

MOTIVATION REPORT

WITH RESPECT TO:

CONSOLIDATION OF

Portion 7 of Farm 179, Remainder Portion 1, Portion 4 and Portion 5 of
Farm 180, Ndlambe Municipality, Division Bathurst, Eastern Cape Province

and

SUBDIVISION and REZONING

from

Agricultural Zone I

to

Resort Zone II



*P.O. Box 7609
East London
5200*

COPYRIGHT RESERVED ©

setplan

MOTIVATION REPORT

WITH RESPECT TO:

CONSOLIDATION OF

Portion 7 of Farm 179, Remainder Portion 1, Portion 4 and Portion
5 of Farm 180, Ndlambe Municipality, Division Bathurst, Eastern
Cape Province

and

SUBDIVISION and REZONING

from

Agricultural Zone I

to

Resort Zone II

Prepared for:

IMBALI PROPS 24 PTY LTD

Prepared by:

SETPLAN (East London)

**REPORT No.1193/0-1
MAY 2008**

1.0 PURPOSE OF THIS REPORT..... 1

2.0 AIM OF THE CONSOLIDATION AND REZONING APPLICATION..... 1

3.0 REGIONAL CONTEXT AND LOCALITY (FIGURE 1)..... 1

4.0 SUPPLEMENTARY INFORMATION 2

4.1 STATUTORY DOCUMENTS FOR SETPLAN’S APPOINTMENT 2

4.2 LAND OWNERSHIP AND RESTRICTIVE CONDITIONS 2

 4.2.1 Existing Registered Servitudes..... 3

4.3 MORTGAGE BOND 3

5.0 THE SITE 3

5.1 EXISTING LAND USE (Figure 2) 3

5.2 NATURAL FEATURES..... 4

 5.2.1 Climate 4

 Rainfall..... 4

 Temperature 4

 Wind..... 4

 Hail..... 4

 5.2.2 Slope Analysis..... 4

5.3 SITE OPPORTUNITIES..... 4

 5.3.1 Infrastructural aspects..... 5

 5.3.2 Physical and Natural Features 5

6.0 EXISTING ZONING (FIGURE 3)..... 5

7.0 PROPOSED SUB-DIVISIONAL PLAN (PLAN 1193 A/4) 5

7.1 PLANNING CONCEPT 5

7.2 PLAN SPECIFICS 6

8.0 SPATIAL DEVELOPMENT FRAMEWORK (FIGURE 4)..... 7

9.0 DEVELOPMENT CONTROLS 7

9.1 GENERAL 7

9.2 HOME OWNERS ASSOCIATION..... 8

9.3 ARCHITECTURAL STYLE 8

10.0 ENGINEERING SERVICES (REFER ANNEXURE C)..... 8

10.1 ROAD ACCESS..... 8

10.2 WATER SUPPLY..... 8

 10.2.1 water sources 8

 10.2.2 proposed water supply system 9

10.3 SEWERAGE TREATMENT SYSTEMS..... 9

10.5 ELECTRICAL SUPPLY 9

10.6 DOMESTIC REFUSE..... 9

11.0 ASSOCIATED LEGAL PROCEDURES 9

12.0 MOTIVATION..... 10

13.0 CONCLUSION 10

FIGURES	
Figure 1a	Regional Context
Figure 1b	Locality Plan
Figure 2	Land Use
Figure 3	Existing Zoning
Figure 4	Extract of Map 8 from Ndlambe SDF

PLANS	
Plan 1193 A/4	Proposed Sub-divisional Plan
Plan Cluster 1	Detailed Sub-divisional Plan
Plan Cluster 2	Detailed Sub-divisional Plan
Plan Cluster 3	Detailed Sub-divisional Plan
Plan Cluster 4	Detailed Sub-divisional Plan
Plan Cluster 5	Detailed Sub-divisional Plan
Plan Cluster 6	Detailed Sub-divisional Plan

