

REGISTERED MAIL
SOUTH AFRICAN HERITAGE COUNCIL
C/O SA HERITAGE RESOURCES AGENCY
P O BOX 4637
CAPE TOWN
8000 ATTENTION :DANIEL PHILLIPS

**Derick Peacock
Associates**

12 July 2010

U verw / Your ref

Ons verw / Our ref TENBOSCH

**APPLICATION FOR THE ESTABLISHMENT OF A LAND
DEVELOPMENT AREA ON REMAINDER PORTION 19 AND PORTION
93 TENBOSCH 162 J U FOR A NATURE ESTATE AND LODGE**

(REFERENCE NO MDT15/02/10/01/TENBOSCH NATURE ESTATE)

Application is hereby made for establishment of a Land Development Area (LDA) in terms of the provisions of Section 31 of the Development Facilitation Act 1995 (Act 67 of 1995) for a Nature Estate consisting of 100 Holiday cottages/residences, 1 Lodge (60 beds), Reception, Recreational and key staff area, Nature area/agriculture and the subdivision of 102 portions to accommodate the abovementioned land-uses.

Attached please find the following :

- * Notification of the application (**PLEASE NOTE THE DATE FOR THE LODGING OF YOUR COMMENTS**)
- * Memorandum in support of the application
- * Settlement Plan
- * Draft Heritage Impact Assessment Report (**Annexure P**)

Please also note that all the ANNEXURES that are referred to in the abovementioned memorandum will be available at the offices of the Tribunal Registrar Ms R Motaung, Mpumalanga Development Tribunal and Derick Peacock Associates at the below-mentioned addresses.

Please quote reference number : MDT15/02/10/01/TENBOSCH NATURE ESTATE in your correspondence to the Mpumalanga Development Tribunal with a copy to our office.

If you need any further information please do not hesitate to contact us.

Yours faithfully


DERICK PEACOCK

Tribunal Registrar Ms R Motaung, Department: Agriculture, Rural Development and Land Administration, Mpumalanga Provincial Government, Building 6, First Floor, Government Boulevard Riverside Office Complex or Private Bag X11219 Nelspruit 1200 Tel. 082 788 2395, Fax 013 766 8247 E-MAIL: rmetaung@mpg.gov.za

Derick Peacock Associates: 10 Pebble Beach Drive, P O Box 11352, SILVER LAKES 0054, Tel 012 809 2124/2560, Fax 012 809 2124, Email: dpasso@telkomsa.net

TENBOSCHHERITAGECOUNCIL

**NOTICE OF LAND DEVELOPMENT AREA APPLICATION
(REFERENCE NO MDT15/02/10/01/TENBOSCH NATURE ESTATE))**

Derick Peacock on behalf of John Frederick Hume has lodged an application in terms of Section 31 of the Development Facilitation Act 1995 (Act 67 of 1995) to establish a land development area on the Remainder Portion 19 and Portion 93 Tenbosch 162 JU for a Nature Estate

The development will consist of a Nature Estate with 100 Holiday cottages/residences, a Lodge (60 beds), Reception, Recreational and Key Staff area and a nature area.

The relevant plans, documents and information are available for inspection at Building 6, First floor (office of the Director, Land Administration), Registrar Ms R Motaung, Mpumalanga Development Tribunal, Government Boulevard Riverside Office Complex, Nelspruit, Mpumalanga and the Land Development Applicant for a period of 21 days from 23 July 2010 (first publication).

The application will be considered at a Tribunal hearing to be held at Ngwenya Lodge on 12 October 2010 at 10h00 and the pre-hearing conference will be held at No 18 Jones Street, Nelspruit on 21 September 2010 at 09h00.

Any person that has an interest in the application should please note that in terms of the Development Facilitation Act 1995 :

1. You must within a period of 21 (twenty one) days from 23 July 2010 (date of the first publication of this notice), provide the Registrar with your written representation in support of the application or any other written representation not amounting to an objection, in which case you are not required to attend the tribunal hearing or
2. If your comments constitute an objection to any aspect of the land development application, the objection or representation must be in writing and must state the name and address of the person or body making the objection or representation, the interest that such person or body has in the matter, and the reasons for the objection or representation, and must be delivered to the Registrar at his or her address set out below within 21 days from 23 July 2010 (date of first publication).

If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a duly authorised representative before the Tribunal at the pre-hearing conference at the date and venue set out above.

IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 THIS NOTICE HAS THE EFFECT OF A SUBPOENA AND FAILURE TO COMPLY WITH THIS NOTICE CONSTITUTES A CRIMINAL OFFENCE.

If you have any queries you may contact the Registrar Ms R Motaung, Mpumalanga Development Tribunal at Department: Agriculture, Rural Development and Land Administration, Mpumalanga Provincial Government, Building 6, First Floor, floor (office of the Director, Land Administration), Government Boulevard Riverside Office Complex or Private Bag X11219 Nelspruit 1200 Tel. 082 788 2395, Fax 013 766 8247 E-MAIL: rmetaung@mpg.gov.za

Land Development Applicant : Derick Peacock
Derick Peacock Associates
Resort and Leisure Planners/Town and Regional Planners on behalf of John Frederick Hume,
P O Box 11352 SILVER LAKES 0054 Tel 012 809 2124/2560 Fax 012 809 2124 E-mail:
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DERICK PEACOCK

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TENBOSCH 162 J U FOR A NATURE ESTATE AND LODGE**

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INHOUDSOPGAWETENBOSCH

MEMORANDUM IN SUPPORT OF THE APPLICATION FOR THE ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON REMAINDER PORTION 19 AND PORTION 93 TENBOSCH 162 J U FOR A NATURE ESTATE AND LODGE

1. INTRODUCTION

1.1 Nature of Application

Application is hereby made for the establishment of a Land Development Area (LDA) in terms of the provisions of Chapter V, Section 31 of the Development Facilitation Act 1995 (Act 67 of 1995) for a Nature Estate and Lodge.

1.2 Purpose of the Application

The purpose of this application is to obtain the approval for the development of :

- (a) A Nature Estate consisting of
 - 100 Holiday cottages/residences
 - a Lodge (60 beds)
 - Reception, Recreational and key staff area
 - Nature area/agriculture
- (b) Approval of the settlement plan with the subdivision of 102 portions on which the abovementioned land-uses will be situated.
- (c) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) regarding the proposed subdivisions.
- (d) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of the Sections 9A and 11 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940).
- (e) Cancellation in terms of Section 33(2) of the Development Facilitation Act 1995 of certain conditions in Title Deeds of the properties (See Section 2.5).
- (f) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of Section 49 of the South African National Road Agency and National Road Act, 1998 (Act 7 of 1998).

- (g) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of the Physical Planning Act, 1976 (Act 88 of 1967) regarding the land-use.
- (h) Exemption from entering into a Service Level Agreement with Local Municipality.

1.3 Applicant

1.3.1 Developer

Application is made by Derick Peacock Associates Town and Regional Planners on behalf of **John Frederick Hume** the registered owner of the properties.

1.3.2 Project Consultants

The following consultants have been appointed by the developer :

Town Planning : Derick Peacock Associates
*Tel : 012 809 2124
P O Box 11352
SILVER LAKES
0054
Contact person : Derick Peacock

Consulting Civil Engineers : ConSolv Consulting Engineers CC
Tel : 013 744 9955
P O Box 30030
STEILTES
1213
Contact person : Stefan Triegaardt

Electrical Engineers : P&L Consulting Engineers
Tel : (013) 751-2849
PO Box 3898
NELSPRUIT
1200
Contact person : Charl Pienaar

Independent Environmental Consultants : Seedcracker Environmental Consulting
Tel : 082 626 4117
P O Box 12460
CLUBVIEW
0014
Contact person : Stephanie Webber

- Attorneys : Caz Dry Attorneys
4 Macadamia Road
WHITE RIVER
1240
Contact person : Caz Dry
Tel : 013 751 1108
- Geohydrological Investigation : Insitu Groundwater Consulting
Geohydrological Consulting & Aquifer
Testing
Tel 013 741 5158
P O Box 26280
NELSPRUIT
1200
Contact person : Riaan Roos
- Agricultural Investigation : Pedoplan International Consultants CC
Soil and Land Use Surveys for Agriculture,
Forestry and Environmental Planning
Tel 012 543 1018/082 683 8338
247 Knysna Avenue
SINOVILLE Pretoria
0182
Contact person : Dr Eben Verster
- Flood Risk Analysis : WSM Leshika Consulting (Pty) Ltd
Engineers, Geohydrologists, ISD Practi-
tioners & Project Managers
Tel 012 348 8595
P O Box 33276
GLENSTANTIA 0010
Contact person : Anna van Vuuren
- Geotechnical Investigation : Geo3cc – Consulting Engineering, Hydro and
Environmental Geologists
Tel 013 758 1226
P O Box 6559
NELSPRUIT
1200
Contact person : Henry Schurink
- Visual Analysis : V&L Landscape Architects – Nelspruit
Tel 013 744 3759
P O Box 26696
Steilties
Nelspruit
1213
Contact person : Steven Henwood

2. GENERAL PROPERTY INFORMATION

2.1 Magisterial district

Barberton.

2.2 Local Authority

The farms REMAINDER PORTION 19 and PORTION 93 TENBOSCH 162 J U is within the area of jurisdiction of the NKOMAZI LOCAL MUNICIPALITY in the Province of MPUMALANGA

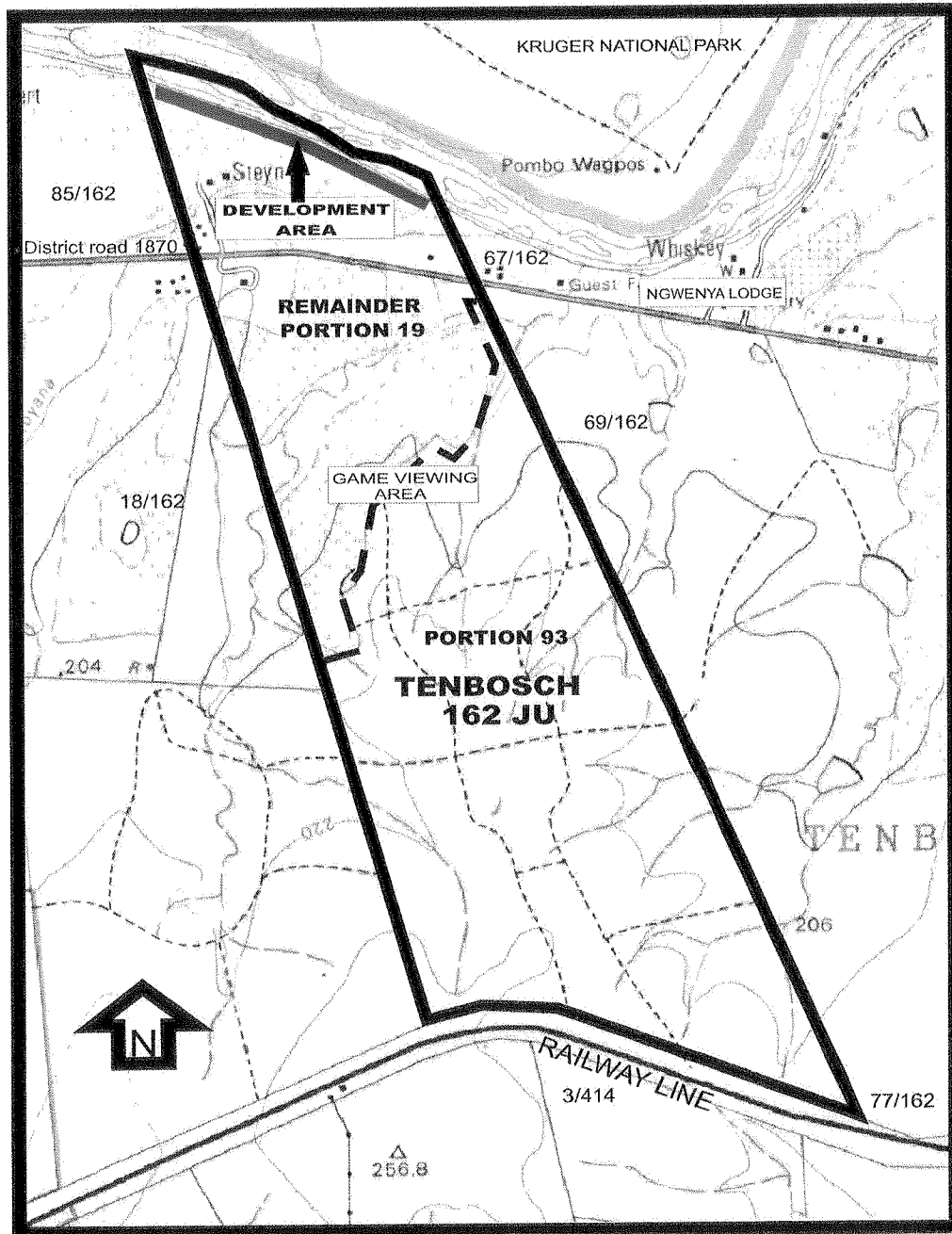
2.3 District Authority

Ehlanzeni District Council.

