

Should there not be more?

— Reasons & Decision —

Verwysing Reference Igalathina AF56/19/4/2-K9

Navne Enquiries Imibuzo CK Rable

Departement van Beplanning, Plaaslike Bestuur en Behuising
Department of Planning, Local Government and Housing
iSebe loCwangciso, uLawulo lweeDolophu noLwakhwiwo-zindlu

DATUM/DATE: 17 DEC 1998

File
TADC

Dr Chris Mulder & Associates
P.O. Box 35493
MENLO PARK
0102

Dear Sirs

THESEN ISLAND: KNYSNA: PROPOSED REZONING, SUBDIVISION AND AMENDMENT OF THE KNYSNA/WILDERNISS/PLETTENBERG BAY REGIONAL STRUCTURE PLAN

- 1. I refer to your application in the above regard.
- 2. The competent authority for the Administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) resolved as follows regarding the application.
 - 2.1 That the Knysna/Wilderness/Plettenberg Bay Regional Structure Plan be amended in terms of section 4(7) of the Land Use Planning Ordinance, (Ordinance 15 of 1985) as follows:
 - 2.1.1 The indication of Thesen Island on the Regional Structure Plan map as "Township Development" as opposed to the present "Industrial Development" reservation.
 - 2.1.2 The Insertion of the following, or similar, wording after the first sentence of paragraph 5.5.2.1.4 (page 50) and after paragraph 6.4.2.1(5) (page 84) of the Regional Structure Plan:

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"...unless such marina has been properly planned in accordance with the Integrated environmental guideline series of the Department of Environment Affairs, and subject to the necessary rezoning and other approvals by all responsible authorities."

2.1.3 The deletion of the wording "no form of residential development should be permitted on the island" in paragraph 5.5.2.1.5 (page 50) of the Regional Structure Plan and the replacement thereof with the wording "only residential/tourist/recreational related development, duly approved by the Knysna Town Council and rezoned accordingly, may be permitted on the island".

2.1.4 The insertion of the following, or similar, wording after the second subparagraph of paragraph 6.4.2.1(3) (page 84) of the Regional Structure Plan:
"unless duly approved by the responsible authorities in exceptional circumstances only".

2.2 The application in terms of section 16 read with section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), for the rezoning of erven 1394, 1395, 1396, 1397 and 1398, Knysna, as well as portions A, B, F and I, better known as Thesen Island, from Undetermined/Industrial Zone to Subdivisional Area as shown on the Rezoning Plan drawing no 940048/03 in order to allow a marina-type development consisting of several single residential, group housing, general residential, business, public parking and private as well as public open space erven, be approved, subject to the conditions as set out below: (Council refers to the Knysna Municipality)

2.2.1 That the development framework, site development plan and subdivision plan be submitted to the Planning Advisory Board and the Provincial Administration for evaluation and comment before it is approved by the Local Authority.

2.2.2 That the relaxation of the 8m height restriction with regard to the Thesen Island Development be subject to the following conditions:

(i) That height proposals as indicated on building plans be supported by the "Knysna Aesthetic Committee" prior to building plan approval by Council.

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(ii) That a maximum height of 8,5m be allowed for the residential units.

(iii) That a maximum height of 11m be allowed for the commercial buildings on the western sector and on the Arnt Canal and that these buildings may not be higher than the existing heritage buildings on the site.

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That a final development framework for the consolidated property clearly reflecting the broad principles of development be submitted for approval by Council prior to subdivision approval.

2.2.4

That deviations to "Concept 25" be permitted at final development framework stage in order to reflect:

(i) the negotiated and relevant requirements of the various statutory bodies (Council, South African National Parks, Capé Nature Conservation, National Monuments Council, Department of Environmental Affairs, etc), and/or

(ii) ongoing amendments which may occur as a result of further detail design in accordance with the provisions of the Environmental Management Plan (EMP), provided that these deviations do not substantially change the development concept or principles agreed to by Council.

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The development/subdivisional plans should comply with inter alia the following guidelines:

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(i) the split between single residential and general residential development should be amended in order to provide for less general residential units in order to lower the residential density;

(ii) road reserves within the residential component should be wider to allow for 2 rows of trees as per Marina de Gama example in order to provide more usable open space and to mitigate the visual impact;

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- (iii) the plans should generally provide for more usable open space, possibly 5% of the residential development. The natural salt mars on the periphery of the island and the area taken up by the water canals within the development should not be included in the 5%. The inclusion of the landscaped portions of the wider road reserves may be considered for inclusion within the 5% open space.

