

134 ANNEXURE A

REF: Case ID: 70306568

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 112656 AND 122657, FOREST DRIVE EXTENSION THORNTON/PINELANDS**

"By-law" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015

"Item" refers to the relevant section in the Development Management Scheme

"Commissioner: TDA" means Commissioner: Transport and Urban Development Authority or his/her delegatee.

"Director: DM" means Director: Development Management or his/her delegatee.

Applications and conditions impose

1. SUBDIVISIONS GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

1.1 To permit the subdivision of Erf 112656 into two (2) portions in accordance with the attached subdivision plan in Annexure D being

- Portion 5 (alienated EFGHc) to be 1520m² in extent
- Remainder erf 112656 to be 14 790m² in extent.

1.2 To permit the subdivision of Erf 112657 into two (2) portions in accordance with the attached subdivision plan in Annexure D being

- Portion 4 (alienated ABCDE) to be 1413.4m² in extent and
- Remainder Erf 112657 to be 221 475m² in extent.

Subsequent to the consolidation mentioned in 2.2 below, the further subdivision into two portions (superblocks) in accordance with the attached subdivision plan in Annexure D being:

1.3 To permit the subdivision of consolidated erf comprising Portion 5(alienated EFGHc) with Erf 112657, as mentioned in 2.2 below, into two (portions) in accordance with the attached subdivision plan being

- Portion 1 to be 8.1ha in extent and
- Portion 2 to be 14.01ha in extent.

2. CONSOLIDATION GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

2.1 To permit the consolidation of Portion 4 (ABCDE alienated from Erf 112657) with rem. Erf 112656. (This will accommodate the Orthotic and Prosthetic Centre.)

2.2 To permit the consolidation of Portion 5 (EFGHc alienated from Erf 112656) with rem. Erf 112657.

3. REZONING OF THE CONSOLIDATED ERF REFERRED TO IN 2.2 ABOVE GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

3.1 Rezoning of the property from a Limited Use Zone to Subdivisional Area comprising portions zoned for

- Mixed Use, Sub-zone MU2;
- General Residential, Sub-zone GR5;
- Open Space 3: Private Open Space (OS3) and
- Transport Zone 2: Public Road and Public Parking.

Generally depicted on the specific drawing/concept plan contained in Annexure C

4. DEPARTURES ON THE CONSOLIDATED ERF REFERRED TO IN 2.2 ABOVE GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

4.1 From Item 60 of the Development Management Scheme to permit the portions of buildings above 10.0m on the area zoned Mixed Use, Sub-zone MU2 to be 0m in lieu of 4.5m.

4.2 From Item 126 of the Development Management Scheme to permit an earthbank/retaining structure (berm) along the south-east common boundary to be 3.0m in lieu of 2.0m required.

THE CONDITIONS IMPOSED RELATE TO THE CONSOLIDATED ERF REFERRED TO IN 2.2:

CONDITIONS IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:

5.1 The development on the property shall be generally in accordance with the concept plans (contained in Annexure C attached)

- The superblock subdivisions
- Phasing of the development
- Vehicular movement
- Pedestrian routes
- Internal historic areas
- Building heights
- Recreation areas
- Active edges.