2.4 Description of the property and its extent

PROPERTY DESCRIPTION	REGISTERED OWNER	SIZE OF PROPERTY	Title Deed No
Remainder Portion 19 Tenbosch 162 J U	John Frederick Hume	226,9652 ha	T38159/2007
Portion 93 (a portion of Portion 19 Tenbosch 162 J U	John Frederick Hume	463,5769 ha	T127611/2003
TOTAL		690,5421 ha	

The plan below indicates the boundaries of the two properties :



2.5 Conditions of Title

Van Zyl le Roux and Hurter Inc Attorneys compiled a Conveyancer's Report.

2.6 Mineral rights

The mineral rights of both properties were reserved in favour of Transvaal Consolidated Land and Exploration Company Limited. They indicated that the rights have reverted back to the State.

2.7 Restrictive conditions

There are no restrictive conditions registered against the property that prohibit the proposed development.

2.8 Existing servitudes

All relevant existing servitudes and rights will be retained and protected.

2.9 Bondholder

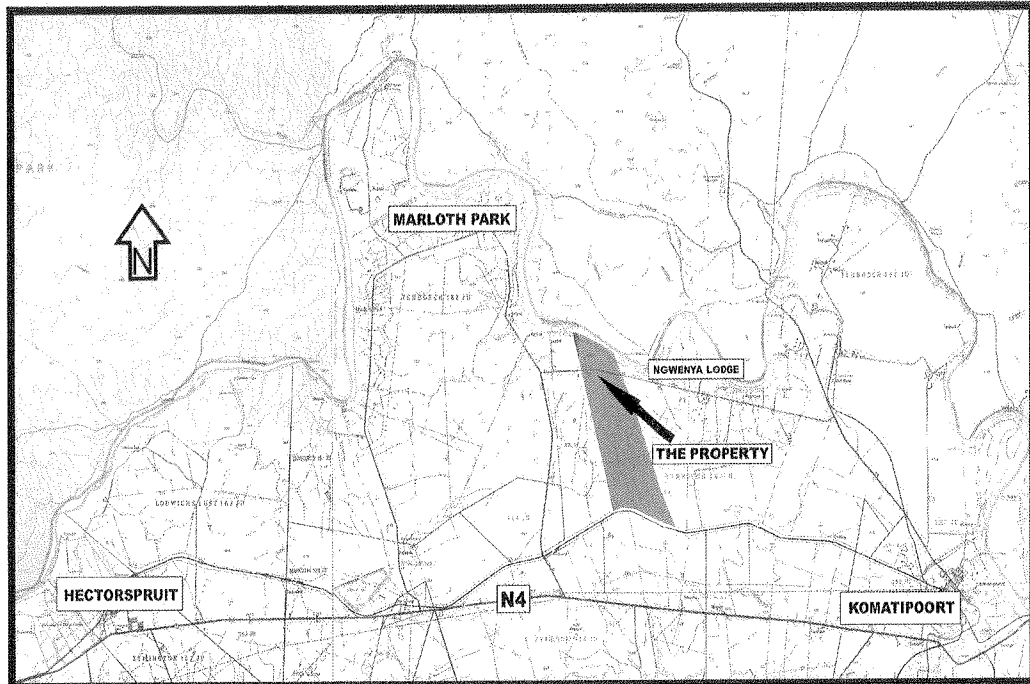
Bonds have been registered in favour of the following properties :

PROPERTY DESCRIPTION	BOND REGISTERED IN FAVOUR OF	BOND NO
Remainder Portion 19 Tenbosch 162 J U	J C Dreyer Trust	B48344/2007 (cancelled)
Portion 93 Tenbosch 162 J U	Nedbank Limited	B40937/2005

The consent from the remaining bondholder for the proposed development is attached (**Annexure B**).

2.10 Locality of Property

Also see Locality Plan on Settlement Plan



The property is situated approximately 14 km (as the crow flies) north west of Komatipoort, 17 km north east of Hectorspruit (Mjejane), 4 km south east of Marloth Park and is situated adjacent south of the Crocodile River.

The property is bisected by district road 1870 that in turn links up with other roads and a national route (N4) only 8 km to the south.

2.11 Topography

The property has a very moderate down slope from the south western corner (240 m A.S.L.) towards the north and the Crocodile River (180 m A.S.L.). Unnamed non-perennial streams drain the property predominantly towards the north east with the non-perennial KuMoyana bisecting and feeding a dam on the northern section of the property.

2.12 Floodlines

The 1:100 year floodlines for the Crocodile River and the KuMoyana were calculated by WSM Leshika Consulting (Pty) Ltd (Tel 012 348 8595) only for the sections where it may affect the proposed development. The Flood Risk Analysis is attached as **Annexure A**.

All proposed building sites are outside the 1:100 year floodline and are indicated on the Settlement Plan.

2.13 Present Land-use

The northern part of the property has been planted with sugar cane and the southern part is being used as an area for the breeding of buffalo.

The following other infrastructure exist on the property :

- o Farmstead
- o Staff accommodation and farm buildings
- o Extended road system
- o Boreholes and other infrastructure
- o Dams of various sizes and watering holes.

2.14 Proposed land-use rights

A Nature Estate will be established on a northern strip of the property consisting of the following :

Proposed Land-use	Number of sites	Site/Portion numbers	Proposed average sub-division size	Approximate Area (ha)	Average population
Holiday cottages/ residences	100	1 -100	720 m ²	7,2 ha	800
Lodge (60 beds)	1	101	1 ha	1 ha	60
Key Staff, Recreation area and Reception,	1	102	0,7ha	0,7 ha	10
Remainder Portion 19 – Nature Area/Agriculture				218	
Portion 93 – Nature Area/Agriculture	-	-	-	463	-
Total	102	1 – 102	-.	690	870

2.15 Land claims (See also Section 6.19)

A land claim has been lodged against the property and is in a negotiation phase.

In terms of section 11(7) of the Restitution of Land Act 22 of 1994 the Commission on Restitution of Land Rights Region : Mpumalanga has been notified of the proposed development (Attached letters dated 25 August 2006 and 1 September 2006 - **Annexure C**).

A further notice in terms of section 11(7) has again been given to the Claims Commissioner on 12 October 2009 (**Annexure D**).

Attached are letters from the Commission on Restitution of Land Rights Mpumalanga Province (dated 6 September 2006 and 8 September 2006 - **Annexure E**).

No response has been given by the Land Claims Commissioner on the letter dated 12 October 2009.

A further notice in terms of Section 11(7)(aA) was given to the Commission on Restitution of Land Rights on 15 June 2010 (received by Sipiwe Ngomane on behalf of the Commissioner) – Proof of submission attached as **Annexure U**.

2.16 Geotechnical conditions

Two geotechnical zones with a uniform soil profile have been identified by Geo3cc – Consulting Engineering, Hydro and Environmental Geologists.

The first Zone (B₁) – is Alluvium comprising soft, open textured, slightly clayey silty medium and fine sand. This Zone is classified as C₂ with a predicted settlement of 96 mm that precludes conventional foundations. Foundations as set out in Founding Solution 3 or 5 (Table 1) of the Geotechnical Report will have to be implemented.

The second Zone (B₁) - is Alluvium with dense to very dense ferruginous cemented alluvium at shallow depth. This Zone is classified as S₂ with a predicted settlement of 22 mm that precludes conventional foundations. Foundations as set out in Founding Solution 3 and 4 (Table 1) of the Geotechnical Report will be applicable in this Zone.

Surface water will have to be kept clear of any foundations.

With the design of roads the potentially collapsible alluvium will have to be taken into consideration.

Conclusion

“The areas earmarked for development are suitable for incorporation into a township providing the precautionary measures recommended are implemented” (Report on Engineering Geological Investigations Undertaken for Township Proclamation Purposes : Remainder of Portion 19 and Portion 93 of the farm Tenbosch 162 J U, Mpumalanga Province by GEO 3cc – Consulting Engineering, Hydro and Environmental Geologists)

3. BACKGROUND

The northern section of the subject property (mainly Portion 19) has in the past and is still presently being used for agricultural purposes. The greatest section of the southern part of the property (mainly portion 93) is natural bush area and accommodates a game breeding area.

The owner is a resort-estate developer as well as one of the biggest game breeders in Africa and wants to utilize the potential of this property to its fullest.

A narrow strip along the Crocodile River (\pm 12 ha) overlooking the river and the Kruger National Park has tremendous tourism potential and will be used for the development of the 100 holiday cottages/residences and the Lodge.

The agricultural activities on this 12 ha section will be replaced elsewhere on the property.

The land-use of the other areas (northern section agricultural and southern section agriculture/game breeding) will not be altered.

The game area will be utilized by guests to the tourism facilities for game viewing purposes and the agricultural area will still be used for agricultural purposes.

From the above it is clear that the aim of the proposed development is to maximize the use of all possible potential that the property has to offer without detrimentally affecting the other sectors of potential.

The overall density of the development will be approximately **one holiday cottage/residence or equivalent accommodation unit per 6 ha.**

Owners/visitors accommodated in the holiday cottages/residences will be able to undertake **guided walks and game drives in the approximately 500 ha** nature area. The existing roads will be utilized for walks and only minor alignment amendments will be made to these existing roads.

Other attractions in the area like the Kruger National Park, Mozambique, etc. might also be visited during longer stays in the Estate.

When these holiday cottages/residences are not utilized by the owners, family, friends or guests, it will be put in a communal **rental pool** and be made available for rental.

Some of the managerial staff and **key personnel will be accommodated on the property.** Other staff will commute from residential areas in the region.

From the above it is clear that the proposed estate will mainly function as a **tourism facility** that will **supplement the existing commercial, agricultural and game farming activities that will be continued with.**

4. PROPOSED DEVELOPMENT

4.1 Development Concept

4.1.1 Nature Estate

The property is presently being used for the cultivation of sugar cane and for game farming.

These activities will be continued with and **only a narrow strip of the farm along the Crocodile River will be used for the nature estate.**

This 12 ha area will accommodate 100 holiday cottages/residences that will be marketed as

- timeshare
- full title or
- rental units (part of the rental pool)

The proposed lodge will accommodate tourists that prefer not to do self-catering.

The holiday cottages/residences and lodge will be built by the developer according to a specified architectural style and will all have a view of the Crocodile River.

