, this partnership involving National and Provincial Government, Mondi, the Mkhondo Local Municipality and the Gert Sibande District Municipality.

In mid 2009 a working group comprising of officials from the Department of Rural Development and Land Reform, the Mpumalanga Department of Agriculture, Mondi, and the Chairman of the Iswepe Farmers Association was tasked with developing a model for applying the objectives of the Comprehensive Rural Development Programme (CRDP) and the War on Poverty to privately owned forestry areas of the Mkhondo municipal area.

This working group met on a number of occasions between June and August 2009 and the model they formulated was presented to, and secured the support of, the Head of Department of the Mpumalanga Department of Agriculture, Rural Development and Land Administration (MDRD&LA) in early August 2009.

The Head of Department of the Mpumalanga Department of Agriculture, Rural Development and Land Administration thereafter instructed that two sites in the Mkhondo municipal area be identified for the pilot implementation of the proposed agri-village model as an extension to the CRDP programme in the Mkhondo municipal area.

Since the Driepan housing project at Iswepe was in the process of accommodating urbanising households from the sub-region, the decision was taken to identify the pilot sites in the Iswepe region.

A comprehensive site identification assessment tool was developed to assess the suitability of potential pilot agri-village sites. The tool assessed a broad set of economic, infrastructural, social service, and environmental factors in order to identify and rate suitable sites. Jabulani was found to be the most suitable site and another, Watersmeed, was also found to be highly suitable.

On the 24th August 2009 the proposed pilot agri-village approach and pilot sites were presented to the Provincial Heads of Department, who provided their "in principle" approval



and recommended that the proposals be presented to Mpumalanga Provincial Cabinet / EXCO.

On the 26th August 2009 the proposed agri-village approach and pilot sites were presented to the Mpumalanga Provincial EXCO / Cabinet, who approved the approach, and instructed that the Jabulani and Watersmeed agri-villages be included within the CRDP programme in the Mkhondo Municipal area. EXCO instructed the relevant officials to proceed with the detailed planning thereof.

On the 19th September 2010 the proposal to establish an Agri-village site to serve the needs of the villages of Jabulani, The Bends, Shonalanga, Spabplek and New Compound was tabled and discussed with the Jabulani community by representatives of the Mkhondo Municipality, MDARD&LA and Mondi. The meeting was attended by 36 community members and the proposal received the unanimous and enthusiastic support of all the villagers attending this meeting.

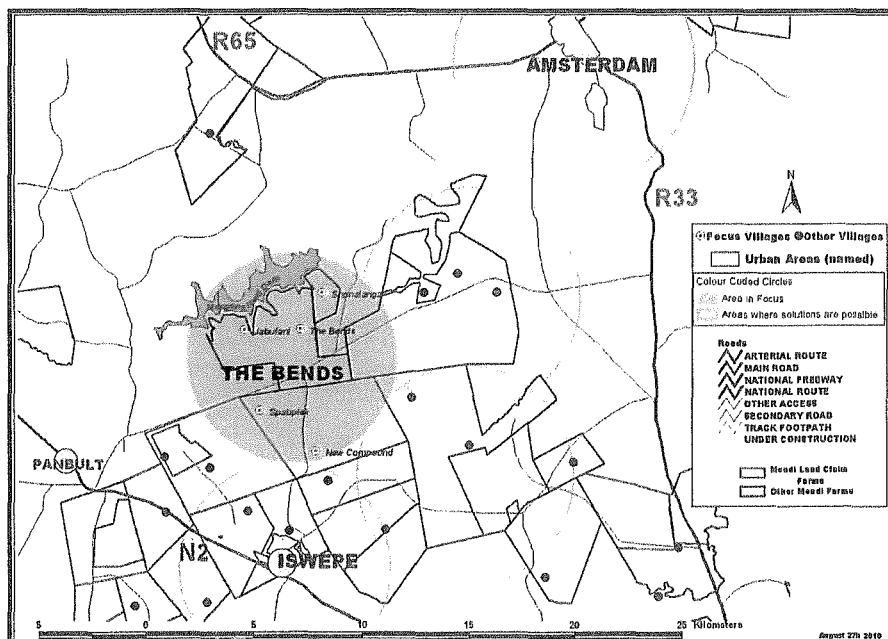
A second meeting was held with the communities of Spabplek, The Bends, Shonalanga and New Compound later in the day. This meeting was attended by 28 community members and the proposal was again strongly supported.

## 2.4 Project Partnership

In parallel with the community canvassing processes a process of formalising the partnership between the Mpumalanga Government, the Mkhondo Municipality, the Gert Sibande District Municipality and Mondi was undertaken. This process involved the clarification of the roles and responsibilities of the parties and the development of mechanisms to manage the partnership. This process culminated in the signing of a Memorandum of Understanding between the parties at an event held in Jabulani on 30 October 2009.

## 2.5 Target Settlements and Populace

The Jabulani agri-village seeks to address the developmental needs of households currently resident in a set of five proximate villages, Jabulani, The Bends, Shonalanga, Spabplek and New Compound.





**Figure 4 : Core Area**

In 2007 a 100% census of village residents revealed that 126 households were resident in the 5 villages. Over the past two years the Driepan housing project in Iswepe has offered urbanisation opportunities to the residents of these villages and 25 (20%) households have taken the opportunity to urbanise to Iswepe. The resident population of these villages has now declined to 102 households, comprising of those households who need and / or wish to retain their rural ties and location.

Current occupation of these villages is as follows:

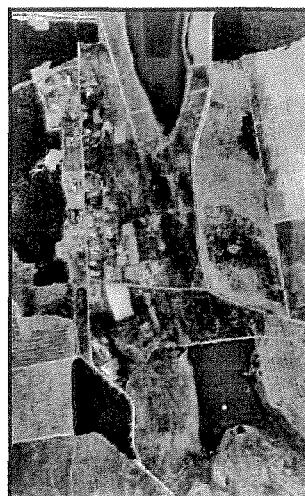
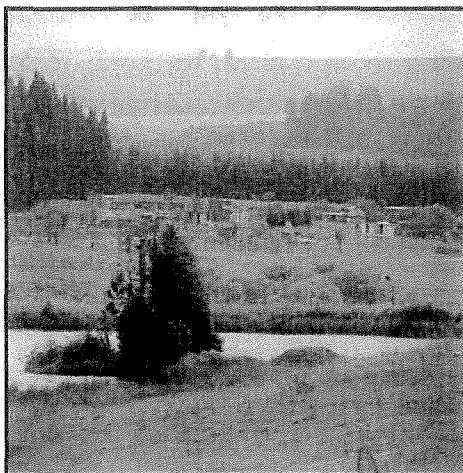
- Jabulani – 31 households
- The Bends – 14 households
- Shonalanga -- 11 households
- Spabplek – 15 households
- New Compound – 31 households

Current levels of access to services are varied, with some villages having borehole supplying water and others with dams or streams in close proximity. There is currently no electrification of village homesteads. Some 56 households have some form of long drop sanitation. The level of refuse removal is limited with 52% of households disposing of their rubbish into the local environment.

