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DATE
SOUTH
AFRICA
24 DEC 1997

PROVINCIAL ADMINISTRATION WESTERN CAPE
DEPARTMENT OF HOUSING, LOCAL
GOVERNMENT AND PLANNING

PROVINSIALE ADMINISTRASIE WES-KAAP
DEPARTEMENT VAN BEHUISING,
PLAASLIKE BESTUUR EN BEPLANNING

ULAWULO LIMEDELOPHU INTONGA KOLONI
ISEBE LOLWAKHINO-ZINDLU,
ULAWULO LIMEDELOPHU NOCWANGCISO

The Managing Director
P K Developments (Pty) Ltd
Seventh Floor
Southern Life Centre
8 Riebeeck Street
Cape Town
8001

Dear Mr Wang

KNYSNA MUNICIPALITY: REZONING OF ERVEN 3471 TO 3478 AND PORTION ERF 3462
KNYSNA (SPARREBOSCH)

- 1 Your application for the rezoning of the above mentioned erven has reference.
- 2 The Premier has in terms of section 16 read with section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) granted approval of your application for the rezoning of Erven 3471 to 3487 and a portion of Erf 3462 Knyana to Subdivisional Area for the purpose of developing a maximum of 500 residential units, a hotel with a maximum of 100 bedrooms and 50 sectional title hotel units and an 18 hole golf course subject to the conditions which were already previously discussed with you. The final conditions will be forwarded to you in due course.

Yours faithfully

C.K. RABIE
HEAD OF DEPARTMENT

PLEASE STATE REPLYING NUMBER IN FURTHER CORRESPONDENCE TO ENSURE ACCURACY IN RECORDS
WISSE WATSTYD WATSTYD WATSTYD WATSTYD WATSTYD WATSTYD WATSTYD WATSTYD WATSTYD WATSTYD

SEND ALL CORRESPONDENCE TO:
Chief Executive Planning
Directorate Land Affairs
27 Main Street
Pretoria 0001
CAPE TOWN 8001

PHONE 021 463-3427

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**KNYSNA MUNICIPALITY : ERVEN 3471 TO 3476 AND PORTION OF ERF 3462
KNYSNA: REZONING TO SUBDIVISIONAL AREA**

CONDITIONS OF APPROVAL:

1. ENVIRONMENTAL MANAGEMENT

- 1.1 *An Environmental Management Plan (EMP) for the development and subsequent operation of the project and Golf course shall be approved by the Provincial Minister of Planning in consultation with the Knysna Municipal Council. Any later revision or amendment of such approved EMP shall again be approved by the Minister and the Knysna Council. The developer shall be required to adhere to the EMP as approved.*
- 1.1.2 *The approval of the Environmental Management Plan (EMP) as referred to in paragraph 1.1 above shall not be regarded as final. At the recommendation of the EMC, the plan may be amended or revised as may be deemed necessary from time to time in order to ensure the impact of the development on the natural environment remains sustainable.*
- 1.2 ✓ *An Environmental Monitoring Committee (EMC) shall be appointed by the Minister of Planning in agreement with the Knysna Council*
- 1.2.1 *The EMC shall be a body of specific expertise suitably qualified to monitor the implementation of, and adherence to the EMP, compliance by the developer with the conditions of approval and any other function in terms of these conditions and/or according to its terms of reference referred to in 1.2.4 below.*

1.2.2 The EMC shall be composed as follows:

- 2 members nominated by the Knysna Council*
- 1 member nominated by the National Parks Board*
- 1 member nominated by the Department of Nature Conservation*
- 4 members nominated by the Knysna Environmental Forum*
- 1 member nominated by the Developer.*

The Environmental Control Officer referred to in paragraph 1.3 shall attend meetings of the EMC on an ex-officio basis, but shall not be a member of the EMC.