All guests to the development will be able to access the game area for game viewing.

Walking trails will be demarcated on the northern section of the property that will be utilized for nature walks to the existing dam and bird hide.

People staying in the resort will also be able to visit other attractions in the area such as the Kruger National Park, Swaziland, Mozambique and other attractions of the Lowveld.

4.1.2 Architectural guidelines

(See Tenbosch Nature Estate Rules, Regulations and Architectural Design Guidelines – **Annexure G**)

Architectural guidelines will be enforced in order to create an aesthetically acceptable environment. **Materials, finishes** to be used, **roof pitches** and roof material as well as **lighting control** are some of the aspects dealt with in the architectural guidelines.

Building plans will have to be approved by the Land Owners Association before submission to the Local Municipality for final approval to ensure that the buildings will be in line with the architectural guidelines.

4.1.3 Management of the Nature Estate

The **Tenbosch Nature Estate Land Owners Association** will be registered in terms of **Section 21** of the Companies Act (company without gain) and will fulfill the function of controlling development and managing the Estate. All land owners will have to become and remain levy paying members of this association.

▪ Responsibilities of the Land Owners Association

The **responsibilities of the Tenbosch Nature Estate Land Owners Association** will be the following :

- joint management of "communal" land and nature area
- maintenance of internal roads and other internal infrastructural services such as water, sewer and electricity to each building site
- the general functioning of the estate
- enforcing of all rules and regulations
- enforcing architectural style and building control
- charging of levies
- enforcing of all conditions specified in land-use consents, the ROD and the title deeds of the properties

▪ Rules and Regulations of the Estate

(See Tenbosch Nature Estate Rules, Regulations and Architectural Design Guidelines – **Annexure G**)

Some of the more important **rules** of the Estate that will be enforced by the TENBOSCH Land Owners Association will be

- all buildings must conform to the chosen architectural style
- only one holiday cottage/residence per property may be erected
- Visitors to a holiday cottage/residence shall have the right of access over the Estate for the purposes of walking and game viewing but shall not interfere with any fauna or flora
- no further subdivision of the proposed portions will be permitted
- no boundary fences or walls will be allowed

- natural vegetation must be protected
- no exotic vegetation may be introduced
- motorized vehicles may only drive on main vehicular roads
- no quad bikes or off road motorcycles will be allowed on the estate
- no pets will be allowed

- **Maintenance of infrastructural and other services**

A services report compiled by ConSolv Consulting Engineers is submitted as part of this memorandum as **Annexure H**. This services report will function as a basis for the provision of services by the Developer/Tenbosch Nature Estate Landowners Association.

The proposed properties will be serviced on the following basis :

- * Access roads (paved and gravel)
- * Piped potable water
- * Waterborne sewerage system acceptable standards
- * Electricity
- * Removal of solid waste to a registered waste facility

The Estate's ***internal services will not be taken over by the local authority*** but will remain the property of the Land Owners Association and will thus also be maintained by the Land Owners Association.

One of the main functions of this Association will i.a. be to maintain *infrastructural services* such as water, access, waste managing, etc. and to “maintain recreational facilities” such as walks, game drive roads, etc. as well as the veldt management.

4.2 Proposed Layout

4.2.1 The design approach and factors of influence

The layout was “created” by a team consisting of the

- × environmentalists
- × engineers
- × town planner and
- × developer

The following factors influenced the layout :

4.2.1.1 Existing development and infrastructure

In order to make the project feasible and to limit the impact on the environment the **existing roads** were identified and will be **utilized as far as possible** in the Estate to supply access to the holiday cottages/residences and for game viewing.

The layout was thus to a great extent influenced by the existing infrastructure.

4.2.1.2 Ecological investigations

It is of the utmost importance from an aesthetic point of view as well as from an environmental perspective that indigenous fauna and flora be protected and augmented as far as possible.

A wetland delineation investigation was undertaken by Emross Consulting (Pty) Ltd. Four wetland zones were demarcated (see Settlement Plan). Proposed development planned in these areas were moved to areas outside of these zones.

From the above it is clear that the above ecological investigations and recommendations influenced the layout considerably.

4.2.1.3 Gradients

The building sites have been located on slopes of 1:4 and flatter.

4.2.1.4 National, Provincial and district roads

The property is bordered by District Road 1870 (Marloth Park –Ngwenya Lodge road).

A point of access from road 1870 exists at km 1.350 and will be used for the proposed development.

This will be the only access to the proposed development and thus had no influence on the layout.

4.2.1.5 Visual impact

The **following measures (enforced by the architectural guidelines) will be implemented to limit the visual exposure** to the surrounding properties and the road :

- ◉ use of **vegetation (existing and new landscaping) as screens.**
- ◉ **external finishes will be in muted earth tone colours** to blend with the natural environment
- ◉ a single storey will be applicable to all buildings and structures
- ◉ **strict lighting controls** will be enforced to limit light pollution. No floodlights and open lighting will be allowed
- ◉ **no development will be located within 95 m of district road 1870** that will lessen the impact from these roads

4.2.1.6 Drainage and floodlines

The floodlines have been determined for the sections of the streams in close proximity of the proposed development areas.

The development is proposed outside the 1:100 year floodlines as determined by the consulting civil engineers.

4.2.1.7 Geotechnical conditions

All buildings/structures will be erected to conform to the recommendations of the geotechnical investigation/report.

4.2.1.8 Agricultural potential (See also Section 6.2)

The agricultural potential investigation undertaken by Dr Eben Verster indicated that the northern section of Portion 19 can be classified as high potential agricultural land.

After investigations and consultations with the provincial office of the Department of Agriculture it was agreed that only a narrow strip (± 12 ha) along the Crocodile River will be utilized for the proposed development. This 12 ha will be replaced elsewhere on the property. The proposed development is supported by the Mpumalanga Provincial Government Department of Agriculture and Land Administration (**Annexure J**).

The agricultural potential study thus had a great influence on the layout.

4.2.1.9 Heritage Impact Assessment

(Please also see Draft Heritage Impact Assessment Report –
Annexure P)

A Heritage Impact Assessment was compiled by Cultmatrix CC with inputs from specialist Dr R C de Jong and Dr J A van Schalkwyk.

The final recommendations of the report are :

“Based on what was found and its evaluation, there are within a heritage framework no compelling reasons to delay or abandon the proposed development.

Cultmatrix recommends that SAHRA authorises the proposed development, provided that the following mitigation measures will be applied :

1. Construction work will be monitored for chance finds and a heritage specialist will be consulted about such issues.
2. The design, layout and siting of the proposed resort units/components should minimise any visual intrusion into the scenic landscape of the Crocodile River.” (R C de Jong and J A van Schalkwyk, Cultmatrix CC. Draft Heritage Impact Assessment Report. 4 June 2009)

From the above it is clear that there is no heritage or archaeological based reasons to prevent his project.

4.3 Proposed land uses

The proposed land-uses as indicated on the settlement plan will consist of the following :

- 100 chalets
- 1 lodge
- Area for key staff and reception

4.3.1 Holiday cottages/residences

(Proposed portions 1 to 100)

The construction of the holiday cottage/residence will be limited to an area of 50% of the proposed portions with an average size of 720 m². .

The holiday cottages/residences to be erected on these portions will conform to certain **architectural guidelines** to ensure an **aesthetically acceptable development**. The elements that will typically be specified are :

- ◆ exterior finishes (material and colour)
- ◆ roof covering

- ◆ roof colour
- ◆ pitches of roofs
- ◆ windows (style and colour of frames)
- ◆ lighting (to limit light pollution)

All building plans of the holiday cottages/residences will have to be approved by the Landowners Association (Section 21 Company) assisted by the project's **co-ordinating architect** to enforce adherence to these guidelines and to ensure an aesthetically pleasing result.

The proposed zoning and development control :

Usage	:	One holiday cottage/residence
Height	:	1 storey
Coverage	:	50%
General	:	Buildings to be erected in line with the architectural guidelines Buildings/development will be subject to a detailed EMP.

4.3.2 Lodge (Portion 101)

A lodge site has been identified at a locality with various features.

The site will accommodate a 60 bed lodge with the normal recreational and other facilities.

Supporting infrastructure, key staff accommodation and maintenance area will be located at the lodge.

The proposed zoning and development control :

Usage	:	Lodge limited to 60 beds and associated recreational and service infrastructure and key staff accommodation
Height	:	1 storey
Coverage	:	30%
General	:	Buildings to be erected in line with the architectural guidelines and a detailed EMP

4.3.3 Key Staff, Recreation and Reception (Portion 102)

The area where the existing farmhouse and other buildings are situated will be utilized for the key staff – approximately 10 people (including the manager of the development) an alternative recreational area and the reception.

This area straddles the existing access road, has no agricultural activities on it and the existing buildings can easily be converted to accommodate the proposed land-uses.

Staff for the construction as well as permanent staff will be sourced from the surrounding residential areas and only imported if not available locally.

Staff will commute from Komatipoort, Malelane, Mjejane and other residential areas that are between 22 km and 40 km from the gate of the proposed development that places the home-work journey in an acceptable time duration.

Only key-staff will be accommodated on the property and all other staff will commute to the development on a daily basis.

4.3.4 Nature area and Agriculture (Remainder of the property)

The total area of the subdivisions will be approximately 9 ha while the total property size of the property is 690 ha. An area of at least 680 ha or more than 98% of the property size will thus still remain as nature area/open areas or agriculture. It should further be stressed that the buildings will only have a maximum coverage of 50% and no fences between buildings or on property boundaries will be erected. Part of the portions will thus in effect also function as a nature area. From the above it is clear that a minimum of **99% of the property will in practice still function as “nature area or agriculture”**.

4.4 Point of Access (Main Entrance on Settlement Plan)

The existing point of access from district road 1870 will be upgraded to function as the only point of access to the proposed development.

No new roads (and thus stream crossings) will thus have to be created.

4.5 Road pattern

The remainder of the property is presently serviced with an extensive road network and these existing roads will be utilized for game-viewing purposes.

The existing access road from the district road will link up with a new distributor road running parallel to the river. Short cul-de-sac's will supply access to the clusters each consisting of 8 or less portions.

4.6 General road servitudes vs road reserves

It is important to note that the layout indicate the **approximate alignment** of the internal roads but **does not make provision for "fixed" road reserves**. A **general road servitude will be registered** in favour of the developer/Tenbosch Land Owners Association to build and maintain roads and services across the remainder of the property. In terms of this approach the developer/Tenbosch Land Owners Association **will be able to follow the alignments as indicated on the layout plan but also to make small adjustments where it is necessary on site to avoid bigger trees and/or natural features**. **This approach is more ecological friendly and will avoid the "clinical" clearing of road reserves and facilitate the construction of "narrow winding" access roads.**

4.7 Road widths and surfaces

The only new roads to be built will be the access distributor parallel to the river and short access strips to the building sites.

All internal roads will have a gravel surface except where slopes necessitate paving or concrete strips.

The main access road has a width of approximately 6 m, the access distributor 5 m and the cul-de-sac's 3 m.

4.8 Sizes of portions

The portions for holiday cottages/residences have a ruling portion size of 730 m² that can comfortably accommodate the proposed buildings.

These sizes of the portions "enforce" an acceptable spacing of building sites and the layout ensure the feeling of being in nature.

The size of the lodge portion is 1 ha and therefore sufficient space to accommodate a 60 beds lodge and make it possible to retain a large area for landscaping.

The portion of 7 200 m² created around the existing farm residence and outbuildings have been designed to accommodate existing buildings, associated infrastructure and the reception, key staff area and recreational facilities.

