

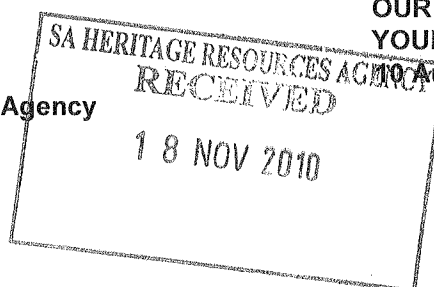
**START**



# NPM PLANNING

TOWN & REGIONAL PLANNERS

South African National Heritage Resource Agency  
PO Box 758  
Grahamstown  
6140



OUR REF:1362.18

YOUR REF:

10 August 2010

Dear Mr Thanduxolo Lungile

**IN THE DEVELOPMENT TRIBUNAL FOR THE EASTERN CAPE**

**CASE NO: DT (EC) 008/2010**

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

**NOTICE OF LAND DEVELOPMENT AREA APPLICATION**

NOTICE is hereby given that **NPM PLANNING cc** acting on behalf of the **PEPLER FAMILIE TRUST** has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on **PORTION 6 ("GELUK") OF THE FARM "WELTERVREEDEN NORTH" FARM NO 175 , QUEENSTOWN.**

The proposed development comprises the following:

- Creation of a land development area and rezoning for the purposes of establishing and obtaining development rights for the Flowers Halt Country Retirement Estate development;
- The suspension in terms of Section 33 of the DFA, of the Subdivision of Agricultural Land Act 70 of 1970.

The relevant plan(s), document(s) and information are available for inspection at Department of Local Government and Traditional Affairs, Room 4186, Fourth Floor, Tyamzashe Building, Phola Avenue, Bhisho, 5605 and at the offices of the land development applicant for a period of 21 days from **10 August 2010.**

The application will be considered at a **TRIBUNAL HEARING** to be held at the **Disaster Management Centre Boardroom, Chris Hani District Municipality, Tylden Street Queenstown, on 11 November 2010 at 10h00** and the **PREHEARING CONFERENCE** will be held at the **SAME VENUE on 21 October 2010 at 10H00.**

www.npmplanning.co.za

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

NPM PLANNING CC Registration Number: 2008/134189/23

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

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

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

<b><u>LAND DEVELOPMENT APPLICANT</u></b>	
NPM PLANNING cc Town and Regional Planners 7 King Street, Southernwood East London, 5201	
<b>Tel</b>	<b>: 043 – 722 2935</b>
<b>Fax</b>	<b>: 086 675 4814</b>
<b>Email</b>	<b>: el@npmplanning.co.za</b>
NPM PLANNING cc Town and Regional Planners 44 Ebden St, Queenstown	
<b>Tel</b>	<b>: 045 – 838 2029</b>
<b>Fax</b>	<b>: 045 838 2016</b>
<b>Email</b>	<b>: qtn@npmplanning.co.za</b>

Yours faithfully,



**DEON POORTMAN TRP(SA)**

IN THE DEVELOPMENT TRIBUNAL FOR THE EASTERN CAPE PROVINCE

Reference number 7/12/4/18/4/4-3

IN THE APPLICATION OF: Pepler Famille Trust

In respect of the land known as the PORTION 6 OF FARM 175, QUEENSTOWN, EASTERN CAPE.

APPLICATION FOR LAND DEVELOPMENT AREA AND REZONING

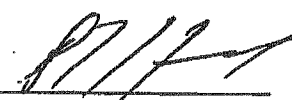
[Application in terms of Regulation 21 of the Development Facilities Regulations]

PART 1 : ACKNOWLEDGEMENT OF RECEIPT

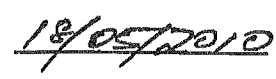
To : NPM PLANNING cc - P.O. BOX 19345, TECOMA, 5214

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 7/12/4/18/4/4-3 to this application.

ANNEXURE	DETAILS
A	Title Deed
B	NPM Consent to Lodgement
C	Conveyances Certificate
D	Letter from Land Claims Department
E	Power of Attorney and Trust Resolution
F	Borehole Yield report
G	Engineering Services Report and Floodline
H	Geo-technical Report
I	Agriculture Specialist Report
J	Environmental Scoping Report
K	Draft Body Corporate / Association Agreement
L	Servitude diagram
M	Building layouts and elevations



Designated Officer



Date of receipt

**PART 2 : APPLICATION**

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

Applicant's Name: NPM PLANNING cc on behalf of the Pepler Familie Trust  
Applicant's Address: P.O. BOX 19345, TECOMA, 5214  
Applicant's Tel. No: (043) 722 2935  
Applicant's Facsimile No: (043) 722 0743  
Contact Person: Mr Deon Poortman

APPLICATION FOR LAND DEVELOPMENT AREA - AND REZONING ON:

**PORTION 6 OF FARM 175, QUEENSTOWN, EASTERN CAPE**

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

Date : 18 MAY 2010

  
\_\_\_\_\_  
DEON BARRY POORTMAN

Place : EAST LONDON

---

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 ✓	NO
-------	----

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

YES ✓	NO
-------	----

- whether the application should be prioritised 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 ✓
-----	------

- 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 ✓
-----	------

- a scoping report of the impact of the development on the environment as set out in regulation 3 1;

YES ✓	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 exemption from any such law;

YES ✓	NO
-------	----

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

YES ✓	NO
-------	----

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

YES ✓	NO
-------	----

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

YES ✓	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
-------	----

[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 the certificate in terms of sub-paragraph[o]];

YES ✓	NO
-------	----

[f] A copy of every certificate of mineral 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 ✓
-----	------

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

YES ✓	NO
-------	----

[h] A copy of the land availability agreement, in any;

YES	NO ✓
-----	------

[i] A copy of the services agreement, if already concluded;

YES	NO ✓
-----	------

[j] A social compact agreement, if applicable;

YES	NO ✓
-----	------

[k] Documentation regarding the provision of community facilities and the responsibilities of public authorities in this regard;

YES	NO ✓
-----	------

[l] If the applicant is a company, close corporation or other legal entity other than a natural person, a copy of a valid authorising resolution;

YES ✓	NO
-------	----

[m] A floodline certificate indicating whether the land is or is not subject to a 1 in 50 year flood;

YES	NO ✓
-----	------

[n] An initial geo-technical report as set out in regulation 30;

YES ✓	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 ✓	NO
-------	----

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

YES	NO ✓
-----	------

[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].

See Motivation Report as attached with all supporting annexures

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

[1] Name of proposed land development area : **FLOWERSHALT RETIREMENT ESTATE**

[2] The deed description of every portion of the land on which the proposed land development area is to be established : **THE FARM PORTION 6 OF FARM 175, QUEENSTOWN, EASTERN CAPE, REGISTERED IN THE NAME OF THE PEPLER FAMILIE TRUST BY DEED OF TRANSFER NO: T6578/2010.**

[3] Full name[s] of registered owner[s] of the land: **PEPLER FAMILIE TRUST**

[4] There is no mortgage bond and the land is not bonded

[5] Mineral rights have **NOT BEEN** been severed from the ownership of the land and are held by **THE STATE**



[6] A lease of the rights to minerals has/has not\* been granted/the particulars of which are as follows\* : NOT APPLICABLE

[7] A prospecting contract HAS NOT been entered into, the particulars of which are as follows  
NOT APPLICABLE

[8] The proposed land development area --

[a] is situated within the local government area of : LUKHANJI MUNICIPALITY

[b] adjoins the following local government body areas : NOT APPLICABLE

[9] The proposed land development area falls within the area of the LUKHANJI MUNICIPALITY and the applicable town planning scheme is the SECTION 8 OF THE REGULATIONS ISSUED UNDER THE LAND USE PLANNING ORDINANCE 15 OF 1985

[10] Proposed land use[s]

LAND USE	Zoning	Phase	Size	Units	Density	% Area
Gatehouse, Private Roadway, parking bays, guesthouse, reception, dwelling units, shops, chapel, medical centre, clubhouse, package plant, recreational facilities, water tower & reservoir and a large open space system	Special Zone	1	6.95 ha	70	10 du/ha	38.7
Country Retirement Estate	Special Zone	2	4.80 ha	48	10 du/ha	25.4
Country Retirement Estate	Special Zone	3	7.17 ha	72	10 du/ha	37.9
<b>TOTALS</b>		<b>3</b>	<b>18.92 ha</b>	<b>190</b>		<b>100</b>

<b>LAND USE RESTRICTIONS PHASE ONE</b>	
1. BUILDING LINES	4M AROUND ALL BOUNDARIES 1.4M FROM THE ELECTRICAL SERVITUDE ON THE SOUTHERN BOUNDARY.
2. HEIGHT	DOUBLE STOREY.
3. COVERAGE	50%
4. PARKING BAYS	2 PER DWELLING UNIT. PARKING BAYS PROVIDED FOR OTHER; 10 BAYS - RECEPTION/SHOPS 12 BAYS - GUEST UNITS 11 BAYS - CHAPEL/HALL/MEDICAL CENTRE 22 BAYS - CLUBHOUSE
5. DENSITY	10.72 du/ha
6. ROADWAY	6M WIDE PRIVATE ROADWAY

<b>BUILDING LEGEND - PHASE 1 - 6.95 ha</b>				
NO.	DESCRIPTION	NO. OF UNITS	AREA m <sup>2</sup>	%
1	RECEPTION	1	330	0.48
2-3	SHOPS	2	250	0.37
4	MEDICAL CENTRE	1	282	0.40
5	CHAPEL/HALL	1	215	0.30
6	CLUBHOUSE	1	445	0.64
7	GATEHOUSE	1	33	0.04
8-17	GUEST UNITS	10	764	1.09
18-27	2 BEDROOM UNITS	49	7105	10.22
28-48	1 BEDROOM UNITS	21	2688	3.88
49	SEWAGE PACKAGE PLANT	1	300	0.43
49	WATER TOWER & RESERVOIR	1	100	0.14
<b>TOTAL</b>			<b>128 ha</b>	<b>18.12 %</b>

[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:

REFER TO PARAGRAPH 10 ABOVE

[12] The land on which the land development area will be established HAS been made available to the land development applicant AND IS IN THE OWNERSHIP OF THE APPLICANT.

---

**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 APPLICANT TO PROVIDE, INSTALL AND MAINTAIN SERVICES TO THE LAND DEVELOPMENT AREA IN ACCORDANCE WITH THE ENGINEERING SERVICES REPORT AND TO THE SATISFACTION OF THE LOCAL AUTHORITY

**(2) Open space endowment**

NONE

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

N/A

**(4) Imposition of servitudes**

Not applicable

**(5) Building standards (if any)**

ALL BUILDINGS TO COMPLY WITH THE PROVISIONS OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO. 103 OF 1977.

**(6) Application of zoning scheme or other measures**

Land Use Regulation Act 15 of 1985 Section 8

**(7) 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 a 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);

(b) the following laws on physical planning:

The suspension in terms of 33(2) of the DFA, of certain sections of the Land Use Planning Ordinance, 15 of 1985, as far as the approval process is concerned, as the Section 8 Scheme Regulations must still apply to the land development area.

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

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

**APPLICATION IS TO BE MADE FOR THE EXEMPTION OF THE LAND DEVELOPMENT APPLICATION FROM THE SUBDIVISION OF AGRICULTURAL LAND, ACT 70 OF 1970;**

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

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

**(8) Provision of educational and other community facilities**

NONE

**(9) 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:

**(10) Ownership and administration (if applicable)**

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

NOT APPLICABLE

**(11) Environmental conservation**

SEE ANNEXURE J of the Report

**(12) Consolidation of component portions**

NOT APPLICABLE

**(13) General**

NONE

17 May 2010

**FLOWERSHALT RETIREMENT  
ESTATE - QUEENSTOWN**

**PROPOSED LAND DEVELOPMENT AREA  
AND REZONING ON PORTION 6 OF  
FARM 175 QUEENSTOWN**

**SUBMITTED TO:**

**EASTERN CAPE  
DEVELOPMENT TRIBUNAL**

[www.npmplanning.co.za](http://www.npmplanning.co.za)

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



**NPM PLANNING**  
TOWN & REGIONAL PLANNERS

**NPM PLANNING OFFICES**

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DATE: 17 May 2010

REPORT NUMBER: 1362.01

PREPARED FOR: EASTERN CAPE DEVELOPMENT TRIBUNAL

CONTACT: Pepler Familie Trust

SUBMITTED BY: NPM PLANNING  
PO BOX 19345  
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5214

[deon@npmplanning.co.za](mailto:deon@npmplanning.co.za)

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ENQUIRIES: Mr Deon Poortman

043 722 2935



**NPM PLANNING**  
TOWN & REGIONAL PLANNERS

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**PLANS**

1. Regional Locality Plan 1362.01
2. Locality Plan 1362.02
3. Land use Plan 1362.03
4. Zoning Plan 1362.04
5. Site Plan 1362.05
6. Land Development Area Plan 1362.06
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**SUPPORTING ANNEXURES**

**Annexure A – Title Deed**

**Annexure B – NPM Consent to lodgement**

**Annexure C – Conveyancer's Certificate**

**Annexure D – Letter from Land Claims department**

**Annexure E – Power of Attorney and Trust Resolution**

**Annexure F – Borehole Yield Report**

**Annexure G – Engineering Services Report**

**Annexure H – Geo-technical Report**

**Annexure I - Agriculture Specialist Report**

**Annexure J - Environmental Scoping Report**

**Annexure K – Draft Body Corporate Agreement**

**Annexure L – Servitude diagram**

**Annexure M – Building layouts and elevations**

## 1 INTRODUCTION

Our company NPM Planning cc has been appointed by Pepler Familie Trust, the owner of Portion 6 of Farm 175, Queenstown, which measures 18.92 Ha in extent to submit a land development area application to the Eastern Cape Development Tribunal. The subject site being situated within the Lukhanji Local Municipality, north-west of Queenstown.

Queenstown lies at the foot of the Hangklip Mountain. It is a regional administrative and cultural centre with state educational institutions and scenic public gardens. The area is well known for its roses, climate, amicable townsfolk, incredible scenery and a range of activities for the outdoor enthusiast.

