

2017-11-07

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Venessa Edwards  
79 Heldersig Road  
Thornton  
7460

Dear Sir / Madam

**PROPOSED DELETION/AMENDMENT OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURES AND DELETION/AMENDMENT OF CONDITIONS GRANTED IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BYLAW IN RESPECT OF CONSOLIDATED ERF 4211 (FORMERLY ERVEN 3079 AND 3116), 187 – 213 FOREST DRIVE EXTENSION PINELANDS**

The application with reference 70320625 in the above regard, accepted on 16 FEBRUARY 2017, refers.

The Municipal Planning Tribunal (MPT) on 2017-10-18 **approved** in terms of section 98 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), the application for:

- Permanent departure(s) from the City of Cape Town Development Management Scheme
- Deletion of Title Deed Conditions
- Deletion of the following restrictive title deed conditions

Reasons for the above decision are set out in the **attached** extract of the minutes of the meeting concerned, dated 2017-10-18.

Should the reasons for the above decision not be contained in this notification you are advised in terms of section 104(2)(c) of the MPBL and section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of section 108(1) of the City of Cape Town Municipal Planning By-Law, 2015, you may appeal to the Appeal Authority against the above decision by giving written notice of such appeal and the grounds of appeal.

An appeal, including the written notice and the grounds of appeal (and not only the intention to appeal), must be lodged with the City Manager, c/o the Tablebay District  
MEDIA CITY BUILDING, 2ND FLOOR,  
CNR ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001

Manager, at the following email address: [appeals.tablebay@capetown.gov.za] within **21 days of the date of notification of the decision**. If the appeal cannot be lodged by email it may be hand delivered to the Tablebay District Secretary Roslind Butterson, 2<sup>nd</sup> Floor, Media City, cnr Hertzog Boulevard and Heerengracht, Cape Town **within 21 days of the date of notification of the decision**. See definition of notification date in footnote below to determine the closing date for submission. If this letter has been sent to you by registered mail, then it is your responsibility to establish the date stamped upon the receipt for registration issued by the post office when accepting this notice from the City of Cape Town. You will need to contact the post office and use the tracker number on the envelope for this purpose.

Failure to comply with the above requirements and provisions within section 108 of the MPBL will result in the appeal being ruled invalid.

Kindly note that the operation of the approval of this application is suspended and may therefore not be acted on until such time as the City gives notice that no appeal has been lodged and the decision is effective or the date that the appeal is decided by the appeal authority. If an appeal is lodged against a condition of approval the City may determine that the operation of the approval of the application is not suspended.

Yours faithfully



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for **DIRECTOR: DEVELOPMENT MANAGEMENT**

**47 Lapsing of rezoning, consent use or departure**

- (1) A rezoning, other than a rezoning to a subdivisional area zoning, consent use or permanent departure approved or deemed to have been approved in terms of this By-Law lapses five years after the effective date of the decision –
- (a) where the land is not used in accordance with the approval; or
  - (b) where an improvement of land is required in order to use the land in accordance with the approval, lawful commencement of construction has not occurred.

**105 Effective date of decision**

- (2) The effective date of a decision in terms of this By-Law is –
- (a) the date that the City gives notice that no appeal has been timeously lodged and that the decision is accordingly effective; or
  - (b) subject to subsection (3), if an appeal is timeously lodged, the date that the appeal is decided by the appeal authority.
- (3) If an appeal is lodged only against a condition imposed in terms of section 100, the City may determine that the operation of the approval of the application is not suspended

**Method and date of notification**

The date of notification is determined as follows:  
if the notification is provided –

- (a) orally, it is the date of oral communication;
- (b) by hand, it is the date of delivery or collection;
- (c) by registered post, it is regarded as the fourth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice; or
- (d) by email or fax, it is the date that the email or fax

The MPT at its meeting of 18/10/2017 resolved as follows:

Report Subject	APPLICATION FOR DELETION / AMENDMENT OF TITLE DEED RESTRICTIONS, DEPARTURES, DELETION / AMENDMENT OF CONDITIONS GRANTED PREVIOUSLY AND IS NOW VALID IN TERMS OF THE MUNICIPAL PLANNING BY-LAW 2015: ERF 4211, 187 – 213 FOREST DRIVE EXTENSION PINELANDS
Date Sent	27/10/2017
Directorates	AREA-BASED SERVICE DELIVERY

**MEDIA CITY BUILDING, 2ND FLOOR,**  
CNR ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001



Author	Joy San Giorgio
Author Contact No	
Delegation Information	
Agenda Item No	MPTNW 6/10/2017
Preamble	<p>Ms San Giorgio introduced this application.</p> <p>Neil Schwartz spoke as the applicant while Cheryl Hill, as the owner's representative, spoke on behalf of the applicant. Harold Spies was given an opportunity to participate in the discussion.</p> <p>Riad Davids addressed the panel on behalf of the objectors.</p> <p>The applicant was given an opportunity to rebut.</p> <p>After discussion, the panel agreed to support this application.</p> <p>The Chairperson advised objectors of their right to appeal.</p>
Resolution	Approved
Resolution Details	<p>UNANIMOUSLY RESOLVED that:</p> <p>a. The application for deletion and amendment of restrictive title deed conditions, as contained in Annexure A attached in respect of Erf 4211 (formerly Erven 3079 and 3116), 187 – 213 Forest Drive Extension, Pinelands, BE APPROVED in terms of Section 98(b) of the Municipal Planning By-law, 2015 subject to conditions contained in Annexure A attached and shown on plan in Annexure C.</p> <p>b. The application for the departures, as contained in Annexure A attached in respect of Erf 4211 (formerly Erven 3079 and 3116), 187 – 213 Forest Drive Extension, Pinelands, BE APPROVED in terms of Section 98(b) of the Municipal Planning By-law, 2015 subject to conditions contained in Annexure A attached and shown on plan in Annexure C.</p> <p>c. The application for the deletion (and amendment) of conditions of an existing approval relating to the township establishment conditions BE APPROVED in terms of Section 98(b) of the Municipal Planning By-law, 2015 subject to the conditions in attached Annexure A</p> <p>REASONS FOR DECISION</p> <p>The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to amend the reasons as follows:</p> <p>Add 3rd reason to 7.1 as follows: The applicant has provided a clear and rational motivation for the deletion and amendment of the restrictions in the title deed.</p> <p>Add 10th, 11th and 12th reason to 7.3 as follows: - The existing rights of surrounding properties are not materially negatively impacted - The application fulfills numerous strategic policies of Council in building better, more integrated communities - The planning department and the applicant responded convincingly to all the issues raised by the objectors</p> <p>Amend 4th reason as follows:</p>