4.9 Building lines

A building line in terms of the Advertising on Roads and Ribbon Development Act (Act 21/1940) **measured 95 m from the centre line of district road 1870.**

No building sites or stands or development will be located within this building line area.

This will also lessen the visual impact of the development from this road.

4.10 Floodlines

The 1:100 year floodlines were calculated by WSM Leshika Consulting (Pty) Ltd only in respect of the areas in the vicinity of the proposed development and no portions are situated within the floodline areas (See **Annexure A**).

The floodlines were determined for the Crocodile River and a watercourse to the south of the proposed development.

4.11 Nature Area

The **total area of the 102 portions is approximately 9 ha (less than 2%)** of the total property size of **690 ha**. However it should be stressed that residences or buildings will have a maximum coverage of 50% and **no fences on stand boundaries or between buildings will be allowed/erected**. Part of the stands will thus in effect also function as a nature area. The footprint of other infrastructure such as roads and water works is estimated at approximately 1 ha. **From the above it is clear that a maximum of 5,5 ha or less than 1% of the total property will be taken up by man-made structures.**

From the above it is clear that more than 99% of the property will function as a nature area or agriculture.

More than sufficient open space will thus be provided.

4.12 Consolidation of component portions

It is proposed that the Remainder of Portion 19 and Portion 93 be consolidated to form one portion that will accommodate the holiday cottages, Lodge, nature area and the agricultural activities.

5. THE NEED

5.1 Background

The property, more than 690 ha in extent is presently being used partly for agricultural purposes (sugar cane) and the remainder is used as a game area for a variety of game including buffalo.

The property has an extended network of roads and other infrastructure as well as machinery, implements and vehicles to run and maintain this area.

5.2 The present problems

The following problems are presently encountered.

- ⇩ Extremely high maintenance costs
- ⇩ Extremely high running costs
- ⇩ Limited “secondary” utilization of game farm section
- ⇩ Direct income limited measured against the capital investment and costs

Due to the high value (and cost) of the land and improvements **supplementary land-uses** had to be investigated.

5.3 The alternatives

In order to deal with the present problems mentioned above the following alternatives were generated :

- ? Increase the viability of the game section of the farm – This option is not viable because of the limited size of the game section of the property
- ? Utilize the total property for intensive agricultural purposes. This is not viable because of the low agricultural potential due to gradients rocky nature of certain sections of the farm and the limited availability of water.
- ? To retain the agricultural activities and the game farming operation and to additionally develop a Nature Estate and Lodge (on a small portion) to supplement the agricultural and game farming land-uses

The last mentioned option is the financially viable option, creating growth and additional jobs with a limited environmental impact.

Investigations thus indicated that the sustainable alternative is to retain the existing agricultural and game farming operation and to add a Nature Estate and Lodge to the land use.

5.4 The advantages

The proposed Tenbosch Nature Estate and Lodge will have the following distinct advantages:

- ✓ The development of 100 holiday cottages/residences and a Lodge will generate a major capital inflow into the area. The total investment into the area (that will also include an inflow from outside areas) will be at least R171 m.
- ✓ The above influx of capital into the area will not only create numerous jobs of various levels of skill but will also fulfil a training function for local people.
- ✓ Income for the local authority will also be increased due to the creation of additional taxable land parcels.
- ✓ The local authority will not take over the internal services on the Estate and will thus have no responsibility (and costs) for the maintenance of these services.
- ✓ Numerous such Estate have been developed in some of the other local authority areas

The development of such an Estate will not only ensure that the Nkomazi Municipality will not “lose” development to other regions but will actually “draw” people from elsewhere that will stimulate growth and investment.
- ✓ The proposed Tenbosch Nature Estate complementing the game farming is financially feasible and will more fully utilize the potential of the property.
- ✓ Due to the fact that the proposed development will be done in areas that already have access by means of a network of existing roads the environmental impact will be minimized.
- ✓ The beauty and enjoyment of the farm will be made available not only to the owner but will be shared with more people.

5.5 Nature/security lifestyle

The holiday cottages/residences on the Estate will be within the boundaries of a nature area of approximately 690 ha which will be available to the holiday makers to explore by vehicle, foot or on horseback. The area will be security fenced and access will be controlled that will ensure a tranquil and safe living area. There is a great need for such nature/security estates in the rural areas as has been proved by the demand for holiday cottages/residences in similar developments elsewhere.

5.6 Influx of capital and job creation

This Tenbosch Nature Estate and Lodge will not merely provide recreation to the visitors but will be a major draw-card and guarantee influx of capital to the area resulting in growth and job creation.

It is estimated that the number of jobs that will be created during the infrastructure construction phase (1 year) will be between 45 and 72 jobs per day.

During the construction of the holiday cottages/residences that will have a time duration of approximately 5 years it is foreseen that approximately 50 jobs per day with various levels of skills per day will be created.

The number of permanent jobs, ranging from cleaners to the manager of the Estate and Lodge is estimated at approximately 92.

5.7 Unemployment, poverty and lack of skills training

The Nkomazi IDP stressed that income and education levels are extremely “low” and “.....illiteracy is common” and “they find themselves in a vicious circle of poverty”.

In view of the expected contribution of tourism to the economy of the region there is a dire need for economic growth and skills training.

It is important to point out that during the construction process skills training will also take place on an informal basis as the local and other people is taken up in the **workforce and exposed to various skills** and processes.

6. DESIRABILITY

6.1 Supplementary land-use

Present activities on the property consist of two components :

- Agriculture – which is the cultivation of sugar cane under irrigation
- Game farming which consist of a buffalo breeding project and general game farming on the southern section of the property

The northern section of the property, facing the Crocodile River has views over the Kruger National Park and has tremendous tourism potential.

The potential is locked up in the natural beauty (superb views) and game on the property and this should be fully utilized – as is proposed with the Tenbosch Nature Estate.

It was therefore decided to **supplement** the existing land-uses with a tourist component – the proposed nature Estate and Lodge.

The total new proposed **“development footprint”** is estimated to be approximately 5,5 ha less than 1% of the total property size – more than **99%** of the property will thus still be available for the utilization **for agricultural** and for the **breeding of game**. The agricultural potential of the property is thus not negatively influenced – on the contrary more funds will be available for veldt and game management, erosion control, etc. via the Estate’s levy system.

An extended network of roads over the property has been developed and these roads will also be utilized for access to the holiday cottages/residences and for game viewing per vehicle or on foot.

It is thus clear that the **proposed development will not affect the agricultural potential of the property**. The development will ensure the better and more effective management of the veldt through i.a. better erosion control and scientific burning programmes.

With a total development area less than 2% the proposed development will not significantly influence the existing uses of agriculture and game farming. On the contrary this proposed very low density development will **ENSURE THE CONTINUED EXISTENCE AND FUNCTIONING OF THE AGRICULTURAL AND TENBOSCH GAME FARMING ACTIVITIES**.

With various limitations and difficulties facing game farming/breeding the only way these activities can still be viably undertaken is if it is supplemented by an additional non-consuming tourism based activity.

From the above it is clear that the land-use of the property will not be

changed but merely supplemented with an additional use.

6.2 Agricultural potential

Dr Eben Verster was commissioned to undertake an agricultural potential specialist report. This report called **“Semi-Detailed Study of the Soil-Landform Resources of Tenbosch Nature Estate”** is attached as **Annexure I**.

The following conclusion is made in this report : “It is recommended that unit TdOa1 (high ranking), unit TmBo1 (moderate-high ranking, and units Th2mBo1, TsA1, TsA1, Th1-2sA1, Th02sA1, Th1-2sHu1 (moderate ranking) should qualify as such land in the Lowveld Region of Mpumalanga. These units cover a gross area of about 277 ha or 40% of the project. Utilizing any of these units for non-agricultural purposes could therefore be perceived as an impact of high significance. However, ample land of both categories seems to be available. Therefore, one of the normal mitigation measures to prevent the loss of “high” potential agricultural land may be recommended; i.e. to select site composing of lower potential for the proposed use. In fact, careful planning could avoid conflict between residential and agricultural uses on the Tenbosch project as a whole”. (Verster, 2007)

The property was visited, inspected and soil samples taken by Mr Jan Venter of the Provincial Office of Department of Agriculture and Land Administration, Nooitgedacht ADC.

All the parties concerned came to the conclusion that the narrow strip of land adjacent to the Crocodile River had much greater tourism/recreational potential than agricultural potential.

The following solution was formulated and a request to the Department of Agriculture and Land Administration, Nooitgedacht ADC :

- Only a narrow strip along the Crocodile River overlooking the Kruger National Park will be developed
- The size of this strip will be limited to approximately 12 ha
- This 12 ha (a part of it is presently under sugar cane) will be “replaced” by developing 12 ha of sugar cane field elsewhere on the property
- All other agricultural activities will be retained.

The support of the Mpumalanga Provincial Government Department of Agriculture and Land Administration with the abovementioned conditions is attached as **Annexure J**.

The high costs of the game breeding activities, the high maintenance costs and high value of the farm make the present land-use (game breeding/agriculture) not feasible.

There is thus a ***need to utilize the property in line with its best potential*** which is for animal (that includes game) production that can co-exist with a nature estate – in fact a part of the attraction of the proposed development is the fact that game will be present on the property.

Due to the fact that no large predators will be introduced ***game production will “co-sponsor” the maintenance and veldt*** management of the property.

The strip along the Crocodile River overlooking the Kruger National Park has much higher potential for leisure/recreational potential than its agricultural potential.

The other agricultural activities (sugar cane under irrigation) need to be supported by developing the property to its highest potential.

6.3 Impact on surrounding area

The majority of adjacent properties are large parcels of land being used for agricultural purposes with some sections still retained as natural bush.

The closest proposed building sites will be situated approximately 800 m and 200 m respectively west and east from buildings on adjacent properties.

In order to lessen the impact of the proposed development on the surrounding area the following issues were addressed :

- ✓ All buildings and structures will have to conform to the ***architectural guidelines*** of the development (See **Annexure G**)
- ✓ ***Reduce the height*** of structures where possible – only ***one storey*** buildings will be allowed.
- ✓ ***Avoid bright colours*** with high reflection values. The same colours as the surrounding environment will help to assimilate the buildings with natural background colours.
- ✓ ***Landscaping with the use of only indigenous trees and plants*** will be utilized to screen buildings from the surrounding area.
- ✓ Night lighting – ***no floodlights will be allowed***. The number and wattage of outdoor lights will be limited and shields used to direct lighting downwards.
- ✓ In an effort to lessen/control the problem of unemployment in the area

a recruitment office will be located at an accessible location in town. Scheduled and other **regular transport** will be arranged between this office and the Tenbosch development site. The above modus operandi will ensure better employment and transport structures.

- ✓ The **activities** on the Estate will be strictly controlled by the Tenbosch Nature Estate Rules, Regulations and Architectural Design Guidelines (See **Annexure G**).

Some of the more important of these house rules will i.a. be such conditions as -

- no motorbikes, scramblers or quad bikes are allowed on the Estate
- no person shall disturb or destroy any fauna or flora
- no fires may be lit except in designated areas
- no domestic animals (pets) will be allowed in the Estate
- no loud noise or disturbance is permitted
- driving will only be allowed on designated roads

From the above it is clear that the abovementioned architectural guidelines and rules will lessen the potential impact on the surrounding area.

