

DEVELOPMENT TRIBUNAL

APPLICATION NUMBER 2009/299 SUBMITTED BY PETER JEWELL CONSULTING SERVICES IN TERMS OF THE DEVELOPMENT FACILITATION ACT FOR THE ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON PORTION 621 (OF 592) AND REMAINDER OF PORTION 592, ALL OF THE FARM VAALKOP AND DADELFontein NO. 885, SITUATE IN THE UMSUNDUZI MUNICIPALITY, TO BE KNOWN AS MPUSHINI BUSINESS PARK, HEARD ON 10 NOVEMBER 2009 AND 8 MARCH 2010.

TRIBUNAL JUDGEMENT

TRIBUNAL :

Mr R A F Swart - CHAIRMAN
Mr P Akerman
Mr M Povall
Mr B Edward
Mr O Dhliwayo

Mr N Milne - DEPUTY REGISTRAR

APPEARANCES

FOR APPLICANT:	Mr P Jewell	Peter Jewell Consulting Services
	Mr S Johnson	Stedone
	Mr N Brauteseth	NBA Attorneys
	Ms S Kramer	Cherry Moss
	Mr T Jones	Stedone
	Mr S Walden	SSI
	Mr M Maher	Sukuma Cons Engineers
	Mr G Jacques	IYER
	Mr E Dube	Stedone

PRESENT:	Mr B Millard	I&AP
	Mr S Coan	Witness
	Mr D Maaske	Lynnfield Park RPA
	Ms N Choveaux	PMMB Trust
	N Durrow	Lower Mpushini Valley

Conservancy	Ms Schütte	Upper Mpushini Conservancy
	Mr M Jewitt	PMMB Trust
	Ms P Long	SA Trust for Protected Areas
	Mr T Cowie	Msunduzi Mun
	Mr D Gengan	Msunduzi Mun
	Mr A Khoali	Msunduzi Mun
	Mr R Colling	Msunduzi Mun
	M Sithebe	Msunduzi Mun
	Mr M De Lange	COGTA
	Mr C Rushton	COGTA

DESIGNATED OFFICER: Mr W Cooper



A: GENERAL COMMENTS

1. This is an application relating to a proposal for the establishment of the land development area at Ashburton in the uMsunduzi Municipality for the creation of a business park to be known as Mpushini Business Park.
2. The applicant in this matter is a company described as Cherry Moss Trade and Investment 48 (Pty) Ltd, registration No. 205/043056/07 and is represented here by Mr Peter Jewell of Peter Jewell Consulting Services.
3. The conveyancer's certificate attached to the application papers indicates that the properties are described as follows:-
 - i) Portion 621 (of 592) of the farm Vaalkop and Dadelfontein No. 885 in extent 35, 9328 hectares, registered under Deed of Transfer No. T8114/08.
 - ii) Remainder of Portion 592 of the farm Vaalkop and Dadelfontein No. 885 in extent 23,6407 hectares, registered under Deed of Transfer No. T8114/08.Both properties are registered in the title deed under the name of Cherry Moss Trade and Investment 48 (Pty) Ltd No. 205/043056/07.
4. The total extent of the proposed land development area is therefore 59,5735 hectares and the two portions of land will be consolidated and then re-subdivided to accommodate the proposed development.
5. The land development area is located at Ashburton within the uMsunduzi Municipality and the site is located adjacent to the N3 National Road situated approximately 8kilometres east of central Pietermaritzburg. The development site is bounded by the R103 Provincial Main Road to the south, District Road D506 to the west, the N3 National Road to the north and the Lynnfield Park residential subject to the east.
6. The development proposals before the Tribunal involve a mixed-use activity/logistics park of approximately 170040m² in extent, a low impact mixed-use development comprising approximately 3016m², an office park consisting of approximately 27,707m² and 12,929m², a general residential development comprising approximately 48 apartment units with a total floor area of 7841m² and a central conservation and wetland area consisting of approximately 13,3486 hectares of conservation land.
7. The applicant advises that the Mpushini Park development is a mixed-use development with a focus on logistics and storage warehousing aimed at capitalizing on the location of the site adjacent to the priority provincial corridor between Pietermaritzburg and eThekweni. It is contended that the site will serve as a distribution point to all parts of KwaZulu-Natal and the interior and to overseas markets through the Port of Durban.
8. The applicant in his papers has provided a table setting out details of the various components of the proposed development being mixed-use logistics activity park and high tech storage and warehousing; conservation areas; general residential areas; corporate offices; professional offices and a business node.