	<p>- The development of the property ensures the better utilization of the land which presently is not optimally utilized</p> <p>Add to 4.3 as follows:</p> <ul style="list-style-type: none"> <li>- No more than 700 dwelling units and no more than 2000m<sup>2</sup> of business premises (shops and offices) shall be permitted.</li> </ul> <p>Amend conditions as follows:</p> <p>5.1 4th bullet: replace the word 'include' with 'including'</p> <p>5.1.2 Replace 'Council' with 'the Director: Development Management'</p> <p>Delete 5.3 and 5.5.4</p> <p>5.4.1 Add the following:</p> <ul style="list-style-type: none"> <li>- Exploration of establishment of Locomute (or equivalent) fleet of short-term rental cars to limit need for cars</li> <li>- Provision or facilitation of services by the Mupine management organization, such as a 'walking bus' or carpooling to encourage walking and high occupancy vehicles</li> <li>- Encouragement of Old Mutual to explore strategies for travel demand management related to their employees, as a mitigation of traffic impacts on Forest Drive Extension, and to support public transport</li> <li>- Focus on alternatives to reduce the use of private vehicles</li> </ul> <p>Approximate location of the businesses to the residential components, including heights shall be a maximum of 4 storeys</p> <p>5.4.2 Amend as follows:</p> <ul style="list-style-type: none"> <li>- A detailed engineering services plan, including a storm water management plan, shall be submitted by a registered engineer. All engineering services for the private development shall comply with the standards and policies of Council.</li> </ul> <p>5.4.3 Add the following:</p> <ul style="list-style-type: none"> <li>- Old Mutual to explore alternative methods / non-potable water for landscaping</li> <li>- Replace 5.5, inclusive of 5.5.1 to 5.5.4, with the following:</li> <li>- A property association shall be responsible for the maintenance of all aspects of development within the gated community and any other component of the development located on the subject property.</li> </ul> <ul style="list-style-type: none"> <li>- Prior to the commencement of development of the site, the following shall be constructed and/or provided, if not already constructed and/or provided, in respect of road upgrades to Forest Drive and Ringwood Drive intersection, Forest Drive and Jan Smuts Drive intersection and upgrades to Jan Smuts Drive and Forest Drive extension, as detailed in the TIA for the Conradie Hospital site.</li> <li>- Add: The applicant shall explore accommodating the community related uses along the edge of the site with Forest Drive extension service road.</li> <li>- As 5.3 was deleted, amend numbering sequence accordingly.</li> </ul> <p>ACTION BY: SAN GIORGIO / SEPTEMBER</p>
How Resolved	Consensus



**AMENDED ANNEXURE A**

(Amended by the MPT on the 18 October 2017 – amendments denoted \*)

**CASE ID: 70320625**

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 4211 (formerly erven 3079 and 3116) Pinelands, 187 – 213 Forest Drive Extension**

"Bylaw" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"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.

**1. DELETION OF TITLE DEED CONDITIONS GRANTED IN TERMS OF SECTION 98 (b) OF THE MUNICIPAL PLANNING BY-LAW:****1.1. Deletion of the following restrictive title deed conditions from title deed T8128/1952 and title deed T6936/1958 in respect of Erf 3079****1.1.1. Condition 2(A)(III), 2(B)(III), 2(C)(III); 3.1(a), (b), (c), 2, 3, 7, 8, 9; 5.1(a), (b), (c), 2, 3, 7, 8, 9;***"1 The land shall be used for the following purposes, viz: -**To enable the Transferee to carry on the business of an Insurance Society and to do things incidental to such business including**(a) the right to erect offices and other buildings necessary for carrying on such business;**(b) the right to erect flats or houses for occupation as tenants by the employees;**(c) the right to erect a cafeteria and a social sporting club with full facilities and to provide means for recreation all for the use of its staff and their families.**1. If the transferee should at any time desire to sell any undeveloped land forming portion of the land above described the Transferee shall be bound first to offer such land to Garden Cities. The Transferee however shall not have the right to sell any such undeveloped land until the plans for the erection of the property referred in Clause 1.(a) have been approved by the Company.**2. The company reserved the right to lay and maintain pipes under the land for gas and stormwater drainage.**7. The Transferee or any tenant or occupier of the said land or any portion thereof shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable or a public or private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of the land and buildings in the neighbourhood.**8. The Transferee shall keep down any undergrowth so as to prevent a nuisance or danger to the public.**9. The Transferee shall not without the consent in writing of the Company use the said land or any buildings to be erect thereof for the purpose of advertising or display or permit to be displayed thereon any advertisement other than the names of the Transferee. Such consent if given may be withdrawn by the Company in which the event the Transferee*

shall remove or discontinue the use of any advertisement to which the Company may have taken objection.

**1.2 Deletion of the following restrictive title deed conditions from title deed T6936/1958 in respect of Erf 3079**

1.2.1 Condition 2A (III); 2C (III); 2C (IV)

"2A (III) Subject and entitled to the benefit of/to the servitude referred to in the endorsement dated this day on said Deed of Transfer No.8128/1952, reading:

By Notarial Deed No. 270/58 dated 30-12-57 and registered this day the conditions set out herein relating to the carrying on of an Insurance Business, the erect of offices, flats a cafeteria and a social and sporting club have been amplified by the addition of further conditions relating to the right to conduct a bank agency, hairdressing saloon and a garage on the within properties imposed by and enforceable by Gardens Cities as owner of the Remainder of Erf 318 Pinelands held under Deed of Transfer 596/1929 but excluding any future subdivision thereof as will more fully appear from said Notarial Deed.