V&L Landscape Architects was commissioned to compile a visual analysis for the proposed development. The report (**Annexure T**) focussed on the Kruger National Park as well as the areas to the south, east and west of the proposed development. Viewshed analysis were done for a total of 11 sites and the author made the following recommendation :

“In conclusion, the construction and operation of Ngwenya Royale (if correctly planned and managed) will in all likelihood have no or little negative visual impact on the receiving environments of KNP, Ngwenya Lodge and the farming communities.” (Henwood, S.J., V&L Landscape Architects, Visual Analysis of Ngwenya Royale, June 2010)

“Strict architectural and design guidelines, stipulating the use of a natural colour palate and down-lighting to minimise visual intrusion, must be adhered to. As far as possible no large trees should be removed as these will form a substantial visual barrier to the development. Roof heights should not break the skyline as stark shapes silhouetted against the horizon are easily visible from distances in excess of 5 km.” (Henwood, S.J., V&L Landscape Architects, Visual Analysis of Ngwenya Royale, June 2010)

The above “mitigation measures” will be enforced via the Tenbosch Nature

Estate Rules, Regulations and Architectural Design Guidelines as referred to in the Conditions of Establishment of the development.

6.4 Inflow of capital

This development will not only accommodate holidaymakers but will also attract “foreign” capital which will mean economic growth and job creation.

The capital investment is estimated at a minimum of R 171 m.

The influx of new capital will stimulate the local economy especially in the construction and building sector.

6.5 Accessibility

This proposed Tenbosch Nature Estate and Lodge will be situated only 9 km north of the **National route (N4)** the most important tourist route in the region and the main arterial of the Maputo Corridor. The last section of the district access road has a gravel surface.

Access will be obtained from district road (road D1870) that cuts across the property.

An application for approval of this access has been submitted and approval is awaited.

The Komatipoort Airport and the Kruger Mpumalanga International Airport are respectively 5 km and 100 km from the proposed development which increases the national and international accessibility.

Accessibility is thus exceptionally good on a local as well as up to international scale.

6.6 Sizes of the portions

The sizes of the holiday cottage/residence portions will have a **ruling size of 720 m²**. It should be pointed out that **only 50% may be utilized** for the erection of buildings or structures and the remainder of the proposed portions will be a nature area.

The **portions may not be fenced** and will thus function as part of the greater farm (this restriction will be built into the Tenbosch Nature Estate Rules, Regulations and Architectural Design Guidelines and will also be incorporated into the title deeds).

The sizes of the other portions created for the other uses (lodge and key

staff/recreation/reception area vary from 0,7 ha to 1 ha to cater for the specific use. The larger portions ensure that a more environmentally friendly development can be designed and accommodated on the parcel of land.

It is also important to note that all of the to be created properties as well as the remainder of the farm will be tied together by title deed conditions that will ensure that the total property will function as one unit.

6.7 Public consultation

The application will also (as is required in terms of the Development Facilitation Act) be **advertised** and **notices will also be displayed in various public places** and the directly adjacent owners will be notified to ensure that all comments on the proposal are received and taken into consideration when a decision is formulated.

An application for the proposed development has also been submitted in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998). The application has also been advertised in **newspapers** circulating locally as required in terms of NEMA which included intensive public consultation processes to ensure public participation in the land-use application process.

6.8 Safe point of access

One **existing entrance from District road 1870 at km 1,350** which has been functioning as an access point to the farm for many years without major problems will give access to the proposed development.

The **sight distances in both directions from this point of access are within the acceptable standards** of South African National Roads Agency, the Department of Public Works, Roads and Transport Mpumalanga Provincial Government.

The access will be constructed/upgraded in line with the relevant roads authorities' recommendations to create an entrance safe for the visitors for the Estate as well as the other motorists using the district road.

Before construction the geometric design of the entrance/exit will be undertaken by appropriately qualified traffic engineers under "supervision" of the relevant traffic authorities that will ensure the safety of the road users.

Applications for approval of this access have been submitted and approval is awaited.

6.9 Environmental Impact Analysis

Seedcracker Environmental Consulting (SEC), as independent environmental consultants has been appointed to determine the impact that the proposed development might have on the environment.

SEC has compiled an **Environmental Scoping Report** for the project, as required in terms of the regulations of the National Environmental Management Act 1998 (Act No. 107 of 1998) (NEMA).

- The project was registered with the Mpumalanga Provincial Government Department Agriculture and Land Administration Environmental Management
- The Public Participation Processes (PPP) were undertaken to notify Interested and Affected Parties (I&APs) of the proposed development
- Site visits were undertaken
- The following other specialist studies were undertaken :
 - Wetland Assessment and Delineation (Part of Scoping Report and Environmental Impact Analysis Report)
 - Draft Heritage Impact Assessment Report (**Annexure P**)
 - Visual Analysis of Ngwenya Royale (**Annexure T**)
 - Geohydrological Investigation (**Annexure M**)
 - Report on Geological Investigation (**Annexure S**)

The issues, impacts and alternatives of the development were assessed in terms of the specialist reports and the most important parameters applicable to environmental management.

The **Scoping Report** concludes as follows :

“A description of each of the anticipated impacts on the environment, have been subjected to a preliminary significance assessment rating according to the methodology explained in section D2 of this report. The impacts were all identified as having a medium significance *without* the implementation of mitigation measures. It is however anticipated, that *with* mitigation measures in place, all the impacts will have a significance of medium to low.” (Webber, S. Seedcracker Environmental Consulting, Final Environmental Scoping Report, December, 2008).

The Executive Summary of the draft **Environmental Impact Assessment Report** (which is the next phase of the environmental evaluation process) is attached as **Annexure K**.

The preliminary **recommendations** in this report are the following :

“The receiving environment has been investigated, and the outcome and recommendations of the specialist studies have influenced the planning of the development. It is the opinion of Seedcracker Environmental Consulting CC that

the development may be authorised in its preferred location. The site identified for development for the Ngwenya Royale Nature Estate and Lodge, is currently used for agricultural purposes. No indigenous flora exists on the site, and hence, no suitable habitat is available for faunal species either.” (Webber, S, Seedcracker Environmental Consulting CC, Executive Summary of the Draft Environment Impact Assessment Report for the Proposed Nature Estate Establishment on Remainder of Portion 19 of the farm Tenbosch 162 J U, July 2010).

“It is considered that the WWTP will not have any significant impact on underlying groundwater bodies or groundwater users if designed, constructed and operated responsibly.” (Webber, S, Seedcracker Environmental Consulting CC, Executive Summary of the Draft Environment Impact Assessment Report for the Proposed Nature Estate Establishment on Remainder of Portion 19 of the farm Tenbosch 162 J U, July 2010).

6.10 Broadening of the tax base

More than **100 additional land parcels with a substantial** land value will be created that will be subject to land taxes paid to the local, district authority and central government.

If the development value is very conservatively estimated at R 171 m the **land tax alone payable** to the local authority will amount to approximately R2 million per annum at a rate of only R 0,01 in the rand.

The local authority and district authority cannot supply infrastructural services to the proposed development. All the bulk as well as internal infrastructural services will be supplied by the developer and will eventually also remain in the ownership of the Tenbosch Nature Estate Landowners Association (Section 21 Company). **From the above it is clear that the local authority or district authority will have no responsibility for the provision or maintenance of infrastructure in the development.**

This is thus tax income without major counter financial responsibilities by the local authority.

6.11 Job creation

Tourism is a very important job creator in the world as well as in South Africa. One in every 12 jobs in South Africa is in the tourism industry and employment in the industry is ever increasing. Tourism's contribution to GDP has also steadily increased over the last few years and is currently at 5% of GDP. This is not high compared to other sectors in the economy, but the increase year on year from this sector indicates that there are growth opportunities. **Tourism has been identified as an area that national government wants to improve, as it is labour intensive and offers employment opportunities for many unemployed.** This sector has already grown rapidly in South Africa but is ready for a second phase of growth that could increase the contribution to GDP to about 12%, and increase employment by up to 400 000 people (ASGISA, 2006).

In the **Ehlanzeni District** area a great percentage of all households earn less than R1000 per month, many may have no income at all.

It is roughly estimated that the following jobs will be created during **the construction phase** :

Installation of services such as roads, water, etc : per day (1 year)	± 45 to 72 jobs
Construction of holiday cottages/residences/lodges :	± 50 jobs per day (5 years)

The availability of skills will determine how many local skilled labour will be utilized.

Unskilled labourers will be sourced from the area.

After construction during the **operational phase** it is foreseen that the following permanent jobs will be available :

Estate management, maintenance, security and game management, etc.	= 27 jobs
Maintenance at holiday cottages/residences	= 28 jobs
Lodge operations	= <u>37 jobs</u>
	<u>92 jobs per day</u>

It is estimated that approximately **85%** will be from residential areas of the **adjacent towns**.

It is important to note the following :

- the above estimates are **only for “direct” job opportunities** at the development and do not include various other “indirect” or “spin-off” job opportunities created. In this memorandum it is pointed out that the proposed development will be dependent on various commercial and other services from the adjacent towns. **Many more indirect job opportunities will thus be created in adjacent towns.**
- each job opportunity created will on average **support at least 3 other family members**
- the impact of the jobs created thus have a greater **“support effect”** than indicated by the numbers

Only **key personnel (± 10) will be accommodated on the property** and all other staff will commute from the residential developments in the area to the property on a daily basis.

6.12 Development footprints and impacts

Although 100 holiday cottages/residences (with very small percentage been used as permanent residences) will be developed on the property the **impact will be “softened”** by the following planning/design approaches :

- the **portions will have a maximum coverage of 50%** (ruling size = 720 m²) to allow flexibility with the spacing of the building and to retain areas as a nature area.
- **“loose standing” clusters of stands** are well spaced to allow ample open space between stands and holiday cottages
- the **stands may not be fenced** or walled as in the normal urban style township development to allow free movement of game
- **landscaping with indigenous vegetation** will restore and rehabilitate the area previously used for agriculture
- **architectural requirements will ensure that the buildings will “blend in” with the surrounding landscape.** Some of the more important architectural requirements will be restrictions on height (one storey only), colour of walls and roofs (to blend with natural surroundings, etc).
- **strict lighting policy** (no floodlights, restricted wattage, down lighters, etc.) will lessen the light pollution at night time

The development can be better described **as a tourist destination** with the emphasis on creating holiday/leisure accommodation in a natural area.

The stand boundaries are thus purely “theoretical” (on paper only) to allow ownership and to ensure the spacing of holiday cottages. The **only physical impact on the stand will be the holiday cottage building** with a **maximum coverage of 50%**.

If these coverages are taken into consideration the total **maximum footprint** of buildings will be **5,5 ha** which equates to **less than 1%** of the total property size.

It should also be remembered that **occupancy rates** in similar developments ranges between **20% and 60%** (depending on the distance from major urban areas). The human impact is thus far less than is indicated by the number of holiday cottages.

6.13 Town versus Resort

It is important to point out that the proposed development **cannot be described as a town but rather as a resort** due to the following factors :

- the extremely low density if the recreational area (game area) on the total farm is taken into consideration put the development in a category of a nature/eco estate rather than a town
- the Estate is situated **too far from major urban areas to function as a true residential area**. A very small percentage (between 1% and 3% based on figures of other similar comparable developments) will probably be used for permanent residing. The development will thus mainly function as a leisure destination/resort
- although ownership will be structured through full title stands the **utilization of the holiday cottages** on these stands will be by means of
 - time share (1 week per owner)
 - fractional ownership (typically 5 weeks per owner)
 - corporate/company ownership (to be utilized by the employees)
 - single ownership (utilized by owner, friends and family)
 - rental pool (holiday cottages will be available to the public and tourists when not used by the owners).

It is foreseen that the majority of the holiday cottages will be held as either fractional ownership or will be put in the rental pool

- from the above it is clear that the development will **mainly function as a leisure destination where accommodation will always be available for the holiday maker and tourist**.

The development can be described as a leisure destination/resort.