Portion 6 of Farm 175 Queenstown is proposed to be developed into a retirement estate, to be known as the Flowers Halt Retirement Estate which will consist of three phases. The first phase comprising of 70 dwelling units over 6.95 Ha, this equates to a very low and reasonable density of 10 dwelling units per hectare. Phase two and three to follow in the future when the engineering infrastructure is strengthened/increased, over time.

The Retirement Estate is an initiative from the owner that has identified the need for a country retirement estate in the region. The proposed development will, over time, enjoy increased prominence relevant to the growing need in the area, which will in turn boost the local economy.

This Flowers Halt Retirement Estate is an initiative from the owner that has identified the need for an upmarket, tranquil and practical retirement estate. There is consensus and understanding that the existing retirement accommodation in Queenstown has reached maximum capacity, and demand is evident for new accommodation for this market segment. Locating the Flowers Halt Retirement Estate approximately 6.8 kilometres from Queenstown provides the opportunity to develop an estate with more facilities than the normal "Retirement Home". It is therefore clear that this proposed Estate will provide the Queenstown area with the much sought after accommodation that is needed in this category.

The purpose of this report is to provide a motivation for the proposed development on the subject property and constitutes the outcome of a collaborative effort by the project team in seeking a desirable spatial and development planning solution to accommodate the proposed development, with regard being had physical, socio-economic, agricultural, engineering and environmental opportunities and constraints more fully set out herein.

## 2 THE APPLICATION

The land development area application consists of the following elements:

[a] The approval of a land development area and rezoning application, including phasing, in respect of the development shown on Land Development Area Plan 1362.07 covering a total area of 18.92 ha to accommodate the low density country retirement estate development;

[b] The approval of Site Development Plan 1362.06, to, inter alia, accommodate the proposed development, as follows:

LAND USE	Zoning	Phase	Size	Units	Density	% Area
Gatehouse, Private Roadway, parking bays, guesthouse, reception, dwelling units, shops, chapel, medical centre, clubhouse, package plant, recreational facilities, water tower & reservoir and a large open space system	Special Zone	1	6.95 ha	70	10 du/ha	36.7
Country Retirement Estate	Special Zone	2	4.80 ha	48	10 du/ha	25.4
Country Retirement Estate	Special Zone	3	7.17 ha	72	10 du/ha	37.9
<b>TOTALS</b>		<b>3</b>	<b>18.92 ha</b>	<b>190</b>		<b>100</b>

[c] The suspension in terms of Section 33 of the DFA, of the provisions of the Subdivision of Agricultural Land Act 70 of 1970 insofar as they may apply to the proposed development.

[d] The estate to be named the Flowers Halt Retirement Estate.

[e] The establishment of a Body Corporate and Freehold / Sectional Title Ownership Scheme.

[f] The suspension in terms of 33(2) of the DFA, of certain sections of the Land Use Planning Ordinance, 15 of 1985, as far as the approval process is concerned, as the Section 8 Scheme Regulations must still apply to the land development area.

### 3 SUMMARY

The proposal envisages the establishment of a low density retirement estate comprising of three phases. The application consists of the following:

- The estate is to be named the Flowers Halt Retirement Estate.
- The rezoning of the property to Special Zone.
- Sectional title ownership scheme (rental, full ownership units will be offered).
- A retirement estate density of 10 dwelling units per hectare, per phase.
- Phase 1 to consist of the development of 70 retirement units on the estate.
- The development of guest/visitor suites, reception area, shops, medical centre, chapel/hall, and clubhouse.

Phase one of the application consists of the following facilities:

- Gatehouse and access control.
- 49 two bedroom sectional title units.
- 21 single bedroom sectional title units.
- 10 guest/visitor suites.

- Reception and administration building.
- Shops.
- Medical centre.
- Chapel/hall.
- Clubhouse
- Tennis courts
- Bowling green.

The proposed development is shown on the Site Development Plan numbered 1362-06.

## 4 PROPERTY PARTICULARS

### 4.1 Description, ownership and size

Pepler Familie Trust is the registered owner of Portion 6 of Farm 175, Queenstown, which properties are held by virtue of Deed of Transfer no. T6578/2010.

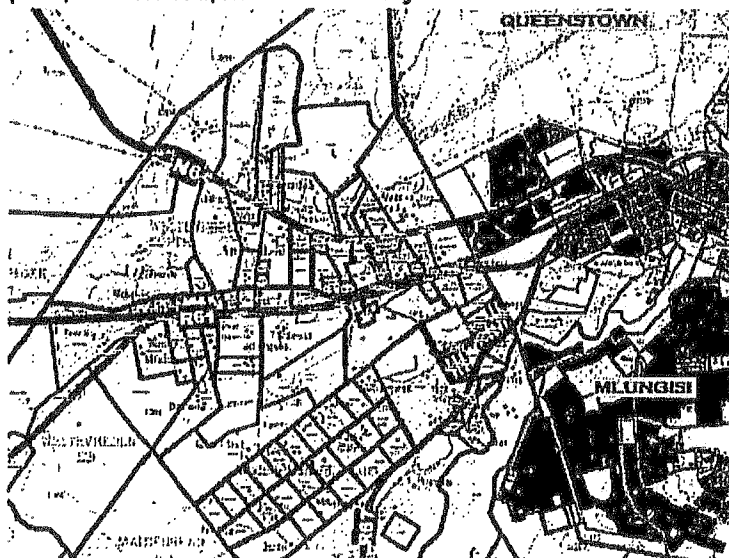
The title deed of the properties is attached marked Annexure A respectively.

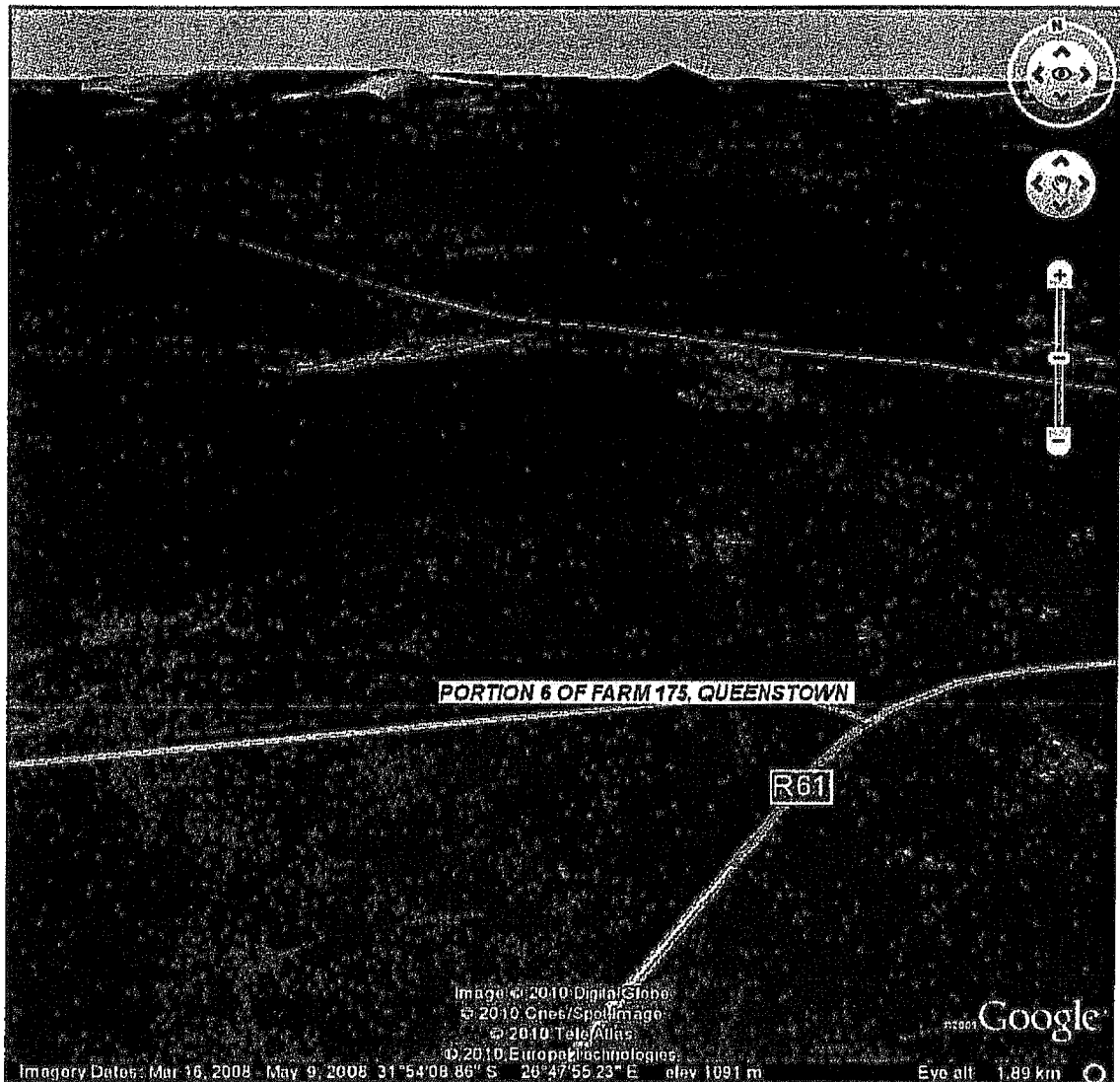
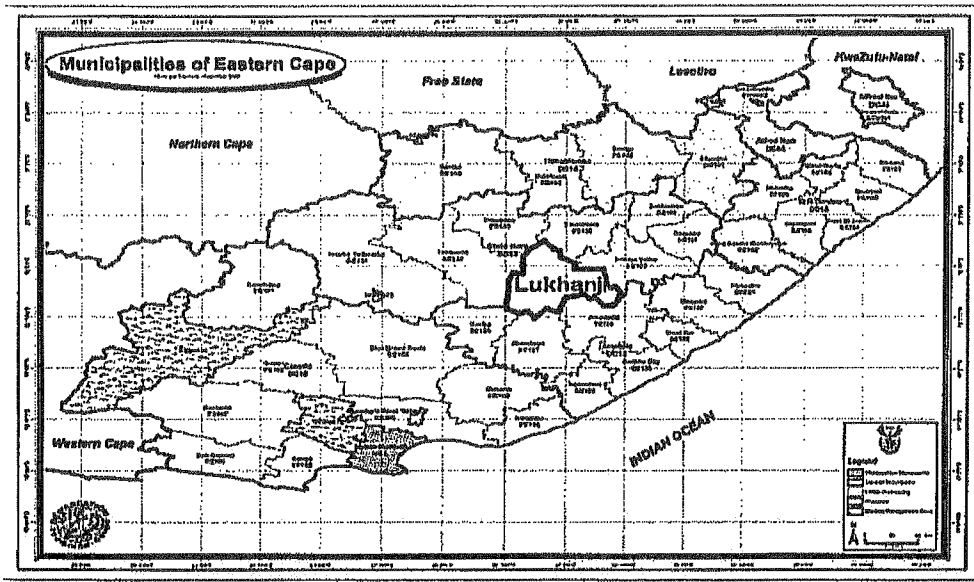
Portion 6 of Farm 175 measures 18.92 Ha in extent.

### 4.2 Locality

The subject property is located approximately 6.8 kilometres west of Queenstown, adjacent and positioned due north of the R61.

A regional locality plan, is annexed, marked Regional Locality Plan 1362.01 and a locality plan, is annexed, marked Locality Plan 1362.02.





#### 4.3 Conveyancing certificate

A conveyancer's certificate prepared by Pieter Jacobus Coetzee is attached, marked **Annexure C**.

There are no restrictive conditions of title precluding the proposed development on the subject property that have been effected by the development proposal, other than two servitudes, which have been respected and avoided.

#### 4.4 Bondholders consent

There is no mortgage bond registered over the property.

#### 4.5 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"**.

#### 4.6 Authority to submit and represent the land owner

Company resolutions appointing Deon Poortman of NPM Planning cc and Power of Attorney signed by Jonathan Pepler authorizing this application is annexed, marked **Annexure E**.

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

#### 4.7 Servitudes

A 12.5m electrical servitude measuring approximately 1.82 Ha exists. It is situated on the southern boundary of Portion 6 of Farm 175, from east to west. As noted on servitude diagram 581/1992.

The servitude is positioned on **Annexure L**.

#### 4.8 Restrictive Conditions

There are no restrictive conditions of title evident in the title deed.

## 5 SITE AND SITUATION ANALYSIS

### 5.1 Land Use

The area is considered to be a combination of rural and peri-urban in nature and is part of a range of established small holdings, agricultural enterprises and associated businesses linked to country style living.

The current land use on the subject property is residential. No farming has taken place for some time. There is currently no residents on the farm and the farm was last farmed 20 years ago. Surrounding land uses include vacant tracts of land, small holdings and farms.

The property has recently been sold to "Peplar Familie Trust" by an elderly couple who have lived on the smallholding for 20 years. In an interview with the previous owners it was revealed that there was no agricultural activity conducted at all for the 20 years they lived there. All the fences, including the boundary fences are in a poor state of disrepair which also suggests that no activity other than the house being used as a residence has taken place for many years. The existing infrastructure such as sheds, staff housing and pig sty's are derelict and would need to be demolished and rebuilt if farming activities were to be resumed.

A site plan, is annexed, marked **Site Plan 1362.05**

### 5.2 Surrounding land uses

The surrounding land uses include the following:

To the north: Remainder 1/175 Queenstown – agriculture/grazing and vacant land.

To the west: Farm 177 Queenstown – vacant and derelict land.

To the east: Portion 28 of Farm 175 QTN borders the site to the east – residential/smallholding.

To the south: The southern border of the farm is bordered by the R61 and railwayline.

Other surrounding uses are mostly rural in nature, with associated agricultural uses with a rural residential appeal linked to the surrounding nature.

A land use plan, is annexed, marked **Land Use Plan 1362.03**



### 5.3 Zoning

The subject property is, at present, zoned Agriculture Zone 1. All properties surrounding the subject properties are zoned for agricultural purposes as well.