Housing structures are predominantly (70%) a mixture of mud, wood and iron. Only 9% of the houses are brick and mortar. Most of the houses have between 2 and 4 rooms per dwelling. In terms of condition of structures a survey has determined that 63% are weak or very weak.

With some 207 children in the five villages, access to schooling is an important requirement, where schools are external to the properties and all learners must walk to a pick up point to catch scholar transport.

The level of formal employment is 36% of all income earners, with 52% of those employed working for the forestry contractors operating in the area. Some 16% of the people are pensioners and 48% earning off grant funding. The average annual income per household in 2007 was R13 221.



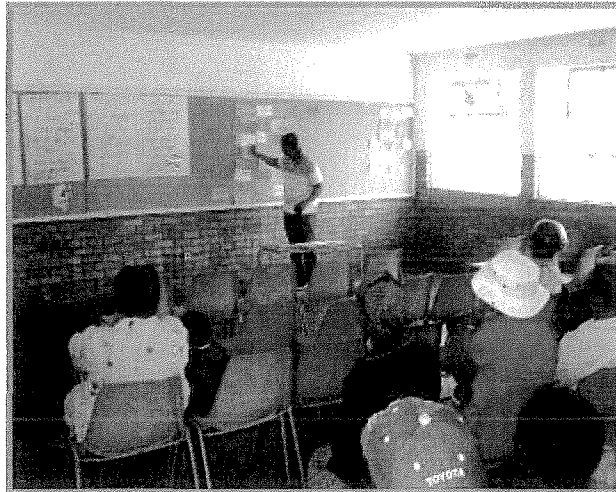




## Figure 5 : Jabulani Village Illustrations

### 2.6 Community Participation

Community participation in the formulation of the plans that now form part of this application commenced with a two day community planning session based on the Participative Rural Appraisal (PRA) methodology held on the 26th and 27th September 2009. In this exercise the community outlined their objectives and plans for the agri-village development – this exercise has formed the platform for the detailed planning that followed thereafter. The report on this PRA exercise is attached (**See Annexure A**).



**Figure 6 : Community Participation Illustration**

Following the initial PRA exercise community participation has focussed on a two-track process, one focussing on the adults and the second, on children. Adult participation has been conducted via a series of topic specific workshops held on weekend days and targeting all adults from Jabulani and the surrounding four villages. The following workshops have been undertaken:

- **Workshop 1** - Reviewing the overall agri-village concept , component elements of the agri-village, overall agri-village structure and boundaries, identifying the components to be explored in the subsequent workshops (Held on the 16 October 2010 and attended by 150 community members).
- **Workshop 2** - Focussed on the proposed layout of the agri-village, the land use mix and positioning of land uses, the agri-village plots, size, permissible residential uses, the agricultural production component of the agri-village plots and on site food production activities envisaged (Held on the 24 October 2010).
- **Workshop 3** - Examined the plans for the forestry component of the agri-village and proposals regarding the management of small livestock (Held on the 14 November 2010 and attended by 79 community members).
- **Workshop 4** - Focussed on the cattle and cattle management for the agri-village, how the system would work, organisation and the rules associated with cattle ownership (Held on the 20 November 2010 and attended by 35 community members).



- **Workshop 5** - Examined the engineering services, house types, and social services proposals (Held on the 21 November 2010 and attended by 93 community members).

Signed minutes of these meetings have been compiled.

The children participation process has been managed by a team drawing from Save the Children, the Department of Rural Development and Land Affairs and Mondi. A two day child participation workshop was held over the weekend of the 6<sup>th</sup> and 7<sup>th</sup> November 2010 and was attended by 110 children from the 5 villages (**See Annexure B**).

## 2.7 Organisational Development

The processes associated with building the sustainable community institutions needed to effectively represent the interests of Jabulani Agri-village residents and perform the functions needed to ensure Agri-village sustainability commenced in earnest in September 2010. A Joint Development Committee with twelve nominated representatives from the five target villages has been constituted and an organisational development professional has recently been deployed by Mondi to work with the Joint Agri-village Committee and assist them to navigate the process of formulating their functions, procedures and drafting of their constitution. Once the formalisation process has been sufficiently advanced the Joint Agri-village Committee will become a formal partner to the various project agreements required.

## 2.8 Prior Application in terms of the Less Formal Township Establishment Act (LFTEA)

The initial township establishment route pursued for the Jabulani Agri-village was Chapter 1 of the Less Formal Township Establishment Act, 1991 (No 113 of 1991). On 8 March 2010 notice of the applicants' intention to bring an application in terms of LFTEA was sent to a number of interested and affected parties, (together with some details of the proposed development) and these parties were requested to comment on the proposed development. Parties invited to comment were the owners of the neighbouring farms.

On 9 April 2010 the owners of certain farms, being the Hans Gerken Trust and M F Gerken Plantations (Pty) Ltd submitted an extensive objection to the proposed development, via Mr Prinsloo of PWG Attorneys, Ermelo. This objection contained a comprehensive memorandum of objection, a town planning report prepared by Mr Peter Dacomb and an attack on the environmental studies conducted by the applicant at that point in time, prepared by Ms Lizelle Gregory of Bokamoso. The Objector queried the constitutionality of the Less Formal Township Establishment Act.

Upon having obtained legal advice the applicant in that matter was advised to withdraw the said application based, specifically, on the risk that an argument pertaining to the constitutionality of the applicable legislation might have held for the application and the eventual development. On 14 May 2010 a supplementary objection focussing specifically on the engineering services proposal was submitted by PWG Attorneys.

On 17 June 2010 Mondi instructed **Plan-2-Survey Africa Incorporated** and the project professional team to:

- To fully scrutinise the objections and technical issues raised in the PWG memorandum and associated reports and ensure that any valid and factually correct concerns raised therein were fully addressed.



- Withdraw the said application in terms of LFTEA and resubmit the township application under Chapter 6 of the Development Facilitation Act.

The Applicant's professional team commissioned an extensive set of supplementary technical investigations in order to refine planning and establish the validity of the concerns expressed by the objector. In all the cases where the matters raised by the objector were found to have validity, the appropriate modifications were made.

The new layout and servicing options that arose there from have been through an extensive process of participation with the beneficiary community and was specifically signed off by the community. A copy of the signed off settlement plan is attached (**See Annexure C**).

## 2.9 Project Purpose

The purpose of the Jabulani Agri-village is to establish *a self sufficient, functional and stable rural community with full security of tenure, with active participation and a viable stake in the agricultural and forestry industry of the area.*

The Jabulani Agri-village development is to be a rural village with associated rural activities, which offers:

- (i) improved tenure and food security;
  - (ii) enhanced agricultural and forestry incomes; and
  - (iii) improved access to social and infrastructural services;
- to resident and rurally tied households currently living within The Bends complex.

