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15 December 2009

Ms M Vreken
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P. O. Box 2180
KNYSNA
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Madam

ERF 8577 KNYSNA: PROPOSED SUBDIVISION

Your letter dated 3 September 2009 refers.

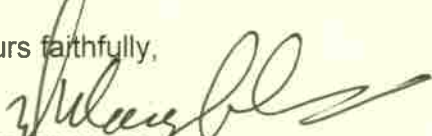
Approval is hereby granted in terms of Section 25 of Ordinance No. 15 of 1985 for the subdivision of Erf 8577 Knysna into 155 Single Residential Erven, 90 Group Housing erven, of which 16 are to be reserved for inclusionary affordable housing units, 1 General Residential erf limited to an existing guest house, 1 General Residential Erf limited to the uses set out in Council's Resolution of 26 November 2009, 9 Private Open Space erven, 1 Private Street erf and 3 public street erven.

This approval is subject to the submission of a formal subdivision plan, with conventional orientation and notation. Any proposed phasing will have to be indicated on the plan and, in the absence of a phasing proposal no approval for phasing is given at this time.

This approval is subject to the conditions contained in the attached Annexures A, B and C, imposed in terms of Section 42 of the said Ordinance. Kindly note that certain of these conditions must be met before the subdivision approval becomes valid and before any subdivision plan will be endorsed.

In addition, your attention is drawn to the provisions of Section 16 and/or Section 27 of Ordinance No. 15 of 1985, regarding the lapsing of unutilised land use approvals (2 years in terms of Departures and Rezoning, 5 years in respect of subdivision).

Yours faithfully,


J.B. DOUGLAS
MUNICIPAL MANAGER

/alh

cc: Director: Corporate Services
Director: Technical Services
Building Control Officer

Director: Finance (Rates Dept)
TEE

ANNEXURE "A"

The following conditions of title must be registered against each of the subdivided portions and the remainder, except where similar conditions have, in the opinion of the Conveyancer, already been registered against the original property or properties:

- a] The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the local authority in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above;
- b] The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

ANNEXURE "B"

Satisfactory arrangements for the essential removal of telephone or telegraph routes which cross the land being subdivided must be made with the Post Office in terms of Section 83(1) of the Post Office Act.

ANNEXURE "C"

Land Use Parameters:

- [i] The group housing components shall not contain more than a total of 90 units, of which not less than 16 shall form an inclusionary affordable housing component for sale to beneficiaries in the 'gap' housing income bracket as defined by Council;
- [ii] An agreement shall be entered into with Council with regard to the implementation of the inclusionary affordable housing component, and the phasing thereof, prior to the endorsement of a subdivision plan;
- [iii] An Architectural Design Manual shall be drafted to the satisfaction for Council for each precinct within the development, including single residential erven, and all buildings shall comply therewith. In this regard, it must be noted that dark-coloured roofing, extensive use of ground floor verandahs, minimal excavation, 'soft' landscaping and other context-appropriate, environmentally sensitive parameters must form the basis of the design manual. The ADM must be approved by Council before the transfer of any erven. Should an architectural review committee be formed, Council reserves the right to require that a suitable municipal official attend meetings of the committee;
- [iv] Unless otherwise approved in architectural design manual/s, the Single Residential zone parameters of the Knysna Zoning Scheme shall apply to all residential erven;
- [v] All development on the General Residential erf limited to the existing guest house shall be limited to the existing developed footprint on the site as per approved building plans. No residential apartments shall be allowed on this erf in future and this condition shall be included in the Title Deed of this property and proof shall be provided that this condition has been included prior to transfer of this property. Should the inclusion of a title deed condition not be permitted by the Registrar, the Municipality reserves the right to require amendment of the zoning to Single Residential and compliance to the development parameters thereof prior to transfer. No activities which are or are likely to be a source of nuisance to surrounding owners (e.g. wedding receptions, etc) shall be permitted on the property. With the adoption of new Zoning Scheme regulations, this erf shall be zoned as Single Residential with consent for a guesthouse;
- [vi] No further subdivisions shall be allowed for lot 181. This condition shall be included in the Title Deed of this property, and proof shall be provided that this condition has been included prior to transfer of this property. Should the inclusion of a title deed condition not be permitted by the Registrar, the Municipality reserves the right to require that the layout be amended to conform with the ruling erf size in the vicinity, without exceeding the permitted total number of erven;