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- 2.2.6 That detail site development plans in respect of specific land uses, areas and/or phases of development be submitted for approval by Council prior to or at building plan stage, and that detailed aspects such as architecture, coverage, bulk and height of buildings, parking etc. be addressed at that stage. (Also see paragraph 2.2.2)
- 2.2.7 That insofar as they may be applicable, and fall within the ambit of issues to be addressed by the developer, the "proposed development principles identified in the EIR" be implemented and complied with.
- 2.2.8 That the final development framework and detail site development plans incorporate the relevant design features and other recommendations made in the EIR, provided that it be acknowledged that development will occur in phases.
- 2.2.9 That an Environmental Management Plan (EMP) be prepared in parallel with the detailed design and planning phase in order to ensure that monitoring and review of actions recommended in the EIR as well as the operational phases of the development take place.
- 2.2.10 That Council reserves the right to impose further conditions of approval, which will not materially affect the principle of the proposed development, at the stage of final development framework, site development plan or subdivision approval due to new information which may be available at that stage or as a result of the recommendations contained in the EMP.
- 2.2.11 Subject to the paragraphs above that the exact development parameters (coverage, height, building lines, parking etc) in respect of various land uses forming part of the development be determined at subdivision stage (or at the stage when detailed site development plans are submitted in

respect of certain land uses or development phases), and that in cases where zoning categories presently stipulated in the Zoning Scheme are incorporated within the development, Council reserves the right to impose additional conditions/restrictions over and above the development parameters which normally apply in these zones. (Also see paragraph 2.2.2)

ENVIRONMENTAL MANAGEMENT PLAN (EMP)

- 2.2.12 That broadly in accordance with the recommendations of the EIR an EMP be prepared by the developer for approval by the relevant authorities.
- 2.2.13 That the provisions and recommendations of the EMP be applied during the detailed design phases (including the preparation of the final development framework and site development plans), the construction phase, as well as the operational phases of the development.
- 2.2.14 That the EMP be not regarded as a final document, and that it may, at the recommendation of the Environmental Management Committee (EMC), be amended or revised as may be deemed necessary from time to time, provided that any substantial revisions/amendments are to be approved by the relevant authorities.

ENVIRONMENTAL MANAGEMENT COMMITTEE (EMC)

- 2.2.15 That an EMC be appointed prior to any construction work by the appropriate authority in consultation with the other relevant authorities, as well as the developer.
- That an Environmental Management Committee (EMC) consisting of the following members be appointed:
- (i) One member of CNC – Mr. Andrew West of the George office;

- (ii) One member from SANP – Mr Peet Joubert / Nic Geldenhuys alternating;
- (iii) One member from Knysna Municipality – Chief Town Planner, Mr Ludolph Gericke;
- (iv) One member from Knysna Environmental Forum – an NGO representing the public represented by Mr Toni Tonin;
- (v) One member from the National Monuments Council – Ms Laura Robinson or Joanne Marx;
- (vi) One member from the Development Company – Dr Chris Mulder;
- (vii) One member from the Department Planning, Local Government and Housing (Western Cape Provincial Government) – Mr Chris Rable, Director (alternative Mr Niel Lambrechts).

- 2.2.16 It should be noted that the above-mentioned members as well as organisations/instances are replaceable due to natural circumstances/causes and are accordingly not subject to any process of amendment of conditions as prescribed in terms of the Ordinance.
- 2.2.17 The EMC shall be a body of specific expertise suitably qualified to monitor the implementation of and adherence to the EMP, to consider and suggests amendments or revisions of the EMP, to monitor compliance by the developer with the conditions of approval, and any other function in terms of these conditions or its terms of reference.
- 2.2.18 The relevant authority shall ensure that the role, powers and functions of the EMC are clearly defined, and that the establishment of the EMC will ensure effective environmental management of the project.
- 2.2.19 The developer shall be responsible for the cost of the EMC and other expenses incurred in the process of environmental monitoring and management of the development.
- 2.2.20 The EMC shall in consultation with the appropriate authorities as well as the developer define the role, powers and functions of the Environmental Control Officer (ECO).