1.2.3 The EMC shall have the right to co-opt on an ad hoc basis from time to time a maximum of two additional members for a specific purpose as may be deemed necessary. The appointment of such additional expertise shall be approved by the Minister in consultation with the Knysna Council and after consultation with the developer.

1.2.4 The terms of reference for the EMC shall be formulated by the Chief Director Planning and be approved by the Provincial Minister of Planning in consultation with the Knysna Council.

1.3 An Environmental Control Officer (ECO) shall be appointed by the Knysna Council in agreement with the Provincial Minister of Planning and after consultation with the EMC. The ECO shall report to the EMC and the Knysna Council on the implementation of the EMP, compliance with the conditions of approval and on the implementation of relevant mitigation measures contained in the Environmental Impact Assessment and which have been incorporated into the EMP.

- 1.4 *The ECO shall submit regular reports to the Knysna Council during phase 1 of the development ("phase 1" in this context refer to the installation of the necessary infrastructure, including roads, the construction of the golf course, club house, hotel and related facilities, and the residential units within subdivision phase 1, as well as a regular audit during phase 2 of the development. The EMC shall however, have the right to request additional reports to be submitted to the Knysna Council. If the ECO at any stage indicates to Knysna Council that the relevant requirements are not complied with, Knysna Council shall have the right to stop construction and / or earthworks or other works, until such time as all prescribed environmental control mechanisms and / or conditions of approval have been implemented to the satisfaction of Knysna Council after consultation with the EMC. (see par 6.3 below)*
- 1.5 *The Developer shall be responsible for the cost of the EMC and the ECO and any other expenses incurred in the process of Environmental monitoring of the development. Such costs, as calculated by the Knysna Council, shall be paid over by the Developer monthly in advance on inception of the EMC and thereafter, until the development has been completed to the satisfaction of the Knysna Council.*

2. NATURE ENVIRONMENT

- 2.1 *A detailed study regarding the invertebrates and butterflies must be carried out by qualified expertise appointed by the developer at his own cost and to the satisfaction of Knysna Council after consultation with the EMC and the recommendation must be adhered to during the development process. This study shall form part of the EMP and shall be monitored by the Environmental Monitoring Committee.*

- 2.2 ✓ No-go areas shall be demarcated by the ECO in consultation with the EMC before proceeding with construction on site. The maintenance of these areas shall be monitored by the ECO. ✓
- 2.3 All construction vehicle movement during construction shall where practical be restricted to areas approved for development and along the routes of future roads. Construction vehicle movement on public roads in the township of Rexford, shall be restricted to between 08:30 and 17:00 from Mondays to Fridays, excluding public holidays. Any extension beyond the prescribed hours should be negotiated with the Knysna Council. For the purpose of this clause, construction vehicles mean, vehicles delivering construction material onto the site and vehicles hauling material off the site. ✓
- 2.4 ✓ A program to remove all transplantable vegetation ahead of construction in order to protect sensitive plant communities shall be prepared by the developer. The rehabilitation of the vegetation must be addressed in the EMP to the satisfaction of the EMC. ✓
- 2.5 The exact alignment of the sewage outfall lines, power lines and water supply lines shall be determined in the least sensitive areas to the satisfaction of the Knysna Council in consultation with the ECO. ✓
- 2.6 The Environmental Management Plan shall address the property as a unity in order to protect the fynbos area in conjunction with the Sparrebosch forest and to protect the natural systems of the property or properties adjacent to it which may be affected by developments on the property.