2C(III) (b) That these erven shall be used only for the erection thereon of Offices and other buildings incidental to the carrying on of the business of an Insurance Society, provided:

(i) Not more than three cottages for Caretakers and their families may be erected on Erf No 3061 and not more than one cottage on Erf 3062. Not cottages are to be erected on Erf 3063, provided that in the event of the road 40 foot turning bay marked on Diagram Nos. 9924/49 and 9928/49 being closed and the said Erf No 3061 being consolidated with part of the said Erf No. 3062 then and in such event the aforesaid three cottages may be erect on such Consolidated erf and the aforesaid one cottage on the remainder of the said Erf No. 3062.

(ii) That accommodation may be provided for memebers of the said staff of the owner employed in such buildings, subject to the owner before erecting any such accommodation, submitting to the Administrator and obtaining his approving to the lay-out, siting and type of such accommodation, and the Administrator may attach such conditions to his approval as he may deem fit, which conditions shall be deemed to be incorporated in this condition.

(iii) Provision may be made to erect a cafeteria and a Social and Sporting Club with full facilities and to provide means for recreation – all for the use of its staff and their families.

(c) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 25 feet to any street line which forms a boundary of these erven, nor within 15 feet of any other boundary.

2C(IV) Further subject and entitled to the benefit of to/the servitude referred to in the endorsement dated this day on said Deed of Transfer No. 15066 dated 6<sup>th</sup> October 1950, reading:

By Notarial Deed No. 270/58 dated 30/12/57 and registered this day the conditions set out herein relating to the carrying on of an insurance business, erection of offices, flats a cafeteria and a social and sporting club have been amplified by the addition of further conditions relating to the right to conduct a bank agency, hairdressing



saloon and a garage on the within properties imposed by and enforceable by Gardens Cities as owner of the Remainder of Erf 318 Pinelands held under Deed of Transfer 596/1929 but excluding any future subdivisions thereof. As will more fully appear from said Notarial Deed."

**1.3 Deletion of the following restrictive title deed conditions from title deed T8128/1952 in respect of Erf 3079**

1.3.1 Condition 3

"3. 1. The land shall be used for the following purpose viz: -

To enable the Transferee to carry on the business of an Insurance Society and to do all things incidental to such business including

- (a) the right to erect offices and other buildings necessary for carrying on such business;
- (b) the right to erect flats or houses for occupation as tenants by its employees;
- (c) the right to erect a cafeteria and a Social and Sporting Club with full facilities and provide means for recreation – all for the use of its staff and their families."

**1.4 Deletion of the following condition in Notarial Deed K579/1975S in respect of Erf 3079**

1.4.1 Condition 1 (a), (b), (c), (d), (e), (f)

"1. The land shall be used for the following purposes viz: - To enable the Transferee to carry on the business of an Insurance Society and to do all things incidental to such business including: -

- (a) the right to erect office and other buildings necessary for carrying on such business;
- (b) the right to erect flats or houses for occupation as tenants by its employees;
- (c) the right to erect a cafeteria and a social and sporting club with full facilities and to provide means for recreation – all for the use of its staff and their families.
- (d) the owner of this erf shall have the right to have a bank agency or if so desired the right to have two bank agencies each representing a different bank conducted on the premises subject to the condition that the transactions to be carried out by the agency or agencies are confined exclusively to the business of the owner and members of its staff. This right subject to the provisions of clause (8) hereof.
- (e) the right to carry on a Hairdressing saloon subject to the condition that the hairdressing saloon shall be exclusively for the use of the staff of the South African Mutual Life Assurance Society and the activities of the saloon shall be confined to hairdressing and shaving only that no trading shall take place on the premises. The saloon shall further comply with the regulations of the Pinelands Municipality relating to Barbers and Hairdressing establishments.
- (f) the right to erect a garage – the garage being permitted to carry on full maintenance and repairs to all vehicles and plant owned and operated by the South African Mutual Life Assurance Society subject to the condition that the garage shall be permitted to service motor vehicles owned and operated by the staff of the South African Mutual Life Assurance Society, and provided that such servicing is confined to servicing that is normally given at a Motor Service Station."