- 2.2.21 The EMC shall submit regular reports to Council during the construction phase of the development, as well as regular audit during the operational phase of the project.
- 2.2.22 The EMC shall be empowered to at any time require from any person involved with the project to take such steps as the EMC may deem fit, within a period specified, and notwithstanding the provisions of the EMP or the conditions of rezoning, with a view to eliminate, reduce or prevent serious damage to or a serious detrimental effect on the environment.
- 2.2.23 Should the EMC at any stage indicate to Council that the relevant requirements are not complied with by the developer, and acting on the recommendation of the EMC, Council shall have the right to stop construction and/or earthworks or any other activity with a detrimental affect until such time as all prescribed environmental control mechanism and/or conditions of approval have been implemented to the satisfaction of the Council in consultation with the EMC.

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ENVIRONMENTAL CONTROL OFFICER (ECO)

- 2.2.24 The developer shall appoint, in consultation with the EMC, a person to act as ECO for the full construction period of the project.
- 2.2.25 The ECO shall be responsible to the EMC, and via the EMC to the relevant authorities.
- 2.2.26 The role, powers and functions of the ECO shall be determined by the developer in consultation with the EMC, but in general the ECO shall report on the implementation of the EMP, compliance by the developer with the conditions of approval, the implementation of the relevant mitigation measures contained in the EIR, etc.

PHASING OF DEVELOPMENT

2.2.27

Planning
Plan -

As part of the EMP and prior to commencement of any construction the developer shall prepare a detailed plan indicating the phases of development, including time-scales, for approval by the relevant authorities.

2.2.28

It shall be ensured that phasing occurs in such a way that each phase is self sustainable in order to accommodate the possibility that the subsequent phases of the development may be delayed for whatever reason or even not be proceeded with.

2.2.29

No phase of development may be proceeded with until such time that the prior phase/phases of development has/have been completed, or at least progressed to a reasonable stage of completion, to the satisfaction of the relevant authorities.

2.2.30

Provision shall be made in the phasing plan for substantial upgrading of the envisaged public facilities on the island as early as possible in the development project to the satisfaction of Council.

GUARENTEE/PENALTIES

2.2.31

Grant

That prior to commencement of any construction work related to any specific phase of the development, the developer shall provide suitable financial arrangements to the satisfaction of the relevant authorities to ensure the provision of funding for completion of that particular phase as well as all previous phases of the development and/or environmental rehabilitation should the developer, for any reason, be unable to complete that particular phase and all previous phases of the project.

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Penalties for the non-compliance by the developer with the conditions of approval and/or the requirements of the EMP 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 (extra-ordinary) No. 5183 dated 3 October 1997. Although these conditions are determined before the referred Bill has become Law, it is 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.

2.2.33 That suitable penalties to the satisfaction of the relevant authorities for non-compliance by the contractors with the conditions of approval and/or the requirements of the EMP be incorporated into all agreements between the developer and contractors, provided that it be made clear that the developer will be held responsible for non-compliance by contractors.

2.2.34 That it be considered by the developer to implement an incentive system to be used to encourage contractors to adhere to construction guidelines.

2.2.35 That prior to commencement of construction work suitable financial arrangements to the satisfaction of the relevant authorities be made to ensure the ongoing appointment of the EMC and the ECO for a period of at least 3 months, should the developer for whatever reason fail to proceed with or complete the project to the satisfaction of the said authorities.

2.2.36 That a penalty clause to the satisfaction of Council for non-compliance by members of the Homeowners/Tenants Association(s) with the Constitution(s) of these bodies be incorporated into such Constitution(s).

ENVIRONMENTAL MONITORING PROGRAMME

✓ 2.2.37 Measurements for the environmental monitoring shall be commenced with at an early stage in order to acquire baseline information prior to any construction activities.

✓ 2.2.38 Should adequate baseline information not be available from the relevant authorities, Council reserves the right to prevent any construction work in accordance with the development approval until such time that the required minimum information has been obtained.

✓ 2.2.39 That a detailed environmental monitoring programme be developed as part as the EMP.