FORMS	
Form 1	Department of Housing and Local Government Standard Application Form (Land-Use Planning Ordinance 15 of 1985)

ANNEXURES	
Annexure A	Special Power of Attorney: Imbali Props 23 PTY Ltd Resolution of Directors Letters of Authority: Setplan, EL Trust Trustees Resolution: Setplan, EL Trust

ANNEXURES CONTINUE	
Annexure B	<u>Portion 7 of Farm 179 and Remainder Portion 1 and Portions 4 and 5 of Farm 180, Bathurst: Deed of Transfer T84459/2006</u> Diagram: S.G No. 303/2003– Portion 7 of Farm 179 Diagram: S.G No. 300/1838 – Remainder Portion 1 of Farm 180 Diagram: S.G No. 149/1936 – Portion 4 of Farm 180 Diagram: S.G No. 148/1936 – Portion 5 of Farm 180
Annexure C	Engineering Services Report
Annexure D	Floodline Report

MOTIVATION REPORT

CONSOLIDATION, SUBDIVISION and REZONING of
Portion 7 of Farm 179, Remainder Portion 1, Portion 4 and Portion
5 of Farm 180, Ndlambe Municipality, Division Bathurst
from Agricultural Zone 1 to Resort Zone II

1.0 PURPOSE OF THIS REPORT

This motivation report serves the following purposes:

- To motivate the **CONSOLIDATION** of Portion 7 of Farm 179, Remainder Portion 1, Portion 4 and Portion 5 of Farm 180, Ndlambe Municipality, Division Bathurst.
- To motivate the **SUBDIVISION** of the consolidated farm portions as per **Sub-divisional Plan (Plan 1193 A/4)**.
- To motivate the **REZONING** of the subdivided portions *from **Agricultural Zone I to Resort Zone II***.
- To supplement information as contained in the relevant application form in terms of the Land Use Planning Ordinance 15 of 1985.

2.0 AIM OF THE CONSOLIDATION AND REZONING APPLICATION

- ☒ The aim of the **consolidation** application is to establish a single property to accommodate the various clusters of the development proposal.
- ☒ The aim of the **subdivision** application is to create the necessary land units or erven to accommodate the individual resort erven as proposed.
- ☒ The aim of the **rezoning** application is to obtain the appropriate zoning to allow the specific use as described for each of the subdivided land parcels. This mainly includes rezoning *from **Agricultural Zone I to Resort Zone II***, to allow for the development of resort-residential / holiday housing units.

3.0 REGIONAL CONTEXT AND LOCALITY (FIGURE 1)

(Refer Figure 1a: Regional Context and Figure 1b: Locality Plan)

The subject properties, Portion 7 of Farm 179, Remainder Portion 1, Portion 4 and Portion 5 of Farm 180, Ndlambe Municipality, Division Bathurst are situated on the western side of the Kowie River, approximately 25 km west of Bathurst Town. The Kowie River, which forms the eastern boundary of the development area, also forms a common boundary between Waters Meeting Nature Reserve. The properties are situated within the area of jurisdiction of Ndlambe Municipality, which is situated within the Cacadu Region of the Eastern Cape Province (refer **Figure 1a: Regional Context**).

The properties are presently utilised for agricultural purposes.

As depicted in **Figure 1b: Locality Plan**, the subject properties directly abut the following land units and natural features:

- Waters Meeting Nature Reserve to the east and north east;
- Portion 2 of Farm 180 to the east;
- Portion 2 of Farm 179 to the north and north west;
- Portion 5 of Farm 179 to the west;
- Remainder Farm 457 to the west;
- Portion 1 of Farm 293 to the south west;
- Portion 6 of Farm 180 to the south; and
- Portion 3 of Farm 180 to the south and south east.