5.1.1 Prior to building plan submission, the developer must submit:

- 5.1.1.1 A subdivision plan for the site showing subdivision areas for the different portions and land use zones allocated to each portion.
- 5.1.1.1.2 Precinct plans shall be submitted to the satisfaction and approval by the Director: Development Management showing detailed design of each precinct, land unit or portion thereof and showing at least floor space, number of parking bays and land uses in order to give effect to the concept plan.
- 5.1.1.1.3 A detailed Site Development Plan per land unit or portion thereof to the satisfaction of the Director: Development Management, showing:
- Existing and proposed cadastral boundaries.
 - The two portions with identified precincts within each portion.
 - The relationship of the site to the public realm (the interface with Forest Drive extension properties Forest Drive extension with pedestrian and bicycle links) and relationship to surrounding properties;
 - The layout of the land unit or portion thereof indicating the use (land use mix including the provision of squares, potential for the provision of informal activities, etc.) of different portions of land unit or portion thereof.
 - The massing, position and extent of buildings;
 - The interface of buildings with Forest Drive extension;
 - The position of parking, including loading bays if necessary, public squares and points of convergence/spots of public transport;
 - Position of public, private and communal spaces;
 - External signage detail;
 - General landscaping proposals including compliance with the overall landscape plan;
 - Statistical information such as the extent of the proposed development, floor area, building heights, land use allocations and parking supply, etc.
 - Contribution of the development to the quality, safety and amenity of the surrounding and internal public environment;
 - Any other details as may reasonably be required by Council.
- 5.2 Building plans for the development of the property shall be in accordance with the Site Development Plan referred to in 5.1.1.1.3
- 5.3 When approving the SDP referred to in 5.1.1.1.3 above, Council may impose further conditions to ensure the appropriate development of the subject property.
- 5.4 The Precinct Plans referred in 5.1.1.1.2 above shall be accompanied by:
- 5.4.1 A Transport master plan detailing accesses (vehicular, bicycle and pedestrian) from/onto Forest Drive extension, Odin Way and Thor Circle onto the property, within and around the property. The Transport master plan must make provision for public transport facilities internal to the development. To this end consideration must be given to the provision of a public transport hub.

- 5.4.2 Stormwater Management master plan detailing the flood attenuation measures including detention ponds, berm position and height, swales, etc.
- 5.4.3 Landscape master plan prepared by a qualified landscape architect registered with the South African Council for the Landscape Architectural Profession showing:
- The treatment of the edges of the site.
 - Structuring elements such as roads, pedestrian walkways and desire lines, view corridors, etc.
 - All detention ponds, swales, flood areas, etc.
 - Open/recreational spaces designated for the site and their different uses. The extent of each shall also be furnished.
- 5.4.4 Each plan referred to in 5.4.1, 5.4.2, and 5.4.3 above shall be submitted for the approval of the Director: Development Management in consultation with the Director: Integrated Transport Portfolio (Transport Planning); Director Informal Settlements, Water and Waste Services (Rivers, Stormwater and Catchment Management) and Director: Urban Integration (Urban Design), respectively.
- 5.5 Pedestrian and/or vehicular connection via Thor Circle shall be explored prior to the submission of precinct plan as referred to in 5.1.1.1.2 above.

Land Use

- 5.6 The development shall be limited to a maximum floor space of 350 000m².
- 5.7 Except with the approval of the Director: Development Management:
- 5.7.1 Read with condition 5.9 below, Phase 1 of the development shall not exceed a floor space of 128 100m² in extent.
- 5.7.2 Read with conditions 5.10 and 5.11 below, Phase 2 of the development shall not exceed a floor space of 121 000m² in extent.
- 5.8 The further development of the property in excess of that contemplated in 5.7.1 and 5.7.2 above to utilise the remaining floor space shall require the further approval of Director: Development Management.
- 5.9 Prior to the commencement of construction of phase 1 the following shall be construction and provision of
- The construction of flood and stormwater attenuation measures in accordance with the approved Stormwater Management master plan referred to in 5.4.2 above.
 - Water, sewer and electrical connections/provisions required
 - NMT connections to Odin Way (including the construction of the bridge across the Elsiekraal River Canal
 - Two access points onto Forest Drive extension from the site connected to the internal road network

- Upgrades of the following intersections/roads
 - Forest Drive and Ringwood Drive
 - Forest Drive and Jan Smuts Drive
 - Jan Smuts Drive and
 - Forest Drive Extension.
- 5.10 Prior to the commencement of construction of phase 2 Aerodrome Road extension from Forest Drive Extension to Voortrekker Road in accordance with the Transport Master Plan referred to in 5.4.1 above.
- 5.11 Except with the approval of Director: Development Management the following land uses shall not be permitted:
- Industry
 - Places of Entertainment
 - Places of Assembly
 - Hospital.