✓ 2.2.40 That the monitoring programme includes, but not limited to, the following:

- (i) appropriate independent auditing measures;
- (ii) measures to assess the effectiveness of bio-remediation and / or removal of contaminated soil;
- (iii) measuring instruments to assess the effectiveness of the implementation of mitigating measures recommended in the EMP with a view to revision of the EMP if required;

CANAL EXCAVATION/WATER CIRCULATION

2.2.41 ✓ That the construction of the marine canal be subject to approval by the appropriate authorities, and be further subject to such conditions as may be imposed by these authorities.

2.2.42 ✓ That the relevant recommendations of the EIR and / or CSIR to enhance and improve water circulation be implemented.

2.2.43 ✓ That in accordance with the recommendations of the EIR Council supports the opinion that direct access to the marina canal only be permitted via the main channel entrance, and not via the Ashmead canal, provided that it be recognised that in the early phases of development an Ashmead access may by a necessity.

2.2.44 ✓ That appropriate engineering techniques with suitable monitoring instruments to the satisfaction of the relevant authorities be developed during the detailed design phase as part of the EMP to ensure an acceptable water quality and reduce the potential impact of sedimentation.

2.2.45 That the developer and / or Homeowners' / Tenants Association, as the case may be, be responsible for the ongoing maintenance and management of the canal, including the entrance section from the estuary, to the satisfaction of the appropriate authorities; and there be no responsibility in any manner on the Council to ensure maintenance of or accessibility to the marina canal.

2.2.46 ✓ The detail of the canal retaining structures be submitted for approval by the appropriate authorities prior to commencement of construction.

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- 2.2.47 That prior to commencement with the construction of the canal detailed studies be undertaken by the developer to the satisfaction of the appropriate authorities to establish with certainty the extent of soil contamination in the "poleyard area" in order to:
- (i) investigate the feasibility of bio-remediation and / or removal of contaminated soil;
 - (ii) if (i) is not effective, reposition the canal so that as little as possible of the "poleyard area" is disturbed by canal excavation.
- 2.2.48 ✓ That the landowners be requested to suitably modify the current poleyard operation in order to reduce risks.
- 2.2.49 ✓ That notwithstanding the fact that the EIR indicated that the impact of buried waste is negligible, a detailed investigation be undertaken prior to canal excavation to the satisfaction of the appropriate authorities, and that suitable mitigation measures be implemented if required.
- 2.2.50 ✓ That the possibility of installing a mechanism during the construction phase of the development at all points where water is exchanged between the marina canal and the lagoon, which will effectively isolate the marina canal in cases of pollution or analogous instances of environmental disaster, be investigated during the preparation of the EMP.
- 2.2.51 ✓ That the material dredged or excavated from the canal be utilized to increase the natural ground level of the property, provided that in those areas where building construction is to take place a maximum level of infill be determined to Council's satisfaction at final development framework or site development plan stage.
- 2.2.52 That although the applicant indicated that it will not be necessary for any dredged or excavated material (with the possible exception of contaminated soil) to be removed off Thesen's Island, it nevertheless be recorded that should removal of such material become necessary, the following condition will apply;

- (i) disposal of dredged or excavated material off the island has to be preceded by an appropriate and full environmental impact assessment;
- (ii) dredged or excavated material and spill shall be contained in settling ponds where the material is allowed to dry out before being removed, and only clear effluent will be allowed to return to the lagoon.

2.2.53 That should it be necessary to remove contaminated sand deposits from the island, it shall be removed to a suitable alternative to be identified by the applicant to the satisfaction of Council.

STORMWATER CONTROL

EMP design 2.2.54 ✓ That appropriate provision be made in the EMP for stormwater control to the satisfaction of the relevant authorities.

2.2.55 ✓ That special attention be given in the EMP to protect the lagoon from accidental spillages, excessive run-off of silt during the heavy rains, etc, and that it be recommended that consideration be given in the EMP to support these precautionary measures by contingency funding or suitable alternatives to the satisfaction of the appropriate authorities, which could be deployed immediately during such events, both during the construction phases and the operational period thereafter.

2.2.56 ✓ That the stormwater system be designed to as far as practically possible ensure that the majority of the surface stormwater is drained away from the canal and saltmarsh frontages to the street system, and then to local detritus traps and flood attenuating dams before discharge through freshwater wetlands to the canals or existing natural marshlands gullies.