9. In its launching papers lodged in April 2009, the applicant requested suspension of the provisions of the Subdivision of Agricultural Land Act 70 of 1970 and the suspension of certain sections of the Town Planning Ordinance No. 27 of 1949. In addition various conditions of title were enumerated requiring suspension by the Tribunal.
10. The subject site is zoned garden lot zone in terms of the Ashburton Town Planning Scheme with the central wetland area being zoned conservation. The site is vacant with the exception of the existing farm house and the farm infrastructure located in the central portion of the property. The applicant advises that in terms of the existing zoning the site could be developed for up to 60 residential units in a cluster format for approximately 50, 1 hectare garden lot sites.
11. The location of the site is that to the west on the western Portion of the D506 and the R103 are residential small holdings with an informal spare parts sales yard located on the western side of the R103 and the little Mpushini River. Also west of the site on the western side of the R103 is the Lynnfield Park sewerage works and municipal complex. The development site is separated from the higher density residential area of Ashburton by the D506, the Little Mpushini River and the Mpushini River further to the north-west.
12. The land to the south of the R103 and Lynnfield Park is currently agricultural land which "has apparently been purchased by developers with a view to submitting an industrial application". To the south-east of the site is the residential suburb of Lynnfield Park which consists of residential sites with a minimum lot size of 1600m². Further to the south-east of the development site are two current development applications by Afro Prop and a Mr R. Alexander, both applications for industrial development.
13. The applicant advises that the proposed development is in compliance with the general principles of the Development Facilitation Act in that it will provide for urban and rural development, facilitate development, discourage illegal occupation of land and promote efficient and integrated development.
14. It is contended by the applicant that there is a need for the proposed development and that "from a sub-regional and metropolitan planning and socio-economic perspective, the urban development of the proposed site is not only inevitable but also desirable". It is further contended that the concept of a logistics park set within a more general business park in the vicinity of Ashburton/Lynnfield Park should be consistent with provincial government policy. It is alleged that it corresponds with the designation of the Howick to Durban Corridor as one of two priority corridors to provide investment in the province in terms of the Provincial Spatial Economic Development Strategy. In addition it is alleged that it will be consistent with the national government policy in terms of transport and logistics.
15. The applicant states in quotation of the Moving South Africa Report commissioned by the Department of Transport that "the majority of freight customers are geographically concentrated requiring transport from dense industrial locations to other such destinations. These are fed by relatively dense corridors. The main nodes in this system are Johannesburg, Durban and Cape Town". The applicant argues in its papers that key forward planning documents relating to the Ashburton area are the Provincial Spatial



Economic Development Strategy, the uMgungundlovu District Municipality Spatial Development Framework and the uMsunduzi Spatial Development Framework all of which it is contended to indicate that the proposed development is fully compatible.

16. In addition the Ashburton Town Planning Scheme does not preclude this type of development and the applicant contends that the key development strategy in terms of which the full range of activities should be developed in order to strengthen the linkages between uMsunduzi and eThekweni are further indication of the compliance of this proposal with this strategy.
17. The applicant avers that the proposed development is in full compliance with the general principles of the Development Facilitation Act in that it will assist in combating urban sprawl by creating a more compact urban form, it represents an infill of a major portion of land identified for development within a prime location and it will not only link previously separate residential areas but will provide residential and employment opportunities in a central and accessible area. It is contended by the applicant that there is a need for commercial, employment and residential opportunities to be located in close proximity to each other in order to optimize existing resources and to maximize public investment in transport routes and this development meets that need.
18. Dealing with the aspect of local developments, the applicant states that "the site has been carefully selected on prime land well located within the city and well located adjacent to the N3 National Road with excellent access directly off the N3. The site enjoys quick and easy access to a number of major roads which is valued highly by commuters as it means quick and convenient access to the range of business, office and residential facilities to be provided on the site". In addition the site will provide an integrated land development making full use of existing transport infrastructure and existing service infrastructure to bring major employment opportunities to the area.
19. The applicant states in its papers that the total economic injection from the development over 5 years in the form of wages will be approximately R328, 851962 million rand. In terms of municipal rates it is estimated that revenue from the municipal rates will be a conservative R9 million rand per annum. It is further estimated that the total investment in the local economy will be:
 - A total job creation of 17 600 jobs
 - A total direct investment R1700 000 000
 - Total wages R328 851 962
 - Total municipal government revenue from taxes R9 000 000 per annum
 - Municipal revenue from sales of services R800 000 000 per annum
20. The applicant advises that provision has been made for a substantial amount of common open space within the development by virtue of the allocation of 10 hectares of conservation land. Within the general residential sites, it is contended that 25% of the sites are required to be set aside for open space and recreational purposes which will enable the construction of communal swimming pools, tennis courts and other sport facilities within each of the developments.



21. A traffic impact assessment has been prepared by the applicants' consultants and the report is attached to the application papers. It indicates that the impact of the proposed development can be accommodated within the existing road system with minor upgrading and that it would not have a major impact on the road system. It will require certain alterations and upgrading which the applicant accepts.
22. The applicant has undertaken a full environmental impact assessment operation and a Record of Decision has been issued by the Department of Agriculture, Environmental Affairs and Rural Development.
23. In its application papers the applicant indicates that bulk services are available and can be provided subject to a number of conditions which it accepts.
24. The Department of Transport has indicated approval of the development subject to a number of conditions which have been accepted by the applicant.
25. The Msunduzi Municipality has provided a resolution indicating support for the development subject to a number of conditions which have been accepted by the applicant.
26. The National Department of Agriculture has indicated that it has no objections to the proposed development on condition that it is incorporated into the local Town Planning Scheme and that the bulk water supply is provided by the municipality.
27. The South African National Roads Agency Ltd (SANRAL) has also indicated conditional support for the proposed development.
28. The development proposals have been met with reservations and objections from a number of sources including Lynnfield Park Rate Payers Association; Lower Mpushini Valley Conservancy; Preservation of the Mkondeni Mpushini Biodiversity Trust; Local Ward Councilor; Upper Mpushini Conservancy; Tangle Thorn Estate Home Owners Association and others.
29. The main burdens of the objections common to all the objectors have been:-
 - Confused and conflicting evidence of overall planning of the area.
 - Alleged inadequate public participation in the planning processes.
 - Allegations that the proposed development is in conflict with the spatial development framework and integrated development plan for the area.
 - Allegations that the municipality has ignored the wishes of the resident community.
 - Environmental concerns.
 - Inadequacy of services and allegations that existing services are relating to electricity, water, sewerage, roads are "woefully inadequate and unable to meet the needs of this proposal".
 - Ambiguity of documentation from utility suppliers.
 - Effect of a light industrial/ warehouse/ residential mixed-use development in an area perceived by local residents to be a quiet urban/rural development.
 - Effect on the road structure and concern regarding noise factor from the development area.