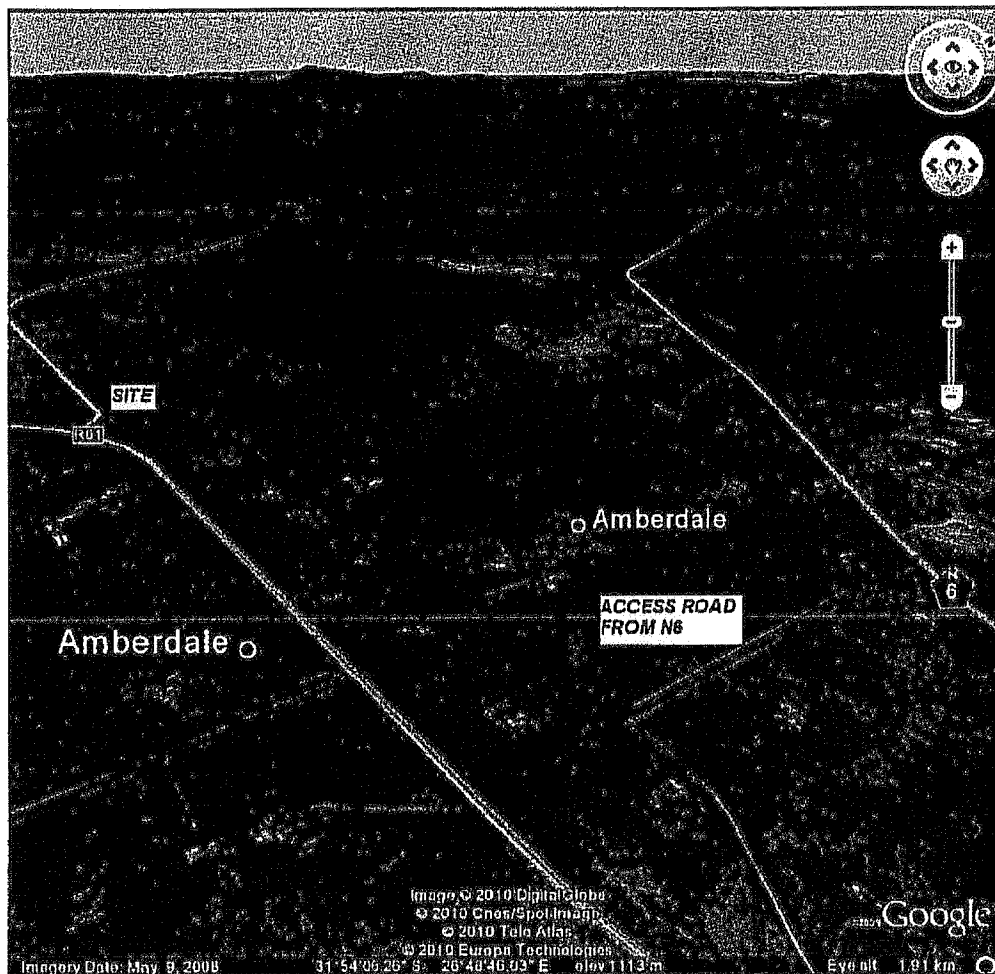
A zoning plan, is annexed, marked **Zoning Plan 1362-04**

The subject property is, in terms of the Section 8 Scheme Regulations framed under the Land Use Planning Ordinance 15 of 1985 zoned for Agriculture Zone 1 purposes.

### 5.4 Access

The District Road DR 02581 traverses the property and acts as an important road linking rural areas with Whittlesea and Queenstown and the airport. Direct access is obtained from this road. The surface is gravel, however the tarring and upgrading of this road has been prioritised by the local authority. The surface is in a moderate condition and has no kerbing.

The Municipality and Provincial Roads Department's requirements and subsequent approval must be confirmed.





## 5.5 Topography, slopes, vegetation and drainage

Lukhanji is characterised by dry high-veld Sandy Grassland and Valley Thicket. Because of a history of a lack of management and overgrazing of communal grazing lands in the former homeland areas these areas tend to be in a poor condition. Poor vegetation cover and low diversity combined with poor farming methods on communal land often lead to erosion problems. Prevalent soil types are mostly sandy loams and clay loams.

The vegetation is predominantly grassveld and Thorn trees (Acacia Karoo) which is indicative of sweetveld vegetation. The area is flat and there is evidence of old lands which have been ploughed previously. The grass cover is very sparse and there is very little evidence of climax grass species such as Themeda Triandra (Rooigras). This is indicative of underutilisation of the grazing component which has had no stimulation by grazing or fire for the past 20 years. Underutilisation of a climax grass component results in aerial tillering and subsequent plant mortality resulting in loss of the climax grass species.



### Topography

According to the Site Development Plan and site observations, the general topography of the area can be described as very steep slopes in the north of the site and easing into fairly to moderate slopes in the proposed development area and gentle slopes to the south of the site. No rivers traverse the site. Flash flooding is not expected on the site due to the limited catchment area.

A brief slope calculation was conducted. Due to the proposed development, the slope of the proposed development portion of the site is not expected to influence the development.

#### **Drainage**

The site is drained by means of surface flow in a southerly direction, via tributaries, towards the Roydon Dam.

The site exhibits limited drainage features. An average sized earth dam is located towards the southern section of the site, where most water flows to.

#### **Climate and rainfall**

Lukhanji is a high altitude area reaching heights of 1070m above sea level. Temperatures in areas like Queenstown are often in the extremes with sometimes figures reaching highs of 33°C in mid-summer while dropping to as low as -2°C on a cold winter day.



The Lukhanji landscape in general is characterized by steep undulating slopes rolling down the Lukhanji mountain range.

## **5.6 Environment**

The environment consists of a variety of species of game, birds, reptiles and vegetation. The large size of the nature reserve and that it is fenced fully and secure, ensures that the management of the reserve is undertaken seriously, and that the environment is protected. It is seen that the range of land uses offered are undertaken in a small portion of the reserve.

As supplementary to this application, a Basic Assessment is underway and a scoping report has also been completed, which is attached as an Annexure.

**5.7 Demographic profile**

Lukhanji has an estimated population of 188 788 of which with 48% are males and 52% females. There are approximately 47 000 households. This implies an average household's size of just 4.

Households with incomes of less than R1500 per month, reduced from approximately 53% in 2001 to 45% by 2006.

(Source Lukhanji IDP – 2006)

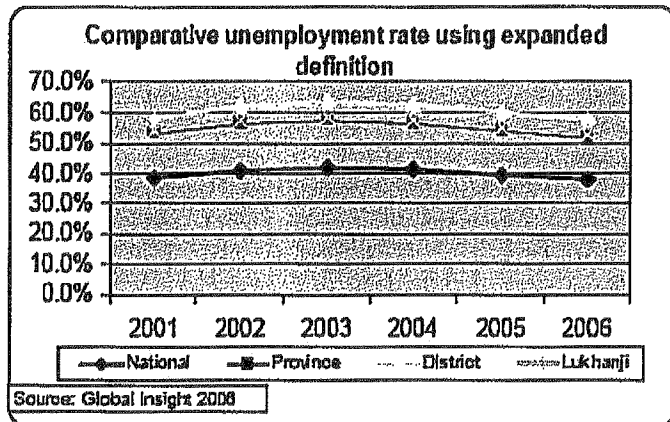
**5.8 Unemployment rate**

Unemployment is a major development challenge in Lukhanji. According to research done by Global Insight, unemployment in Lukhanji has improved slightly between 2001 and 2006 by 1.3% decline.

This figure is better than that of the district (0.8%) and the country (0.5%) while slightly lower than that of the EC province at 1.4% over the same period (Lukhanji IDP, 2006).

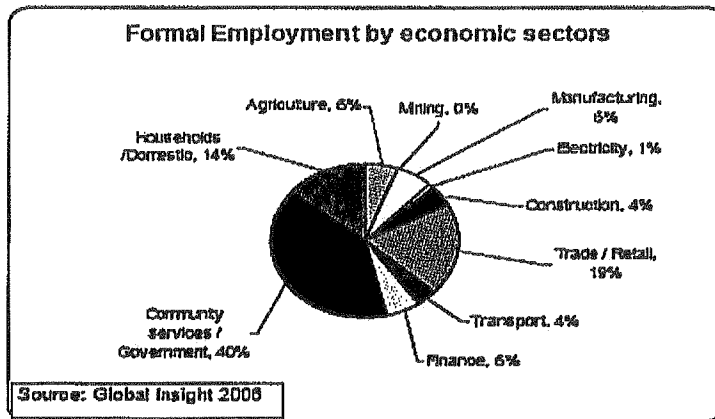
This news is welcomed considering that households earning gross incomes of less than R1500 per month are regarded in the indigent policy<sup>1</sup> of the municipality as indigent and therefore, require subsidy assistance in order to afford services. With reduced pressure on subsidy requirements the municipality may have additional resources to utilise in other development priorities and needs.

According to research done by Global Insight, unemployment in Lukhanji has improved slightly between 2001 and 2006 by 1.3% decline. This figure is better than that of the district (0.8%) and the country (0.5%) while slightly lower than that of the EC province at 1.4% over the same period (Lukhanji IDP, 2006).



## 5.9 Formal Employment by sectors

Government (40%) and domestic (14%) account for over half of the formal employment in the municipality. See figure below.



This situation is not sustainable and therefore, efforts must be made through the planned LED strategy to devise effective means to unlock potential in other key employment sectors of the local economy such as retail, manufacturing, agriculture, construction and tourism. This would significantly improve the tress index (diversity in the economy) and sustainability of the Lukhanji municipal economy.

## 6 DEVELOPMENT PROPOSAL

### 6.1 General

The overall aim of phase one of the development is the establishment of 70 retirement units and associated facilities. 49 of these are to be 2 bedroom units and 21 are to be 1 bedroom units. The 2 bedroom units will measure 145m<sup>2</sup> in extent and the 1 bedroom units will measure 128m<sup>2</sup> in extent. Each unit will be provided with two parking bays. The intention is to establish a sectional title scheme.

The development concept reflects basic shapes projecting a simplistic collective. This retirement estate will enhance living in a relaxed and country environment. The 70 units will be managed by estate management and a Body Corporate.

Site planning has been informed by the nature and character of the land, existing buildings and its surrounding area as well as natural site processes. The sites highest points being at the north eastern corner of the property, the water tower has therefore been placed at this point.

With the site planning and layout, the emphasis is on "open space". The access roads are predominantly circling on outside of the units in order to look out onto a big screen space with no traffic. With the reception close to the entrance, the Clubhouse and sports facilities are located further on in the same entrance road, thus making it easily accessible and very visible. To the west of the site, the layout was done in such a way that it can easily link with the Phase two layout.

The guest units are located close to the reception and main entrance for convenience to staff and added security.

The central location of the shops, medical centre and chapel/hall is for ease of access to all residents and it has also been located close to the entrance in case of emergencies.

The focus for the Estate is upon the concept of being a home in nature. This will be an idyllic place where peace, privacy and serenity are supreme and people live in harmony with nature, but in comfort and style. Splendidly positioned and accessible, the proposed Estate is just 6km from Queenstown.

The proposal envisages the establishment of a low density retirement estate comprising of three phases. The application consists of the following:

- The estate is to be named the Flowers Hall Retirement Estate.
- The rezoning of the property to Special Zone.
- Sectional title ownership scheme (rental, full ownership units will be offered).
- A retirement estate density of 10 dwelling units per hectare, per phase.
- Phase 1 to consist of the development of 70 retirement units on the estate.
- The development of guest/visitor suites, reception area, shops, medical centre, chapel/hall, and clubhouse.

Phase one of the application consists of the following facilities:

- Gatehouse and access control.
- 49 two bedroom sectional title units.
- 21 single bedroom sectional title units.
- 10 guest/visitor suites.
- Reception and administration building.
- Shops.
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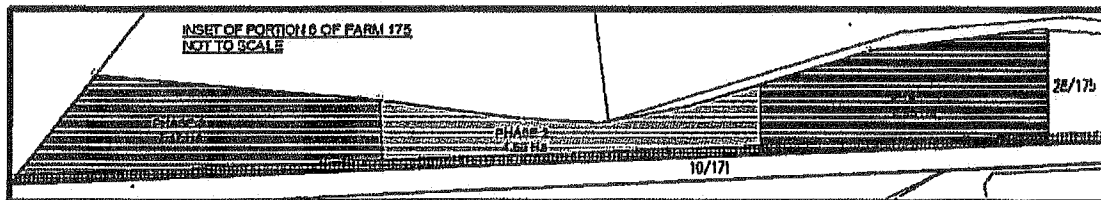


LAND USE RESTRICTIONS PHASE ONE	
1. BUILDING LINES	4M AROUND ALL BOUNDARIES, 4M FROM THE ELECTRICAL SERVICE ON THE SOUTHERN BOUNDARY.
2. HEIGHT	DOUBLE STOREY.
3. COVERAGE	50%
4. PARKING BAYS	2 PER DWELLING UNIT. PARKING BAYS PROVIDED FOR OTHER; 19 BAYS - RECEPTION/SHOPS 12 BAYS - GUEST UNITS 11 BAYS - CHAPEL/HALL/MEDICAL CENTRE 22 BAYS - CLUBHOUSE
5. DENSITY	10.02/ha
6. ROADWAY	8M WIDE PRIVATE ROADWAY

BUILDING LEGEND - PHASE 1 - 6.95 ha				
NO.	DESCRIPTION	NO. OF UNITS	AREA m <sup>2</sup>	%
1	RECEPTION	1	320	0.46
2-3	SHOPS	2	259	0.37
4	MEDICAL CENTRE	1	282	0.40
5	CHAPEL/HALL	1	215	0.30
6	CLUBHOUSE	1	445	0.64
7	GATEHOUSE	1	33	0.04
8-17	GUEST UNITS	10	784	1.09
18-27	2 BEDROOM UNITS	49	7105	10.22
28-29	1 BEDROOM UNITS	21	2688	3.86
30	SEWAGE PACKAGE PLANT	1	300	0.43
31	WATER TOWER & RESERVOIR	1	100	0.14
TOTAL			1.28 ha	18.12 %

### 6.2 Phasing

The intention is to Phase the development in three phases, based on the services available and carrying capacity of the land.