Landscaping/Urban Design

- 5.12 The submission of Site Development Plan for each phase of development (i.e. phase 1 and phase 2) shall be accompanied by a detailed landscape plan for the approval by the Director: Development Management in consultation with the Director: Urban Integration (Urban Design) detailing
- Hard and soft landscaping.
 - Trees to be retained and removed.
 - Additional planting to be introduced on the property.
 - A movement hierarchy plan showing
 - Vehicular access onto and around the site having regard for the requirements of the Commissioner: Transport and Urban Development Authority (Roads and Transport Planning).
 - Parking provision
 - Bicycle lanes from Forest Drive extension
 - Bicycle parking provision
 - Pedestrian access/crossings from Forest Drive extension and around the property
 - How the recreation of areas beyond the buffer zones are affected by flooding during flood periods.
 - Maintenance responsibilities of the open spaces, recreation spaces and landscaped areas.
 - The implementation of landscaping in line with the phased development.
 - Proposed structures, retaining walls, street furniture, lighting, play equipment and hard surfaces.
 - All buildings fronting onto the public realm and open/recreational spaces shall be interactive.
 - No buildings shall back onto public or semi-public spaces.
 - Any further details in respect of the design of the proposal required by the Director: Development Management.
- 5.13 The building setback above 10.0m on the portion zoned for Mixed Use, Sub-

zone MU2 shall have a minimal setback to the satisfaction of the Director: Development Management in consultation with the Director: Urban Integration (Urban Design).

Transport/Traffic and other services

5.14 The owner shall pay a development charge (DC) in accordance with the Development Charges Policy for Engineering Services for the City of Cape Town. The total amount payable for the proposed land use right in accordance with the attached DC calculation is R66 6694 740.57. It must be noted that this amount is calculated for the period up until 30 June 2018 and that the amount due will be escalated annually with the Construction Price Adjustment Formula (CPAF) using the industry indices of StatsSA. The DC's shall be paid prior to approval of building plans.

5.14.1 The development contribution referred to in 5.14 above shall relate to the maximum permissible bulk shall be restricted to

- A total of 3605 dwelling units
- Schools 3944m2 GLA
- Hall, Admin Office, Sports hall 1913m2 GLA
- Retail and service industry 9520m2 GLA
- Offices 14714m2 GLA

And shall conform to the phasing as referred to in 5.7.1 and 5.7.2 above.

5.14.2 Notwithstanding 5.14 above, a Services Agreement between the developer/owner shall be entered into with the City for the installation/upgrade of bulk municipal services with respect to Roads and Transport as stipulated in the recommendations of the TIA by Hawkins Hawkins and Osborne dated March 2017, in lieu of development contributions. The road upgrades shall relate to alternative 3 i.e. the "elevated T" option and shall require upgrades to roads as referred to in 5.9 and 5.10 above to the satisfaction of the Director: Development Management in consultation with the Director: Integrated Transport Portfolio (Transport Planning).

5.15 Provision shall be made internal to the development for shared parking to occur between businesses and residential uses to prevent the underutilisation of parking.

5.16 Prior to the approval of a site development plan, any further permissions and approvals of Heritage Western Cape and/or the Department of Environment and Development Planning shall be obtained.

Note: 1. The requirements of the Director: Integrated Transport Portfolio (Asset Management and Maintenance).
 2. Various requirements of the National Water Act must be complied with in order to provide for certain water uses.
 3. The requirements of various service branches in respect of water and sanitation, water and sewer, solid waste and electrical connections to the

site.

4. These conditions shall be read in conjunction with the Record of Decision as submitted by the Heritage Western Cape dated January 2012 attached as Annexure I.
5. In respect of the subdivision: The conditions referred to be shall relate only to the subdivision of the consolidated property into portions 2 and 3. The further subdivision of portions 2 and 3 shall necessitate circulation to branches for comment and further service related conditions in respect of the subdivisions to be imposed.
6. A home owners association constitution shall be submitted after the further subdivision of each superblock for approval the approval of the Director: Development Management.