SALTMARSHES / INTERTIDAL ZONE

- 2.2.57 ✓ That the suitably identified areas of disturbed saltmarsh within the seawalls be rehabilitated, and that in accordance with the recommendations of the EIR the final design of development be of such a nature that it is ensured that no net loss of saltmarsh occurs.
- 2.2.58 ✓ That the seawall be removed where it can facilitate rehabilitation of saltmarshes and it can physically be achieved without a negative impact on these marshes.
- 2.2.59 ✓ That it be ensured in the final design that sufficient freshwater wetlands are retained in order to facilitate biological filtering of surface runoff.
- 2.2.60 ✓ That it be recommended that an Intertidal Reserve be designated in consultation with the South African National Parks Board in order to protect the sensitive intertidal zone.
- 2.2.61 ✓ That a management plan for the Intertidal zone be prepared by the developer in consultation with the South African National Parks Board as part of the EMP.
- 2.2.62 ✓ That the introduction of a barrier canal between the development and the sensitive intertidal zone as indicated on Concept 25 be regarded as a non-negotiable design feature.
- 2.2.63 ✓ That in accordance with the recommendations of the EIR boardwalks be provided as part of the development to control / restrict access to the intertidal zone, and that the other relevant recommendations of the EIR (eg. Education signs, designation of "dog free" and "dog walking" areas, appointment of wardens, etc) be implemented.

FLOOD LINE

- 2.2.64 ✓ Floor levels of all building structures be set above the 1:50 year flood line, or a level which can reasonably accommodate an expected rise in sea levels due to global warming, whichever is the highest, to the satisfaction of Council.

EMP design

EMP design

VISUAL IMPACT / DESIGN MANUAL

- 2.2.65 ✓ That in accordance with the recommendations of the EIR the final site development plans address management actions and design features which will protect and enhance the visual quality of the island.
- design manual*
2.2.66 ✓ That the development occurs in accordance with provisions of a design manual(s) to be approved by Council, and that it be further ensured that the architecture of the development in general respond to the vernacular architectural tradition of Knysna to the satisfaction of the Council.
- 2.2.67 That the design manual inter alia include, but not be limited to, the following aspects:
- ✓(i) building materials, design, colour schemes, etc.
 - ✓(ii) building plan approval, and the establishment of an "architectural review panel" by the developer;
 - ✓(iii) general measures to reduce visual impact.
- 2.2.68 ✓ The lighting requirements for the development, including street lighting, are to be sympathetic to the nature of the development, while all main services and electrical connections are to be located underground to have a minimum visual impact on the surroundings.
- 2.2.69 ✓ That a "departure" from the standard provisions of the Zoning Scheme be permitted in order to allow a level to be determined at or above the 1 in 50 year flood line, and not natural ground level, to be used as basis for the calculation of maximum height restrictions in respect of the development.
- 2.2.70 That, subject to the provisions of sub-paragraph 2.2.71 below, Council accepts the principle that the maximum height of the development may, in certain specified cases only, exceed the maximum height restriction as prescribed in the 'Guide Plan' for reasons of urban design, creation of visual focus points, balance between height of buildings and enclosures etc, provided that the developer be informed that Council would not support any building in excess of 11 metres / 3 storeys (ie. similar in height to those existing buildings which have been identified for preservation due

to their historical value), and provided further that no relaxation in respect of "marina units" will be permitted. (Also see paragraph 2.2.2)

- 2.2.71 ✓ That in accordance with the provisions of the "Guide Plan" a detailed motivation for the relaxation of maximum permissible height restrictions be submitted for consideration by Council at subdivision and / or building plan and / or site development plan stage.