- [vii] All internal roads shall be designed to reduce road cutting in the valley;
- [viii] The General Residential Zone (other than the General residential Erf restricted to the existing Guest House) shall be restricted to the development of a club house and health care facility;
- [ix] The General Residential Zone (other than the General residential Erf restricted to the existing Guest House) approval specifically excludes apartments, hotels, boarding houses or any other use except for those associated with an "Old Age Home", as stated in [viii] above;
- [x] The health care facility shall be limited to 20 beds as applied for;
- [xi] A Detailed Site Development Plan of the general residential erf, indicating the siting, elevations and finishes of the building shall be submitted by the applicant for approval prior to the submission of building plans; the design of the building shall be in accordance with the design guidelines for the rest of the development;
- [xii] This community facility for the residential estate shall comply in all material respects with the Housing Development Schemes for Retired Persons Act (Act 65 of 1988) as amended, and may not be used or sold for any other purpose.
- [xiii] Membership of any club established to use the associated facilities shall be limited to registered owners within the development and no activities which are or are likely to be a source of nuisance to surrounding owners (e.g. wedding receptions, etc) shall be permitted on the property, except with the express consent of the Homeowners' Association after consultation with affected owners. This shall be included in the Homeowners' Association Constitution;
- [xiv] The health care facility, club, and/or associated structures shall be restricted to one storey and a height of 4,5 metres above Natural Ground Level at any point;
- [xv] Buildings in the Private Open Space shall be limited to maintenance and infrastructure structures, and other recreation facilities, all limited in scale and use for the benefit of residents in the development only. In this regard, it is noted that no helicopter landing facility is included in this approval;
- [xvi] The area where lots 165 to 180 are currently shown and the adjoining road and open space areas shall be surveyed and a detailed site development plan shall be provided, indicating the forest area. No part of any erf and no part of any road will be permitted within this forest area. The subdivision plan will be required to indicate that this condition has been complied with before it is endorsed.

- [xvii] Council reserves the right to impose additional conditions with regard to the subdivision of group housing erven before endorsement of the subdivision plan;
- [xviii] The boundaries of all relevant erven shall be to the satisfaction of the Director: Technical Services in order to accommodate the 20m wide road reserve to provide access to Eastford Downs and Eastford Country Estate;
- [xix] The portion of the Welbedacht Road that is aligned along western portion of Rem of 8577 Knysna shall be subdivided according to the standards of the Provincial Roads Engineer;
- [xx] It is recorded that the Western Cape Education Department confirmed in a letter dated 19 November 2007 that it does not require, nor is in a position to acquire, a 2ha portion of the site for a secondary school to serve the Eastford area;

Management:

- [xxi] Suitable management bodies to the satisfaction of Council shall be established, with all components of the site falling under one 'umbrella' property owners' association. Membership of the Homeowners' Association/ Property Owners' Association and/or Body Corporate shall be compulsory for all owners and this shall be included in the title deeds of all erven;
- [xxii] A Homeowners Association or Associations shall be formed in terms of Section 29 of Ordinance 15 of 1985 for all portions of the development that rely on private access roads and which contain private open space, and membership thereof shall be compulsory to all owners, which requirement shall be written into the title deeds of all residential erven;
- [xxiii] The Constitution/s of the Home Owners Association/s shall be drafted to the satisfaction of Council and submitted for its approval prior to transfer of any erven. Amongst other things, the Constitution shall provide clarity regarding the responsibilities for management and maintenance of open space areas, communal facilities and services infrastructure; it will also establish the ownership of all these communal components, as well as the point in the development process at which the transfer of the various components will occur. In this respect it is specifically recorded that adherence to the constitution of the Home Owners Association is a condition of subdivision for purposes of endorsement of transfer documents in terms of Section 31 of LUPO.
- [xxiv] The "Nature Area" portions shall be managed as a nature reserve in conjunction, where possible, with surrounding nature reserve areas;
- [xxv] No walling shall be erected along the eastern-most boundary of the development, any fencing shall be so designed in order to maintain the functioning of the ecological corridor linking with Eastford Glen;

- [xxvi] The Developer shall construct the Health Care Centre before construction is commenced on any of the units, or alternatively, shall furnish financial or other guarantees to the satisfaction of Council that the Health Care Centre shall be built and in operation by the time that 50% of the erven have been transferred;
- [xxvii] Ownership of the Health Care Centre and the community facility shall vest in the Home Owner's Association and transfer of ownership to the Home Owners' Association shall take place before 76% of the properties in the development have been transferred;
- [xxviii] The procedures for the appointment of management agents and for the control of the management of the facility shall be clearly spelt out in the Constitution of the Home Owners' Association

Engineering Services:

- [xxix] Details regarding the sewer and stormwater layout and escape routes for stormwater must be finalised with the Director: Technical Services before endorsement of the subdivision plan;
- [xxx] Detailed design of the public road to the South West to required standards and minimum width of road reserves in accordance with Municipal Planning standards must be confirmed by the Director: technical Services before endorsement of the subdivision plan;
- [xxxi] The development shall be the subject of a services agreement which should be finalized with the Council at the earliest opportunity. It must be noted that the development will be required to provide the improvements and upgrading to the local infrastructure, reservoirs and pump stations, prior to the transfer of erven;
- [xxxii] The following augmentation fees and extension charges shall apply to the development in terms of Council's standard policies:
- water and sewerage augmentation fees;
 - water extension charges, Lower Eastford scheme;
 - sewer extension charges;
 - Welbedacht road upgrading contribution;
- [xxxiii] Water and sewer services must be extended at the developer's cost to serve the development;
- [xxxiv] Additional water reservoir capacity is required and must be provided at the developer's cost to serve the development;
- [xxxv] The road access to the existing Eastford Downs and Eastford Ridge access road from the proposed interchange connection must be provided to a Class 4 local distributor standards, this must be confirmed prior to finalizing the

layout. This road shall be a public road and no construction will be permitted inside the required 20m road reserve;

- [xxxvi] The office of the District Roads Engineer must be approached with regard implementation of the recommendations of the Traffic Impact Assessment with regard to the influence of the development and the traffic impact on the Trunk Road (National Road), and such conditions and requirements communicated to the Municipality;
- [xxxvii] All services shall be constructed to Council's satisfaction and the services demand for the non-residential properties must be defined and agreed in a services agreement;
- [xxxviii] A traffic impact study must be submitted up to the N2/Welbedacht Road intersection for consideration and further conditions regarding the contribution of the developer to the upgrading thereof may be imposed at services agreement approval stage;
- [xxxix] The development shall be supplied with a bulk supply and all medium voltage infrastructure to supply the development shall be to the satisfaction of the Town Electrotechnical Engineer. A way-leave for crossing of the road reserve will have to be obtained by the developer;
- [xl] The point of supply will be on the western side of the development at a substation/switching station to be created. The developer shall install cables from the Welbedacht RMU to supply the development;
- [xli] The power lines on the eastern and western sides of the erf are major supply lines to the northern areas and will have to be retained. If the lines are replaced with cables, Knysna Municipality will make a contribution to upsize the cables to ensure adequate capacity in the cables for future development in this area;
- [xlii] Switching stations will be required in areas as indicated;
- [xlili] The electrical infrastructure in the area is not designed to accommodate the expected load of the development and until the new Eastford 66kV Intake Substation is operational the expected electrical supply of 800kVA will not be available to the development;
- [xliv] Provision must be made in all units for load-shedding relays on the water heating cylinders (geysers) to the satisfaction of the Town Electrotechnical Engineer;
- [xliv] In addition, a solar-assisted water heating system and dual / gas electric hob installation shall be provided in conjunction with the load shedding system in all units, to the satisfaction of the Town Electrotechnical Engineer;
- [xlv] CFL light bulbs shall be installed in all light fittings, where feasible, and landscape illumination shall be limited to LED lighting;

SANRAL Conditions:

- [xlvii] The conditions of SANRAL, contained in their letter of 6 March 2006, shall be complied with, and the relevant conditions written into the title deeds of all erven prior to application for transfer of any erven in the development;

Environmental Authorization:

- [xlviii] The conditions of the Environmental Authorization contained in the letter of the Director: Integrated Environmental Management (Region A) dated 29 November 2006, shall be adhered to, to the satisfaction of the Department of Environmental Affairs and Development Planning;

Additional Conditions:

- [xlix] Local labour and contractors from within the Knysna Municipal area shall be utilised wherever possible, and, in this regard, contracts regarding BBEE, (including those relating to transportation of employees) to the satisfaction of Council, shall be submitted to the Director: Corporate Services for approval prior to commencement of construction, and a monthly report on labour and contractors shall be submitted to the Director: Community Services for information of Council;
- [i] If there are any persons on the property with tenure rights in terms of land reform legislation, their details shall be forwarded to the Department of Land Affairs;
- [ii] Council's standard waste management conditions must be adhered to for construction and ongoing operational stages of the development;
- [iii] A 5kl rain water tank with a practical method of utilizing rain water collected from the roofs of buildings for at least garden and swimming pool use, or alternative system to the satisfaction of the Director: Technical Services, shall be installed in respect of each residential erf. The water tank is to be architecturally treated, to be aesthetically compatible with the style of the development;
- [iiii] Dual flush toilet cisterns and low volume taps and shower heads shall be installed in all units;
- [iv] All costs pertaining to the application shall be for the account of the applicant, unless otherwise indicated;
- [v] Development will only be permitted to be implemented in phases via subdivision approval as and when it can be confirmed by the Town Electrotechnical Engineer that electrical capacity is available, and this will be limited to 100kVA until the Salt River intake substation has been commissioned and energised.