CONDITIONS IMPOSED IN RESPECT OF THE SUPERBLOCK SUBDIVISION I.E. THE SUBDIVISION INTO PORTIONS 2 AND 3 OF THE CONSOLIDATED ERF REFERRED TO IN 2.2:

6 SUBDIVISION CONDITIONS IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:

6.1 CONDITIONS IMPOSED ON ALL PORTIONS IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW WHICH MUST BE COMPLIED WITH AT THE COST OF THE DEVELOPER AND TO THE SATISFACTION AND ACCEPTANCE OF THE COUNCIL PRIOR TO THE TRANSFER OR SEPARATE REGISTRATION IN THE DEEDS REGISTRY OF ANY LAND UNIT ARISING FROM THIS SUBDIVISION APPROVAL:

6.2 CLEARANCE CERTIFICATE: Once conditions of subdivision have been met the applicant must apply for a subdivision clearance certificate and such application must be accompanied by the original survey diagrams and/or general plan approved by the Office of the Surveyor General. **Documents to be lodged with covering letter on the 14th floor.**

6.3 RATES CLEARANCE: Applications for rates clearance to the City Treasurer for the individual portions of the subdivision must be accompanied by the subdivision clearance certificates. In the case where servitudes are created the Powers of Attorney to pass transfer must be submitted to this office and the clearance certificates will be endorsed on those documents. The rates clearances will be endorsed on the same documents. In terms of Section 137 of the MPBL, the City Treasurer will not issue a rate's clearance for any portion of this subdivision until such time as he is supplied with proof of compliance with the conditions of subdivision (i.e. the subdivision clearance certificate). **Documents to be lodged on 4th Floor Podium: Enquiries: (021) 400 2965**

6.4 MUNICIPAL SERVICES:

Note: Any alterations to services necessary as a consequence of the proposal or requested by the applicant shall be at the applicant/developer's cost.

6.5 Bulk services

- 6.5.1 Bulk services/links/connections in respect of water, sanitation, sewerage, solid waste and electricity shall be provided to the satisfaction of the Director: Informal Settlements, Water and Waste Services (Water and Sanitation; Sewerage, Solid Waste Management) and Director: Energy (Electricity Generation and Distribution), if required.

Note: The handover of municipal water and sanitation services will be subject to quality control during construction.

A formal application must be made to provide new water or sewer connections to the development.

6.6 GIS / DATA CAPTURE: Tel: 021- 400-9590

- 6.6.1 An electronic copy (in either dxf, shp or dwg format) of the Surveyor General's Diagram or General Plan shall be submitted to the GIS Section after the survey records are approved by the Surveyor General.

Note: This information can also be e-mailed to Mohsin.Waggie@capetown.gov.za A copy of the email must be attached to diagram clearance documentation.

Note: The further subdivision of the property shall necessitate circulation to branches as a minimum requirement to satisfy subdivision requirements.

IMPORTANT INFORMATION AND STANDARD ADMINISTRATIVE REQUIREMENTS IN RESPECT OF SUBDIVISION APPROVAL, ESSENTIAL TO EFFECT REGISTRATION AND/OR TRANSFER OF SUBDIVIDED PORTIONS

In addition to the conditions of approval listed in Annexure A, the following further processes and standard administrative requirements are to be noted and complied with in full timeously.

Further processes

- 1 Generally, the further processes following subdivision approval involve the following sequence of events:
 - Actual site surveying and preparation of a survey diagram or General Plan by the owner / applicant's appointed land surveyor
 - Submission to and approval by the Surveyor General (SG) of the diagram or General Plan
 - Once services infrastructure have been installed and all conditions of subdivision have been complied with, upon application, subdivision clearance certification issued by Council in terms of Section 137 of the MPBL.
 - Once Section 137 subdivision clearance issued, upon application, rates clearance certification issued by the City Treasurer in terms of Section 118 of the Municipal Systems Act, No 32 of 2000
 - Supported by the above clearances, conveyancer application to the Registrar of Deeds for separate registration and/or transfer of newly subdivided portions
 - Upon individual registration, building plan approval, followed by construction, subsequent building completion certification by Council and eventual occupation

- 2 Kindly note, the subdivision approval in the accompanying decision letter will lapse unless separate registration of at least one land unit is effected in the Deed's office within 5 years of the date of Council's final notification letter of this approval (which letter will follow in due course), unless extension of the validity thereof has been granted by the Director: Development Management in terms of Section 137 of the MPBL prior to such lapsing.

- 3 After final Council notification of this subdivision approval, the SG will require preparation of a diagram or General Plan (illustrating any servitudes where applicable) of the newly created land unit(s) for its approval. Such diagram or General Plan is to be prepared by a land surveyor appointed by the owner / applicant. The owner / applicant or its surveyor is required to liaise directly with the SG in this regard. Upon approval thereof, the SG will indicate by means of an endorsement the date and reference number of this subdivision approval on the back of the diagram(s) of the newly created erven or on the front of the General Plan, whichever are applicable.