The Jabulani development comprises of the following five simultaneous rural development interventions:

- *Generation ownership of residences, food production plots and shelter* – Creating individual ownership of a serviced residential homestead which simultaneously provides access to potable water, energy, sanitation, storm water protection and vehicular access:- Thus the construction of stable and permanent houses on the homestead plots in question.
- *Generating household food security* – Ensuring that the residential homesteads are capable of supporting the production of fruit, vegetables, crops and small livestock sufficient to support the household in question and perhaps generate a small surplus: Thus capacitating the agri-village households to fully use the potential of the homestead site to generate food security.
- *Enhanced social service access* – Improved access to education, social support and grants, municipal services and posts and telecommunications.
- *Increased incomes* – The enhancement of the incomes of the agri-village residents through a set of 5 income enhancement programmes:
  - Enhancing wage incomes in current forestry operations through increasing the skills levels and capacities of agri-village residents.
  - Livestock farming: Enhance asset ownership and incomes from livestock with a particular focus on cattle farming.



- Community forestry participation: Securing sustainable incomes through the ownership of forestry land.
  - Community tourism assets: Community ownership of the tourism incomes to be generated from the Morgenstond dam waterfront, together with employment opportunities in these facilities.
  - Micro enterprise development: Jabulani residents have already identified an array of micro enterprise opportunities in their PRA exercise (Agri-village residents wishing to pursue these opportunities are to be provided with support and guidance by government and Mondi).
- *Social development* – The strengthening of existing organisations within the community, whilst expanding the range of organisations serving the needs of the community.

### 3. THE APPLICATION

Application is made by the Applicant to the Development Tribunal of the Mpumalanga Province for the following relief:

- 3.1 Approval of the establishment of a land development area in terms of Chapter 6 of the DFA to establish an agri-village development comprising of erven as reflected in paragraph 1.4 aforementioned.
- 3.2 Approval of the settlement plan K2386/11 (**See Annexure D**).
- 3.3 Approval of draft conditions of establishment (**See Annexure V**) and interim land use condition documentation (**See Annexure F**).

### 4. THE APPLICANT

- 4.1 The applicant is Kevin Neil Kritzinger of **Plan-2-Survey Africa Incorporated**, the duly authorized agent of the owner of the land (**Mondi Limited**).
- 4.2 A Company Resolution (**See Annexure G**) and Power of Attorney (**See Annexure H**) confirming the authority of the Applicant, are attached hereto.
- 4.3 Ownership of the subject property is confirmed by reference to the title deed (**See Annexure I**) and the Conveyancer Certificate (**See Annexure J**).

### 5. THE PROPERTY AND LOCAL AUTHORITY - LEGAL INFORMATION

- 5.1 As set out above, the property is registered in the name of **Mondi Limited**.
- 5.2 As will be evidenced from the Conveyancer Certificate (**See Annexure J**) and the Deed of Transfer T104821/1994 (**See Annexure I**) the property is not subject to a mortgage bond and not affected by any servitudes or restrictive title conditions.
- 5.3 The extent of the property is **598,0798 hectares** and the proposed land development area will cover the full extent of the property





- 5.4 The proposed land development area will be situated within the jurisdictional area of the **Mkhondo Local Municipality** and the **Gert Sibande District Municipality**.
- 5.5 A copy of the SG Diagram No 1886/11 (depicting the outer perimeter of the property) is attached (**See Annexure K**).

## 6. REGIONAL AND LOCAL CONTEXT (LOCALITY)

The proposed land development area is located within the rural areas of the South Eastern part of the Mpumalanga Province. The property is situated approximately 20 km South West of Amsterdam, 9 km to the North of the National Road between Ermelo and Piet Retief, 40 km to the North West of Piet Retief and 57 km to the South East of Ermelo. A locality plan has been superimposed on the settlement plan (**See Annexure D**). Regional and locality context plans have also been attached hereto (**See Annexures L and M respectively**).

## 7. ACCESS

- 7.1 As will be noted from the settlement plan (**See Annexure D**) access to the property will be taken from the Amsterdam / Panbult Provincial Road (Road P176-1) at the point as indicated.
- 7.2 From the abovementioned access point a servitude will be registered over the Remainder of the farm The Bends No 417 – IT. The last mentioned property is also registered in the name of **Mondi Limited**. The said servitude will be registered in favour of all the portions that will comprise the land development area as dominant tenements.
- 7.3 The Applicant will subject itself to a condition of establishment in terms of which the servitude will have to be registered before any occupation certificates may be issued in respect of any of the portions comprising the land development area.

## 8. TOPOGRAPHY

- 8.1 The land slopes gently from the South to the North towards the Morgenstond Dam.
- 8.2 The land identified for the actual development (establishment of the residential component), drops by approximately 54m over a distance of approximately 1900m. The aforesaid implies and average topography of 1:35.