4.0 SUPPLEMENTARY INFORMATION

4.1 STATUTORY DOCUMENTS FOR SETPLAN'S APPOINTMENT

Attached under cover of **Annexure A** are statutory documents confirming Setplan's appointment, being:

- Company registration – IMBALI PROPS 24 (PTY) LTD
- Special Power of Attorney: IMBALI PROPS 24 (PTY) LTD
- Directors Resolution: IMBALI PROPS 24 (PTY) LTD
- Letters of Authority: Setplan, EL Trust
- Trustees Resolution: Setplan, EL Trust

4.2 LAND OWNERSHIP AND RESTRICTIVE CONDITIONS

The subject properties forming part of the proposed development include the following;

<p>Portion 7 of Farm 179 Division of Bathurst Province of Eastern Cape In extent 535.4921hectares Title Deed Number: T84459/2006 Ownership: Imbali Props 24 PTY Ltd</p>	<p>Remainder Portion 1 of Farm No. 180 Division of Bathurst Province of Eastern Cape In extent 599.1001 hectares Title Deed Number: T84459/2006 Ownership: Imbali Props 24 PTY Ltd</p>
<p>Portion 4 of Farm 180 Division of Bathurst Province of Eastern Cape In extent 116.6690hectares Title Deed Number: T84459/2006 Ownership: Imbali Props 24 PTY Ltd</p>	<p>Portion 5 of Farm 180 Division of Bathurst Province of Eastern Cape In extent 214.1392hectares Title Deed Number: T84459/2006 Ownership: Imbali Props 24 PTY Ltd</p>

Refer **Annexure B** – Copy of Title Deed and Surveyor General Diagrams

There are no restrictive conditions contained in the title deed of the two properties.

The entire development will be situated on the above 4 properties, which have a total area of **1465.4004 ha**.

4.2.1 EXISTING REGISTERED SERVITUDES

1. A servitude right of way over Remainder Portion 1 of Farm 180, to the Kowie West Main Road, in favour of the owner for the time being of Hollingrove North (Portion 5 of Farm 180) – as reflected in Diagram No. 148/1936.
2. A servitude right of way in favour of the owner of the property conveyed by Deed of Transfer 4124, dated 12.5.36, over the road across Portion 4 of Farm 180 leading to the Kowie West Main Road.
3. A servitude right of way over the road across the farm Hollingrove West (Portion 4 of Farm 180), leading to the Kowie West Main Road, in favour of the Transferee and his successors in title of Portion 5 of Farm 180 – as reflected in Diagram No. 149/1936.

Refer **Annexure B** – Copy of Title Deed and Surveyor General Diagrams

All of the above servitudes have been accommodated on the proposed Layout Plan (Plan 1193 A/4). None of the servitudes are affected by the proposed consolidation, subdivision and rezoning.

4.3 MORTGAGE BOND

There is no bond registered on any of the farms forming part of this application.

5.0 THE SITE

5.1 EXISTING LAND USE (FIGURE 2)

The four subject properties included within the proposed development are currently utilised for game farming.

The surrounding land uses include the following:

- Conservation / Nature Reserve to the east.
- Agricultural land to the north, west and south.

5.2 NATURAL FEATURES

Natural features relevant to the proposed development area discussed in greater detail in the Basic Assessment Report prepared by CES. This report provides a broad overview of the following: Climate and Topography (*Slopes*).

5.2.1 CLIMATE

RAINFALL

The rainfall data at Port Alfred Airport will be considered as representative of Bathurst. The average annual rainfall is 941mm. Although a total of 537mm falls in the growing season of summer field crops, none of the months are exceptionally dry.

Effective run-off control from surfaced and disturbed areas is important to prevent erosion.

TEMPERATURE

Temperature variations between months are moderate. Absolute maximum temperature may exceed 40 C in mid summer.

WIND

High wind speeds are common in the area with predominant directions being from the south-westerly or north-eastern direction.

HAIL

Hail only occurs during thunderstorms. Its occurrence is, however, not limited to specific months, but is more frequent in summer and autumn.