- Resistance to the consequences and flexibility of the provincial corridor study.
- Plea that the area could be confined to a low-density, eco-tourism, educational and conservation orientated development.

30. Consideration by the Tribunal

- (1) The Tribunal having conducted a full site inspection on the day preceding the initial hearing heard evidence from both the applicant and the objector's in support of the written documentation before it. It has given assiduous consideration to all the issues raised by both the applicant and the objector's, and these matters have been the subject of repeated Tribunal meetings to deliberate on these issues which have resulted in frequent requests to the applicant to amend its application before the matter could be further considered. These issues have included:-
- Consideration of a scaled down portion of the business park for example, provide more office accommodation.
 - Completion of services agreements.
 - A need to provide a cross-section of the 16 metre road measurement.
 - As to Erf 843, the need to be satisfied regarding the drainage of this area to the pump station.
 - The need for a new layout plan to comply with all outstanding requirements including the Record of Decision, the site sizes, the road requirements, the services agreements etc.
 - Details of beneficiation for the local community.
 - Commitment on the developers, re maintenance of infrastructure for 12 months e.g. sewer, water, roads, stormwater.
 - Eskom servitudes to be replaced on the layout or other authority required from Eskom.
 - Conditions to be amended relating to the loading and circulation of heavy vehicles to the satisfaction of a professional registered engineer.
 - Architectural code to be provided.
 - A 20 metre buffer zone to be shown on layout plan.

At the last deliberation discussion by the Tribunal, the following additional issues were raised and communicated to the applicant:-

- Erven 801 and 802 to become office accommodation and the necessary road adjustments to be reconsidered.
- The need for a registered civil engineer to meet the challenge of the steep slopes in relation to the road structure and access to sites and to recalculate the cross-sections.
- No direct access to be permitted on properties fronting onto the MR103 or Knowledge Avenue
- Clarity over the name of the representative of the Amaximba Traditional Authority as it appears on the document before the Tribunal.

31. The above issues have now been addressed by the applicant to the satisfaction of the Tribunal and the applicant has been required by the Tribunal to make substantial changes to its development proposal and layout plan in order to mitigate against the concerns raised by a number of the objectors. In particular it should be noted that the layout plan has been amended to provide that Erf 849 of the development site will now be zoned as

private open space rather than business park and the whole of the Penny Plane in the western region of Erf 779 has been converted to conservation and the erven along the N3 between Erven 849 and 848 have been removed and made conservation. The result is that there is a clear conservation and open space buffer along the western periphery of the development with 29% of the land development area being classified as conservation or open space, plus enhancing the proposed conservation link joining the Upper Mpushini Conservancy and Lower Mpushini Valley Conservancy. In addition to the above, a development code is being compiled which complies with the terms and conditions of the Record of Decision dated the 4th November and the commitment by the municipality to provide the necessary bulk services has been further emphasized. A number of other modifications have been made and are reflected in the revised conditions of establishment.

33. As a result of the various changes and modifications referred to in the preceding paragraphs, the Tribunal has been able to approve the proposed development subject to the revised conditions of establishment which follow in part B of this judgment.

B: CONDITIONS OF ESTABLISHMENT

1. APPROVAL BY DEVELOPMENT TRIBUNAL

The KwaZulu-Natal Development Tribunal hereby approves the land development application in terms of section 33 of the Development Facilitation Act, 1995, (Act No.67 of 1995), as follows:-

- 1.1 Portion 621 (of 592) and Remainder of Portion 592, all of the farm Vaalkop and Dadelfontein No. 885 shall be consolidated and designated Portion 774 of the farm Vaalkop and Dadelfontein No. 885;
- 1.2 Portion 774 of the farm Vaalkop and Dadelfontein No. 885 must be laid into Portions 775-849 of the farm Vaalkop and Dadelfontein No. 885 substantially in accordance with layout plan 07091M dated 31 January 2011 for the development of:
 - (1) A Mixed Use Business Park located on Portions 782 – 793, 795 – 799, 802 - 813 and 841 - 848;
 - (2) A Convenience Retail Node located on Portions 781 and 794;
 - (3) An office park for corporate and professional offices located on Portions 800, 801, 814 – 816, 825 - 840;
 - (4) An Intermediate Residential development comprising approximately 48 apartment units on Portions 817 - 823;
 - (5) Administration on Portion 824
 - (6) A central conservation and wetland area on Portions 779 and 780 and a 20m Conservation Servitude on all properties fronting onto the central wetland;
 - (7) A private open space portion of Portion 849; and
 - (8) Roads on Portions 775-778.