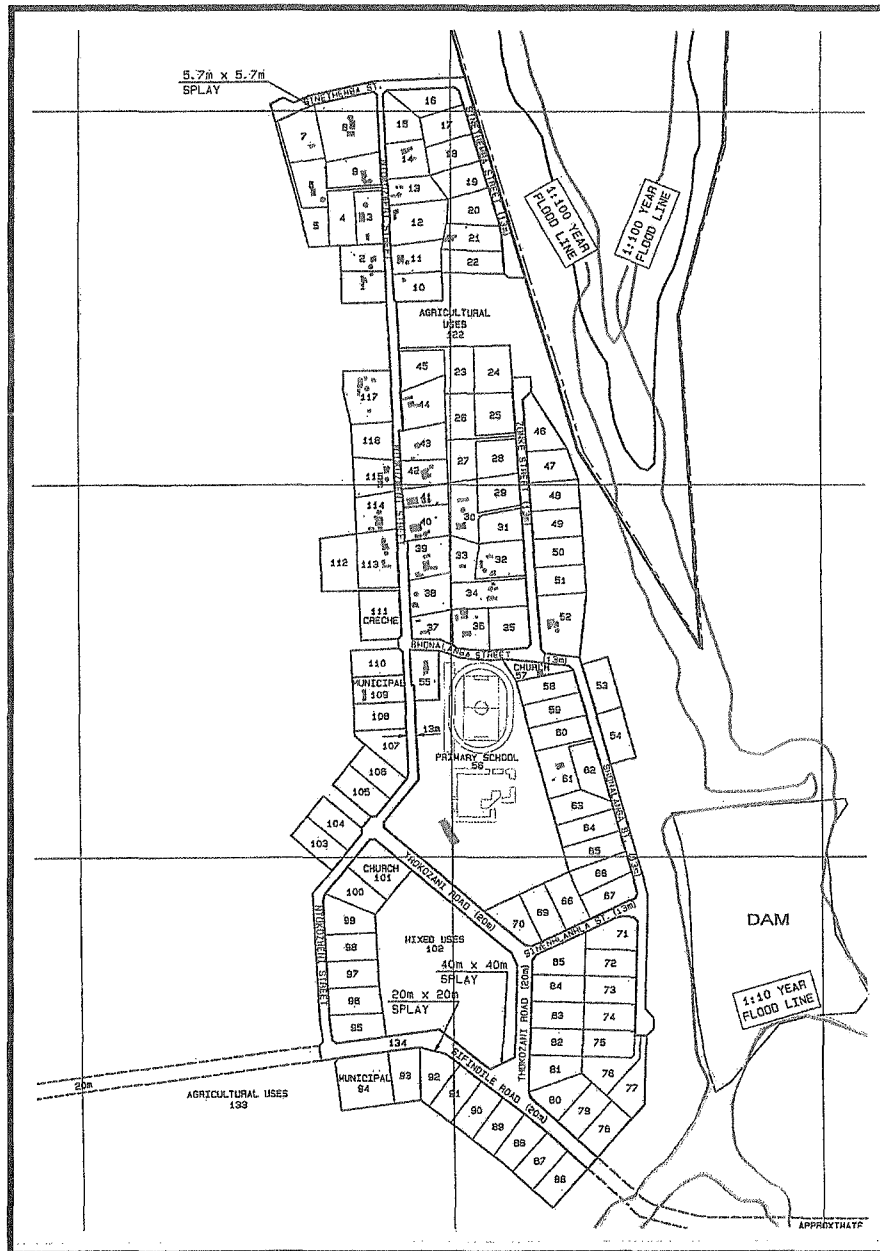
## 9. SOIL CONDITIONS

- 9.1 The engineering geological investigation was undertaken by **WSM Leshika Consulting (Pty) Ltd**. The report input prepared by the said engineers is attached to the civil services report (**See Annexure N**).
- 9.2 On geotechnical recommendations, the contents of the geotechnical findings should be analysed.
- 9.3 The geotechnical constrains were divided into 3 (three) geotechnical zones and are indicated on the layout plan. The constraints in respect of each of the zones were listed by the said engineers and certain conditions in order to mitigate and / or accommodate the said constraints, were recommended. These conditions are acceptable to the Applicant and provision can be made for incorporation thereof in the applicable scheme documents.



**10. EXISTING STRUCTURES**

As will be noted from Figure 7 hereunder, both formal and informal structures are scattered throughout that portion of land development area where intensive development will take place. The exact location of existing structures has also been indicated on the settlement plan. Actual formalization of the settlement will comprise of a combination of "in-situ upgrading" and the establishment of new structures.



**Figure 7 : Formal and Informal Structures**

**11. MINERAL RIGHTS**

- 11.1 With the coming into operation of the **Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002)**, the concept of "mineral rights" as contemplated in Annexure "B" to the DFA Regulations, came to an end.
- 11.2 No prospecting or mining rights have been granted over the property.



11.3 Due notice of the application will be given to the National Minister whereupon the said minister will comment in terms of Section 53 of the above legislation.

**12. LAND CLAIMS**

The necessary investigations were conducted at the offices of the **Regional Land Claims Commissioner** and it was established that no land claims have been lodged affecting the subject property. Confirmation of the foregoing appears (**See Annexure O**) from a letter dated 10 November 2009 as issued by the **Regional Land Claims Commissioner** of the **Mpumalanga Province**.

**13. ENVIRONMENTAL AND ECOLOGICAL ISSUES**

**13.1 Hydrology, Flood Lines and Wetland**

13.1.1 A 1:100 year flood line study was conducted by **WSM Leshika Consulting (Pty) Ltd.** As will be noted from the settlement plan (**See Annexure D**), all flood lines, as determined, have been indicated on the settlement plan and the flood lines only impact on the agricultural erf.

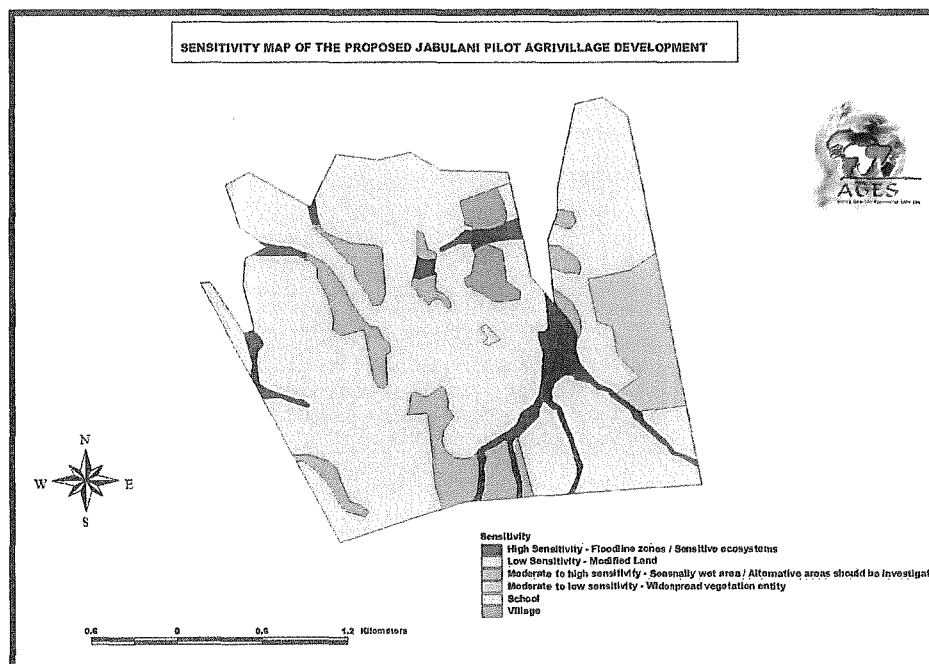
13.1.2 The **Ages Group** conducted a wetland study and same is attached to this application (**See Annexure P**). The edges of the temporal zones of all wetlands concerned were properly delineated and the wetlands are indicated on the proposed settlement plan.

**13.2 Fauna and Flora**

13.2.1 A report compiled by the **Ages Group**, is attached to this application (**See Annexure Q**).

13.2.2 The sensitivity map that, in effect, summarizes the aforesaid study, findings and recommendations, is superimposed hereunder as Figure 8.

13.2.3 As will be noted from the said sensitivity map read with the text of the Fauna and Flora report, the proposed development will not impact on any of the sensitive areas as indicated.