**1.5 Deletion of the following restrictive title deed conditions from title deed T1089/1959 and title deed T5257/1995 in respect of Erf 3116**

**1.5.1 Condition 2, 3, 5, 6, 7, 8, 9, 10**

- "2. All buildings, alterations to and/or additions to existing building, garden and boundary walls, etc. must be constructed according to the Building Regulations of Garden Cities in operation at the time and Garden Cities reserves the right to transmit Electric Current over the plot and where necessary erect a standard or strut or stay on the plot also to lay and maintain Electric and Telephone cables; and pipes under the plot for gas drainage and storm water, and to close and divert to other purpose any roads open spaces shown on the general plan of the property of Garden Cities, all without compensation. All trees existing on the site within five feet of the boundary must be carefully preserved none being removed without permission of Garden Cities.*
- 2 The buildings, including all gardens or other gates and fences, shall be of good design and of sound construction and the plans, elevations and the specifications thereof must be lodged with and approved by Garden Cities before tenders are called for, and no alterations in the plans, elevation and specifications when so approved shall be made without the consent in writing of Garden Cities. The location of the buildings on the site must also be approved by Garden Cities. The Transferee shall not commence building operations until he has received the written approval Garden Cities to this plans, elevations and specifications. In the event of a breach of Clauses 2 and 3 hereof, Garden Cities shall have the right to interdict the Transferee from proceeding with his building operations and shall have the option to repurchase the plot upon payment of the cost price thereof.*
- 5. The Transferee or any tenant or occupier of the said land shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable, or a public or private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of the land and buildings in the neighbourhood.*
- 6. The Transferee shall keep down any undergrowth on the land so as to prevent a nuisance or danger to the public.*
- 7. The Transferee shall not, without the consent in writing of Garden Cities, use the said land or any buildings erect or to be placed thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement. Such content, if given, may be withdrawn by Garden Cities in which event the Transferee shall remove or discontinue the use of any advertisements to which Garden Cities may take objection.*
- 8. When the Supervising Architect is employed by the Board of Directors to see that the terms of Clause 3 hereof are complied with the Transferee or any successor in title for the time being shall pay the charges of the Supervising Architect according to a scale to be fixed from time to time by the Transferor.*
- 9. All the foregoing conditions shall be binding on the Transferee and any successors in title and shall be embodied in the Deed of Transfer to the Transferee.*
- 10. If there shall be any difference of opinion between the parties on any matter arising out of any of the provisions of this deed, such matter shall be referred to Arbitration in terms of the Arbitration Act, 1898 (Cape of Good Hope)."*

**1.6 Deletion of the following restrictive title deed conditions from title deed T1089/1959 and title deed T5257/1995 in respect of Erf 3116**