2. APPLICABILITY OF CERTAIN LAWS

Sections 10(2), 23(1), 62(1), 75(1)(a) and 75(1)(b) of the KwaZulu-Natal Planning and Development Act 2008 (Act No.6 of 2008), shall not apply to the land development area for the purpose of the development thereof in accordance with the conditions of township establishment

3. LAND USE MANAGEMENT

3.1 The land development area shall be managed in terms of the Ashburton Town Planning Scheme which is amended to incorporate Special Area Zone (Mpushini Park) as contemplated in Schedule 1.

3.2 The land uses of each Portion shall be as stipulated in the table below:-

PORTIONS	LAND USE
775 – 777	External Roads
778	Internal Road
779 and 780	Conservation
849	Private Open Space
781 and 794	Commercial
782 – 793, 795 – 799, 802 - 813 and 841 – 848	Business Park (Logistics)
817 – 823	Intermediate Residential
800, 801, 814 – 816, 825 – 840	Offices
824	Administration

4. DEVELOPMENT REQUIREMENTS AND BUILDING CONTROLS

4.1 Prior to the construction of buildings on any Portion, building plans shall be submitted and approved by the Msunduzi Municipality.

4.2 The provisions of the National Building Regulations and Building Standards Act No. 103 / 1977, together with municipal building regulations and bylaws, shall be applicable to this land development area.

5. SUSPENSION OF CONDITIONS OF TITLE

5.1 The Development Tribunal hereby suspends, in terms of Section 33 (2) (d), the following conditions of title:-

PROPERTY DESCRIPTION	TITLE DEED	CONDITION TO BE SUSPENDED
Portion 621 (of 592) of the Farm Vaalkop and Dadelfontein No.885	T8114/08	1. <u>AS TO THE WHOLE PROPERTY</u> B. SUBJECT to a road servitude fifteen comma two four meters wide represented by the figure d e f g in favour of the general public, on Diagram S G No.4852/1984