**Figure 8 : Sensitivity Map on Fauna and Flora**

**13.3 Heritage and Archaeological Issues**

- 13.3.1 A comprehensive Heritage Impact Assessment Report was conducted by **Archaeotnos CC**. A copy of the said study is attached (**See Annexure R**).
- 13.3.2 The aforesaid was duly accepted by the **South African Heritage Resource Agency (SAHRA)** and a copy of a letter received from the said agency is attached (**See Annexure S**).
- 13.3.3 All archaeological site of significance have been indicated on the settlement plan and the proposed development will not impact on any of the said sites.
- 13.3.4 The Applicant is willing to subject itself to the conditions as recommended in the said study and as accepted by SAHRA.

**13.4 Agricultural and Forestry Issues**

- 13.4.1 From the outset, it is important to note that development will be confined to the area where semiformal / informal development has already taken place. It stands to reason that the formalization of an existing settlement and the removal and the consolidation of other informal settlements (dispersed throughout the agricultural area) within the area, can have no impact on the agricultural potential of the land concerned. In fact, it will improve the *status quo* where agricultural areas have been fragmental by informal residential settlement.
- 13.4.2 An Agricultural and Forestry Potential study was conducted by **Mack and Associates Developer Advisors** and same has been attached (**See Annexure T**). The farming operations to be conducted by the community and the financing and management thereof are dealt with in paragraph 2.6 aforementioned and 18 hereafter.

**14. SOCIAL ISSUES AND FACILITIES**

- 14.1 As will be noted from paragraph 2 aforementioned, the proposed settlement plan, the actual layout and the land uses to be provided, are all the result of close cooperation between the land owner, the affected communities, the Mpumalanga Provincial Government and a host of other prominent role players. Studies were conducted to establish the needs of the community and applicable requirements for the permanent settlement of a sustainable and functional community.
- 14.2 In addition to the content of this memorandum and other annexures attached, the Socio Economic Impacts are also dealt with in detail in the Jabulani Agri-village Integrating Implementation and Management Plan (**See Annexure U**).

**15. THE EIA PROCESS**

- 15.1 The EIA process, as originally embarked upon, has been withdrawn.
- 15.2 The current status of the EIA process allows for registration of the project under the new regulations.





- 15.3 A copy of the environmental scoping report as contemplated in Regulation 31 of the DFA is attached (**See Annexure E**). A public open day has been held and the applicable notifications in regard appeared in the local press and was given to the owners of surrounding properties.

## 16. MOTIVATION

### 16.1 Site Selection

Site selection occurred through a process that involved the development of site analysis tool and its application to a range of potential sites across the region. The site selection tools derived a set of selection criteria from the various policy directives of government (see 16.3 hereunder), and an array of allied economic, environmental, locational, infrastructural and social factors.

Twenty five prospective sites in the sub region were assessed, focussing principally on existing occupied village sites (in order to conform to a 2008 Mkhondo SDF directive relating to agri-villages). The results of this assessment were that Jabulani was found to be the most suitable agri-village site within the region with a total rating score of 193.

Some of the factors giving rise to the fact that the Jabulani site scored so highly in the assessment were as follows:

- No land claim on the property.
- The availability of grazing both on the site itself and its suitable positioning for accessing grazing on Mondi owned grasslands in the surrounding area.
- The potential for irrigated crop production.
- The availability of irrigation water for household food gardens from the farm dam on the site.
- Stable and peaceful community willingness to welcome new residents from the surrounding villages.
- The existence of a sound school building, able to accommodate the reopening of the school in the short term.
- The potential for tourism income and employment generated by the scenic beauty of the area and frontage onto the Morgenstond Dam.
- The availability of cell phone communications.
- The proximate location to employment generated by forestry sivicultural contractor.

### 16.2 Rationale for the Inclusion of a Tourism Component in the Agri-village

As will be described more fully in section 16.3 hereunder, a number of National, Provincial and Local policy documents note the importance of certain forms of tourism development in contributing to rural development and poverty relief.

Expert reports have confirmed that the outstanding natural beauty, water quality and fisheries asset of the Morgenstond Dam offers potential for tourism development. The development of the planned tourism facilities on the site will contribute to the success of the Agri-village in four ways:

- Income generated from the lease of tourism assets to private sector operators will generate a sustainable revenue stream into the Agri-village association, which asset can be used for a set of sustainability and development related uses.



- The tourism development will generate employment opportunities for Agri-village residents.
- The tourism asset will create a market for emerging Agri-village enterprises (for example security, maintenance, and fishing guides).
- Tourism can create a market for the sale of agricultural surpluses generated in the Agri-village:- including mushrooms, fruit, vegetables and eggs.

### **16.3 Institutional Policies, Strategies, Guidelines and Frameworks**

#### 16.3.1 National Government

***The Jabulani Agri-village has been designed to implement 3 key National Government policies and programmes:***

***(a) The National Integrated Sustainable Rural Development Strategy (ISRDS)***

The four principles of the ISRDS which Jabulani has been designed to achieve are:

- *Changing environments to enable poor people to earn more, invest in themselves and their communities and contribute toward maintenance of key infrastructure:-* The Jabulani Agri-village seeks to achieve this through:-
  - (i) the generation of sustainable income streams from forestry employment, forestry ownership, livestock, tourism and allied enterprises and,
  - (ii) the direction of these streams into human and enterprise investment, and infrastructure maintenance and operation.
- *Secure sustainability through increased local growth, and ensuring that the rural populace "care about success and are able to access resources to keep the strategy going".* The Jabulani Integrated Implementation and Management Plan attached (**See Annexure U**) outlines how this is to be achieved.
- *Integration through the effective co-ordination across all levels of government.* The Jabulani Agri-village has been designed and pursued as a partnership of an array of National and Provincial bodies in partnership with District and Local Municipalities, Mondi and the communities involved.
- *Rural Safety Nets:-* The small livestock, food gardens, and the cattle intervention in Jabulani have been designed to enhance food and income security, whilst the tenure arrangements associated with the proposed development have been designed to provide enhances asset security to the beneficiary households.

***(b) The Comprehensive Rural Development Programme (CRDP)***

The three key dimensions to the CRDP which the Jabulani development has been planned to implement are:

- (i) agrarian transformation,
- (ii) rural development (enabling rural people to take control of their destiny), and



(iii) land reform.

The proposed Jabulani Agri-village development seeks to implement these three pillars through:

*Agrarian transformation:*

- Livestock farming; and
- Cropping via the on-site food gardens.

*Rural development:*

- The establishment of tourism business initiatives and local economic cooperatives in cattle;
- The empowerment of rural communities, especially women and the youth, through facilitating and mediating strong organisational and institutional capabilities and abilities to take full charge of their collective destiny;
- Capacity building initiatives; and
- Revitalisation and revamping of the old social infrastructure and the creation of new economic, social and information communication infrastructure and public amenities and facilities in the Agri-village.