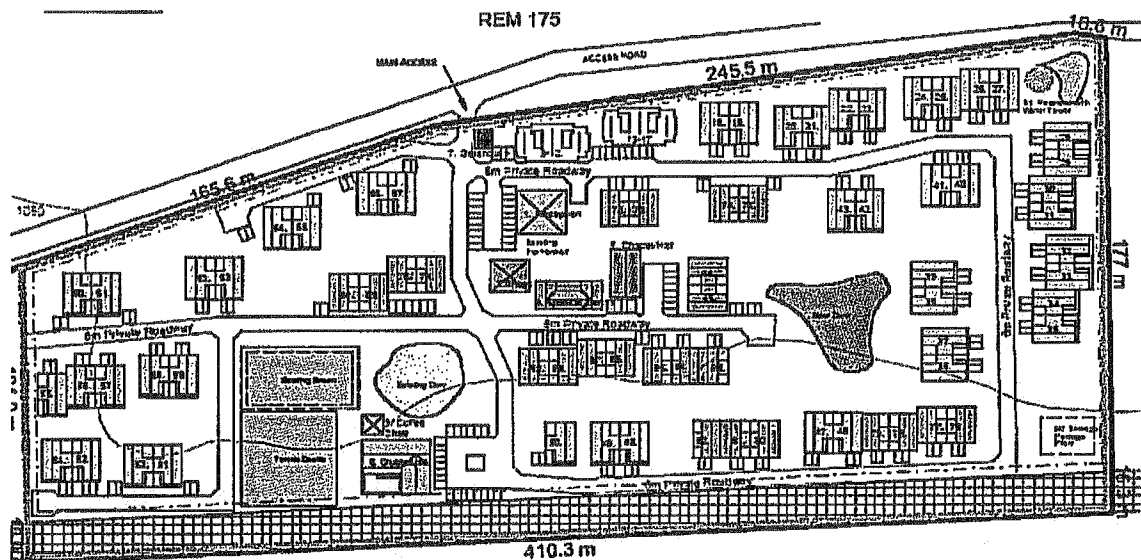


### 6.3 Site Development Plan 1362.06

The motivation behind using a special zone for the zoning is due to there not being an allocated zoning for a retirement estate outside of an urban edge/formal residential area. We have, therefore, created a zoning which is appropriate with its own appropriate land use restrictions, which the development will be restricted to. These are expanded on further in this report. The proposed site development plan is attached as Plan 1362.06

The site development plan together with building plans, will be submitted to the Lukhanjli Municipality for assessment in terms of the National Building Regulations and Standards Act, 1977, once the site development planning has been completed for Phases Two and Three, and the necessary resources and infrastructure are available. The rights to develop are only sought at this stage.

LAND USE	Zoning	Phase	Size	Units	Density	% Area
Gatehouse, Private Roadway, parking bays, guesthouse, reception, dwelling units, shops, chapel, medical centre, clubhouse, package plant, recreational facilities, water tower & reservoir and a large open space system	Special Zone	1	6.95 ha	70	10 du/ha	36.7
Country Retirement Estate	Special Zone	2	4.80 ha	48	10 du/ha	25.4
Country Retirement Estate	Special Zone	3	7.17 ha	72	10 du/ha	37.9
<b>TOTALS</b>		<b>3</b>	<b>18.92 ha</b>	<b>190</b>		<b>100</b>



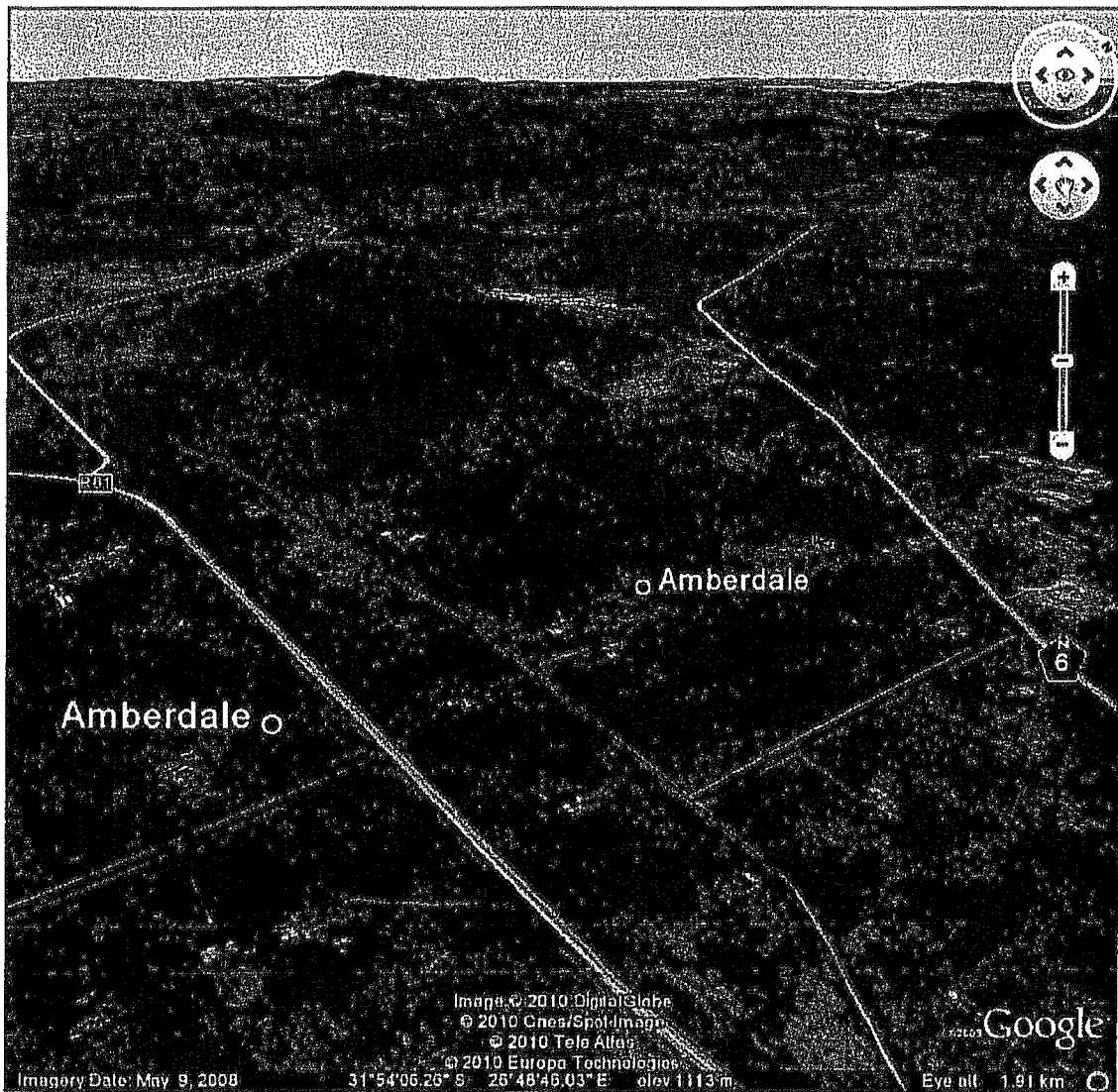
**6.4 SITE PLANNING**

The site is not suitable for formal urban type development within the medium term, but it is integrated within the larger urban system.

No bulk municipal infrastructure services are available or should be made available within the short to medium term.

With the site layout the emphasis is on "open space". The access roads predominantly circle outside the units in order to look out onto the open space system with dams and recreational facilities.

With the reception close to the entrance, the clubhouse and sports facilities are located further on in same entrance road, thus making it easily accessible and very visible.



To the West of the site the layout was planned in such a way that it can easily link with Phase 2, when this phase needs to be planned and proceeded with in time to come.

The development concept flows from the developer's vision to establish and develop an extremely low density retirement estate which will enhance outdoor living in a natural environment. The creation of a sustainable and attractive retirement estate is a top priority for the developer, who is the land owner as well.

The most significant opportunities that the land development area has to offer relates to the potential development of the site in line with its locality in close proximity to Queenstown and accessibility is relatively good.

The applicant does not see the railway line as a deterrent, as the volumes are low.



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

- the proximity to surrounding centres and the wide hinterland that Queenstown serves;
- reasonable accessibility from as far as Bloemfontein, East London and surrounds;
- the favourable physical site characteristics in that there is a sense of peacefulness;
- being part of a country and serene estate type development;
- the general tranquil character of the area and the associated lifestyle,
- low freehold dwelling unit density of 10 du/ha; and
- associated benefits, supporting uses and recreational facilities.

## 6.5 Vision

The vision is to create a prestigious and renowned development that will add immense value and opportunity to the region, thereby promoting local job creation and providing opportunity to all.

The intention is to develop the estate, with the intention of attracting investors/owners/lessees from a broad background, for retirement purposes, including nature and game lovers, business, social, health and wellness groups/individuals, that are in retirement category.

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

## 6.6 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.

## 6.7 Zoning Regulations

As this development is unique, the applicant proposes Special Zones where land use regulations are tailor made for each specific portion, based on the section 8 zoning scheme regulations framed under the Land Use Planning Ordinance, 1985.

### Remainder – Special Zone:

#### (Phase I)

Primary use: Gatehouse, Private Roadway, parking bays, guesthouse, reception, dwelling units, shops, chapel, medical centre, clubhouse, package plant, recreational facilities, water tower & reservoir and a large open space system

Consent use: none

Coverage: at most 30 % (18.2% as per SDP)

Height: at most two storeys (mostly single storey buildings)

Street building line: at least 4m

Side and rear building line: at least 4m

Parking: 2 bays per dwelling unit and 2 bays per 100m<sup>2</sup> GLA

Max density: 10 du/ha (70 dwelling units planned)

#### (Phase II and Phase III)

Primary use: Country Retirement Estate / Dwelling units

Consent use: none

Coverage: at most 30 %

Height: at most two storeys

Street building line: at least 4m

Side and rear building line: at least 4m

Parking: 2 bays per dwelling unit and 2 bays per 100m<sup>2</sup> GLA

Max density: 10 du/ha

## 7 MOTIVATION

### 7.1 Introduction

The Eastern Cape coastal zone has recently experienced unprecedented development, which contributes towards coastal sprawl. It is acknowledged 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 a Retirement Estate 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 etc).

It is considered that the development is desirable in that:

- There is a distinct and dire need for retirement accommodation on the region and especially for country and rural type estate living with the best facilities;
- It represents a market mechanism for allocating derelict and unproductive private land for a better purpose and land use;
- It is a sustainable form of land development;
- Engineering services are sufficient and sustainable;
- A balanced land development area is seen;
- It sets in place a development pattern and formal zoning that entrenches a 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;
- It will provide employment opportunities for local residents during the construction and operational phase of the activity; and
- There will be permanent and long term gains for employment.

## 7.2 Environmental Gains

All developments in LDAs' located outside the Urban Edge should be assessed in terms of the net environmental gains that the development can potentially contribute.

**The principle that appropriate environmentally sensitive development such as this can finance environmental gains in certain instances should be considered when assessing development proposals such as this.**

## 7.3 Local Economic Development

It is clear and evident that the importance of the retirement estate sector has not been addressed adequately in the past and demand, exceeds supply, in various forms.

The natural beauty of the location of the development is such that it could be regarded as a future landmark. The area provides an opportunity and needs to be marketed as a destination where investors/developers can invest in the property market and grow the economy and the socio-economic characteristics of the area.

The Municipality is faced with the following challenges:

- High unemployment.

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

#### 7.4 General

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

Due to the impacted nature of the environment, the environmental impact of the proposed development will be minimal. 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.

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 an retirement estate.

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.

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.

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.

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 the lodge and a very low density country retirement 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.

It is clear that the local development policies of the Municipality, has earmarked this area for a form of development which may be generally described as "rural" in nature. The proposed low density country retirement estate will provide a different development option when compared to a typical urban development associated with the core urban development areas of the municipality. This specific estate does not support the norm of more densely developed urban areas, as more fully set out in the local development policies adopted for the area and the applicant's application. The land development applicant's proposed development will serve a specific purpose of a low density estate with 70 units for the first phase.

Having regard to the proximity of the development area to the various tourist attractions in the area it is evident that the estate will indeed fulfill a regional function and attract discerning and exclusive use investors, which are constantly wanting to remain 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, is not appropriate on 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 this non-viable agricultural land unit 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. This area will be retained as a landscaped private open space and be protected in an appropriate manner

**(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 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.

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

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

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

## **9 ENGINEERING SERVICES**

### **9.1 General**

An engineering services report has been compiled by Dennis Walters and Associates Consulting Engineers.

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

Dennis Walters, Registered Civil Engineer, 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 Design Principles

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

## 9.3 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 will be needed in this regard with the Municipality.

## 9.4 Water

Phase One of the Flowers Halt Retirement Estate will comprise of 70 units, with an occupancy of two persons per unit. Allowing for 250 litres per person per day as an estimate for these types of developments, this approximates to an AADD water demand of 35 000 litres of potable water per day.

The existing Farm 175/6 (Amberdale) currently relies on using borehole water for drinking purposes, for cooking, washing, in toilets, etc. There are three boreholes that may be utilised, while one windmill borehole has collapsed. Mr Dieter Deyssel of Komani Pumps tested these three boreholes during the current month of January 2010, and their recorded Constant Yields, which are in excess of requirements, were as follows :

Borehole No. 1	:	6 000 litres per hour [144 m <sup>3</sup> per day]
Borehole No. 2	:	1 800 litres per hour [43 m <sup>3</sup> per day]
*Borehole No. 3 (currently in use)	:	1 500 litres per hour [36 m <sup>3</sup> per day]

It is recommended that borehole No. 1 be connected by pipeline to discharge into a ground-level storage reservoir constructed in the top northeast corner of the development, and an adjacent additional elevated reservoir, to provide a static pressure head of at least 10,0 metres. The ground-level storage reservoir should have a minimum storage capacity of at least 36 hours of annual average daily demand (AADD), or 52,5 cubic metres, while the elevated reservoir should have storage capacity of 20,0 cubic metres. [\*\*\*Borehole 3 test done using small, existing pump].