MANUAL FOR CONTROL OF ACTIVITIES

2.2.72 ✓ That a manual to control the activities of contractors during the construction and implementation phases of the development be prepared to the satisfaction of Council in consultation with the South African National Parks Board, including inter alia the following aspects in addition to the normal construction liabilities and performance control provided for in standard contract insurance and penalty conditions:

Ⓜ
Contractors
Manual

- (i) that specific guidelines to preserve any possible archeological finds be framed in terms of which contractors will be required to notify the National Monuments Council should they encounter any material during the course of construction work;
- (ii) that dust from construction work be controlled and that strict specifications are applied to prevent all spillages from construction vehicles, and that noise be limited to within acceptable standards;
- (iii) that construction work be programmed in such a way as to ensure minimum disturbance of services or amenities.
- (iv) that the movement of construction vehicles during construction be controlled to prevent any damage to those areas of land that remain undeveloped, and that in particular the movement of vehicles over sensitive areas be strictly controlled to reduce impact;
- (v) that suitable management controls and design standards be implemented to reduce the risk of pollution events, and that these

be prepared to the satisfaction of the appropriate authorities during the detailed design phase, as part of the EMP.

CULTURAL HERITAGE

- 2.2.73 ✓ That, where applicable, the developer complies with the negotiated and relevant requirements of the National Monuments Council.
- 2.2.74 ✓ That the relevant recommendations of the "Assessment of Heritage Resources on Thesen's Island" be complied with, and that particular attention be given to the following:
- ✓ (i) that every effort be made to find ways to conserve the power station in total working order as a museum;
 - ✓ (ii) that a qualified industrial archaeologist or similar person be appointed by the developer at his cost to oversee the establishment of a museum;
 - ✓ (iii) that, failing total conservation of the power station, should any portion of it be demolished, an industrial archaeologist or similar person be appointed by the developer to document and photograph machinery and curate any related material ranging from instrumentation to operating manuals;
 - ✓ (iv) that an adaptive re-use of the "saw-tooth" building be investigated;
 - ✓ (v) that the importance of the boat shed, which successfully preserves the sense of history of the maritime respect of the Island and on a broader scale, the town, be acknowledged by the developer in the form of a small display or signage.
- 2.2.75 ✓ That the concept of a "living museum", or any other appropriate method to recognise and preserve the cultural/historical heritage of Knysna be supported, and that this aspect be further addressed at final development framework stage to the satisfaction of Council.

PUBLIC OPEN SPACE

- ✓ 2.2.76 That the developers be required to provide usable public open space in accordance with the guidelines issued by the Provincial Administration, or that acceptable alternative arrangements to the satisfaction of Council be made at final development framework stage. (Also see paragraph 2.2.2; 2.2.5(ii) and (iii))

HOMEOWNERS'/TENANTS' ASSOCIATION

- ✓ 2.2.77 That a Homeowners' Association in the case of the residential marina and Tenants' Association/Body Corporate or similar body in the case of the "commercial component" in the western sector of the development be established, and that the Constitutions of these bodies be subject to approval by Council.
- ✓ 2.2.78 That if legally possible compulsory membership of the Homeowners'/Tenants' Association be registered against the title deed of each unit/erf forming part of the development.
- ✓ 2.2.79 That the following aspects be addressed to the satisfaction of Council in the Constitution/Articles of Association of the Homeowners'/Tenants' Association:
- (i) the promotion of environmental awareness responsibility;
 - (ii) a penalty clause to be applicable to the case of non-compliance with the requirements of the Constitution;
 - (iii) clarification of ownership, management and maintenance of all facilities, including the marina canal, forming part of the development, with the clear understanding that the Knysna Council has no responsibility in this regard;
 - (iv) clarification of the ownership status of land should various components of development, for whatever reason, not be proceeded with;

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- ✓ (v) clarification of stages when, and where applicable, the responsibility for management maintenance, etc. of facilities will be transferred from the developer to the Homeowners' Association, and an indication of the standards to which such facilities/area are to be developed prior to transfer;
 - ✓ (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 development approval not be complied with at any stage.

LOCAL LABOUR

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Contractors manual ✓
2.2.80 The developer shall, as far as it is practically and reasonably possible, require contractors to employ local employees, and in this regard the following aspects shall be taken into account.

- ✓ (i) liaison with the local Builder's Forum or similar suitable bodies with regard to the appointment of employees;
- ✓ (ii) the provision of training courses for local people employed by the developer and/or contractors, including the establishment of a training facility, with particular emphasis on the re-training of current factory workers;
- ✓ (iii) regular reports to Council on the status of employment and training of locally appointed employees, with a specific indication of the percentage of local people employed.

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2.2.81 That insofar as is practically and reasonably possible preference be given by the developer to local contractors.