*Land reform:*

- Developing a new land reform products and approaches;
- Formulating a new land acquisition model;
- Facilitating secure access to land by farm dwellers; and
- Protecting (and extending) the land rights and of farm workers as per Section 5 of the Jabulani Implementation and Management Plan (**See Annexure U**) details and the manner in which the proposed development has been designed to achieve these results.

(c) *The War on Poverty*

The War on Poverty (WoP) campaign was launched in the third quarter of 2008 and aims at providing assistance and support to South Africa's poorest households in a co-ordinated and sustained way. The following seven basic pillars of the WOP approach form part of the Jabulani Agri-village development proposal:

- Creation of economic opportunities – *Tourism, cattle, mixed use community business centre, forestry components;*
- Income security – *providing safety nets for the most vulnerable via food generated by the agrivillage plot;*
- Access to assets – *particularly housing via private ownership of the agrivillage plots and joint ownership of other assets such as the tourism and forestry holdings;*
- Environmental sustainability reversing environmental degradation;
- Promoting eco-tourism, encouraging an efficient and sustainable exploitation of the environment;
- Basic services and other non-financial transfers; and



- o Social inclusion and social capital initiatives.

### 16.3.2 Provincial Government

The Jabulani Agri-village has been designed to specifically implement 3 key elements of Mpumalanga's policy and strategic framework, being the Mpumalanga Growth and Development Strategy, the Mpumalanga Provincial Integrated Spatial Framework and the Mpumalanga Tourism Growth Strategy. Of relevance from the aforementioned policies, is the following:

#### (a) Mpumalanga Growth and Development Strategy (MG&DS)

The MG&DS has been designed for the period 2004 to 2014. The MG&DS identified six priority areas of intervention based on the social, economic and developmental needs of the Province. Within each of these priority areas the MG&DS identifies a series of strategic thrusts and within each thrust a set of programmes with their associated indicators are applicable.

The table hereunder outlines the areas where the Jabulani Agri-village contributes to the implementation of the MG&DS:

<b>KEY PRIORITY AREA 1: ECONOMIC DEVELOPMENT</b>		
<b>STRATEGIC THRUST: ENHANCE PROVINCIAL ECONOMIC DEVELOPMENT TO IMPROVE THE QUALITY OF LIFE FOR ALL</b>		
Programmes	✓	Performance indicator
1. Maximum exploitation of agricultural potential and opportunities.	✓	Growth in agricultural investment, production and beneficiation.
	✓	Increased sustainable employment in the agricultural sector.
	✓	Improved food security.
	✓	Increased number of sustainable agri business enterprises.
	✓	Broadened participation of previously disadvantaged persons in the agricultural economy.
5. Tourism growth promotion	✓	Increased number of domestic tourists.
	✓	Increased number of international tourists.
	✓	Broadening the participation of historically disadvantaged individuals (HDIs) in the tourism industry.
7. SMME development.	✓	Increased number and sustainability of SMMEs, in the labour intensive sectors such as agriculture and manufacturing.
<b>STRATEGIC THRUST: PRIORITISE THE ADVANCEMENT OF THE SECOND ECONOMY TO ADDRESS POVERTY AND UNEMPLOYMENT</b>		
3. Broad Based Economic Empowerment	✓	Increased participation of women, youth and the disabled.
	✓	Increase equity and management representation in the economy.
4. Urban and Rural Development Programme.	✓	Increased access to land for business development.
	✓	Increased investment in infrastructure (technology, equipment and skills) in rural areas.
	✓	Increased levels of employment and household incomes.
<b>KEY PRIORITY AREA 2: DEVELOPMENT INFRASTRUCTURE</b>		
<b>STRATEGIC THRUST: THE DEVELOPMENT OF MULTI-FACETED INFRASTRUCTURE TO ADDRESS BASIC NEEDS AND IMPROVE THE QUALITY OF LIFE</b>		





1. Provision of safe and adequate transport infrastructure	✓	Improved access to public transport.
3. Provision of clean and safe water.	✓	Increased access to water for all households.
4. Provision of electricity.	✓	Increased access to electricity for all households.
5. Provision of sanitation facilities.	✓	Improved access to sanitation facilities.
6. Provision of quality housing facilities.	✓	Increased access to housing facilities.
7. Facilitation of integrated land reform.	✓	Increased number of land redistribution projects.
8. Facilitation of Information and Communication Technologies (ICT) infrastructure development.	✓	Increased access to ICT infrastructure and facilities.
<b>KEY PRIORITY AREA 3: SOCIAL DEVELOPMENT</b>		
<b>STRATEGIC THRUST: ATTAIN HIGH LEVELS OF SOCIAL DEVELOPMENT THAT WILL ENSURE A WELL EDUCATED CITIZENRY THAT IS HEALTHY, SAFE AND HAS ACCESS TO SUFFICIENT RECREATIONAL FACILITIES.</b>		
2. Co-ordinated social security services.	✓	Improved access to social security services.
3. Co-ordinated social welfare services.	✓	Improved access to social welfare services.
6. Culture, Sport and Recreation.	✓	Increased number of community sport and recreation programmes.
<b>KEY PRIORITY AREA 4: SUSTAINABLE ENVIRONMENTAL DEVELOPMENT</b>		
<b>STRATEGIC THRUST: TO ENSURE SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT</b>		
1. Environmental management	✓	Improved integrated waste management systems.
3. Community based natural resource management.	✓	Sustainable systems for natural resource utilisation.
4. Sustainable Development.	✓	Sustainable development strategy in place.
	✓	Increased levels of energy efficiency and renewable energy use.
	✓	Integrated intergovernmental approach to sustainable development.
<b>KEY DEVELOPMENT PRIORITY 5: GOOD GOVERNANCE</b>		
<b>STRATEGIC THRUST: IMPROVED INTEGRATED SERVICE DELIVERY THROUGH INNOVATIVE AND PROACTIVE PRACTICES</b>		
6. Strengthen the contribution of Memoranda of Understanding (MOU) (local and international partnerships) to service delivery and Good Governance.	✓	Increase in the number of service delivery and Good Governance programmes as a result of the MOUs and partnerships.
<b>STRATEGIC THRUST : STRENGTHENING OF SOCIAL PARTNERSHIPS AND COMMUNITY PARTICIPATION IN DEVELOPMENT AND SERVICE DELIVERY</b>		
2. Strengthen community participation in development and service delivery initiatives.	✓	Increased interaction and consultation between Government and communities (Izimbizo, Executive Council Outreach and other initiatives).
<b>KEY PRIORITY AREA 6: HUMAN RESOURCE DEVELOPMENT</b>		
<b>STRATEGIC THRUST : IMPROVE ACCESS TO AND ENSURE QUALITY EDUCATION</b>		
1. Improve access to Adult Basic Education.	✓	Improved adult literacy levels.
2. Promote Early Childhood Development (ECD) programmes.	✓	Increase in the number of pre-primary educational facilities.