**See Annexure F – Hydrology yield results**

## 9.5 Sanitation

The entire development will be linked up and served with a waterborne underground piped sewerage system comprising 160mm diameter PVC sewerage pipes and manholes. Due to the prevailing flat and constant sloping topography, all sewage will be piped to a sewage package plant. It is our recommendation that a modular package plant system be installed such as the CSIR developed "Lilliput" system. As detailed on the development plan, the plant is to be placed in the southwest corner of the development.

If properly designed, sized and constructed, we are confident that the final treated effluent will adequately meet the General Standard of the Department of Water Affairs. Any type of sewage disposal system will need to be approved and permitted by DWAF, who will then monitor the system on a regular basis. We further recommend that the treated effluent be discharged into one of the on-site earth dams, from where the water may be irrigated over the lawned areas of the resort.

## 9.6 Solid Waste

Solid waste / kitchen refuse is to be collected at the entrance gate to the complex, stored in a secure facility and removed by private Contractor, and dumped at the DWAF registered Queenstown solid waste site, and residents of the proposed development will be expected to comply with the Local Authority requirements. Disposal on-site in pits, etc, will not be permitted.

## 9.7 Roads

As outlined above, access to the Flowers Halt Retirement Estate is situated along a gravelled minor municipal road, off the tarred N6 national road. There are no suitable road making materials to be found on Farm 175/6, as subbase, or as gravel wearing course. On no account should the 'slaking' variety of mudstone be used as wearing course on the roads, as the surfaces will turn into 'soap' during rainy and wet weather. The internal roads to the 70 residential units will be surfaced, comprising 4,50 metre wide concrete interlocking block-paved roads, with grassed verges.

All road making material will have to be imported from commercial sources. If used as the sub base layer, the natural 'sabunga' material should be stabilised with ordinary portland cement, in the proportions of at least 3,0% cement content by weight. On no account should any 'slaking' mudstone material be used in the road formation.

The sub base should be a G5 material with a CBR >45, while the selected subgrade could be a G7 with a CBR >10. The base material should be a cement-stabilised G5 material, the final layer before the concrete interlocking pavers are laid upon.

## 9.8 Stormwater

Due to the almost flat, constant slope of 1 in 200 across the development area, from north to south, it is recommended that the stormwater drainage system to be employed be concentrated in the major drainage system of overland flow and the internal road network. The roads should be constructed at a sunken, lower level than the surrounding road verges, in order to collect the overland rainfall runoff, and discharge the stormwater flow down towards the railway line to the south.

## 9.9 Electricity

It has been determined that there is sufficient electrical bulk supply capacity to the area. However Eskom have indicated that the bulk supply to the proposed complex will have to be upgraded to accommodate the increase in demand, in the form of a large mini-sub. Each individual unit would have a 60Amp circuit breaker with an After Diversity Maximum Demand (ADMD) of  $\pm$  4kVA, while the electrical reticulation will comprise of suitably sized underground cables, which will supply the individual 70 new units with metered electrical connections from individual electrical kiosks.

### Energy Efficiency Measures (Households)

It is proposed that the following measures be considered by the Body Corporate 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

### iii. 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.

## 9.10 Geology and topology

The development area of Flowers Halt Retirement Estate falls within the lower/ central portion of the 1 / 250 000 scale, number 3126 Queenstown Geological map.

The development area falls entirely within the Karoo Sequence, with locally occurring, Jurassic dolerite sills and ring-complexes forming an important part of the structural framework of the Karoo Basin, and outcrop over an area covering approximately half of South Africa. In addition, the Queenstown Geological map indicates that Farm 175/6 (Amberdale) is situated on Alluvium of the Quaternary deposits comprising alluvial slope sheet-wash at the foot of the adjacent northern kopje. The alluvium overlies brownish red to grey mudrock and sandstone of the Burghersdorp formation, of the Tarkastad subgroup, and of the Beaufort Group. The alluvial slope deposits range from a thin veneer of about 400 to 600mm to about two metres in thickness. The existing dam at the farmhouse indicates the soil profile of 600mm of this deposit, overlying the sandstone formation.

In summation the development is considered feasible from a geo-technical perspective, provided the recommendations, as set out in the report are adhered to.

**See Annexure H – Geo-technical report**

### 9.11 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. Additional Telkom overhead and underground cables and connections will only be installed to individual dwellings once Telkom is satisfied with the actual applied demand for individual telephones from completed houses in the proposed development.

### 9.12 Conclusion

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

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. The current road network is sufficient to cater for this development.
- iii. Stormwater infrastructure requirements will be addressed in the separate Stormwater Management Plan
- iv. The stormwater for the internal roadways and hardened areas will be accommodated by the existing and proposed earth dams.
- v. Based on the water demand and the available water supply via the existing boreholes, no additional water supply is required to accommodate phase one of the development.
- vi. No municipal sanitation system is required to accommodate the development as a package plant will be adequate.
- vii. Waste generated from the development will need to be stored securely before being delivered to the Municipal waste site.
- viii. Bulk electrical will be most likely be supplied to the development from one of the lines traversing the site and Estate Management 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.



## 10 AGRICULTURAL POTENTIAL

### 10.1 Background

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 agricultural purposes. The applicant has appointed an independent agricultural specialist to undertake an assessment of the farm and its potential.

Attached as Annexure I, please find the Agricultural Assessment/Study.

Geluk smallholding has been occupied as a residential home for the past 20 years and has not been farmed, as such, for the entire period of 20 years.

The smallholding is 18.92 ha in extent and has a recommended carrying capacity of 7 ha/LSU. The agricultural land has not been utilised at all and the grass component has therefore degraded severely due to under-utilisation.

There is no potential for intensive agriculture such as irrigation. Although the soils may be deep enough for agriculture, the size of the farm is not large enough to conduct a commercial farming operation under dry-land conditions and there is no water source which could be used for an intensive farming operation. The farm is flat but as mentioned, water is a limiting factor with regard to intensification.

The proposed development will have a positive impact on the town of Queenstown and the Region as a whole as it will provide accommodation for retired people which is sorely needed in Queenstown.

The property is not suitable for any form of livestock farming due to its size. The farm is 18.92 hectares in extent and with a recommended carrying capacity of 7ha/LSU is capable of sustaining 3 LSU's. Even if the farm were to be developed under pastures with a carrying capacity of 4 LSU per hectare the smallholding remains an uneconomic unit. Any form of cropping under dry-land conditions is non-viable and irrigation is not an option because there is no sustainable source of water in the area.

The proposed development will have a positive socio-economic impact on the farm and the Region as a whole and will have no detrimental effect on the Agricultural potential of the property and surrounding farms.



The proposed development application can thus be regarded as an attempt to make full use of a small portion of the property which is currently being optimised for the resort, health spa and estate. It is the intention of the applicant to maintain and improve the property with a portion of the proceeds of the sale of the plots, and use the proceeds to establish and develop the facilities proposed so that a viable rural business node can be operational and successful in future.

## 10.2 Conclusion

There is currently no land on the Property which is cultivated and the land has no particular unique value for which it needs protection.

There is no land on the property which meets the criteria for high potential land. The land which has been identified for development is very shallow underlain by rock that has no arable potential.

The proposed development will in no way influence the agricultural potential of the property.

From a socio-economic perspective the proposed development will provide employment to a region which has a very high unemployment rate.

It can therefore be concluded that the proposed development will have a very positive effect on the Property and the Region and will have no detrimental effects on the Agricultural potential of the farm.



The proposal to develop the smallholding into a Retirement Estate is to be supported since it is in close proximity to Queenstown and there is a dire need to provide a secure residential environment for retired people.

### 10.3 Act 70 of 1970

*In view of the above, the applicant will still apply for authority, in terms of the Subdivision of Agricultural Land Act No. 70 of 1970 to permit the proposed development. We will still submit an application for the suspension of the provisions of this Act to the extent that such suspension is required.*

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

## 11 ENVIRONMENTAL SUSTAINABILITY

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

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.

***In terms of environmental policy, best practice and guidelines for development in Limited Development Areas (LDAs) outside urban edges are limited by:***

- EIA process
- Low density
- Density/footprint/impact restrictions



- "Not in" areas of environmental sensitivity
- Unique & Sustainable Developments
- Must show tangible economic benefits to broader community
- Clustering of built form
- Aesthetic controls
- Mitigate impacts
- Show net gains for the environment
- Appropriateness of development
- Provision of services

*The applicant has demonstrated that these guidelines have been presented in this application and that this application is compliant with these guidelines.*

**At this stage no fatal flaws have been identified, and there is no reason why the application for approval of the proposed development should not proceed to EIA.**

**- Aesthetic and Environmental Controls:**

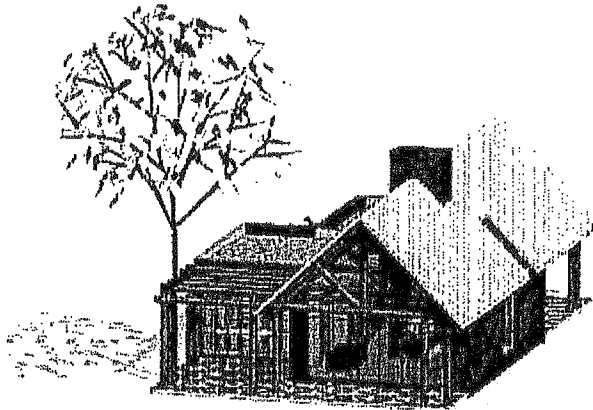
- The purpose of these controls is to ensure that new development within environmental sensitive and conservation-worthy areas do not affect the landscape quality negatively (visual intrusiveness) or result in eco-system fragmentation.
- Architectural style should be in keeping with and be sensitive to the environmental characteristics and features of the area to minimise visual intrusion and disruption to the natural landscape.
- Clearing of indigenous vegetation should be limited (or prohibited altogether) for the construction of dwelling units and should be appropriate for the area required for the building footprint.
- Indigenous plants should be retained and/or rehabilitated back into the area, if necessary.
- Private gardens should be limited and planting of indigenous species promoted.
- Onsite environmentally appropriate sanitation options should be adopted.
- Solar power or other alternative energy systems should be encouraged.
- Visual intrusion from servitudes (electricity, roads, pipelines etc.) must be taken into consideration and minimized.
- Appropriate provision should be made for stormwater management.

## **12 ARCHITECTURAL GUIDELINES**

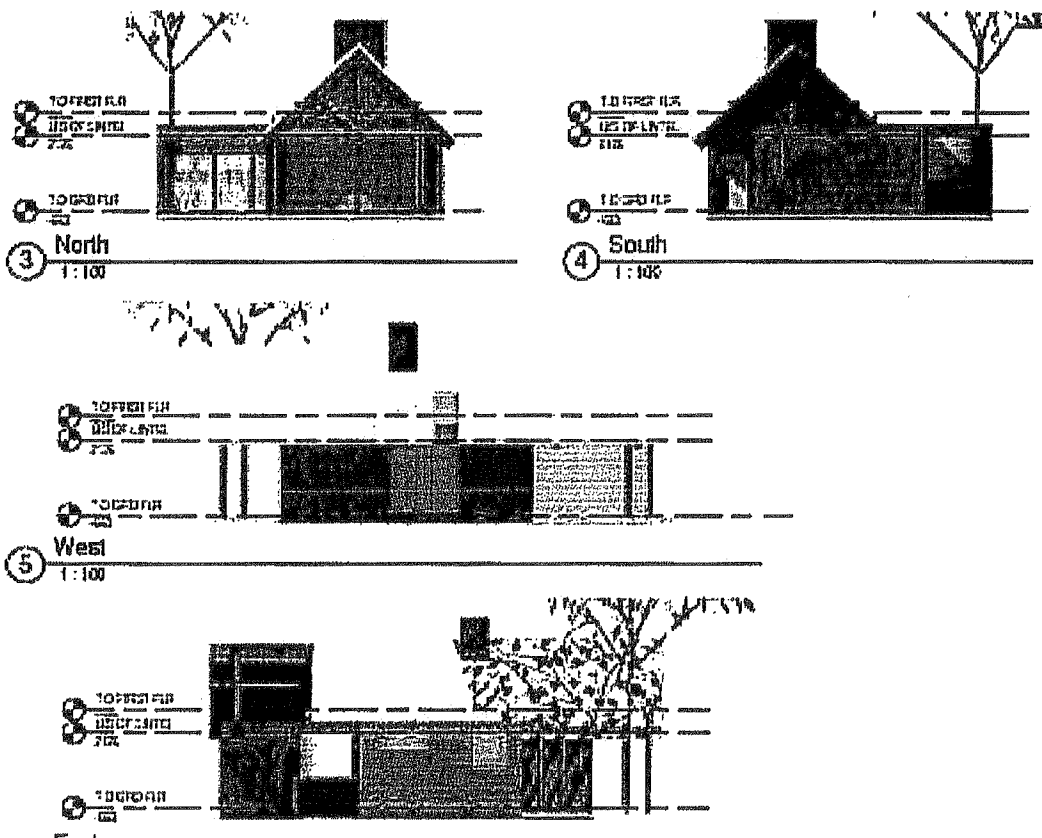
### **12.1 Vision**

It is the intention of the land development area applicant and the architect to create a modern interpretation of a combination of country style architecture with contemporary environmental conscious design, echoing the morphology of the landscape. The overall vision is to merge with the natural environs without ostentation or barriers.

12.2 Design and architecture



The design of the units reflects basic shapes projecting a simplistic collective. The structural detail reflects natural elements with the use of timber and stone cladding. The effect of this ties the buildings to the surrounding landscape thus creating a "sense of place". This is particularly important for a development in a rural setting as appose to buildings in a suburban context.



It is the developer's intention that an appropriate Architectural Language be developed, which is born out of a response to regional conditions. Although one might look to historically 'successful' architectural styles, it is the developer's expressed intention to move away from an imposed architectural style that is foreign to our region, and to look rather to the development of an appropriate regional architecture.