- 2.7 ✓ The EMP shall contain the general mitigation measures with regard to the bio-physical environment as initially addressed in the EIA. These steps shall be implemented by the developer to the satisfaction of the Knysna Council in consultation with the EMC. These aspects should be re-evaluated on a regular basis. (see paragraph 1.1.2)

3. LAYOUT

- 3.1 ✓ The layout of Residential Node I shall be amended by:
- (a) relocation of erf 8 to a more suitable position elsewhere on the property. Such relocation shall be approved in the final development plan. ✓
 - (b) provision of a cul-de-sac at erven 10 and 26 and access to erven 1 to 7 shall be provided from the 20 m road. ✓
- 3.2 The final alignment of the erf boundaries of the erven within Residential Nodes R12 and R14 shall be determined on site by the developer in consultation with the Chief Director Planning of the Provincial Government, the Knysna Council, after consultation with the Environmental Monitoring Committee.
- 3.3 ✓ Hole 10 of the golf course shall be redesigned to the satisfaction of the Chief Director Planning of the Provincial Government, the Knysna Council, after consultation with the Environmental Monitoring Committee in order to address the concerns with regard to the location, the proposed cut-and-fill and the handling of seepage water at hole 10. ✓

- 3.4 ✓ The location of the golf practice range is not acceptable and therefor not approved. Any future location be agreed upon between the Knysna Council the EMC and the developer and the plan be submitted to the Chief Director: Planning of the Provincial Government for final approval. ✓
- ✓ 27/5/98
3.5 A revised layout plan of the first phase of the development shall, on completion of the EMP, be submitted to the Chief Director Planning of the Provincial Government for scrutiny before being submitted to the Knysna Council for approval. The revised layout plan shall also indicate the phasing of the construction of the golf course. ✓
- 3.6 A revised plan for the development of the remainder of the site shall be submitted to the Chief Directorate Planning of the Provincial Government for scrutiny before being submitted to the Knysna Council for approval as soon as the position of Residential Nodes R12 and R14 has been determined on site.
- 3.7 The residential component shall be limited to a maximum of 500 units and the hotel shall be limited to a maximum of 100 bedrooms plus 50 sectional title units. (see paragraph 8.1)
- ✓ 3.8 The Knysna Council and the developer shall consider the replacement of the public servitudes with public streets.
- 3.9 Public access to Sparrebosch shall be provided by the developer at own cost to the satisfaction of the Knysna Council in accordance with the Sparrebosch Forest Management Plan mentioned in paragraph 2.9^{2.6?} above. The management, nature of, and general requirements of the provision of such public access shall be recommended by the EMC. No uncontrolled access to the Sparrebosch Forest shall be permitted. If deemed necessary by the Knysna Municipality and Environmental Management

Committee (EMC), the developer may be requested to fence off certain sections of the forest abutting the residential areas at his cost.

- 3.10 The provision and establishment of public viewpoints and public facilities shall be investigated and implemented where practical by the developer at own cost in consultation with the Knysna Council and after consultation with the EMC.
- 3.11 Minor amendments to the approved rezoning plan no, SPAR-REV.1 dated 16 April 1997 shall be considered at the subdivisional stage by the Knysna Council in order to reflect the final design refinements in accordance with the rezoning approval.

4. SERVICES

- 4.1 ✓ 7/7/98 A detailed drainage plan of the entire development shall be compiled by the developer and be submitted to the Directorate Professional and Technical Services of the Provincial Government for scrutiny before being submitted to the Knysna Council for approval. Special attention shall be given to the system of irrigation, fertilization of the greens and overall drainage in order to maintain the natural hydrological system. This drainage plan shall address all drainage aspects and shall specifically include the following aspects:

- (1) drainage of the roads
- (2) drainage of the residential areas
- (3) drainage of the golf course on the lagoon side of the development
- (4) drainage into Sparrebosch and
- (5) treatment of surface run-off.