6.14 Assessment of the proposed development measured against the General Principles of Chapter 1 of the Development Facilitation Act, 1995

6.14.1 Principles as Guidelines

In Section 2 “Application of principles for land development” of the Development Facilitation Act (DFA) it is stated that the Chapter 1 General Principles listed in Section 3 should “serve as guidelines by reference to which any competent authority shall exercise any discretion or take any decision” and to “.....guide the consideration of land development

applications

6.14.2 Applicable Principles

The relevance of each of the thirteen general principles will vary from project to project depending of the nature, scale and aim of a project.

The most appropriate principles should thus be selected and the “performance” of the proposed project evaluated against them.

The proposed Tenbosch Nature Estate can be assessed against the following principles :

6.14.2.1 PRINCIPLE 3(1)(c)(ii) “Policy, administrative practice and laws should promote efficient and integrated land development in that they promote integrated land development in rural and urban areas in support of each other”.

The proposed Tenbosch Nature Estate is a good example of support between the rural (proposed Estate) and the urban areas (Malelane, Mjejane, Matsulu, Komatipoort, Nelspruit, Buffelspruit, Jeppe’s Reef, etc) in the following manner :

- (a) The Estate development (rural area) will create various job opportunities and workers will commute from the urban areas (residential towns).
- (b) Certain other support functions (such as retail facilities, professional services and administrative functions) in the urban areas will be utilized by the proposed Estate.
- (c) Tax income generated by the Estate (rural area) will be utilized in the local authority area of jurisdiction which will include rural as well as urban areas.

From the above it is clear that the rural (proposed Estate) and urban areas will be in support of each other.

6.14.2.2 PRINCIPLE 3(1)(c)(iii) “Policy, administrative practice and laws should promote efficient and integrated land development in that they promote the availability of residential and employment opportunities in close proximity to or integrated with each other”.

The proposed Estate will create a number of new permanent job opportunities in the field of inter alia :

- Construction of infrastructure and buildings
- Management/Administration
- Nature reserve management
- Repairs and maintenance (vehicles and equipment)
- Security
- General maintenance (roads and infrastructure)
- Cleaning
- Game Management, etc.

During the construction period (infrastructure as well as buildings) hundreds of job opportunities requiring various levels of skill will be required over a period of 1 to 5 years (See also Section 6.11).

A great number of permanent jobs in the field of management, administration, maintenance, security, cleaning, gardening and conservation will be available at the (See Section 6.11).

Some of the key personnel will be accommodated on the Estate.

Other staff and workers of the Estate will commute the 14 and 24 km respectively from the closest urban areas (Komatipoort and Hectorspruit(Mjejane)) to the main entrance.

Numerous other residential areas are situated between 49 km and 60 km to the south of the development which is still within easy commuting distance.

Special transport facilities to and from the Estate will ensure that staff and workers will have easy access on a regular basis.

Construction personnel and workers will be transported by the contractors between their places of residence (mainly Komatipoort, Mjejane, Kamhlushwa, Siboyeni and Vlakbult) and the proposed Estate on a daily basis. This trip will have a duration of approximately 40 – 50 minutes which is much shorter than comparative home to work trips in the metropolitan areas.

From the above it is clear that the proposed employment opportunities will be situated in close proximity (14 km and 60 km) of the residential areas of Komatipoort and Mjejane in the north and Vlakbult and Siboyeni to the south.

6.14.2.3 PRINCIPLE 3(1)(c)(iv) “Policy, administrative practice and laws should promote efficient and integrated land development in that they optimise the use of existing resources”

The subject property is utilized for *agricultural activities and game farming*.

The 12 ha strip of land along the Crocodile river overlooking the Kruger National Park has tremendous tourism potential. This 12 ha of agricultural land will be replaced elsewhere on the property – the total area used for agriculture will thus remain the same. It is clear that the proposed use will not replace but only supplement the existing agricultural and game farming land-uses. The use of this 12 ha area for tourism will optimize the use of resources.

The success of similar developments in the area proves that the existing *resources will be optimised* with a Nature Estate development.

Not only will the existing Tenbosch Nature Estate bring more money to the greater area but additional jobs will be created.

6.14.2.4 PRINCIPLE 3(1)(c)(v) “Policy, administrative practice and laws should promote efficient and integrated land development in that they promote a diverse combination of land uses, also at the level of individual erven or subdivisions of land”

The proposed Estate will not only internally *sustain a diverse combination of land-uses (holiday cottages/residences, lodge, agricultural activities and game farming)* but can also on a macro scale be viewed as a “diverse” land-use compared to the surrounding agricultural uses.

6.14.2.5 PRINCIPLE 3(1)(c)(vi) “Policy, administrative practice and laws should promote efficient and integrated land development in that they discourage the phenomenon of “urban sprawl” in urban areas and contribute to the development of more compact towns and cities”

Urban sprawl is the *unchecked advance of urban development* beyond a so called urban edge line which is normally drawn tightly around cities and towns.

The Estate will have the dominant character and function of a holiday/leisure venue rather than that of a town/urban area.

The only developments outside this urban edge line that can be justified are those that are linked to tourism and/or the natural resource.

The proposed Estate is both linked to tourism and is heavily reliant on the natural resources (game, dams and the nature area of more than 678 ha) of the property.

It should also be pointed out that ***no bulk service connections*** (water, sewer and electricity that could stimulate urban sprawl) between Komatipoort and Mjejane townships (urban areas) and the proposed Estate will be developed.

The proposed development can thus not be seen as an extension of the town (urban area) and can thus not be classified as urban sprawl.

The proposed development should rather be classified as an independent tourism destination.

6.14.2.6 PRINCIPLE 3(1)(c)(viii) “Policy, administrative practice laws should promote efficient and integrated land development in that they encourage environmentally sustainable land development practices and processes”

An Environmental Impact Analysis (including various specialist inputs) was compiled by Seedcracker Environmental Consulting and has been submitted to the relevant controlling authority for their scrutiny.

This report and its ***environmental inputs influenced and directed the development proposals as indicated on the settlement plan*** (See also Section 4.2.1).

The recommendation of this report is that the proposed development is environmentally sustainable and should be supported by the authorities subject to certain proposed mitigation measures.

6.14.2.7 PRINCIPLE 3(1)(d) “Members of communities affected by land development should actively participate in the process of land development”

Public participation processes will be followed for both the application in terms of the National Environmental Management Act 1998 (Act No. 107 of 1998) (NEMA) as well as the land-use legislation to allow the members of the affected communities the opportunity to participate in the development process.

6.14.2.8 PRINCIPLE 3(1)(e) “The skills and capacities of disadvantaged persons involved in land development should be developed”

In-house training by means of skills development and skills transfers will lead to increased capacity which will not only be to the benefit of these workers in the short term but will make them more competitive in the open market place in the long-run.

A vast number of skills will also be required during the construction and running of the development afterwards that will create between 45 and 72 jobs per day over the construction period and approximately 92 jobs with the day to day running of the Estate and game farm thereafter. With the number of development projects in the area and the vast number of workers required at any one time it is imminent that workers will receive “on the job training” to supply in the demand. The same as above will apply for the approximately 92 permanent jobs created.

From the above it is clear that not only a select few will derive benefits from the new job opportunities but a broad spectrum of workers (from management to unskilled labourers) will receive on-the-job-training and gain valuable practical experience.

6.14.2.9 PRINCIPLE 3(1)(h) (iv) “Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should meet the basic needs of all citizens in an affordable way”

Outside capital flowing to the area will not only create new job opportunities but will also play a role in stimulating the economy of the region by creating additional demand for services and goods and either fill spare capacity, expand existing or create new businesses.

More individuals supporting whole households of previously disadvantaged communities will either be newly employed or earn a higher income that will lead to poverty alleviation. The basic needs of more people will be met and viable communities created.

6.14.2.10 PRINCIPLE 3(1)(h)(v) “Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should ensure the safe utilisation of land by taking into consideration factors such as geological formations and hazardous undermined

areas.”

In order to create a safe environment **geotechnical (soil conditions)** as well as **floodline information** were used during the planning/layout stages of the proposed development.

The development will be restricted to zones suitable for development in terms of the recommendations of the geotechnical investigation.

No development is proposed below the 1:100 year floodline as calculated by the civil engineers.

6.14.2.11 PRINCIPLE 3(1)(j) “Each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservational, industrial, community facility, mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other use of land.”

For the benefit of the economy and the community of the region it is important that the best suited land-use with an acceptable level of environmental/social impact for the property be determined.

An agricultural farm – creating limited unskilled job opportunities should be complimented with a nature-tourism orientated development creating many permanent jobs of various levels of skills that furthermore utilizes the land on a “non-consumable” sustainable basis for walking, game-viewing, etc.

It should further be pointed out that the proposed tourism/Estate development is to a certain degree dependent on some of the “agricultural activities” on the farm such as breeding of game. The two **land-uses of agriculture and nature Estate are thus not competing but can actually be viewed as complimentary.**

The “protection” of agricultural land should thus not be in advance or in general be regarded as more important than the utilization of the tremendous tourism opportunities of a property with a favourable recreation potential and locality.

6.14.2.12 PRINCIPLE 3(1)(m) “Policy, administrative practice and laws relating to land development should stimulate the effective functioning of a land development market based on open competition between suppliers of goods and services.”

The proposed recreational/leisure/nature Estate will not be the first or unique to this region but will create fair, healthy competition with similar developments.

6.15 Nkomazi Integrated Development Plan 2007/8 - 2012 (IDP)

Economic Development is identified as one of the “Priority Issues” in the IDP

The following is stated :

“With immediate effect, economic growth, as the surest method of uplifting the people, will become a primary concern of the Nkomazi Municipality, striving towards attaining an economic growth rate of 10% by 2010.”

The strategy is to “Attract private investors and local business to invest in Nkomazi”.

A further objective is also identified :

“With immediate effect, Nkomazi Municipality will concentrate on promoting tourism as a cluster with enormous potential for attracting external expenditure and thereby creating income opportunities within Nkomazi, striving towards attracting the bulk of tourist expenditure in Mpumalanga by 2010.”

The proposed Tenbosch Nature Estate will attract private investors and will unlock the “... enormous tourism potential” and is thus in line with this critical strategies adopted in the IDP.

6.16 Nkomazi Spatial Development Framework 2004 (SDF)

The Municipal Systems Act, 2000 requires that a Spatial Development Framework (SDF) be prepared as part of the LDO and IDP processes, with the purposes of *inter alia* directing economic growth, the optimizing of land-use patterns with the highest-and-best-use of land as scarce resource.

In terms of the Nkomazi SDF the subject property forms part of planning area A which is mainly “a mix of agricultural and conservation/tourism uses”. The following comments are made in this document :

“This character should be retained and strengthened along the N4 as it serves as a distinguishing feature and has excellent marketing potential”.

“The corridor area has also benefitted greatly in the tourism industry. The huge increase in traffic flows between the RSA and Mozambique and the Malelane and Crocodile bridge gates to the KNP play an important role herein”.

Development strategies formulated in the SDF are inter alia the following :

- Provide facilities that attract expenditure from increasing traffic flow on the N4.

The proposed holiday cottages and Lodge will draw tourists not only from the region but also nationally and internationally.

- Develop tourist attractions and eco-tourism initiatives that are compatible and environmentally sustainable.

An assessment of the environmental impact has been conducted and it has been recommended that the proposed development should be supported by the relevant authorities as the impact will be manageable and will be sustainable.

- Prevent the development of any uses with a negative environmental or visually degrading impact.

The already disturbed monotone sugar cane will be replaced by an area landscaped with indigenous vegetation to screen buildings and structures.

The architectural guidelines including height restriction (one storey), the use of muted earth tones to blend in with surrounding area and lighting control will lessen the possible impact.