Semi-rustic to modern elements can be successfully introduced to the buildings to create enough variety and reflect individual tastes yet maintain an overall theme on the estate. It is intended that these guidelines are used by owners to develop their houses in a traditional architecture which will also allow modern planning principles of contemporary homes.

The use of natural colours and textures achieved with rough textured plaster, cementitious paints in straw and shades of tan, as well as natural timber as structural elements contribute to an overall earthy environment that adds to the magnificence of nature. The residences are intended to interact with the environment and climate that make them naturally comfortable.

As described later in more detail in this document, grey sheeted roofs will reflect comfortably in the landscape that will surround the estate and its inhabitants. It is essentially an architecture that is sustainable, enduring, cost efficient and able to be controlled in a manner ensuring a sense of harmonious continuity across the entire development.

### **12.3 Landscape Concept**

In essence, this application is based on the concept of extremely low density residential development, yet offering high security in the form of access control. The scale and density of development will be low.

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

### **12.4 Security**

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

## 12.5 Landscaping Guidelines

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

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

- landscaping should be implemented immediately following construction in order to prevent erosion and help deal with storm water.
- owners are to plant indigenous trees and shrubs endemic to the region only.
- established vegetation within the road reserve should be taken into account when positioning access points to sites. No trees shall be cut down without the written and express agreement.

## 12.6 Architectural Guidelines

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

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

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

The objective of the Architectural Guidelines is as follows:

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

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

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

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

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

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

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

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

## 12.7 Draft Building Guidelines

- Single story buildings encouraged, however double storey maximum allowed
- No visible guttering if possible
- Low pitched roofs
- Neutral earthy colours to walls
- Low level lighting
- Natural timber structures for decks
- Draft Rules
- No pets
- No spotlights
- No flower gardens – only indigenous local vegetation
- Natural flora and fauna protected
- Noise restrictions to be enforced
- No walls nor man made fences, shrub fences encouraged.

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

stonework and variations to ballustrading, all to the approval of the Architectural Review Committee.

### **12.8 National Building Regulations**

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

### **12.9 Architectural Form**

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

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

### **12.10 General Building Control**

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

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

### **12.11 Coverage**

The maximum allowable coverage shall be 40%.

18.2% coverage has been provided on Phase 1 (1,26 ha of buildings)

### **12.12 Building lines**

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

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

### **12.13 Height restriction**

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



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

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

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

A draft Body Corporate Constitution is attached as Annexure "K".

### 12.14 Conclusion

The site is located approximately 6km outside Queenstown. The existing Retirement Homes in Queenstown have reached capacity. There is a need for more retirement accommodation in the area. Locating a Retirement Village outside of town creates the opportunity to develop a superior Retirement Estate, with additional facilities than others in a country environment.

## 13 SPATIAL DEVELOPMENT FRAMEWORK

The Spatial Development Framework (SDF) is used by the Lukhanji Municipality to guide its land use management procedures. This SDF was completed 5 years ago in 2005 and has not been reviewed since.

This SDF provides an urban edge and the SDF on page 69 states that this is a guideline, where development is preferred. This SDF states that a lower density for areas outside of the defined urban edge is to be considered, the SDF is however not specific in this regard, hence, the local and detailed site and area assessment, contained in this application, by the project professional team. This is considered to be for urban based development only, excluding peri-urban and rural/country developments. This land development area is considered to be a country/rural based development and its land use characteristics differ from urban type development.

The desirability of this retirement estate is however unique and the merit of the application has substance and benefits. There are no similar developments of this nature in the Queenstown area, offering a country setting and environment. Developments of this type occur in all parts of South Africa and offer a country type retirement estate character. These include

This particular development proposal is considered to be low density in terms of national and international practice norms. A density of 10 dwelling units per hectare has been used as the maximum number of dwellings, based on the carrying capacity of the land, water capacity, electricity services, sanitation treatment and accessibility.

Spatial Planning in terms of this case has not been reviewed in 5 years and therefore development demand and changes over this time have not been included, as has been seen with high GDP growth experienced.



This development is desirable, sustainable and feasible and such a development that aligns itself with the needs of the environment, the economy and community desires.

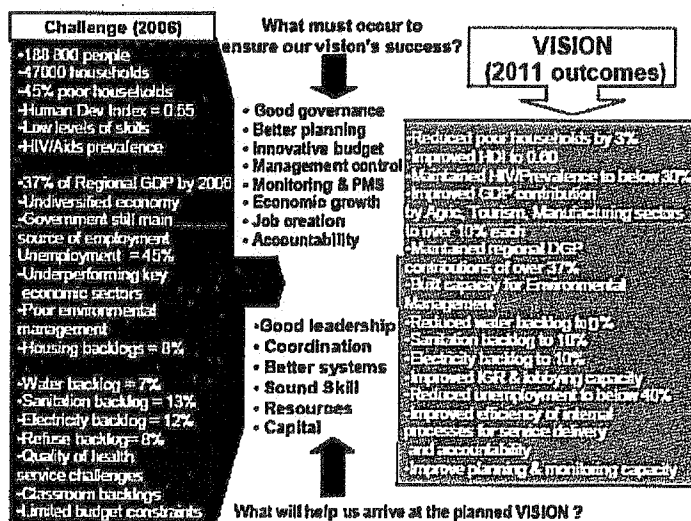
As is evident from the above, the adopted policy for the area supports the notion of the use of subject property for the intended purposes of a resort style residential estate development in a low density mixed use but rural based configuration.

The Spatial Development Framework provides spatial and strategic planning guidance/proposals regarding the development of the properties. An application of this nature has aligned and adhered to the following principles, thereby making the application desirable from a planning perspective:

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

### 13.1 Lukhanji Municipality Mission

To strive for financial and administrative stability while constantly providing effective, affordable, sustainable quality services and also promoting sustainable integrated development in order to achieve socio economic upliftment, stability and growth.



**18.2 Economic Development & Planning Cluster**

KPA	OBJ. NO.	OBJECTIVE	STRATEGY	STRATEGY CODE
Local Economic Development	10	To support and promote SMMEs development and co-operatives	By implementing LED strategy and investment framework to guide municipal interventions in economic development	1 ED&P 10
			By establishing partnerships with strategic institutions in order to mobilise needed resources for economic development and capacity building	2 ED&P 10
			By building capacity and training of LED officers in the municipality	3 ED&P 10
			By facilitating implementation of poverty alleviation programmes by sector departments and other agencies	4 ED&P 10
Unemployment	11	To diversify local economy and improve value chain support	By monitoring performance of key sectors based on defined LED strategy outcomes	1 ED&P 11
			By promoting value chain activities in the agricultural and manufacturing products	2 ED&P 11
			By promoting agricultural development together with the department of Agriculture	3 ED&P 11
Unemployment	12	To reduce unemployment and create job opportunities	By creating short term jobs through the implementation of our infrastructure projects and facilitation of EPWP labour intensive delivery programme and skilling of the unemployed	1 ED&P 12
Local Tourism	14	To establish potential and grow sector contribution to GDP	By implementing the adopted local tourism plan	1 ED&P 14

**14 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK PLAN**

The applicant acknowledges that the Provincial Spatial Development Framework is currently being undertaken and that the findings hereof will be welcomed.

It is understood that the migration patterns have increased substantially towards the Eastern Cape Coast. Country towns such as Queenstown are affected negatively. This development is considered to be positive in this regard.

This application further aligns itself with Provincial Spatial Planning and desired outcomes.

**15 CONCLUSION**

The development proposal is ideally located to adhere to the changing trends as described in this planning report and application. The proposed Flowershalt Retirement Estate Development is aimed to be a benchmark estate development, which could enhance the region significantly.

In addition, the character of the site, which is delimited by good accessibility, as well as its varied topography and views provide for an ideal opportunity for a low density retirement estate development, focused in enhancing outdoor country type living, for retirees.

The proposed site development plan serves to strengthen the primary design elements of the property.



The 70 dwelling units have been strategically located to create a low density development with the majority of units having direct access to the open space system, dams and facilities 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.

The proposal is to be Phased In three phases, based on demand and service provision for phases two and three. An agricultural assessment has been completed, which indicates the infertility of the land. This finding is also supported in the SDF documents, where agricultural plans have been provided and the underlying soil structures support this notion.

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 will 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 Development Tribunal.



# **PLAN 1**

---

**Regional Locality Plan  
1362.01**

# REGIONAL LOCALITY PLAN

## Portion 6 of Farm 175 QUEENSTOWN

SITUATE IN LUKHANJI MUNICIPALITY  
ADMINISTRATIVE DISTRICTS OF QUEENSTOWN  
PROVINCE OF THE EASTERN CAPE  
Extracted from Surveyor General Spatial Database

Produced by:



**NPM PLANNING**

TOWN & REGIONAL PLANNERS

**QUEENSTOWN**

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P.O. Box 1699  
Queenstown  
5320  
Phone: 045 838 2029  
Fax: 045 838 2016  
Email: qtn@npmplanning.co.za

**EAST LONDON**

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

**PORT ELIZABETH**

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P.O. Box 10322  
Linton Grange, 6105  
Phone: 041 374 4610  
Fax: 041 374 1008  
Email: pe@npmplanning.co.za

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



### LEGEND

Portion 6 of Farm 175 Queenstown

Road class

N

R

Project:

**LAND DEVELOPMENT AREA  
ON PTN 6 OF FARM 175,  
QUEENSTOWN**

Client:

**PEPLER FAMILY TRUST**

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Date: Apr 2010

Plan No: 1362-01

# **PLAN 2**

---

**Locality Plan  
1362.02**

# LOCALITY PLAN

## Portion 6 of Farm 175 QUEENSTOWN

SITUATE IN LUKHANJI MUNICIPALITY  
ADMINISTRATIVE DISTRICTS OF QUEENSTOWN  
PROVINCE OF THE EASTERN CAPE  
Extracted from Surveyor General Spatial Database

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Fax: 045 838 2016  
Email: qin@npmplanning.co.za

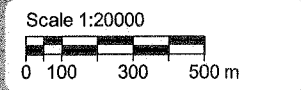
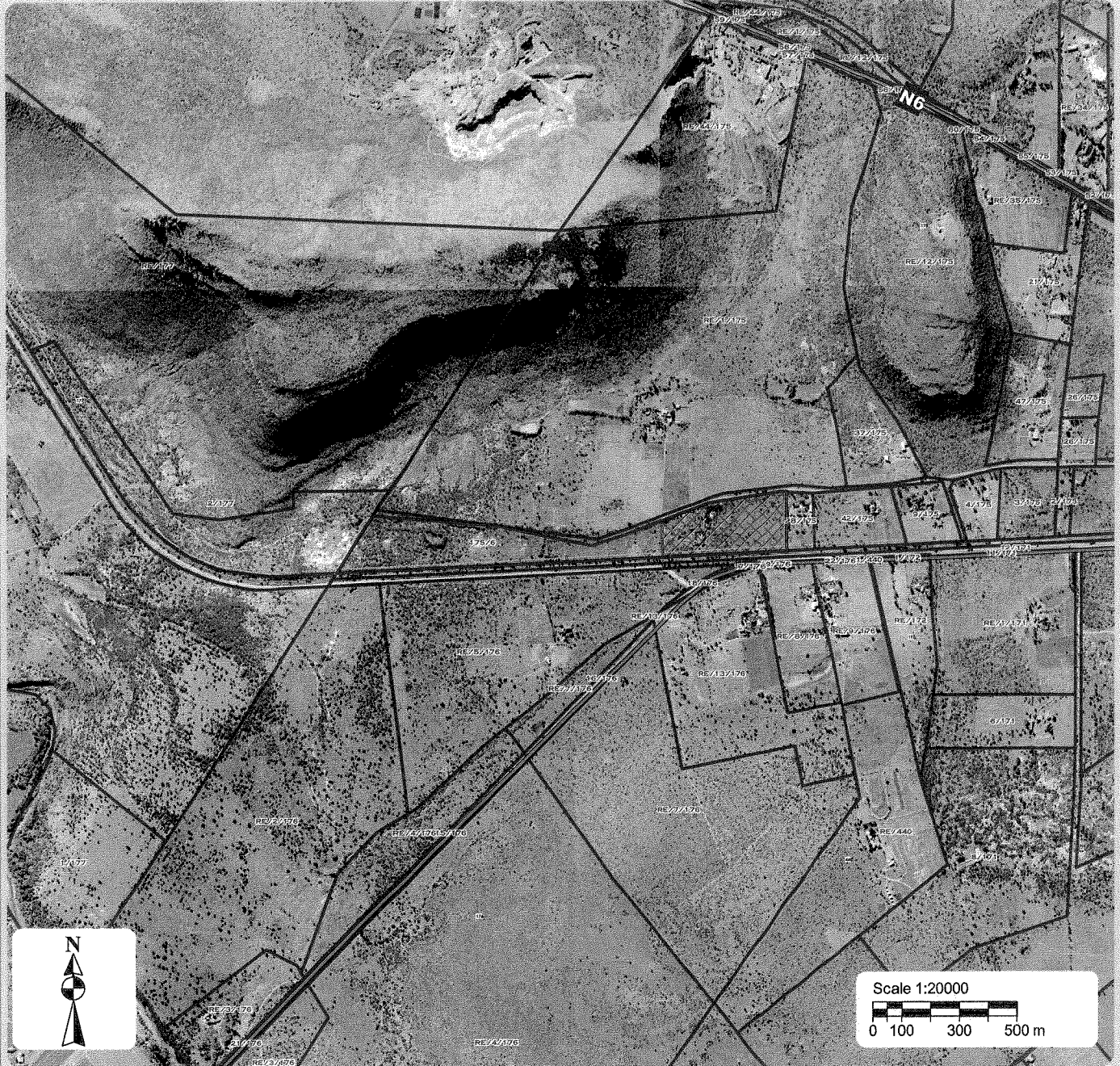
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Email: pe@npmplanning.co.za

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



### LEGEND

-  Phase 1
-  Portion 6 of Farm 175 Queenstown
- Road class
-  R
-  N

**Project:**  
**LAND DEVELOPMENT AREA  
ON PTN 6 OF FARM 175,  
QUEENSTOWN**

**Client:**  
**PEPLER FAMILY TRUST**

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**Date: Apr 2010    Plan No: 1362-02**