		<p>as created by endorsement on Deed of Transfer No. 2030/1947.</p> <p>F. SUBJECT to the conditions imposed by the Regional Engineer, Natal, Department of Transport in terms of Section 12 of Act 54 of 1971 as amended, namely:</p> <ol style="list-style-type: none"> a. The land shall not be subdivided further without the written approval of the Commission. b. With the exception of existing buildings not more than one dwelling house, together with such outbuildings as are ordinarily required in connection therewith, shall be erected on the land without the written approval of the Commission. c. The land shall be used for residential and agricultural purposes only and no store, business or industry whatsoever shall be opened or conducted thereon without the written approval of the Commission. d. With the exception of existing structures no structure or any other thing whatsoever shall be erected with a distance of 60 meters, measured from the national road reserve boundary, without the written approval of the Commission. e. No direct entrance to or exit from the national road shall be permitted. Access or egress shall be arranged in consultation with the Provincial Administration concerned. <p>As created in Certificate of Registered Title T6664/1988.</p> <p>G. SUBJECT to the following condition imposed by the Administration of the Province of Natal in terms of Section 11 (3) and (6) of the Advertising on Roads and Ribbon Development Act No. 21 of 1940 as created in Deed of Transfer No. 37298/06.</p> <ol style="list-style-type: none"> (a) No building or any structure whatsoever, other than an enclosure, a fence, hedge or a wall which does not rise higher 1,52 meters above the surface of the land on which it stands, shall be erected on the land within a distance of 15 meters measured from the road reserve boundary of the Provincial Main Road No. 1-5 except with the written approval of the Controlling Authority as defined in Act No. 21 of 1940. <p>2. <u>AS TO THE PORTION LETTERED A B K L M N P Q R</u></p> <p>H. SUBJECT to the right of outspan over 89,9606 hectares thereof in favour of the public generally in terms of Order of Court dated 1 March 1864, as created in Deed of Transfer No. T335/1864</p>
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	<p>3. <u>AS TO THE PORTION LETTERED B r2</u></p> <p>J. SUBJECT to the special conditions created in Crown Grant No. 73/1947 and more particularly to the following as created in Deed of Transfer No. T37298/06</p> <p>(1) The rights of the Governor General described in Section 31 and 34 of the Land settlement Act 1912, the former section relating to the reservation of all rights to minerals on or under this land, together with certain ancillary rights to the Crown, and subject to the proviso therein, which Rights to Minerals are now held under Certificate of Rights to Minerals No. 32/1947, and the latter section relating to the construction of certain classes of works on or over the land with the right to take materials for the purposes of such work.</p> <p>(2) SUBJECT to the conditions that the said land shall be subject to the general right of all travelers to outspan thereon in suitable situations for not more than twenty-four (24) hours unless longer delayed by just cause, as provided for under Law (Natal), Mp. 8 of 1870, or any amendments thereof, to outspans as may hereafter be deemed necessary and declared by competent authority for the interest of the public.</p> <p>(3) SUBJECT to the conditions that the Governor General may at any time expropriate without payment of any compensation any portion of the land hereby granted which was on the 2nd day of December 1937, occupied or used by the Railways Administrations in its functions and undertakings.</p> <p>4. <u>AS TO THE PORTION LETTERED A B C D E F G H J K L M N P Q R</u></p> <p><u>EXCLUDING THE FIGURE t1 b2 d2 c2 f2 q2 h2 e1 f1 K L M N m2 n2 q2 e d m n</u></p> <p>K. SUBJECT to the following condition created by the Controlling Authority as defined in Act No. 21 of 1940, in terms of Section 11 (3) and (6) of the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, namely:</p> <p>“No building or any structure whatsoever, other than an enclosure, a fence, hedge or wall, which does not rise higher than 1,52 meters above the surface of the land within a distance of 15 meters measured from the road reserve boundary of the Provincial Main Road No. 1 except with written approval of the Controlling Authority as defined in Act No. 21 of 1940” As created by endorsement on Deed of Transfer No. T12072/1972.</p> <p>5. <u>AS TO THE PORTION LETTERED t1 b2 d2 e2 f2 q2</u></p>
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		<p><u>h2 e1 f1 K L M N m2 n2 q2 e d m n</u></p> <p>L. The portion lettered by B G H A on the diagram annexed to Certificate of Amended Title on Consolidation No. 20308/1947, of which this land is a portion, is subject to the right of outspan over 82, 9606 hectares thereof in favour of the public generally, in terms of an Order of Court, as created in Deed of Transfer No. 335/1864.</p> <p>M. SUBJECT to the reservation of all rights to precious stones, precious metals, base minerals, and natural oil, as defined in the Mineral Laws, in or under the property to the State, as created in Deed of Grant no. 164/1968.</p> <p>6. <u>AS TO THE PORTION LETTERED g f T U</u></p> <p>N. SUBJECT to the right of Outspan in favour of the public generally in terms of Order of court, as created in Deed of Transfer No. 335/1864.</p> <p>O. WITH THE BENEFIT of a 1,22 metres pipeline, a pump house and a 1,22 Meters pipeline servitudes over Remainder of the Farm Vuma No.13590, County of Pietermaritzburg, and a 1,22 meters pipeline servitude over the Remainder of Portion Edmore of the Farm Vaalkop and Dadelfontein No. 885, County of Pietermaritzburg, as created by Notarial Deed of servitude No. 332/1959S registered on 1 September 1959.</p> <p>P. SUBJECT to the following condition created by the Controlling Authority as defined in Act No 21 of 1940, in terms of Section 11 (3) and (6) of the advertising on Roads and Ribbon Development Act No. 21 of 1940 namely:</p> <p>“No building or any structure whatsoever, other than an enclosure, a fence, hedge or wall, which does not rise higher than 1,52 meters above the surface of the land within a distance of 15 meters measured form the road reserve boundary of the Provincial Main Road No. 1 except with written approval of the Controlling Authority as defined in Act No. 21 of 1940”</p> <p>As created in Deed of Transfer No. T10834/1975.</p>
<p>Remainder of 592 of the Farm Vaalkop and Dadelfontein No.885</p>	<p>T37298 /2006</p>	<p>1. <u>AS TO THE WHOLE PROPERTY</u></p> <p>B. SUBJECT to a road servitude fifteen comma two four meters wide represented by the figure d e f g in favour of the general public, on Diagram S G No. 4852/1984 as created by endorsement on Deed of Transfer No. 2030/1947.</p> <p>2. <u>AS TO THE PORTION LETTERED A B C K L M N P Q R S T U V:</u></p>

E. SUBJECT to the right of outspan over 89,9606 hectares thereof in favour of the public generally in terms of Order of Court dated 1 March 1864, as created in Deed of Transfer No.T335/1864

3. **AS TO THE PORTION LETTERED C. D. D2:**

F. SUBJECT to the special conditions created in Crown Grant No. 73/1947 and more particularly to the following:

(1) the rights of the Governor General described in Section 31 and 34 of the Land Settlement Act 1912, the former section relating to the reservation of all rights to minerals on or under this land, together with certain ancillary rights to the Crown, and subject to the proviso therein, which Rights to Minerals are now held under Certificate of Rights to Minerals No. 32/1947, and the latter section relating to the construction of certain classes of works on or over the land with the right to take materials for the purposes of such works.

(2) SUBJECT to the conditions that the said land shall be subject to the general right of all travelers to outspan thereon in suitable situations for not more than twenty-four (24) hours unless longer delayed by just cause, as provided for under Law (Natal), Mp. 8 of 1870, or any amendment thereof, to outspans as may hereafter be deemed necessary and declared by competent authority for the interest of the public.

(3) SUBJECT to the conditions that the Governor General may at any time expropriate without payment of any compensation any portion of the land hereby granted which was on the 2nd day of December 1937, occupied or used by the railways Administrations in its functions and undertakings.