It is further stated in the Nkomazi SDF 2004 that “The tourism industry is also represented in the Onderberg by the Ligwalagwala conservancy and other privately owned game reserves catering for game breeding and hunting” and that the existing conservation developments create the opportunity for the development of an uninterrupted band of conservation land bordering the KNP in the north, Swaziland in the south and Mozambique in the south-east. “Associated uses might include nature conservation, cattle ranching, game breeding, tourist facilities and hunting.”

The existing development on the subject property can also be classified as “game breeding” and the supplementary use now applied for can be classified as “tourism”.

The existing land-use supplemented with the proposed development is thus in line with the design concept as set out in the Nkomazi SDF 2004.

6.17 Ehlanzeni Integrated Development Plan (2009/2010)

The Mpumalanga Provincial Growth and Development Strategy referred to in the above document identifies one of the priorities and area of opportunity “....

using indigenous resources to create jobs – recognizing that agriculture and tourism sectors have the potential to create and employ large numbers of workers, including the low-skilled in Mpumalanga” (Ehlanzeni District Municipality, IDP 2009/2010)

One of the Provincial Flag-ship Programmes – The Maputo Development Corridor Flagship aims to anchor government priorities of economic growth and facilitating investment in the corridor area, which in turn will enhance job creation.

The “Heritage, Greening of Mpumalanga and Tourism Flagship Program” identifies the “Tourism sector diversification and expansion by harnessing the cultural heritage and natural resource base in order to drive sustainable economic development, job creation and poverty alleviation” (Ehlanzeni District Municipality, IDP 2009/2010).

The Spatial Development priorities support crucial components that will underlie sustainable development in the district. One of these 8 priorities is the following :

“**Priority 4 : The development of sustainable settlements in rural areas** that is, all areas outside areas of higher concentration of people and activity with specific development and settlement needs focusing on the balance of resources on which development is based, and providing differentiated needs of settlement types i.e. agri-villages; mine towns (Lydenburg, Umjindi, Steelpoort and Orighstad); resort development; low density rural residential; eco estates and golf estates” (Ehlanzeni District Municipality, IDP 2009/2010).

The Tourism sector in Ehlanzeni district is an important source of foreign revenue:

“Tourism in Mpumalanga Province has grown steadily since 1994 contributing an estimated R5.5 billion towards the provincial GDP, but has shown marginal decline in the first half of 2005 in comparison with the same period in 2004. There is evidence to suggest that the good development of our neighbours in Mozambique is eroding the need for them to go across the border in search of items to purchase as these items become more readily available in their own country. There is therefore a need to develop innovative approaches to recapture this core market of our tourism industry” (Ehlanzeni District Municipality, IDP 2009/2010).

From the above it is clear that the proposed development supports the strategies and priorities of the provincial and district authorities.

6.18 Ehlanzeni Spatial Development Framework 2007 (SDF)

The promoting of development and investment that will strengthen the Maputo Development Corridor is identified as one of the more important Spatial and Economic Development initiatives in Ehlanzeni District.

Development of tourism nodes along tourism routes is also highlighted in the SDF document.

Conservation-compatible land-uses are identified in this document being inter alia “game farming and tourism orientated farms” – thus providing also for “tourism and sectional ownership”.

“Rural Recreational Development” that includes “lifestyle or investment type recreational ownership such as shareblock schemes, multi-ownership reserves and eco-estates” are also described in the SDF as conservation compatible land-uses.

The proposed nature Estate and Lodge will retain its function as a game farm/nature area that will be supported by the “compatible” land-use of a low density nature or eco-estate.

The proposed land-use can thus be viewed as being in line with the guidelines of the Ehlanzeni SDF.

6.19 Land Claims

The Mpumalanga Regional Land Claims Commissioner confirmed on 6 September 2006 that a land claim has been submitted in terms of the Restitution of Land, Act 22 of 1994 – **Annexure E**).

A “competing claim” has apparently been submitted for a stretch of land (including the subject properties) between the towns of Malelane and Komatipoort.

Cox & Partners Attorneys was appointed by Mr John Hume to ascertain the status of the land claim on the property.

They are of the opinion that the proposed development will not defeat the object of the claim due to a number of reasons detailed in the letter (**Annexure L**).

A notice in terms of Section 11(7) of the Restitution of Land Act have been given to the Commission on Restitution of Land Rights, Region Mpumalanga see our letters dated 25 August 2006 and 1 September 2006 (**Attached as Annexure C**) notifying him of the intensions of the applicant to proceed with an application

A further notice in terms of section 11(7) has again been given to the Claims Commissioner on 12 October 2009 (**Annexure D**).

Also see response/comments from the Lands Commissioner dated 6 September and 8 September 2006.

We request that the proposed development application be processed and finalized irrespective of the status of the claims which will be dealt with in terms of the relevant other legislation.

7. PROVISION OF ESSENTIAL SERVICES

In this section a *general overview* will be given how services will be dealt with as indicated in *more detail in the “Report on the Provision of Civil Services for the Proposed Tenbosch Nature Estate”* compiled by ConSolv Consulting Civil Engineers (attached as **Annexure H**).

These consulting civil engineers have been appointed to investigate the existing infrastructural services and to design any alterations or additions thereto.

7.1 Provision of bulk services

The *Nkomazi Local Municipality cannot provide any bulk services* such as water, sewer or electricity.

The developer will provide all the bulk services in line with acceptable standards as indicated in the abovementioned services report and in the paragraphs below.

7.2 Ownership, responsibility and maintenance of services

The bulk services provision as well as the internal services will be provided by the developer.

These services will include the following :

- gravel roads (access to holiday cottages/residences and game viewing)
- potable water
- waterborne sewer
- storm water control
- electricity
- internal collection of solid waste

It is important to point out that the internal services will not be taken over by the Nkomazi Local Municipality.

These services will remain the property of the Tenbosch Nature Estate Land Owners Association (a Section 21 Company) and will also be maintained by this Association with funds obtained via levies paid by property owners.

An agreement will be negotiated with the Nkomazi Municipality regarding the depositing of solid waste.

7.3 Water

(Please see Services Report By ConSolv Consulting Civil Engineers - **Annexure H** as well as Geo-hydrological Investigation by Insitu Groundwater Consulting – **Annexure M**)

The water balance for the proposed development can be summarized as follows:

Demand :	100 holiday cottages/residences @ 1 200 ℓ/day	= 120 ℓ/day
	Lodge (60 beds) @ 200 ℓ/person/day	= 12 ℓ/day
	Total demand	= 132 ℓ/day
Available :	yield from boreholes 1, 2 and 3	= 132,5 ℓ/day

Borehole NK-01295 is not situated on the property under application and a servitude will be registered to ensure that the water from this borehole will be available to the development.

The available volume of water can thus easily meet the demand of the proposed development.

Quality tests indicated that the water will have to be treated by means of chlorination, ozone sterilization or filtration and UV sterilization. The most suitable method taking local conditions into consideration will be employed.

Water will be stored in a reservoir (200 m³) with a retention period of 24 hours and gravity fed to all the proposed holiday cottage/residence sites.

7.4 Sewage

A waterborne sewerage system will be installed with a package waste water treatment plant (WWTP) situated south of the development (see Settlement Plan).

The two systems that are been considered can both be installed below ground.

7.5 Roads and storm water drainage

(Please see “Services Report” By ConSolv Consulting Civil Engineers - **Annexure H**)

A network of gravel roads covers the property and these alignments will be used as much as possible to supply access to the proposed holiday cottages/residences and the nature areas. These access roads will either have

a gravel, concrete strip or paved surface depending on the terrain and circumstances.

7.6 Refuse removal

A surfaced area with screening walls will be built at the entrance gate to accommodate a number of “skips”. The Estate personnel will collect refuse from the individual holiday cottages/residences and store it in “skips” at this collection area. A refuse contractor will collect the skips and deposit the solid waste at the closest registered dumping site.

An agreement will be reached with the Nkomazi Municipality regarding the capacity, acceptance and tariffs to deposit this household refuse at their refuse/waste facility.

7.7 Electricity

(Please see “Electrical Services Report” by Vennootskap P & L – **Annexure N**)

Eskom presently supply electricity in the area and will be requested to extend their network to supply bulk electricity to the proposed development. Eskom presently has spare capacity in the network.

Electricity will be supplied to each portion.

New internal reticulation will be done by means of underground cables as described in the abovementioned report.

These cables will be protected by a general servitude where applicable.

7.8 Fire prevention/control

The local authority will due to the distance considerations not be able to render effective fire fighting services on the proposed Estate.

A mobile fire fighting unit (that will also assist with the control of veldt fires) will function as part of the fire prevention/control plan.

8. EVALUATION AND CALCULATION OF PROPERTY RECREATIONAL POTENTIAL

It is important to determine what the potential of the property is in order to ascertain whether a development of the proposed proportions is justifiable.

The property's primary as well as secondary assets will be evaluated in a scientific way using the "Parameters"^{*1} as basis and it will be calculated whether the 100 holiday cottages/residences and 1 lodge is viable and how many persons the property will be able to "accommodate".

8.1 Primary recreational potential

The primary recreational potential is generated by the property's natural and "recreational" assets. It is sometimes difficult to calculate natural assets in empirical terms and their value will differ from person to person. The primary assets will therefore be dealt with in two categories, namely non-calculable and calculable potential.

The "Parameters" stipulate that the minimum contribution of primary recreation assets in a developed resort should amount to 20%. The total population of the proposed nature Estate will be 870 people (see section 2.11) at 100% occupancy. In other words, it must be possible to accommodate 870 x 20% i.e. 174 persons on the strength of the primary recreation potential of the property.

8.1.1 Non-calculable potential

The non-calculable primary recreation potential cannot be calculated empirically, and its importance will differ from person to person. A few of the more important non-calculable assets are set out below.

8.1.1.1 Vegetation

A very wide variety of trees and plants will entice the visitor to explore the property.

8.1.1.2 Freedom of movement

The total property (± 690 ha in extent) is partially game fenced and is available to the resort visitor to access by game viewing vehicle or on foot.

^{*1}"Parameters vir beoordeling van Vakansiedorpe- en Openbare Oordaanseke in Transvaal". J H Buiten, 1978

8.1.1.3 Rural tranquil atmosphere

The development is situated away from urban or industrial activity and a calm tranquil atmosphere is prevalent on the property.

8.1.2 Calculable potential on the property

8.1.2.1 Fishing

The 2 dams on the property have an estimated surface area of approximately 6,2 ha and frontage of approximately 2,8 km.

It is accepted that the abovementioned frontage is suitable to accommodate 1 angler per 60 m for fishing. At this spacing approximately 46 anglers/activities can be accommodated on strength of these dams.

8.1.2.2 Ratios of game viewing

Due to the fact that it is proposed to utilize the same network of existing roads for game viewing per vehicle, on foot or horseback certain ratios should be used to allocate certain parts of the roads to these users.

It is suggested that the ratios be accepted as follows :

Game viewing per vehicle	60%
Game viewing per foot	40%

8.1.2.3 Game viewing by vehicle

The existing road network in the game camp that is approximately 450 ha in size will be utilized for guided as well as self-drive game viewing.

In terms of the Parameters 1 km of game viewing roads can be motivated for every 40 ha of property.

In terms of these standards and the 60% ratio allocated above a total of 6,75 km of roads can be justified for game viewing by vehicles.

At a utilization rate of 1 vehicle per km road an average of 8 persons per vehicle – 54 persons/activities can be justified on strength of game viewing per vehicle.

8.1.2.4 Nature walks

Nature walks on the property will enable the visitor to explore the fauna and flora on this 450 ha property along demarcated trails and roads.

In terms of the Parameters 1 km of nature trails can be demarcated per 20 ha of property.

In terms of these standards and the 40% ratio accepted above approximately 9 km of trails (40 x 450 ha ÷ 20) can thus be motivated on the property. It should however be pointed out that some of the trails will also be used as bridle paths.