# **PLAN 3**

---

**Land Use Plan  
1362.03**



# LAND USE PLAN

## Portion 6 of Farm 175 QUEENSTOWN

SITUATE IN LUKHANJI MUNICIPALITY  
ADMINISTRATIVE DISTRICTS OF QUEENSTOWN  
PROVINCE OF THE EASTERN CAPE  
Extracted from Surveyor General Spatial Database

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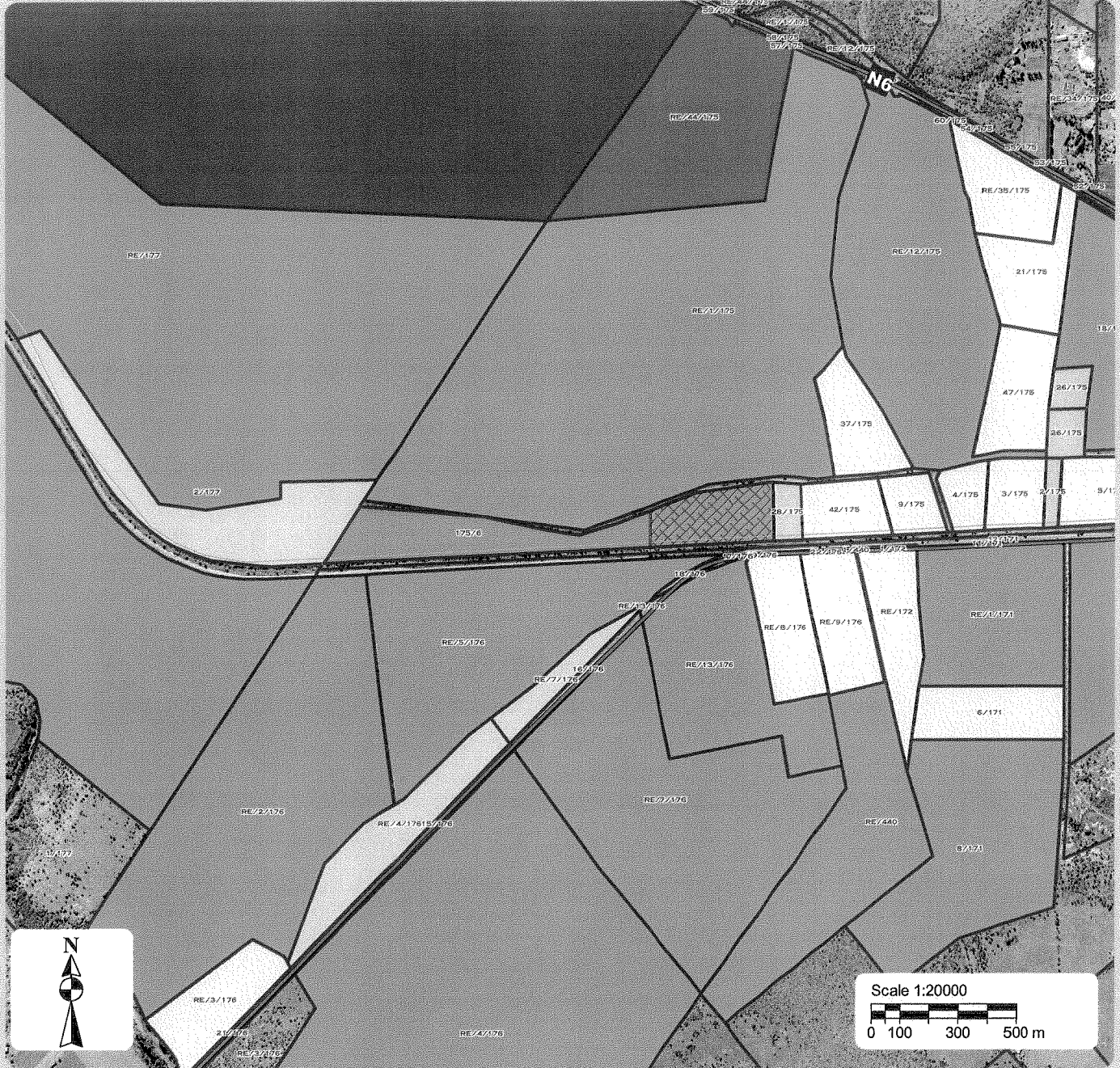
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Fax: 041 374 1008

Email: pe@npmplanning.co.za

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



### Land Use

- Agriculture
- Agriculture / Smallholding
- Civil & General Contractors
- Queenstown Quarry & Queen Mix
- Smallholding
- Vacant

### LEGEND

- Phase 1
- Portion 6 of Farm 175 Queenstown
- Road class
- R
- N

**Project:**  
**LAND DEVELOPMENT AREA  
ON PTN 6 OF FARM 175,  
QUEENSTOWN**

**Client:**  
**PEPLER FAMILY TRUST**

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**Date: Apr 2010 Plan No: 1362-03**

# **PLAN 4**

---

**Zoning Plan  
1362.04**

# ZONING PLAN

## Portion 6 of Farm 175 QUEENSTOWN

SITUATE IN LUKHANJI MUNICIPALITY  
ADMINISTRATIVE DISTRICTS OF QUEENSTOWN  
PROVINCE OF THE EASTERN CAPE  
Extracted from Surveyor General Spatial Database

Produced by



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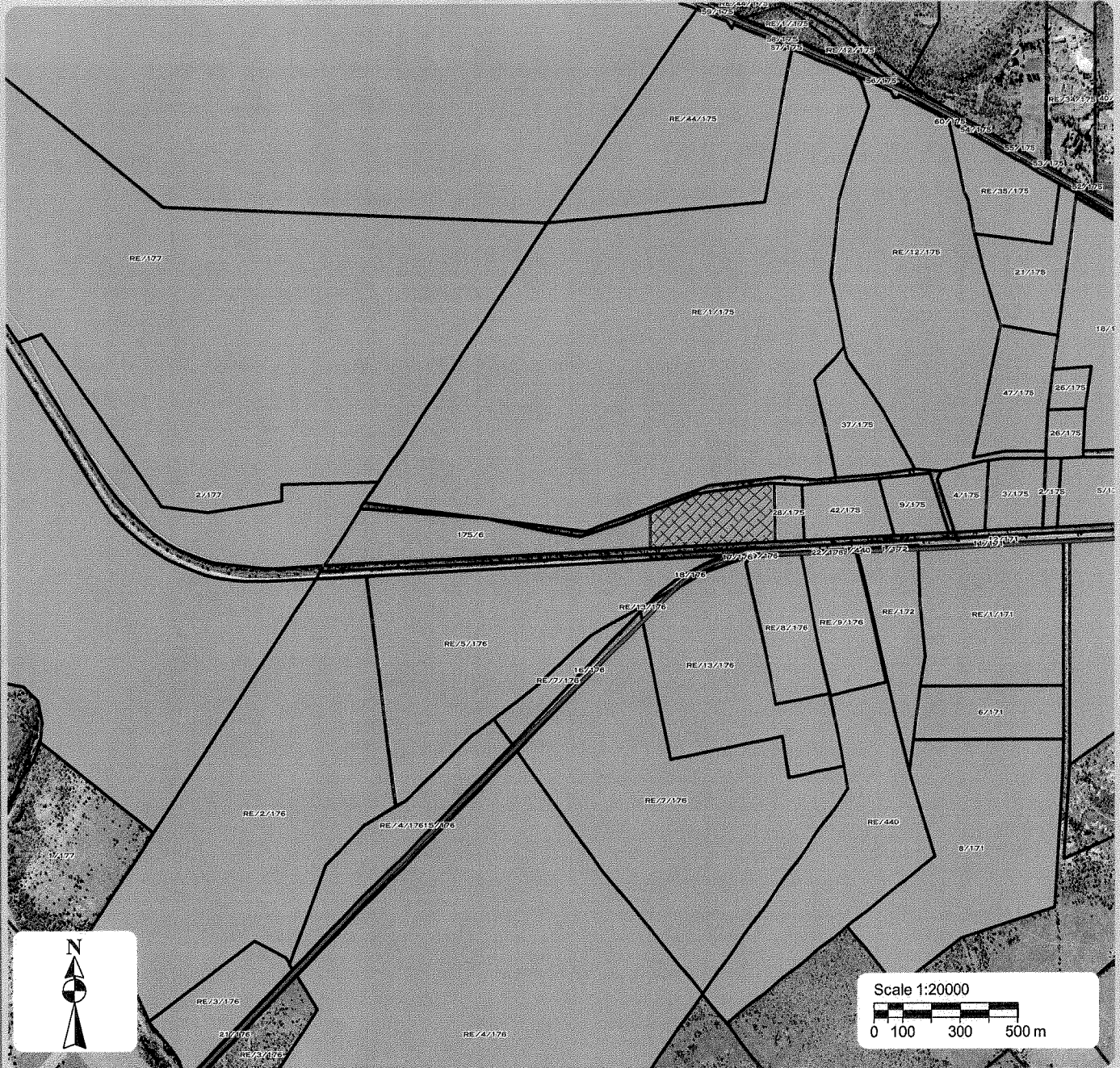
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Fax: 086 599 3487  
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Email: pe@npmplanning.co.za

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



### LEGEND

#### Zoning

Agriculture Zone I

Phase 1

Portion 6 of Farm 175  
Queenstown

#### Road class

R

N

**Project:**  
**LAND DEVELOPMENT AREA  
ON PTN 6 OF FARM 175,  
QUEENSTOWN**

**Client:**  
**PEPLER FAMILY TRUST**

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**Date: Apr 2010    Plan No: 1362-04**

# **PLAN 5**

---

**Site Plan  
1362.05**

**LAND DEVELOPMENT AREA ON PTN  
6 OF FARM 175, QUEENSTOWN**

NOTATION	USES
	SITE BOUNDARY = 18.92ha
	ELECTRICAL SERVICE/LOE
	EXISTING FARMHOUSE
	EXISTING DAMS
	5M CONTOURS

**NOTES**

CADASTRAL BOUNDARIES ARE AS EXTRACTED FROM RECORDS AT THE SURVEYOR GENERAL'S OFFICE

ALL CADASTRAL BOUNDARIES ARE TO BE CONFIRMED BY A PROFESSIONAL LAND SURVEYOR

DATE: 12 MAY 2010

CLIENT: PEPLER FAMILY TRUST

Scale 1: 7500

Prepared by

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MOUNTAIN VIEW  
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MOUNTAIN VIEW  
MOUNTAIN VIEW

PORT BLAIRIE  
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MOUNTAIN VIEW

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P.O. Box 102  
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MOUNTAIN VIEW  
MOUNTAIN VIEW

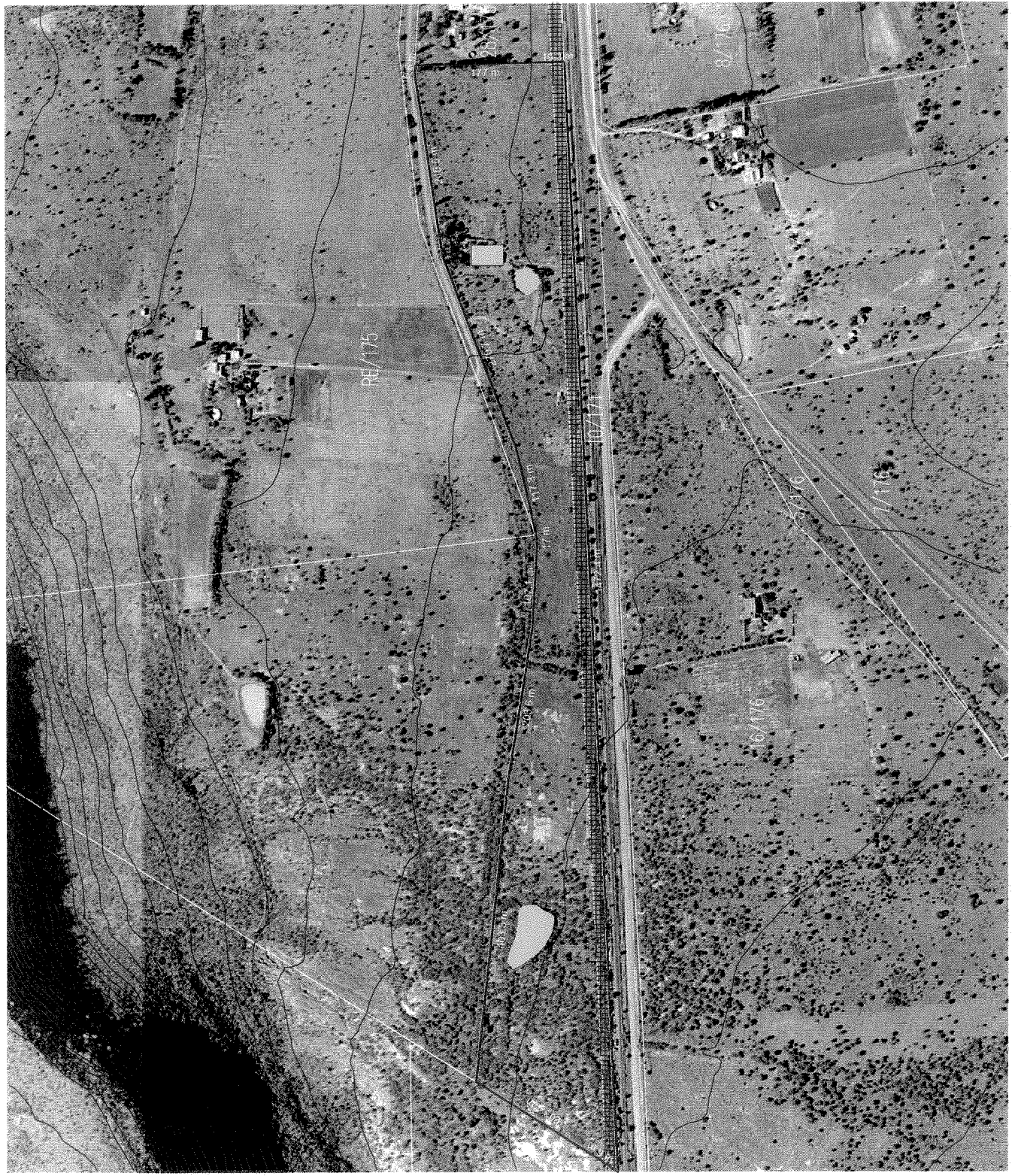
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**SITE PLAN**