(b) Mpumalanga Provincial Integrated Spatial Framework (MPISF)



The MPISF contains a set of six directives, all of which are to be implemented through the Jabulani Agri-village as outlined hereunder:

- Focus on localities with greater economic potential:- *To be implemented in Jabulani through the selection of the Jabulani site which as a set of tourism, forestry, crop production and cattle farming potentials.*
- Focus on localities that will facilitate the creation of more sustainable human settlements through the provision of more than just houses and basic infrastructure:- *To be implemented in Jabulani through the consolidation of 5 villages of unsustainable sizes into a single village with higher thresholds for service provision.*
- Focus on the development of people through skills development and the creation of social opportunities; thus facilitating choice and ability to move between settlements:- *HRD comprises a central component of the Jabulani Implementation and Management Plan (See Annexure U).*
- Broaden the range of housing products in appropriate localities to address an extended and diverse need of a range of people, including the elderly, people with disabilities, children headed households, single headed households and migrant families:- *A choice of housing types will be offered and processes to address special needs housing have already commenced (see Section 4.2 of the Jabulani Implementation and Management Plan (See Annexure U).*
- Broaden the range of suitable localities within existing settlements for infill housing developments:- *The Jabulani layout proposal envisages infill between existing residential areas in the Jabulani settlement.*
- Upgrade inadequate forms of housing (e.g. informal settlements):- *The Jabulani Proposal constitutes the upgrading of the current Jabulani informal settlement.*

**(c) Mpumalanga Tourism Growth Strategy (MTGS) 2007**

The PGDS sets the target of growing the tourism contribution to Gross Domestic Product (GDP) by 10% per annum. The tourism component of the Jabulani Agri-village seeks to contribute to the achievement of this objective. All eight of the MTGS guiding principles are to be implemented in the tourism component of the Jabulani Agri-village:

- Developing a diverse range of alternative tourism products to meet the requirements of different market segments, including providing affordable access to local communities and others from previously disadvantaged backgrounds;
- Developing products that complement and do not compromise or threaten the natural resources on which the tourism developments rely;
- Planning and zoning developments spatially within protected areas to ensure an integrated approach between conservation and development and to maintain the integrity of the biodiversity and cultural resources;



- Partnering with land claimants and other local communities to promote a conservation economy in and around the parks in support of local economic development in line with the PGDS;
- Following a consultative and integrated approach by involving all relevant stakeholders in the development process, including alignment with municipal IDPs;
- Creating an enabling and investor friendly environment;
- Promoting the involvement of the private sector in the development, funding and management of tourism facilities; and
- Complying with all relevant legislation and regulations, including the PFMA and Treasury Regulations, the Tourism BEE Charter and Scorecard, as well as environmental legislation such as Environmental Impact Assessment Regulations.

#### 16.3.3 Gert Sibande District Spatial Development Framework (SDF), 2009

In terms of the Gert Sibande District SDF, 2009 the Jabulani area is located within a forestry area whilst the entire Mkhondo area forms part of the Priority Tourism Precinct of the GSDM. The Jabulani Agri-village complies with these directives.

#### 16.3.4 The Mkhondo Spatial Development Framework

The Mkhondo SDF was compiled in 2008. A review of the 2008 SDF has taken place, but as yet the Council resolutions needed for it to supersede the 2008 Mkhondo SDF, has not been availed.

In terms of the 2008 SDF the Jabulani area falls within Planning Area C. The Jabulani Village has been designed to respond the strategic directives for Planning Area C. The Jabulani Implementation and Management Plan (**See Annexure U**) provides a detailed account of how the specific strategic directives of the SDF have been accommodated in the Jabulani development plan.

The SDF sets out a comprehensive set of Guidelines for Agri-village development in Mkhondo. The Jabulani Agri-village has been designed to comply with these guidelines of the Jabulani Implementation and Management Plan (**See Annexure U**).

The new Mkhondo SDF makes provision for Rural / Agri-villages at the lowest level of the settlement hierarchy. Jabulani represents a pilot project, related to implementation measures.

### 16.4 DFA Principles:

16.4.1 In terms of Section 2 of the Development Facilitation Act, the general principles for land development shall serve as guidelines by reference to which any competent authority shall exercise any discretion or take any decision in terms of that Act or any law dealing with land development.

16.4.2 With the above in mind, the following general principles on the DFA will find application:

**"Section 3(1) -**



- (a) *Policy, administrative practice and laws should provide for urban and rural development and should facilitate the development of formal and informal, existing and new settlements.*
- (b) *Policy administrative practices and laws should discourage the illegal occupation of land, with due recognition of informal land development processes.*
- (c) *Policy, administrative practices and laws should promote efficient and integrated land development in that they-*
  - (i) *Promote the integration of the social, economic, institutional and physical aspects of land development;*
  - (ii) *Promote integrated land development in rural and urban areas in support of each other;*
  - (iii) *Promote the availability of residential and employment opportunities in close proximity to or integrated with each other;*
  - (iv) *Optimise the use of existing resources including such resources relating to agriculture land, minerals, bulk infrastructure, roads, transportation and social facilities;*
  - (v) *Promote a diverse combination of land uses, also at the level of individual erven or subdivisions of land;*
  - (vi) *Contribute to the correction of the historically distorted spatial patterns of settlement in the Republic and to the optimum use of existing infrastructure in excess of current needs; and*
  - (vii) *Encourage environmentally sustainable land development practices and processes.*
- (d) *Members of communities affected by land development should actively participate in the process of land development;*
- (e) *The skills and capacities of disadvantaged persons involved in land development should be development;*
- (f) *Each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservational, industrial, community facility mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other use of land;*
- (g) *Land development should result in security of tenure, provide for the widest possible range of tenure alternatives, including individual and communal tenure, and in cases where land development takes the form of upgrading an existing settlement not deprive beneficial occupiers of homes or land or where it is necessary for land or homes occupied by them to be utilized for other purposes, their interests in such land or homes should be reasonably accommodate in some other manner."*

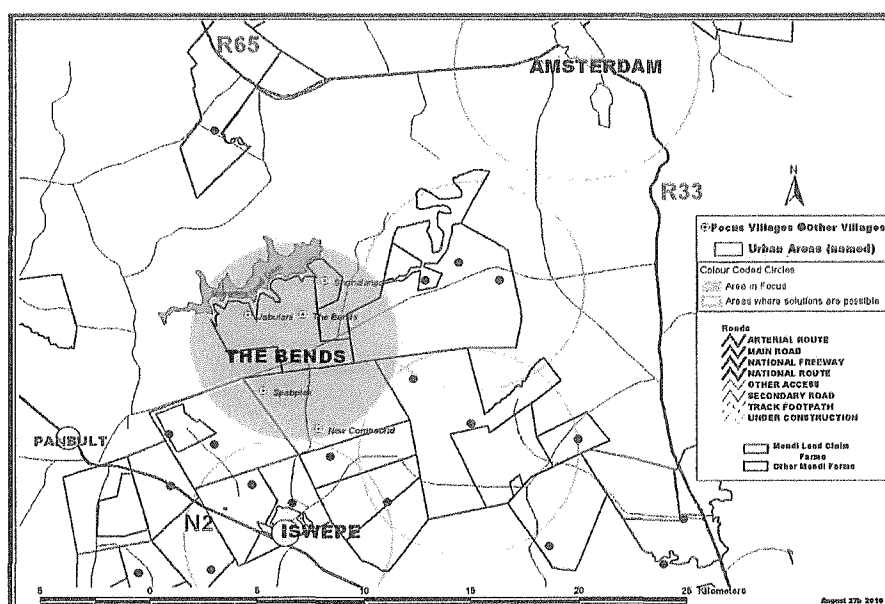
## **17. THE SETTLEMENT PLAN**

- 17.1 As mentioned aforementioned the intention is to establish the residential component of the development within the area where the Jabulani informal settlement already exists.