4. **AS TO THE PORTION LETTERED A B C D E F G H J K L M N P Q R S T U V EXCLUDING THE FIGURE B1 C1 D1 E1 k j AND ALSO EXCLUDING THE FIGURE n q r t u v w x y z a1 m1 L M P b1 d1 e1 f1 g1 h1 j1 k1:**

J SUBJECT to the following condition created by the Controlling Authority as defined in Act No. 21 of 1940, in terms of Section 11 (3) and (6) of the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, namely:

"No building or any structure whatsoever, other than an enclosure, a fence, hedge or wall, which does not rise higher than 1,52 meters above the surface of the land within a distance of 15 meters measured from the road reserve boundary of the Provincial Main Road No. 1 except with written approval of the Controlling Authority as defined in Act No. 21 of

		<p>1940” As created by endorsement on Deed of transfer No. T12072/1972.</p> <p>5. <u>AS TO THE PORTION LETTERED n q r t u v w x y z a1 m1 L M N P b1 d1 e1 f1 g1 h1 j1 k1:</u></p> <p>K. The portion lettered by B G H A on the diagram annexed to Certificate of Amended Title on Consolidation No. 203081947, of which this land is a portion, is subject to the right of outspan over 82,9606 hectares thereof in favour of the public generally in terms of an Order of Court, as created in Deed of Transfer No. 335/1864.</p> <p>L. SUBJECT to the reservation of all rights to precious stones, precious metals, base minerals, and natural oil, as defined in the Mineral Laws, in or under the property to the State, as created in Deed of Grant No. 164/1968.</p> <p>6. <u>AS TO THE PORTION LETTERED k, j A1, F1:</u></p> <p>M. SUBJECT to the right of Outspan in favour of the public generally in terms of Order of court, as created in Deed of Transfer No. 335/1864.</p> <p>O. WITH THE BENEFIT of a 1,22 meters pipeline, a pump house and a 1,22 Meters pipeline servitudes over Remainder of the Farm Vuma No. 13590, County of Pietermaritzburg, and a 1,22 meters pipeline servitude over the Remainder of Portion Edmore of the Farm Vaalkop and Dadelfontein No. 885, County of Pietermaritzburg, as created by Notarial Deed of Servitude No. 332/1959S registered on 1 September 1959.</p> <p>P. SUBJECT to the following condition created by the Controlling Authority as defined in Act No. 21 of 1940, in terms of Section 11 (3) and (6) of the advertising on Roads and Ribbon Development Act No. 21 of 1940, namely: “No building or any structure whatsoever, other than an enclosure, a fence, hedge or wall, which does not rise higher than 1,52 meters above the surface of the land within a distance of 15 meters measured from the road reserve boundary of the Provincial Main Road No, 1 except with written approval of the Controlling Authority as defined in Act No. 21 of 1940” As created in Deed of Transfer No. T10834/1975.</p> <p>7. SUBJECT to a 5059 m² (Five Thousand and Fifty Nine Square Meters) Sewerage treatment works Servitude represented by the figure A B C D E F G H J on diagram S G No.4706/1974 in favour of The Development and Services Board as will more fully</p>
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		<p>appear on Notarial Deed of Servitude K1263/1967S</p> <p>10. SUBJECT to General Access Road 6,1 meters wide over the within mentioned property in favour of Sub 17 (of 2) of the Farm Uitvlugt No.878 as created in Deed of Transfer No.T2783/1985</p> <p>11. SUBJECT to a 3m wide Pipe Line Servitude represented by the figure A B C D E F G H J K a b d e f s h j k on Diagram S G No. 211/1975 in favour of ASHBURTON HEALTH COMMITTEE as will more fully appear on Notarial Deed of Servitude K336/1988S.</p> <p>12. SUBJECT to the following conditions created in an endorsement dated the 21ST March 1988 in terms of Section 10 of 1944 imposed by the Department of Transport in terms of Act 54 of 1971, approved by the Regional Engineer, filed with K337/1988, namely:</p> <p>(a) The land shall not be subdivided further without the written approval of the Commission.</p> <p>(b) With the exception of existing buildings not more than one dwelling house, together with such outbuildings as are ordinarily required in connection therewith, shall be erected on the land without the written approval of the Commission.</p> <p>(c) The land shall be used for residential and agricultural purposes only and no store, business or industry whatsoever shall be opened or conducted thereon without the written approval of the Commission.</p> <p>(d) With the exception of existing structure no structure or any other thing whatsoever shall be erected with a distance of 60 meters, measured from the national road reserve boundary, without the written approval of the Commission.</p> <p>(e) No direct entrance to or exit from the national road shall be permitted, access or egress shall be arranged in consultation with the Provincial Administration concerned.</p> <p>13. SUBJECT to the following conditions created in an endorsement dated the 21st March 1988 in terms of Section 10 of 1944 imposed by the Premier in terms of Act 21 of 1940, approved by the Provincial Secretary, filed with Deed No. K338/1988 namely:</p> <p>No building or any structure whatsoever, other than</p>
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		an enclosure, a fence, hedge or a wall does not rise higher than 1,52 meters above the surface of the land on which it stands, shall be erected on the land within a distance of 15 meters measured from the road reserve boundary of the Provincial Main Road No. 1-5 except with the written approval of the Controlling Authority as defined in Act No. 21 of 1940.
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6. DESIGNATION AND LAYOUT

- 6.1 Portion 621 (of 592) and Remainder of Portion 592, all of the farm Vaalkop and Dadelfontein No. 885 shall be consolidated and designated Portion 774 of the farm Vaalkop and Dadelfontein No. 885;
- 6.2 The layout of Portion 774 of the farm Vaalkop and Dadelfontein No. 885 into Portions 775-849 of the farm Vaalkop and Dadelfontein No. 885 substantially in accordance with layout plan 07091M dated 31 January 2011
- 6.3 Prior to the approval of the diagrams, the layout may be amended with the approval of the relevant authority.
- 6.4 The following conditions, relating to the layout, shall be applicable: -
- (1) The approximate dimensions and configuration of portions as depicted on Layout Plan 07091M dated 31 January 2011 are to be observed.
 - (2) The internal roads are to be laid out on the ground at not less than the widths stipulated on the layout plan.
 - (3) Any specific servitude which is required for any purpose by, the Municipality or relevant service authority, may be surveyed and shown on the general plans, diagrams or sectional title plans with the specified width or dimensions, for the purpose of defining such servitude.