PLAN NO.: 1362.05

Rev No 0

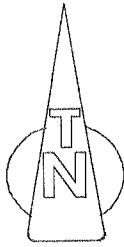
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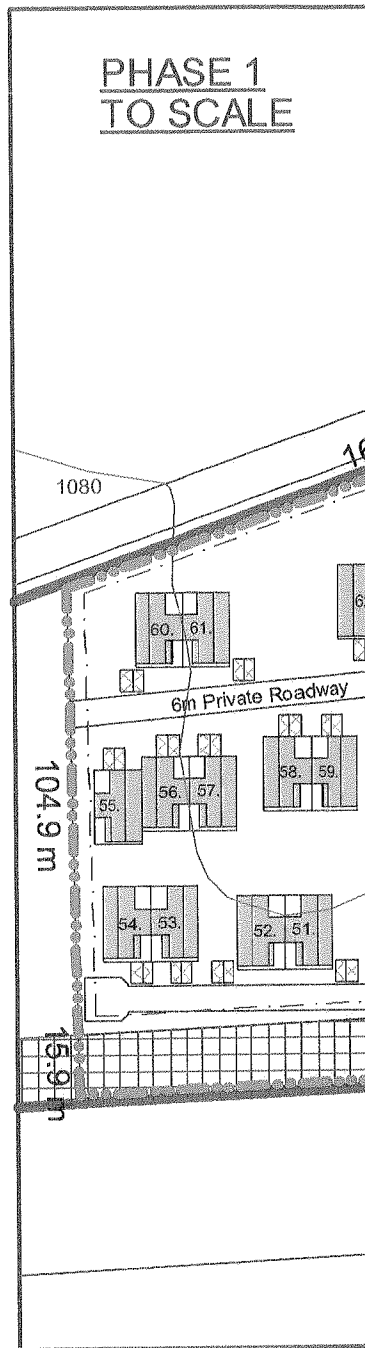
# **PLAN 6**

---

**Site Development Plan  
6053.06**



**PHASE 1  
TO SCALE**



**LAND USE RESTRICTIONS  
PHASE ONE**

1. BUILDING LINES  
4M AROUND ALL BOUNDARIES. 4M FROM THE ELECTRICAL SERVITUDE ON THE SOUTHERN BOUNDARY.
2. HEIGHT  
DOUBLE STOREY.
3. COVERAGE  
50%
4. PARKING BAYS  
2 PER DWELLING UNIT.  
PARKING BAYS PROVIDED FOR OTHER ;  
19 BAYS - RECEPTION/SHOPS  
12 BAYS - GUEST UNITS  
11 BAYS - CHAPEL/HALL/MEDICAL CENTRE  
22 BAYS - CLUBHOUSE
5. DENSITY  
10.02 du/ha
6. ROADWAY  
6M WIDE PRIVATE ROADWAY

BUILDING	
NO.	DESCRIPTION
1	RECEPTION
2-3	SHOPS
4	MEDICAL
5	CHAPEL/HALL
6	CLUBHOUSE
7	GATEHOUSE
8-17	GUEST UNITS
18-67	2 BEDROOM
68-89	1 BEDROOM
90	SEWAGE F
91	WATER TO

**LAND DEVELOPMENT AREA ON PTN  
6 OF FARM 175, QUEENSTOWN**

LAND USE	GATEHOUSE, PRIVATE ROADWAY, PARKING BAYS, GUESTHOUSE, RECEPTION, DWELLING UNITS, SHOPS, CHAPEL, MEDICAL CENTRE, CLUBHOUSE, PACKAGE PLANT, RECREATIONAL FACILITIES, WATER TOWER & RESERVOIR & A LARGE OPEN SPACE SYSTEM	COUNTRY RETIREMENT ESTATE	COUNTRY RETIREMENT ESTATE	TOTAL
ZONING	SPECIAL ZONE	SPECIAL ZONE	SPECIAL ZONE	
PHASE	1	2	3	3
SIZE	6.95 ha	4.80 ha	7.17 ha	18.92 ha
UNITS	76	48	72	190
DENSITY	10 du/ha	10 du/ha	10 du/ha	
% AREA	36.7	25.4	37.9	100

**LEGEND**

	2 BEDROOM 46m <sup>2</sup> SINGLE STOREY UNITS		MEDICAL CENTRE
	1 BEDROOM 42m <sup>2</sup> SINGLE STOREY UNITS		RECEPTION
	GUESTROOMS		COFFEE SHOP
	CHAPEL		CLUBHOUSE
	SHOPS		GATEHOUSE
	6M CONTOURS		SITE BOUNDARY
	4M BUILDING LINE		12.5M ELECTRICAL SERVITUDE
	4M BUILDING LINE FROM SERVITUDE		PHASE 1 BOUNDARY
	204 PARKING BAYS PROVIDED		

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DATE: 12 MAY 2010

CLIENT: PEPLER FAMILIE TRUST

Scale 1: 1750

Prepared by:



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041 374 1028  
pe@npmplanning.co.za

Title

**SITE DEVELOPMENT &  
PHASING PLAN**

PLAN NO.: 1362.06

Rev No 0

copyright clause

# **PLAN 7**

---

**Phasing & Land Development Area Plan  
1362.07**



**LAND DEVELOPMENT AREA ON PTN  
6 OF FARM 175, QUEENSTOWN**

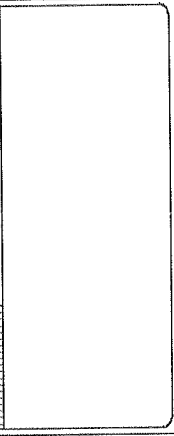
LAND USE	GENEROUS PARKS ROADWAY PARKING SPECIALIZED INTERSPORTS/AVEL MEDICAL CENTRE CLUBHOUSE/ADJAC RECREATION FACIL TOWNHALL/RECREA FA LAUREL/OPEN SPACE SYSTEM	COUNTRY RECREAT ESTATE	COUNTRY RECREAT ESTATE	TOTAL
ZONING	SPECIALZONE	SPECIAL ZONE	SPECIAL ZONE	
PHASE	1	2	3	
SIZE	6.88ha	4.81ha	7.65ha	19.34ha
UNITS	72	48	72	192
DENSITY	1040ha	1000ha	1000ha	
% AREA	367	254	373	100

**NOTES**

5M CONTOURS

SITE BOUNDARY

ELECTRICAL SERVITUDE



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CLIENT: PEPLER FAMILIE TRUST

Scale 1: 7500

Prepared by:



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TOWN & REGIONAL PLANNERS

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043 772 235  
06 549 487  
enq@npmplanning.co.nz

Title

**PHASING & LAND  
DEVELOPMENT AREA PLAN**

PLAN NO.: 1352.07

Rev No

Copyright clause

# **ANNEXURE A**

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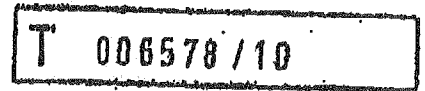
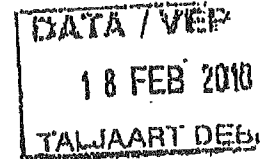
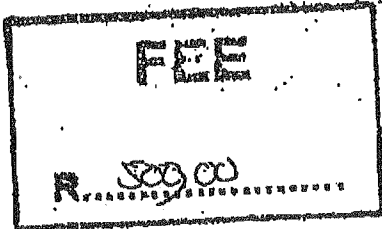
**Title Deed**

0214246415

BOWES MCDOUGALL INCORPORATED  
27A PRINCE ALFRED STREET  
QUEENSTOWN

Prepared by me

CONVEYANCER  
COETZEE PJ



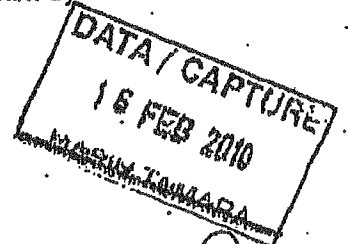
### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JACQUES ETTIENNE STEYL

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at QUEENSTOWN on 2 October 2009 granted to him by

HENDRIK WILLEM VAN ZYL  
Identity Number 371111 5013 08 7  
Married out of community of property



0214246415

Page 2

And the appearer declared that his said principal had, on 22 August 2009, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

The Trustees for the time being of  
PEPLER FAMILIE TRUST  
Registration Number IT 1382/2000/4

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

REMAINDER OF PORTION 8 ("GELUK") OF THE FARM "WELTEVREEDEN  
NORTH" NUMBER 175 situate in the area of the Lukharji Municipality,  
Division Queenstown, Eastern Cape Province

IN EXTENT 18,9281 (EIGHTEEN COMMA NINE TWO EIGHT ONE)  
HECTARES

FIRST TRANSFERRED by Deed of Transfer Number T16434/1945 with  
Diagram Number 1235/1935 annexed thereto and held by Deed of Transfer  
Number T38331/1988

- A. SUBJECT to the conditions referred to in Deed of Transfer Number  
T16434/1945.
- B. SUBJECT FURTHER to the Expropriation dated 1<sup>st</sup> April 1975 endorsed on  
Deed of Transfer Number 29430/1970, namely:-

Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended).

The hereinmentioned Servitude measuring  $\pm$  125 metres wide (1,82ha) has  
been expropriated by Railway Administration in terms of Section 3 (1) of Act  
31/55.

Vide Notice of Expropriation Number 504/75 dated 31 January 1975 as  
exprop. Caveat ... plans in duplicate filed herewith,

0214246415

Page 3

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

**HENDRIK WILLEM VAN ZYL, Married as aforesaid**

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

**The Trustees for the time being of PEPLER FAMILIE TRUST  
IT 1382/2000/4**

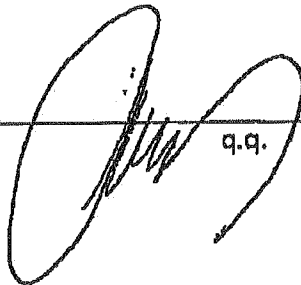
Its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R820 000,00 (EIGHT HUNDRED AND TWENTY THOUSAND RAND).

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


THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

*11 FEBRUARY*

2010

  
q.q.

In my presence

  
REGISTRAR OF DEEDS

*D*

# **ANNEXURE B**

---

## **NPM Consent to Lodgement**

**NPM PLANNING CC RESOLUTION**

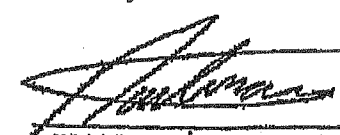
**RESOLUTION ADOPTED AT A MEETING OF THE MEMBERS OF NPM PLANNING  
CC 2008/134189/23 HELD IN EAST LONDON ON 1 NOVEMBER 2008**

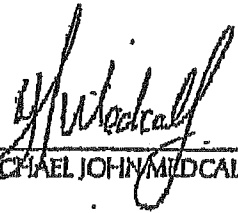
**RESOLVED:**

1. That MICHAEL JOHN MEDCALF, DEON BARRY POORTMAN AND SAKUMZI DALUBUHLE MCUGUDO members of NPM PLANNING CC be and are hereby authorized to act on behalf of the Company in any application under town planning, land use and land development legislation including but not limited to the Development Facilitation Act No. 67 of 1995 in instances where a power of attorney has been granted appointing NPM PLANNING CC to represent a client in any such application and to sign all necessary documents and perform any acts and make any representations including the appearance before any body, institution or tribunal as may be reasonably necessary or required in connection with such application.
2. That the aforesaid members are hereby granted the authority and power to nominate any associate of the Company or any consultant and/or legal advisor appointed by the Company to appear on their behalf and make such representations as may be reasonably necessary or required in connection any application referred to in paragraph 1 hereof;
3. That the members hereby ratify and adopt as valid any documentation already signed and acts performed by any of them in connection herewith.

SIGNED AT EAST LONDON

THIS 1<sup>ST</sup> DAY OF NOVEMBER 2008 IN THE PRESENCE OF THE  
UNDERSIGNED WITNESSES.

  
DEON BARRY POORTMAN

  
MICHAEL JOHN MEDCALF

  
SAKUMZI DALUBUHLE MCUGUDO

AS WITNESSES

Charlotte Poulter 

Ndumiso Comneco 

# **ANNEXURE C**

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## **Conveyancers Certificate**



# CONVEYANCER'S CERTIFICATE

I, the undersigned

PIETER JACOBUS COETZEE  
CONVEYANCER

herewith certify that

1. The Trustees for the time being of  
PEPLER FAMILIE TRUST  
IT 1382/2000/4

are the registered owners of the farm

REMAINDER OF PORTION 6 ("GELUK") OF THE FARM "WELTEVREEDEN NORTH"  
NUMBER 175 situate in the area of the Lukhanji Municipality, Division Queenstown, Eastern  
Cape Province

IN EXTENT 18,9281 (EIGHTEEN COMMA NINE TWO EIGHT ONE) HECTARES

Held by Deed of Transfer Number T

2. That the above-mentioned properties are subject to the following conditions:

- A. SUBJECT to the conditions referred to in Deed of Transfer Number T16434/1945.
- B. SUBJECT FURTHER to the Expropriation dated 1<sup>st</sup> April 1975 endorsed on Deed of  
Transfer Number 29430/1970, namely:-

Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended).

The hereinmentioned Servitude measuring  $\pm$  125 metres wide (1,82ha) has been  
expropriated by Railway Administration in terms of Section 3 (1) of Act 31/55.

Vide Notice of Expropriation Number 504/75 dated 31 January 1975 as exprop. Caveat ...  
plans in duplicate filed herewith.

DATED AT QUEENSTOWN on 15<sup>TH</sup> day of APRIL 2010

  
\_\_\_\_\_  
CONVEYANCER  
PIETER JACOBUS COETZEE