**1.6.1 Condition (1), (2), (3), (5), (6), (8)**



- "(1) The owner of this erf shall have the right to erect offices and other buildings necessary for the carrying on of an insurance business and to do all things incidental to such business.
- (2) The owner of this erf shall have the right to erect hostels, flats and houses for occupation as tenants by employees of the owner. Provided that not more than one main building or more than one dwelling shall be erected on the said property, unless the Administrator shall have approved a plan of layout of the site.
- (3) The owner of this erf shall have the right to erect a cafeteria and a social and sporting club with full facilities and to provide means for recreation – all for the use of the owner's staff and their families.
- (4) The owner of this erf shall have the right to have a bank agency or if so desired the right to have two bank agencies each representing a different bank conducted on the premises subject to the condition that the transaction to be carried out by the agency or agencies are confined exclusively to the business of the owner and members of its staff.
- (5) The owner of this erf shall have the right to carry on a Hairdressing Saloon subject to the conditions that Hairdressing Saloon shall be exclusively for the use of staff of the owner and the activities of the Saloon shall be confined to hairdressing and shaving only and that no trading shall take place on the premises. The Saloon shall further comply with the regulations of the Pinelands Municipality relating to Barbers and Hairdressing establishments. This right subject to the provisions of Clause (8) hereof.
- (6) The owner of this erf shall have the right to erect a garage – the garage being permitted to carry out full maintenance and repairs to all vehicles and plat owned and operated by the owner subject to the condition that the garage shall be permitted to service motor vehicles owned and operated by the staff of the owner and provided that such servicing is confined to servicing that is normally given at a Motor Service Station. This right is subject to the provisions of Clause (8) hereof.
- (8) Any rights conferred on the owner of this erf by Clauses (4), (5) and (6) hereof shall not be exercisable by it while and so long as it shall be exercising such right upon the land held by it under Certificate of Consolidated Title in respect of Erven 3078 and 3079 Pinelands."

**2. AMENDMENT OF TITLE DEED CONDITIONS GRANTED IN TERMS OF SECTION 98 (b) OF THE MUNICIPAL PLANNING BY-LAW:**

2.1 Amendment of the following restrictive title deed conditions from title deed T1089/1959 and title deed T5257/1995 in respect of Erf 3116

- From (iv) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 20 ft. to the boundaries thereof."
- To: (iv) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 20 ft. to the boundary designated by the line BC on diagram SG Number 7795/1953 attached to T1240/1955."

**4 DEPARTURES GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:**

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- 4.1 From Section B.3.1, B.3.2, B.3.3, B.3.4 and B.3.5 to permit blocks of Flats, Places of Instruction, Place of Assembly and Business Premises as a primary right in as contained in the Special Zone B Annexure B read with Item 19 of the Development Management Scheme, in lieu of Insurance Office, Blocks of Flats, Residential Building and Group house;
- 4.2 From Section B.8.1 to permit a building line of 0m, in lieu of 4.5m and 7.5m as contained in the Special Zone B Annexure B read with Item 19 of the Development Management Scheme from the west and south common boundaries.
- 4.3 From Section B.9.1 to permit the provision of a combined total of 525 parking bays in lieu of 1644 parking bays, as contained in the Special Zone B Annexure B read with Item 19 of the Development Management Scheme, , for dwelling units, Places of Instruction, Places of Assembly and Business Premises (shops and Offices). *No more than 700 dwelling units and no more than 2000m<sup>2</sup> of business premises (shops and offices) shall be permitted.\**