- 17.2 No open space portions have been provided as all portions are located in close proximity to the substantial agricultural area.
- 17.3 Having regard to the size of the community, an abundance of social facilities will be provided. In this regard, no less than 2 church sites, a site for a primary school, a site for a crèche and a site for mixed uses inclusive business, beehive industries and community facilities, will be provided.
- 17.4 An extensive portion of land (in extent 545 hectares) will be provided for agricultural purposes. The benefits that the community will reap from the agricultural activities are dealt with in the follow-up paragraphs.
- 17.5 In the settlement plan, provision will be made for the existing Jabulani residents as well as those that will be relocated from the other 4 informal settlements in the area.



**Figure 9 : Informal Settlements in the Area**

**18. FINANCING THE JABULANI DEVELOPMENT AND SUBSEQUENT MAINTENANCE AND OPERATION**

- 18.1 The financing of the implementation of the various components of the Jabulani Agri-village involves the synchronised investment by an array of sector departments and Mendi contributions, all coordinated under the umbrella generated by the CRDP pilot programme in Mkhondo. In very general terms the various components of the Agri-village are to be funded as follows:
- Bulk engineering infrastructure and sanitation:- Mkhondo and Gert Sibande Municipalities.
  - Housing and internal services:- Dept. of Human Settlement via CRDP funds and the BNG subsidy.
  - Agricultural infrastructure:- including fencing, irrigation water supply, agricultural equipment (Mpumalanga Department of Agriculture, Rural Development and Land Administration).



- Educational infrastructure:- Mpumalanga Department of Basic Education.
  - Land Acquisition:- Department of Rural Development and Land Affairs (DRD&LA)
  - Land donation via Mondi.
  - Tourism via private sector investment partners.
  - Other elements through a combination of Mondi grants and, possibly SPLAG grants sourced through the DRD&LA
- 18.2 A Business Plan providing details on the implementation financing arrangements is in the process of being finalised and will be available for scrutiny by the DFA Tribunal (such is an on-going process).
- 18.3 The sustainable maintenance and operation of the various components of the Jabulani Agri-village has received a great deal of attention and the plans for this aspect have been outlined in Section 7 of the Jabulani Implementation and Management Plan (**See Annexure U**). In essence the model for the on-going maintenance and operation involves a flexible combination of municipal inputs reinforced and supplemented through the utilisation of lease incomes from the forestry and tourism land uses for the maintenance and operation of key elements of the infrastructure.

## 19. VESTING OF OWNERSHIP OF THE DIFFERENT PORTIONS

The institutional and ownership arrangements for the Agri-village are still in the process of being explored with the beneficiary community and public sector partners and may accordingly change from the arrangements outlined hereunder. However, the currently envisaged ownership arrangements are as follows:

**Public sector agencies-** On completion of the services installation and the opening of the Township Register the following elements will be transferred to public sector bodies:

- School site – Department of Education
- Mixed use site housing the mini community centre and the business/production facility – Mkhondo Municipality
- Church and crèche site – Mkhondo Municipality
- Municipal sites and the road and associated infrastructure areas – Mkhondo Municipality

**Individual owners-** The 110 Jabulani Agri-village beneficiary households will each have freehold ownership of the individual residential and food production plots. Certain title deed restrictions, particularly over the sale of the property will be included in the title deed in favour of the State and the Homeowners Association. Each title deed will, in addition, specify the rights to graze a specific number of livestock units on the Agri-villages 212 ha of grazing land.

**Jabulani Home Owners Association-** The collective interests of the 110 resident households will be represented by a Home Owners Association which shall perform, amongst others, the following functions.

- Regulation of the sale of the 110 individual residential / food production plots.
- The ownership of title to the 212 ha of grazing land and ensuring that the Stockowners Association operate within the required parameters.
- Ensuring that stockowners utilising the grazing do so within the title deed requirements.
- Identify problems relating to the operation of the Agri-village and resolving them with the correct partner, (municipality, government, the Jabulani Development Trust.)
- Nominating one trustee on the Jabulani Development Trust



- Advising the Jabulani Development Trust on priorities for the utilisation of the development fund falling under the Development Trust.

**Jabulani Development Trust-** The Jabulani Development Trust (JDT) shall hold the title and rights to the tourism and forestry properties. The JDT shall be charged with the following functions:

- Ensuring that the forestry and tourism assets are optimally operated in the interests of the 110 Jabulani beneficiary households.
- The formulation, negotiation and administration of leases with the forestry and tourism operating entities listed described hereunder.
- Receiving and managing the receipts from the tourism and forestry operators.
- Investment of the income received from the forestry and tourism operators in the development needs of the 110 beneficiary households.

## 20. SERVICES

- 20.1 An Engineering (civil and electrical) Services Report as prepared by **WSM Leshika Consulting (Pty) Ltd** is annexed hereto (**See Annexure N**).
- 20.2 From the services report, it will be clear what has been recommended.

## 21. PROPOSED CONDITIONS OF ESTABLISHMENT AND DEVELOPMENT CONTROLS

- 21.1 In order to ensure that the applicable development controls can be effectively introduced, managed and enforced, it is imperative that this land development area be incorporated by way of an amendment scheme into the existing Piet Retief Town Planning Scheme, 1980 or interim land use conditions should apply. In this regard, a copy of the proposed land use control documents have been included (**See Annexure F**), as interim land use controls.
- 21.2 Proposed conditions of establishment, that will be updated and adjusted once the comments on the application from all applicable authorities have been received, are attached hereto (**See Annexure V**).

## 22. CONCLUSION

In conclusion, we respectively submit that the proposed development is:

- (i) consistent with all applicable national, provincial and municipal strategies and spatial development frameworks and policies, and
- (ii) consistent with all applicable DFA principles, and
- (iii) critical important and ground breaking development as far as rural development in our country is concerned.

The Tribunal is requested to approve the application.

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