In terms of the Parameters 12 people per km trail can be justified in regional recreational resorts.

Thus 9 km x 12 persons (= 108 persons/activities) can theoretically be accommodated by the nature walks on this section of the farm.

8.1.2.5 Summary

The primary recreational potential can be summarised as follows :

Table 1 : Evaluation of the primary recreational potential :

Activity	Primary recreational potential (activity/persons)
Fishing	46
Game viewing per vehicle	54
Nature walks	108
Total	208

The minimum primary recreation potential for the development (870 x 20%) are 174 persons and is exceeded by the figure of 208 persons shown in table 1.

The primary potential is thus more than sufficient to justify the proposed development.

8.1.3 Primary recreation potential in the region

The attractions in the area that will be visited by people accommodated in the proposed development will i.a. be the following :

- Kruger National Park
- Mozambique
- Swaziland
- Other game/nature reserves in the area
- Sabie, Graskop and Pilgrims Rest
- Various other attractions in the region

It is estimated that the above attractions will represent approximately 10% of recreational potential of the proposed development.

Approximately 93 people/activities can thus be calculated to the potential of the development on strength of the attractions in the Region.

8.2 Secondary recreational potential

The secondary recreational facilities are those man-made facilities that can be “created” by the developer to supplement the natural (or primary) recreational facilities.

The required minimum contribution by secondary recreational facilities to highly-developed resorts in terms of the Parameters is 70% and thus 609 persons/activities

Swimming pools will be provided at some of the holiday cottages/residences and at the Lodge.

Children's play areas will be provided at strategic locality at the back of the holiday cottages.

Under-roof recreational area and reading rooms will be provided at the Lodge.

The contribution of the secondary recreational facilities at the holiday cottages/residences are calculated in the Table 2 below.

Table 2 : Evaluation of the secondary recreational potential

Type of recreational facility	Number and/or size	Population served (average Persons)*	Maximum contribution** (%)	Contribution towards total secondary recreational potential (Activity/persons)
Swimming pools	950 m ²	1 187	30%	356
Children's Play area	1	1 000	30%	300
Under-roof recreation area	250 m ²	250	25%	50
Total	-	-	-	706

* See "Parameters" Section 5.3.2

** See "Parameters", Table 5

The above table shows that the contribution towards the total secondary recreational potential is 706 persons and thus more than the required 609 persons/activities.

8.3 Total recreational potential of the development

The table below compares the minimum contributions with the actual contributions of the recreational potential of the proposed development.

Table 3 : Total recreational potential

Recreational potential	Minimum required contribution (persons)	Actual contribution (activities/ persons)
Primary recreational potential	20% - 174	208 #
Secondary recreational potential	70% - 609	706 ##
Primary recreational potential in the region	10% - 87	87
Total	100% - 870	1 001

See Section 8.1

See Section 8.2

8.4 Conclusion

It is thus clear from the above that the secondary as well as primary recreational facilities make larger contributions than required in terms of the guidelines of the Parameters.

The total recreational potential also exceeds the total proposed population of the Estate and Lodge.

From the above it is thus clear that the recreational potential of the properties justifies a development of the proposed nature and extent.

9. PHASING

Due to the size of the project it is proposed that it be ***developed in (4) phases.***

Although each phase will be separately developed it will still form part of and function as a integral part of the development utilizing the same service infrastructure, having access to the total property for game viewing and walks.

The phasing will allow the developer to develop in smaller financially and physically more manageable segments.

Such an approach will also allow the sales and marketing to “keep-up” with the development of the phases.

10. DEALING WITH TITLE CONDITIONS

10.1 Conveyancer's Report

It should be pointed out that the proposed portions 1 to 102 will all be situated on Remainder of Portion 19 Tenbosch 162 J U.

Conveyancer of the High Court of South Africa Jan Christiaan Kriek investigated the title conditions of the properties and compiled a “**Conveyancer Certificate**” (Annexure Q).

10.2 Land Surveyor Certificate

Johan Oosthuizen a qualified Land Surveyor investigated how the proposed development will be affected by existing servitudes and issued a “Land Surveyor's Certificate with respect to the Remainder of Portion 19 and Portion 93 of the farm Ten Bosch No. 162 –JU” (Annexure R).

Various servitudes were identified but none of these will affect the proposed development (see paragraph 6 of this report).

On strength of the abovementioned reports the following can be concluded :

10.3 Mineral Rights

The *mineral rights* of all the subject properties reverted back to the State. An application for consent for the development from the State as mineral rights holder has already been submitted.

The mineral rights condition will be retained in the title conditions of the new portions as is recommended in the Conveyancer's Report.

10.4 Other restrictive conditions

There are no *other conditions* registered against the properties that prohibit the proposed development.

10.5 Servitudes

Existing servitudes and other rights will be retained and honoured.

However in terms of the Land Surveyor's Certificate it is indicated that portions 1 to 102 of the Development are not affected by any of these servitudes (see paragraph 6 of this report – Annexure R).

The servitudes referred to in Conditions B to D of the title deed of the Remainder of Portion 19 Tenbosch 162 J U (T38159/07) **will thus not be made applicable** to the new portions 1 to 102 as is also recommended in the Conveyancer's Certificate.

Please see Surveyor Certificate attached as **Annexure R**.

10.6 Conditions to be cancelled

There are no conditions that will negatively affect the proposed development and therefore no conditions need to be cancelled.

10.7 Conclusion

The title **conditions should be dealt with as follows** :

Remainder Portion 19 of the farm Tenbosch 162 J U :Title Deed T38159/07

To be forwarded to the new portions (1 to 102) in the development :

Condition A

Not to be brought forward to new portions but to be retained regarding the remainder of the abovementioned property :

Conditions B to D

Portion 93 of the farm Tenbosch 162 J U :Title Deed T127611/03

Not to be brought forward to new portions but to be retained regarding the remainder of the abovementioned property :

Conditions A to F

11. SUSPENSION OF OTHER LEGISLATION

The provisions of the subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) as well as the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) might detrimentally impact on the processing and transferring of land parcels created in terms of the consent of the Development Facilitation Act.

The function of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) is not to authorize the development or subdivision of non-agricultural activities and its provisions should therefore not be applicable to a non-agricultural development as is requested for the subject property.

If the property is not excluded from the provisions of Act 70 of 1970 the proposed development might be prevented and the region robbed of economic growth and job creation.

The comments of the authorities administering the Advertising and Roads and Ribbon Development Act, 1940 (Act 21 of 1940), the South African National Road Agency and National Road Act, 1998 (Act 7 of 1998) and the Physical Planning Act, 1976 (Act 88 of 1967) should be incorporated in the conditions of the consent issued in terms of the Development Facilitation Act and therefore a parallel application in terms of the first mentioned Act should not be required. It is thus requested that the provision of Act 21 of 1940 as well as Act 7 of 1998 be suspended.

The relevant authorities administering these Acts have been given notice of the proposed development intentions (as stipulated in this application) as well as notification of the requested suspension of the mentioned Acts relating to the subdivision of the subject properties.

12. PROPOSED CONDITIONS OF ESTABLISHMENT (CE/TEN/B/1)

The draft **Conditions of Establishment (CE/TEN/B/1)** for the proposed Tenbosch Nature Estate is attached as **Annexure F**

13. PROPOSED LAND-USE CONDITIONS (LUC/TEN/B/1)

The draft Land-use Conditions (LUC/TEN/B/1) for the proposed Tenbosch Nature Estate is attached as **Annexure O**.

14. PROPOSED RESOLUTIONS

It is suggested that the following resolutions be adopted :

That the application for the establishment of the Tenbosch Nature Estate on a part of

- REMAINDER PORTION 19 TENBOSCH 162 J U
- PORTION 93 TENBOSCH 162 J U

be approved as follows :

- (i) Settlement Plan (LDA/TEN/4) be approved
- (ii) 100 Holiday cottages/residences as indicated on Settlement Plan LDA/TEN/4
- (iii) 100 Subdivisions with sizes of approximately 720 m² each accommodating one holiday cottage/residence
- (iv) 1 Lodge (60 beds)
- (v) 1 Subdivision of approximately 1 ha accommodating the Lodge
- (vi) 1 Subdivision of approximately 0,7 ha accommodating the existing residence, key staff, recreation area and reception
- (vii) Conditions of Establishment CE/TEN/B/1 be approved.
- (viii) Land-use Conditions (LUC/TEN/B/1) be approved
- (ix) Development be made subject to the conditions as laid down in the Record of Decision in terms of the Environment Conservation Act, 1989 (Act No 73 of 1989)
- (x) Cancellation in terms of Section 33(2) of the Development Facilitation Act 1995 of the conditions as stipulated in the conveyancer's report.
- (xi) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) regarding the proposed subdivisions.
- (xii) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of Sections 9A and 11 of the

- Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)
- (xiii) The suspension in terms of Section 33(2) of the Development Facilitation Act 1995 of the provisions of Section 49 of the South African National Road Agency and National Road Act, 1998 (Act 7 of 1998)
 - (xiv) The suspension in terms of Section 33 (2) of the Development Facilitation Act 1995 of the provisions of the Physical Planning Act, 1976 (Act 88 of 1967) regarding the land-use.
 - (xv) The applicant is exempted from entering into a service level agreement with the local municipality
 - (xvi) Consent be granted that the Estate may be developed on a phased basis.
 - (xvii) The consolidation of the Remainder of Portion 19 and Portion 93 Tenbosch 162 J U.

15. CONCLUSION

In the preceding sections of this memorandum it is shown that there is a need for the proposed development and that it is desirable.

All the infrastructural services can be provided by the developer on an acceptable level.

The proposed development will be environmentally sensitive and sustainable, will create various job opportunities requiring various levels of skills.

The application complies to a large extent with the Chapter 1 General Principles of the Development Facilitation Act.

In view of the above it is requested that the application be supported.



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JULY 2010

ANNEXURES :

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LETTER TO COMMISSION ON RESTITUTION DATED 14 JUNE 2010	ANNEXURE U

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References :

De Jong, R.C. Van Schalkwyk, J.A. Cultmatric CC. 4 June 2010. Draft Heritage Impact Assessment Report: Proposed Resort Establishment on Portion 19 of the farm Tenbosch 162 J U, East of Komatipoort, Mpumalanga Province. Queenswood. Pretoria.

Henwood, S.J., V&L Landscape Architects, June 2010, Visual Analysis of Ngwenya Royale, Nelspruit.

Ehlanzeni District Municipality, IDP. 2009/2010.

Ehlanzeni Integrated Development Plan. 2009/2010.

Ehlanzeni Spatial Development Framework. 2007.

Nkomazi Integrated Development Plan 2007/8 – 2012.

Nkomazi Spatial Development Framework. 2004.

Schurink, H.J. GEO 3cc – Consulting Engineering, Hydro and Environmental Geologists, May 2010. Report on Engineering Geological Investigations Undertaken for Township Proclamation Purposes : Remainder of Portion 19 and Portion 93 of the farm Tenbosch 162 J U, Mpumalanga. Nelspruit.

Verster, E, Pedoplan International Consultants CC Soil and Land Use Surveys for Agriculture, Forestry and Environmental Planning. 2007. Semi-Detailed Study of the Soil-Landform Resources of Tenbosch Nature Estate, Komatipoort, Mpumalanga to Assess the Physical Agricultural Potential and Impact on these Resources. Sinoville, Pretoria.

Webber, S, Seedcracker Environmental Consulting CC, July 2010. Executive Summary of the Draft Environment Impact Assessment Report for the Proposed Nature Estate Establishment on Remainder of Portion 19 of the farm Tenbosch 162 J U. Clubview, Pretoria