## **5 CONDITIONS OF APPROVAL IMPOSED IN TERMS OF SECTION 100 OF THE BYLAW:**

- 5.1 The development on the property shall be generally in accordance with the concept plans (contained in Annexure C attached) with respect to:
- Vehicular movement and parking;
  - Pedestrian/cycle (NMT) routes;
  - Recreation areas;
  - Approximate location of the business and residential components ~~include~~ *including\** heights shall be a maximum of 4 storeys.\*
- 5.1.1 Prior to building plan submission, the developer must submit:
- 5.1.1.1 A Precinct plan to the satisfaction and approval by the Director: Development Management showing detailed design of the property and showing at least floor space, number of parking bays, land uses and components to be gated in order to give effect to the concept plan referred to in Annexure C.
- 5.1.1.2 A detailed Site Development Plan (SDP) for the land unit or portion thereof to the satisfaction of the Director: Development Management, showing:
- Cadastral boundaries.
  - The relationship of the site to the public realm (the interface with Forest Drive extension service road with pedestrian and bicycle links) and relationship to surrounding properties;
  - Boundary treatment details in light of the proposal;
  - The layout of the land unit or portion thereof indicating the use (land use mix including the provision of squares, community facilities, etc.).
  - The massing, position and extent of buildings;
  - The position of parking, including loading bays if necessary, 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 referred to in 5.4.3, below;
  - Statistical information such as the extent of the proposed development floor area, building heights, land use allocations (including residential, business, community, recreational uses, etc.) and parking supply, etc.
  - Contribution of the development to the quality, safety and amenity of the surrounding and internal public environment;
  - Extent of the gated development;
  - Fencing of the gated component of the development shall be visually permeable;
  - Any other details as may reasonably be required by Council.
- 5.1.2 When approving the Precinct plan and SDP referred to in 5.1.1.1 and 5.1.1.2 above, *Council Director: Development Management* may impose further conditions to ensure the appropriate development of the subject property.
- 5.2 Building plans for the development of the property shall be in accordance with the Site Development Plan referred to in 5.1.1.2
- ~~5.3 When approving the Precinct Plan and SDP referred to in 5.1.1.1 and 5.1.1.2 above, Council may impose further conditions to ensure the appropriate development of the subject property.~~
- 5.4 The Precinct Plan referred in 5.1.1.1 above shall be accompanied by:
- 5.4.1 A Transport master plan detailing accesses (vehicular and NMT[bicycle and pedestrian]) from the property onto Forest Drive extension service road and Forest Drive extension. The Transport master plan shall show the movement hierarchy in particular
- 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 from Forest Drive extension, to public transport facilities and around the property.
  - *Exploration of establishment of Locomute (or equivalent) fleet of short-term rental cars to limit need for cars.\**
  - *Provision or facilitation of services by the Mupine management organization, such as a 'walking bus' or carpooling to encourage walking and high occupancy vehicles.\**
  - *Encouragement of Old Mutual to explore strategies for travel demand management related to their employees, as a mitigation of traffic impacts on Forest Drive Extension, and to support public transport.\**
  - *Focus on alternatives to reduce the use of private vehicles.\**
- 5.4.2 A detailed engineering services plan, *including a stormwater management plan,\** shall be submitted by a registered engineer. *All engineering services for the private development shall comply with the standards and policies of Council.\**

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, cycle routes, view corridors, etc.
- Trees to be retained and removed;
- Additional planting proposed;
- Open/recreational spaces designated for the site and their different uses. The extent of each shall also be furnished.
- *Old Mutual to explore alternative methods / non-potable water for landscaping.\**

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 and Director: Urban Integration (Urban Design), respectively.

~~5.5 A home owner's association (HOA) shall be established in accordance with the provisions of Section 61 of the Municipal Planning By-Law and shall come into being before the City certifies/approves the site development plan for the proposal.~~

~~5.5.1 The HOA shall be responsible for the maintenance of all aspects of the development within the gated community.~~

~~5.5.2 A constitution for the HOA shall be submitted to the Director: Development Management prior to the submission of a Site Development Plan for approval in terms of Section 62(2) of the Municipal Planning By-Law.~~

~~5.5.3 Any roads and open spaces internal to the development contained within the gated community shall be private and shall vest in the HOA.~~

~~5.5.4 All engineering services for the private development shall comply with the standards and policies of Council and the Home Owners Association shall be responsible for the maintenance of internal private services.~~

*5.5 A property association shall be responsible for the maintenance of all aspects of development within the gated community and any other component of the development located on the subject property.\**

*5.6 Prior to the commencement of development of the site, the following shall be constructed and/or provided, if not already constructed and/or provided, in respect of road upgrades to Forest Drive and Ringwood Drive intersection, Forest Drive and Jan Smuts Drive intersection and upgrades to Jan Smuts Drive and Forest Drive extension, as detailed in the TIA for the Conradie Hospital site.\**

*5.7 The applicant shall explore accommodating the community related uses along the edge of the site with Forest Drive extension service road.*

Note: 1. The requirements of the Director: Integrated Transport Portfolio (Asset Management and Maintenance).

2. The requirements of various service branches in respect of water and sanitation,



- water and sewer, solid waste and electrical connections to the site.
3. These conditions shall be read in conjunction with the Record of Decision as submitted by the Heritage Western Cape attached as Annexure D.