5.2.2 SLOPE ANALYSIS

The topography of the site is characterised by a level plain, from where the terrain slopes at moderate gradient and more dramatically with steeper gradients into the river valleys. The steeper sloping ravines and the main Kowie River valley dissect the higher lying plateau. None of the proposed clusters fall on dramatically steep slopes.

The most prominent feature of the site is the densely vegetated river valley and smaller ravines.

The 1:100 year flood level along the Kowie River was determined for the area around the clusters that are situated in close proximity to the river.

5.3 SITE OPPORTUNITIES

The site opportunities can be summarised as follows:

5.3.1 INFRASTRUCTURAL ASPECTS

- The availability of good road infrastructure providing access to the farms.
- The availability of existing farm roads and tracks providing access to each of the proposed clusters.
- The availability of bulk electricity lines in various parts of the development area.
- The availability of ground water and existing boreholes.

5.3.2 PHYSICAL AND NATURAL FEATURES

- The spectacular views offered by the arrangement of the landscape.
- The abundance of pristine indigenous vegetation within the steep valley areas.
- The opportunity for integrating the resort development component with the existing conservation and game farming activities.
- The good condition of the environment and specifically natural vegetation on the site.
- The opportunity to create a balanced development with a clear tourism focus, thereby promoting conservation through development.

6.0 EXISTING ZONING (Figure 3)

The Standard Zoning Scheme, in terms of Section 8 of the Land Use Planning Ordinance (LUPO), Ordinance 15 of 1985, is applicable to the area.

As depicted in **Figure 4: Existing Zoning**, all four properties situated within the proposed development are zoned as **Agricultural Zone I**, for agricultural purposes.

Zoning of properties immediately adjoining the proposed development includes Agricultural Zone I to the northwest, west and south and Conservation to the north and west.

7.0 PROPOSED SUB-DIVISIONAL PLAN (Plan 1193 A/4)

7.1 PLANNING CONCEPT

The planning concept is guided by a number of planning principles and site-specific characteristics. Some of these principles include:

- The overriding principle of striking a balance between preserving critical aspects of the natural environment and the formulation of development

proposals that makes optimal use of the resort development potential of the farms.

- Exclusion of all environmentally sensitive areas especially steep slopes drainage features and areas with conservation-worthy fauna.
- An emphasis on very low-density clustered development footprints away from sensitive vegetation and steep slopes.
- Careful selection of development footprints, aligned with the contours and setback from the ridges to ensure minimal visual impact from the surrounds and disturbance of the skyline.
- Clustered development with inter-cluster movement is restricted to existing farm roads.
- Positioning of all units above the 1:100 year floodline along the Kowie River.

7.2 PLAN SPECIFICS

The specific development proposals in respect of the subject sites are noted as follows (refer to **Plan 1193 A/4**):

- The proposed **CONSOLIDATION** of Portion 7 of Farm 179, Remainder Portion 1, Portion 4 and Portion 5 of Farm 180, Bathurst.
- The proposed **SUBDIVISION** of the consolidated property into 51 “*holiday housing*” erven, grouped within 6 clusters, as depicted on Sub-divisional Plan 1193 A/4.
- The **REZONING** of the erven (grouped in terms of 6 clusters) to **Resort Zone II** (refer to the table below -**Spatial Budget**).
- The balance of the property, situated outside of the subdivided erven, will be retained as **Agricultural Zone I**.

Note: *The proposed Zonings are defined as per the Standard Town Planning Scheme, as per Section 8 of the Land Use Planning Ordinance, 15 of 1985. Land use, post approval, will also be managed in terms of these scheme regulations.*

The specific details of the proposed land uses and characteristics of each cluster are described below:

SPATIAL TABLE				
Proposed Land Use	Proposed Zoning	No. of Erven	Area in m ²	% Allocation
Holiday Housing Units	Resort Zone II	51	28 936.02	0.20
Roadway	Agricultural Zone I	1	261 704.74	1.79
Agricultural	Agricultural Zone I	1	14 363 363.06	98.01
TOTAL		54	14 654 004.00	100.00

The development can be described as specifically selected building footprints, situated on individual Resort Zone II erven, measuring approximately 300m² in extent. Two footprints of old farm homesteads are included within the Resort II 51 erven. These, being existing disturbed areas are considerably bigger than the average 300m² footprints.