7. SERVITUDES

- 7.1 An approximately 36m² sewer pump station servitude and a services servitude not less than 5 metres in width shall be registered over Portions 786 and 787 as shown on Layout Plan 07091M dated 31 January 2011 in favour of the Property Owners Association
- 7.2 A services servitude not less than 5 metres in width shall be registered across Portion 801 as shown on Layout Plan 07091M dated 31 January 2011 in favour of the Property Owners Association.



8. RESERVED SUBDIVISIONS AND COMMON PROPERTY

8.1 Simultaneously with the first transfer of any portion:

- (1) Portion 778 comprising the internal road shall be transferred into the name of the Msunduzi Municipality.
- (2) Portions 775, 776 and 777 shall be transferred into the name of the KwaZulu-Natal Department of Transport.
- (3) Portions 779 and 780 and 849 shall be transferred into the name of the Property Owner's Association.

9. LODGING OF DIAGRAMS

Diagrams shall be lodged for approval with the Surveyor - General, as contemplated in terms of section 37 (a) of the Development Facilitation Act No. 67 / 1995.

10. REGISTRATION PROCEDURES

10.1 In respect of each portion to be registered, the Designated Officer, acting as contemplated in terms of section 38 (1) of the Development Facilitation Act No. 67 / 1995, shall inform the Registrar of Deeds in writing, that -

- (1) Any conditions of establishment which are required to be met prior to the registration of any Portion, have been complied with, and
- (2) Any obligations in respect of engineering services which are required to be met prior to the registration of any Portion, have been fulfilled.

11. PROVISION AND INSTALLATION OF SERVICES

11.1 The provision of services shall be in accordance with section 40 of the Development Facilitation Act No. 67 / 1995, and shall be installed in accordance with the services agreement signed by the land development applicant and the Municipality/service authority.

A professional engineer shall design the roads, water reticulation, storm water reticulation, sewer reticulation and electrical reticulation. The design of the sewage disposal, water supply, internal roads and storm water reticulation schemes must be submitted to the Msunduzi Municipality for approval and must be constructed to Municipal standards. The design of the electrical reticulation system and street lighting must be submitted to ESKOM for approval.

11.2 Prior to the registration of ownership, the following conditions shall be complied with to the satisfaction of a professional engineer, in respect of each subdivision to be registered. Written proof of compliance from the professional engineer registered in terms of Act 46 of 2000 and endorsed by the municipal/service authority shall be provided to the Designated Officer in respect of the following conditions:



(1) WATER

An efficient supply of potable water shall be provided by the developer to the boundary of each subdivision to be registered as detailed in the Services Agreement dated 1 October 2010.

(2) SEWERAGE DISPOSAL

An efficient system for the disposal of sewage and waste water shall be provided for each subdivision to be registered as detailed in the Services Agreement dated 1 October 2010.

(3) ELECTRICITY

An efficient supply of electricity shall be provided to the boundary of each subdivision to be registered.

(4) STORMWATER

Such facilities as are necessary for the control and disposal of storm water from the development shall be constructed to the satisfaction of the Municipal Engineer of the Msunduzi Municipality as detailed in the Services Agreement dated 1 October 2010. Attention is drawn to the recommendations of the flood assessment undertaken by SRK Consultants.

(5) SOLID WASTE

Satisfactory arrangements must be made for the disposal of solid waste from the application site including recycling stations being managed.

(6) ROADS

- (a) The developer shall construct all internal roads. Internal roads shall be constructed to the standards of the Msunduzi Municipality as detailed in the Services Agreement dated 1 October 2010, and transferred to the Municipality. Such roads shall be maintained by the developer for a period of 12 months from the date of construction.
- (b) Ingress and egress to all sites zoned Business Park shall be designed by a professional engineer to ensure that heavy vehicles can enter and leave each site without interfering with normal traffic flow on the Park's access/circulation road network. Such design shall be included in/on the site development plan required at clause 2.2 of Appendix 1: Special Area Zone : Mpushini Park land use controls, for each individual development site to be submitted to the Msunduzi Municipality for approval.
- (c) No direct access onto the R103 or onto Norwich Road shall be permitted from any site fronting onto the R103 and onto Norwich Road.



(7) ACCESS (DEPARTMENT OF TRANSPORT: KWAZULU-NATAL)

The Applicant must provide the Designated Officer with written proof from the KwaZulu-Natal Department of Transport of authorisation in terms of section 10(2) (a) of the KwaZulu-Natal Roads Act, 2001 (Act No.4 of 2001), for access from District Road 506 and Main Road 1-5 and compliance with the conditions of authorisation that have to be complied with prior to the commencement of registration of ownership of portions. Access shall be provided in terms of approval from the KwaZulu-Natal Department of transport dated 13 October 2008 (Ref: T10/2/2/66/82).