- 4.2 The detail of drainage management shall be addressed by the Environmental Management Plan. The quality of seepage water shall be monitored by a qualified person from the commencement of the project on a regular basis. This person shall be appointed by the developer at his cost, after consultation with the EMC and the Knysna Council. The Environmental Monitoring Committee shall be kept informed of the results in a manner as set out in the EMP. The regularity of such intervals shall be addressed by the Environmental Management Plan. A contingency plan provided by the developer, shall address the manner in which water has to be discharged into the natural drainage system, the levels of desirability, quality etc and shall specifically address the handling of drainage which exceeds the acceptable levels of quality as should be predetermined in the plan.
- 4.3 No overhead, electrical or telephone cabling shall be permitted and street lighting shall be kept at kerb level.
- 4.4 The Knysna Council shall make a firm commitment to take the necessary steps to establish a link road between Sparrebosch and the Noetzie road. In this regard it is not necessary that the road be tarred immediately. This road will serve as a link road between the natural resources for construction material and the development in order to minimize the number of heavy construction vehicles travelling through the existing residential townships.
- 4.5 The Knysna Council reserves the right not to permit the transfer of any units/erven forming part of the final phase of development until such time that the 20 metre public road has been constructed to the Knysna Council's satisfaction up to the eastern boundary of the development site. The Knysna Council may, however, stipulate at any stage that this road be constructed by the developer to its full standard.

- 4.6 *Should the 20 metre public road not be constructed to its full length during the first phase of development, a temporary turning circle to the satisfaction of the Knysna Council shall be provided by the developer. The remainder of the road shall be upgraded by the developer to the satisfaction of the Knysna Council.*
- 4.7 *Municipal services to the proposed development, including storage facilities, contributions at the rate applicable at the time in the form of augmentation and extension charges or cable costs, (including the timing of such payments) the extension of the municipal electricity network, irrigation water for the golf course, storm water management, etc. shall be provided at the cost of the developer to the satisfaction of the Knysna Municipality, and detailed plans for these services shall be submitted for approval by the Municipality. In the detailed plans special attention shall be given to the availability of water for human consumption, as well as water for the irrigation of the golf course. Should treated water from the sewerage works be used for the irrigation of the golf course, special attention shall be given to the influence on the natural processes in the lagoon. This aspect shall also be addressed in the EMP.*
- 4.8 *The developer shall, at own cost and to the satisfaction of Knysna Council, improve the public street system at the Wilson Street/George Rex Drive intersection and at the Wilson/Street/Duthie Drive intersection to the satisfaction of the Knysna Council. This improvement may include the option of a financial contribution by the developer to the provision of traffic lights.*

- 4.9 *Unrestricted public access to the public streets within the development shall be permitted, provided that control measures may be implemented at access points to residential "clusters" by the developer and/or the Home Owners' Association in consultation with and to the satisfaction of the Knysna Council.*

5. PHASING

- 5.1 *A plan in which the phases of development are clearly indicated shall be submitted to the Chief Directorate Planning of the Provincial Government and the Knysna Council for approval. The phasing shall be subject to the following:*
- 5.1.1 *Phase 1 of the project, which includes the golf course, hotel plus associated facilities and Residential Nodes R1-R6, shall be brought to a stage of completion which is acceptable to both the Knysna Council and the Environmental Management Committee, before any further development may commence.*
- 5.1.2 *The construction of the golf course shall be undertaken in 5 phases. The phases must be constructed sequentially, with overlapping being kept to a minimum. The full phasing and construction plan shall be agreed upon in advance between the Knysna Council, the Environmental Management Committee and the Developer.*
- 5.1.3 *Subdivision plans in respect of the full development (i.e. all phases) must be submitted to the Knysna Council for approval within a period of 2 years from the date of the rezoning approval.*
- 5.1.4 *Also see the contents of paragraph 3.5*

6. PENALTY

- 6.1 *Penalties for non-compliance by the developer with the conditions of approval and / or the requirements of the EMP and / or specifically the requirements of the drainage plan referred to in paragraphs 4.1 and 4.2 of this document, shall be those penalties as set in the contents of Chapter 9 of the Western Cape Bill on Planning and Development as published in Provincial Gazette (Extraordinary) No 5183 dated 3 October 1997. Although these conditions are determined before the referred Bill has become Law, it is a specific condition that the process and the penalties stipulated in the promulgated Act, as amended from time to time, shall be applicable to the development.*
- 6.2 *The contents of par 6.1 shall be applicable on the Home Owner's Association (HOA) as well, after transfer from the developer to the HOA. This responsibility shall be clearly indicated to each member of the HOA.*
- 6.3 *Provincial Government, the Knysna Council or the EMC or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.*