- 4 Upon or prior to submission to the SG office of such diagram(s) or General Plan for approval, an electronic copy thereof must be e-mailed to the Senior GIS technician in the district Planning office where the approval was issued at the relevant address reflected below. Proof of such e-mail transmission must accompany any subdivision clearance application or building plan submission to the Planning & Building Development Management Department, whichever may occur first.

District	e-mail address
Table Bay	p&bdev.tablebay@capetown.gov.za
Blaauwberg	p&bdev.blaauwberg@capetown.gov.za
Northern	p&bdev.northern@capetown.gov.za
Tygerberg	p&bdev.tygerberg@capetown.gov.za
Helderberg	p&bdev.east@capetown.gov.za
Mitchell's Plan / Khayelitsha	p&bdev.mitchellsplainkhayelitsha@capetown.gov.za
Cape Flats	p&bdev.capeflats@capetown.gov.za
Southern	p&bdev.southern@capetown.gov.za

- 5 Once the diagram(s) or a General Plan has been approved by the SG and all the conditions of subdivision have been met by the developer, application may be made by the owner (or his appointed conveyancing attorney) to the Director: Development Management at your nearest district Planning office for subdivision clearance certification in terms of Section 137 of the MPBL. Such application must be accompanied by the following:

- Completed and signed application form
- Information sheet (partially completed)
- Draft Power of Attorney (where necessary)
- SG approved General Plan / diagram(s) (original)
- Copy of original Council approval letter (including conditions of approval and approved plan of subdivision)
- Application fee / payment receipt
- Proof of e-mail transmission of electronic copy of General Plan / diagram to the district Senior GIS technician
- Any other supporting evidence necessary to substantiate condition compliance

Where servitudes are to be created as part of the subdivision or there is a requirement for a Home / Property Owners' Association to be established of which new owners are required to be members, a copy of the draft Power of Attorney to pass registration / transfer must be submitted to the Director : Development Management as part of the above application.

- 6 Required to effect registration and/or transfer, a rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 may only be applied for to the City Treasurer once the Director : Development Management has certified that all conditions of subdivision have been complied with to its satisfaction, as per the foregoing paragraphs. Such applications for rates clearance certificates must therefore be accompanied

by the above subdivision clearance (condition compliance) certificate in terms of Section 137 of the MPBL.

- 7 The Registrar of Deeds will not permit registration of individual portion(s) or servitude area(s) and/or transfer of such new land unit(s) unless the City Treasurer has issued the above rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 in respect of such land unit(s).

Geographic Information System (GIS) data capturing standards

- 8 In drawing up the General Plan or diagram(s) relating to this subdivision, the land surveyor must create the following separate layers in ESRI .shp or .dxf electronic file format in order for the data to reflect spatially correct:

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

- 9 Such drawing of the approved subdivision must include the following information:
- property boundaries
 - co-ordinates
 - parent erf number(s)
 - newly allocated erf number(s)
 - approved street name(s), including whether public or private
 - approved street number(s) and/or unit numbers (if applicable)
 - complex name (in case of a complex development, eg group housing or flats)
 - suburb name (in case of creation of a new suburb / township)

No additional information other than that described above may be included with the different layers / features. Should it be necessary to include any

additional information with the diagram / General Plan, such information may not be included with any of the layers described above, but should rather be included in any other separately named layer.

- 10 It is important that each portion / servitude boundary is complete and forms a closed polygon, ie the line endpoints must touch each other (eg no undershoots or overshoots). In addition, each property number anchor must be located within the respective property's boundaries. Kindly also note, split remainders are not permitted and except for a single remainder, each cadastral unit should have a separate erf number.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the City of Cape Town Standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Metre

- 11 The above electronic data must be delivered (preferably by e-mail to the address supplied above) to the Senior GIS technician in the district Planning office where the subdivision approval was issued in standard dxf or shapefile format. If the data is to be supplied in shapefile format, then separate shapefiles are required for street names and numbers.