

# SMR

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Date:  
9 June 2010

Our ref:  
10-Q07

Your ref:

Manager: Land Development  
Cosmopolitan Projects  
P O Box 754  
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2006

**For attention: Mr Jaco Olivier**

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Dear Sir,

## **PROPOSED APPLICATION FOR A TOWNSHIP ESTABLISHMENT ON PART OF PORTION 321 OF THE FARM OLIEVENHOUTBOSCH 389-JR**

Our previous discussions refer. Thank you for the opportunity to furnish you with a fee proposal. Be assured of my best service at all times.

### **1. General Information**

The proposed township will be situated on part of Portion 321 of the farm Olievenhoutbosch 389-JR, registered in the name of Homegold Development 1998 (Pty) Ltd vide Deed of Transfer T64705/2008. The property measures 65,2490 hectares in extent and the proposed township will be situated on  $\pm$  7,5 hectares.

### **2. Development Proposal**

It is our understanding that you intend to establish the following land uses within the proposed township:

- A filling station
- A business facility

A draft layout plan will be compiled whereafter the extent (FAR, Coverage and height) of the proposed land uses will be verified. The "add-on" uses at the filling station must also be verified such as a car wash facility, ATM machine, take-away outlet and extent of the convenience store.

Input must also be obtained from a traffic engineer on the access to the filling station and the proposed layout of the filling station prior to the submission of the application for township establishment.

### **3. Proposed Town Planning Application**

It is proposed that an application for township establishment be submitted in terms of Section 96 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986). (Please read this in conjunction with paragraph 9 – DFA procedure)

The application will be submitted at the offices of Tshwane, based in Centurion. The procedure entails public notification of the application for a period of 28 days in local newspapers simultaneous with the internal circulation of the application at the offices of the local authority. The application will also be circulated to affected governmental departments such as Education, Health, GDARD, Roads, Water Affairs, etc.

We normally estimate that applications can be assessed within a period of 6 to 8 months from date of submission, subject to environmental authorization. Please note that a Town Planning Hearing will be held, should any objections be received against the proposed application. Objections against applications can delay the finalization of an application with a period of three to five months. Experience has shown in the past that it can take up to 12 months to obtain approval for an application for township establishment.

Applications for filling stations tend to attract objections from neighbouring filling station owners and the fuel retailer's association which will require that a Town Planning Tribunal be held. Take note that GDARD imposes more limitations on the provision of filling stations than local authorities and input must be obtained from an environmental consultant in this regard.

### **4. Town Planning Process:**

The town planning process will be undertaken per activity as detailed below:

#### **Activity One (1): Technical Assessment**

The following technical assessments / activities need to be addressed during the preparation of the layout plan for the proposed residential development:

- Verification of cadastral information i.e. outside figure, servitudes (Land Surveyor's Certificate), property description, extent – available
- Detailed contour survey – available
- Verification of alignment of proposed Provincial and Municipal Roads and access to the township – available
- Determination, calculation and certification of 1 : 100 year floodline – not applicable
- Detailed geological investigation – available
- Obtain environmental input that might affect the proposed development or layout plan – outstanding
- Obtain input from traffic engineer on access and layout of filling station - outstanding

### **Activity Two (2): Design Principles and Rationale – Finalization of layout plan**

The following general design principles and rationale are to be adhered to as far as possible during the preparation of the layout plan:

- Integration of the proposed township with existing / adjacent township infrastructure such as road network pattern, physical and social services
- Layout plan to accommodate a road hierarchy
- Layout plan to comply with guidelines and criteria for the provision of engineering services

### **Activity Three (3): Submission and Approval of Application for Township Establishment**

On finalization of the layout plan as described in the foregoing for circulation purposes, a formal application for township establishment needs to be compiled and submitted to the CTMM in terms of Section 96 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986). The following activities must be undertaken and are discussed briefly below:

- Advertise the application as prescribed by the Ordinance
- Circulate the application to internal and external governmental and affected departments / bodies
- Obtain mineral rights holders' consent
- Address comments and objections (if any)
- Prepare draft conditions of establishment
- Obtain Council approval

The application for township establishment needs to be accompanied by the following supportive documentation, namely:

<b>DOCUMENTATION</b>	<b>RESPONSIBILITY</b>
Power of Attorney, undersigned by the registered owner(s)	To be undersigned by land owners upon instruction
Cadastral Information	Available
Contours of the site	Available
Verification of servitudes and existing structures	Servitude certificate from land surveyor
Verification of access to the site and building lines.	Traffic engineer's input
Alignment of existing and proposed Provincial Roads.	Traffic engineer / civil engineer
Copy of Title Deeds	Town Planner to order from Deeds Office
Draft Layout Plan	To attend to
Bulk and internal services report	Civil & Electrical engineer
Environmental input	EIA-consultant
Geotechnical report	Geotechnical engineer - available
Deeds report	To be provided by attorney
Servitude certificate	To be provided by land surveyor

#### **Activity Four (4): Finalization of application for township establishment**

The application for township establishment will only be approved by the CTMM once environmental authorization has been obtained and objections against the application have been addressed.

The following must be attended to up to the proclamation of the township:

- Approval of the General Plan
- Conclusion of a Services Agreement with the CTMM
- Installation of engineering services
- Opening of townships register
- Payment of bulk contributions / guarantees
- Proclamation of the township
- Transfer of erven / clearance from CTMM

#### **5. Fee Proposal:**

The professional fees are structured in the following manner:

Basic fee for a 2-erf township:	R	145 000,00
+ R335,00 per ha of land		
+ R335,00 x 7,5 ha	R	2 512,50
+ R550,00 per ha non-residential land		
+ R550,00 x 7,5 ha	R	4 125,00
+ 0,375 % of the value of land		
+ 0,375 % x R2 mill / ha x 7 ha	R	52 500,00
<b>TOTAL</b>	<b>R</b>	<b>204 137,50</b>

Please note the following:

- VAT is excluded
- Advertisements, application fees, copies of plans accompanying the application and travel expenses are excluded from the fee proposal. It is my estimate that it should not exceed 15 % of professional fees.
- The land value of the proposed "erven" is based on a relatively low value to the benefit of the developer.
- No provision is made for the phasing of the township in terms of the Town Planning and Townships Ordinance, 1986. An additional fee of ±R25 000,00 per phase will be added to every phase.
- Objections received against the application will be dealt with on a time and cost basis, also the preparation and attendance of the Town Planning Hearing. This should not exceed R15 000,00.

#### **6. Payment Structure:**

The following payment structure is proposed:

- 15 % of professional fees on acceptance of the fee proposal and instruction to proceed with the application for township establishment
- 20 % of professional fees on submission of the application
- 10 % of professional fees after the application has been advertised
- 25 % of professional fees on approval of the application
- 10 % of professional fees on approval of the General Plan
- 10 % of professional fees on acceptance of Section 125 amendment scheme
- 10 % on proclamation of township

## **7. Representation at Town Planning Tribunal**

Please note that any objections be lodged against the application, will be referred to a Town Planning Tribunal for a decision. We would however attempt to mediate with objectors in order to avoid this procedure. Please note that fees for extensive mediation and representation at a Tribunal Hearing are not included in the professional fees as listed above. Fees in this regard are determined on a time and cost basis and would be confirmed with yourselves before proceeding.

## **8. Involvement of other disciplines**

The costs of other professional disciplines, where required, do not form part of the above professional fee proposal. The input from an environmental consultant and traffic engineer is required from the start of the project.

Appointment of other professionals will first be verified with the client.

## **9. Development Facilitation Act of 1995**

The fee structure outlined above is based on the Town Planning and Townships Ordinance of 1986. It would be wise to consider the Development Facilitation Act of 1995 in stead of the Ordinance for the following reasons:

- DFA can put pressure on GDARD to issue environmental authorization and other external departments to issue comments
- DFA will deal with objections in a shorter period (Pre-hearing and Hearing) than the Ordinance and the CTMM

### **BUT:**

All the information as listed above must be available prior to the submission of the DFA which can be a problem in light of the pending ruling to be issued by the Constitutional Court which we expect during September/October. It is therefore important to address certain issues (traffic impact study/EIA-input) ASAP to ascertain whether the DFA can be used. The fee proposal will remain the same for the DFA.

Thank you for the opportunity.

Kind regards

*S Meissner-Roloff*  
**SONJA MEISSNER-ROLOFF TRP (SA)**