7. HOME OWNERS' ASSOCIATION

7.1 *A Home Owner's Association (HOA) shall be established (membership of the HOA shall be registered in the title deeds of each unit) in respect of the development, with the compulsory membership of all owners and the following aspects shall be addressed to the satisfaction of the Knysna Council in the Constitution/Articles of the Association:-*

- (i) *The promotion of environmental awareness and responsibility.*
- (ii) *A penalty clause shall be applicable in the case of non-compliance with the requirements of the constitution.*
- (iii) *Clarification of ownership, management and maintenance of all facilities and the Private Open Space areas, including the golf course, with the clear understanding that the Knysna Council has no responsibility in this regard.*
- (iv) *Clarification of ownership status of land should various components of the development, for whatever reason not be proceeded with.*
- (v) *Clarification of stages when, and where applicable, that responsibility will be transferred from the developer to the Home Owner's Association, and that an indication of the standards to which such facilities/areas are to be transferred will be complied with at that stage.*
- (vi) *A clear indication of the body which should be held responsible in respect of the various areas/facilities forming part of the development should the provisions of the development approval not be complied with at any stage.*
- (vii) *The use of natural vegetation for gardening purposes should be actively promoted.*

8. BUILDING PLANS

- 8.1 *A site development plan in respect of the hotel, clubhouse, hotel suites and group housing development shall be submitted for approval prior to or simultaneously with the application for building plan approval. The parameters of the zoning scheme will not automatically apply to such development and the council shall evaluate the coverage, bulk and height of buildings and detail level to ensure that the development is consistent fits in with the natural environment. A height of 8,5 metre shall apply to such developments unless an increased height is approved by the Knysna Council in consultation with the EMC.*
- 8.2 *The following conditions shall apply to the Single Residential erven in addition to the requirements of the Zoning Scheme.*
- (i) Not more than 80% of any individual erf shall be utilized for construction and gardening purposes (i.e. at least 20% of each erf has to be maintained, preserved and managed in its natural state).*
 - (ii) In respect of Residential Areas R12 and R14 the erven directly abutting the Sparrebosch forest property be subject to a 5 metre rear building line.*
 - (iii) In respect of residential area R14 development shall be limited to a maximum height of 6,5 metre above the natural ground level only, provided that "dormers" be permitted.*
 - (iv) In respect of the residential areas north of the 20 metre road, a single story height restriction with a maximum height of 6,5 metre above the natural ground level shall be imposed, provided that "dormers" be permitted and provided further that dwellings may be permitted to be "staggered" along a slope where applicable.*

9. DESIGN MANUAL

9.1 *A design manual shall be prepared and submitted for approval by the Knysna Council in respect of the whole development, and that it shall include inter alia the following aspects:*

- (i) *Building materials, design, etc.*
- (ii) *Building plan approval, and the establishment of an "architectural review panel" by the developer.*
- (iii) *General measures to reduce visual impacts as identified in the EIA.*
- (iv) *The use of natural vegetation for gardening purposes.*

10. LABOUR

10.1 *The developer shall, as far as practically and reasonably possible employ local employees and the following aspects shall be taken into account:*

- (i) *liaison with the local Builders Forum with regard to the appointment of employees;*
- (ii) *the provision of training courses for local people employed by the developer;*
- (iii) *regular reports to the Knysna Council on the status of employment and training of locally appointed employees. In such reports, the percentage of local people employed shall be indicated specifically.*

MINISTER LH FICK
MINISTER OF AGRICULTURE,
PLANNING AND TOURISM

DATE:



15/1/98.