The condition of the underlying land can be described as relatively intact and undisturbed. Careful consideration was given to the landscape and vegetation in the selection of building footprints and demarcation of limited internal private roads.

8.0 SPATIAL DEVELOPMENT FRAMEWORK (FIGURE 4)

In terms of the Ndlambe Municipality's Spatial Development Framework (SDF), the entire area included within this proposed development falls within the defined Development Zone 2.

The SDF explains that the purpose of this zone is to allow for both holiday accommodation and holiday housing, with the following guidelines being specified:

- A maximum density of 1 unit / 10 ha.
- A maximum coverage of 5%
- Individual footprints to be limited to 500m²
- The proposed development must be linked to a unique resource / or tourism attraction.
- The remainder of the property must be zoned for private open space / conservation purposes.

General requirements include the following:

- Development footprints should be clustered together.
- Building design to compliment the natural surrounds with minimal natural and visual disturbance.
- Development footprints to be positioned where they will have the least impact.

9.0 DEVELOPMENT CONTROLS

9.1 GENERAL

The Section 8 Scheme Regulations, which will be implemented in this area, specify that: *"With the rezoning of land to Resort Zone II, conditions shall be laid down with regard to density, layout, landscaping, building design, etcetera,*

and a layout plan shall be approved by and filed with the local authority, clearly indicating the position of all structures, stands and internal roads”.

The Sub-divisional development controls relevant to the Resort Development will be incorporated in the constitution of the Home Owners Association.

Building plans will be assessed in terms of the National Building Regulations, 1977.

9.2 HOME OWNERS ASSOCIATION

The residential clusters and the associated infrastructure will be managed and controlled by the Home Owners Associations, which will be established in terms of Section 39 of the Land Use Planning Ordinance 15 Of 1985. Shared infrastructure (shared between more than one Home Owners Association) will be managed and controlled by the Home Owners Associations involved. All future owners of properties within each cluster of the proposed development will be required to become members of the Home Owners Association and will be subjected to the provisions of their approved Constitution.

9.3 ARCHITECTURAL STYLE

The architectural style of the holiday housing residential buildings will be controlled and will have to adhere to an architectural code. The code will be enforced to ensure that buildings are visually unobtrusive and will contribute to presenting an aesthetically pleasing environment.

10.0 ENGINEERING SERVICES (REFER ANNEXURE C)

Note: Detailed infrastructure network plans for each cluster are attached in Annexure A of the Engineering Services Report.

10.1 ROAD ACCESS

The existing road that provides access to the farms, fulfils the role of spine collector road to the various clusters of the proposed development. In addition to this, private farm roads and tracks provide access to various clusters.

The proposed design and layout of the clusters require only limited additional roadway construction. All of these internal roads will be private roads. The function of these additional roads is entirely for access, with no through traffic.

10.2 WATER SUPPLY

10.2.1 WATER SOURCES

The following water sources are available:

- An existing registered borehole with reported yield of 0.44l/s.
- The Kowie River.

- Rainwater with on-site storage tanks, fed by roof-runoff.

10.2.2 PROPOSED WATER SUPPLY SYSTEM

The intention is for each resort residential structure to include rainwater storage tanks that will ensure optimal use of rainwater runoff from roof structures.

It is also possible that water can be extracted from the Kowie River (near Cluster 1) and a small Water Treatment Plant be installed. A 30kl storage tank will need to be installed at Cluster 1. From where, water can be piped to Cluster 2. Alternatively, 2 additional boreholes situated near cluster 2 can be tested for yield and quality. If confirmed as suitable, water can be piped to cluster 1 and 2.