✓
2.2.82 That the developers investigate possibilities for training local unskilled labourers to do construction work.

2.2.83 That the developer specifies in all tender calls, and building contracts (which shall be open to all) that wherever possible, local labourers and labour intensive methods of construction must be employed, and give

preference to tenderers who can demonstrate their commitment in this regard.

- 2.2.84 That the developer endeavours to ensure that as part of the final design phase opportunities are provided for the use of local skills.

SERVICES

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2.2.84 That services to the development be provided by the developer at his costs to the satisfaction of Council.

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2.2.85 That the applicable augmentation, extension fees, and cable costs, where applicable, be paid for water, sewerage and electricity prior to transfer of or submission of building plans in respect of an erf/unit, whichever occurs first, at the rate applicable at the time, provided that in exceptional cases Council may, at its discretion, require that augmentation be paid prior to transfer or prior to connection to Municipal services, whichever occurs first, and provided further that Council undertakes to consider "phased payment" in accordance with the various phases of development.

✓
2.2.86 That the costs of connection of municipal water, sewerage and electricity are borne by the developer.

2.2.87 That all private roads, private water, stormwater, sewer and electrical reticulation facilities are maintained by the developer or its successor in title and/or the Homeowners' Association and/or the Tenant Association/Body Corporate, as the case may be, and that this aspect be incorporated into the Constitution of the particular body to the satisfaction of Council.

✓
2.2.88 That all existing or relocated municipal services are protected by registered servitudes, and all new public municipal services are located in suitable servitudes or road reserves to the satisfaction of Council.

✓
2.2.89 That the detail of responsibilities for maintenance of services be to Council's satisfaction, and that these aspects be finalised at final development framework or site development plan stage.

- 2.2.90 ✓ That 'bulk' services to serve the development be for the cost of the developers to Council's satisfaction.
- 11 ✓
GIBB 2.2.91 That servicing to Thesen's Jetty be integrated into the development to Council's satisfaction, and that this aspect be further addressed as part of the joint planning exercise in respect of this area and/or the services agreement.
- 2.2.92 ✓ Council reserves the right to impose further conditions regarding the provision of services at detailed design stage.
- 2.2.93 ✓ A plan relating to public/private servicing should be submitted at an early stage in order for servicing principles to be established.
- 2.2.94 ✓ That a suitable services agreement to the satisfaction of Council be entered into with the developer.

TRAFFIC/STREETS/PARKING

- gay 2.2.95 ✓ That all improvements required to intersections of Waterfront Drive be for the cost of the developer.
- 2.2.96 That a contribution to the cost of Waterfront Drive, based on the additional trips generated as a pro rata portion of the capacity of the road (i.e 900 vehicles per hour per lane), be required from the developer, provided that Council undertakes to consider a "phased approach" to this contribution in accordance with the phases of development.
- 2.2.97 ✓ That the causeway be reconstructed (including the replacement of the causeway culverts with a bridge of a 20m span, lighting, laybys, safe pedestrian and cycling lanes, accommodation of services) at the cost of the developer to the satisfaction of Council.
- 2.2.98 ✓ That all intersections with public roads be provided with standard splays on erf boundaries.
- 2.2.99 ✓ That public road reserve widths be provided to the satisfaction of the Council.

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2.2.100 That where applicable, public streets be formally closed in accordance with the prescribed procedures, and that any conditions imposed by Council at that stage be complied with.

2.2.101 That the developer complies in all respects with the stipulations of the Zoning Scheme insofar as provision of parking is concerned, provided that:

- (i) In respect of those land uses where no clear requirement is stipulated in the Zoning Scheme (for example small craft harbour, club facilities, museum, etc) parking be provided in the final site development plans to the satisfaction of the Council;
- (ii) that special measures be taken to the satisfaction of Council at site development plan stage to ensure that adequate public parking is available, particularly in the western sector of the development, and that all available parking areas are not occupied on a permanent or semi-permanent basis by tenants of or workers in the individual shops, restaurants, hotel etc;
- (iii) that questions relating to parking fees, reserved parking areas, etc. be finalised at site development plan stage, and that Council reserves the right to impose conditions in this regard.

Yours faithfully



HEAD OF DEPARTMENT

1 No/letter/thesenst