Cluster 3, 4 and 5 will be fed from the borehole, each with its own elevated storage tank.

Cluster 6 will be serviced with rainwater tanks with adequate storage capacity.

10.3 SEWERAGE TREATMENT SYSTEMS

Given the low density of the clusters, it is proposed that the Biolitix system be installed at Clusters 1, 2, 4 and 6. Clusters 3 and 5 will each be serviced with a Gespac Treatment Plant.

10.5 ELECTRICAL SUPPLY

The licensed electricity authority in the area is Eskom.

Clusters 1, 3, 4 and 5 will be serviced with overhead electricity lines from the Eskom supply currently available on the farms.

Clusters 2 and 4 will be supplied by means of solar power.

10.6 DOMESTIC REFUSE

The collection of domestic refuse from pre-determined collection points inside each component cluster, to be disposed of at a registered refuse disposal site by a private contractor. This will be negotiated with the Ndlambe Municipality.

11.0 ASSOCIATED LEGAL PROCEDURES

- ⇒ An application in terms of the provisions of Act 70, the Sub-division of Agricultural Land Act of 1970, will be submitted to the **Department of Agriculture**.
- ⇒ Furthermore, the proposed development will require a Basic Assessment process (in terms of Government Notice No.387). In line with this

requirement, the Basic Assessment process has been initiated and the relevant application will be submitted to the Department of Economic Development and Environmental Affairs.

12.0 MOTIVATION

The proposed development is situated within the defined Development Zone 2 of the Spatial Development Framework.

Only 3.2ha or 0.21% of the 1465ha development area (proposed consolidated four farm portions) is proposed for Rezoning from Agricultural Zone I to Resort Zone II, with the remainder of the land being retained as game farming area.

The proposed Resort Development is formulated as a direct response to the ever-increasing demand for nature based resort residential units in and around the development area and in line with the spatial development proposals and guidelines as described in the Ndlambe Spatial Development Framework which recommends resort development with an emphasis on unlocking the tourism potential of the area.

The characteristics of the proposed development can be described as carefully selected clusters of footprints for very low-density resort development within a natural setting. The design process has included a detail assessment and consideration of the physical characteristics of the site (slope, water courses, sensitive or pristine vegetation, the skyline etc.) so as to ensure minimal disruption and visual impact from surrounding viewpoints.

13.0 CONCLUSION

In conclusion, the following points are noted for attention:

- It is proposed that the subject properties be consolidated, subdivided and rezoned from Agricultural Zone I to Resort Zone II, with the remainder of the consolidated property being retained as a game farm.
- The proposed development lies within the Development Zone 2 as defined by the Ndlambe Spatial Development Framework and is in line with the spatial proposals of the Spatial Development Framework.

Accordingly, it is requested that the land development proposal be considered for approval by the Ndlambe Municipality

FORM 1

Department of Housing and Local Government Standard Application Form (Land-Use Planning Ordinance 15 of 1985)

ANNEXURE A

**Copy of Company Registration: Imbali
Props 24 PTY Ltd**

-

**Special Power of Attorney: Imbali Props
24 PTY Ltd**

-

Resolution of Directors

-

Letters of Authority: Setplan, EL Trust

-

Trustees Resolution: Setplan, EL Trust

ANNEXURE B

Title Deed T84459/2006

-

**Diagram: S.G No. 303/2003– Portion 7 of
Farm 179**

**Diagram: S.G No. 300/1838 – Remainder
Portion 1 of Farm 180**

**Diagram: S.G No. 149/1936 – Portion 4
of Farm 180**

**Diagram: S.G No. 148/1936 – Portion 5
of Farm 180**

ANNEXURE C

Engineering Services Report

ANNEXURE D

Floodline Report from Walters & Associates Consulting Engineers