12. PROPERTY OWNERS ASSOCIATION

- 12.1. The proposed development including all sectional title components and individual portions, is to be managed in an integrated fashion through a Section 21 Company which is to be established as a Property Owner's Association.
- 12.2 As each property is transferred, any conservation servitude affecting such site shall be registered in favour of the Property Owner's Association.
- 12.3 The Property Owner's Association shall be responsible for implementing the Development and Architectural Code and design controls while the Municipality shall be responsible for implementing the National Building Regulations and the zoning controls. The Property Owner's Association shall have the right to make amendments to the architectural and landscape guidelines from time to time.
- 12.4 Prior to the lodging of any building plan with the Municipality for approval, the Property Owner's Association's consent to the building plans must have been obtained.

13. PHASING OF THE DEVELOPMENT

- 13.1 The phasing shall be as contained in the Services Agreement and may be amended with the written approval of the Msunduzi Municipality as specified under clause 4.1 of the Services Agreement dated 1 October 2010.

14. ENVIRONMENTAL MANAGEMENT

- 14.1 The development shall comply with the conditions set down in the Environmental Authorisation of the Department of Agriculture, Environmental Affairs and Rural Development (Ref: DC22/0001/08) dated 4 November 2009.
- 14.2 The Land Development Applicant / Developer shall provide each contractor involved in the site development, with a copy of the Environmental Management Plan (EMP), as detailed in the application papers. Contractors shall also be advised of the necessity to strictly comply with the EMP and the consequences should they not comply.



- 14.3 The architectural design, green development measures and alternative energy saving measures, landscaping and development criteria shall comply substantially with the Development Code prepared by Elphick Proome Architects dated August 2008.

15. REQUIREMENTS OF THE KWAZULU-NATAL DEPARTMENT OF TRANSPORT

All requirements of the KwaZulu-Natal Department of Transport including those set out in their letter of 13 October 2008, reference T10/2/2/66/82 must be complied with.

16. REQUIREMENTS OF THE SOUTH AFRICAN NATIONAL ROADS AGENCY

All requirements of the South African National Roads Agency including those set out in their letter of 29 April 2009 must be complied be complied with.

17. AGREEMENTS

- 17.1 The measures contained in the Developer's commitment to Black Economic Empowerment contained in the statement for BEE Ownership in Mpushini Business Park dated 18 May 2010 are to be complied with.

- 17.2 The measures contained in the agreement with the local Traditional Authorities regarding the Developer's commitment to Broad Based Black Economic Empowerment contained in the agreement dated 13th August 2010 are to be complied with.

18. CONDITIONS OF TITLE

- 18.1 Portions 781-848 shall be subject to the following conditions:

An omnibus servitude is to be registered over all the above subdivisions granting the Municipality and the Property Owner's Association the right to install pipes and/or cables along any boundary, upon which a building is not built, within 1,5 meters of such boundary.

- 18.2 Neither the subdivision, nor any further subdivision, nor any unit thereon, shall be transferred to any person until he has bound himself to become and remain a member of "Property Owners' Association" for the duration of his ownership, and a clearance certificate has been issued by such association to the effect that its articles of association have been complied with.

- 18.3 The owner of the subdivision, any further subdivision, or any unit thereon shall have a general right of access over Portions 779, 780 and 849 subject to whatever rules, conditions and restrictions as are laid down from time to time by the "Home Owners' Association" for the purpose of ensuring proper control, management and administration of the use and enjoyment thereof.



C. REASONS FOR JUDGEMENT

1. This is an integrated development providing for development of both residential and business opportunities in an area along the corridor of the N3 between the Msunduzi Municipality and eThekweni. It is a sustainable development which is in compliance with the general principles set out in Chapter 1 of the Development Facilitation Act. It is a multi-purpose development providing for much needed warehousing facilities to suit the freight industry and also office accommodation and residential accommodation and it will provide optimal use of land and resources and prevent illegal occupation of land.
2. The development has the support of the local municipality in the form of a council resolution which has been before the Tribunal at its hearings.
3. The Department of Agriculture, Environmental Affairs and Rural Development has issued a Record of Decision in support of the development subject to a number of conditions which have been accepted by the applicant.
4. The development is not in conflict with the Spatial Development Framework or the Integrated Development Plan for the area.
5. The Department of Transport has indicated support subject to conditions which have been accepted by the applicant and included in the conditions of establishment.
6. The various concerns of objectors and other interested and affected parties have been given careful consideration by the Tribunal and the modifications demanded by the Tribunal from the applicant should result in reasonable mitigation of these concerns and objections.
7. The municipality has entered into a services agreement relating to the provision of bulk services in compliance with section 40 of the Development Facilitation Act.
8. The Department of Co-operative Governance and Traditional Affairs has responded to the revised plans submitted by the applicant giving guarded support to the proposed development subject to a number of conditions which have been brought to the attention of the Tribunal and many of which have been given effect to by the Tribunal's qualifications and also by the conditions set out in the Record of Decision.


CHAIRMAN:
KWAZULU-NATAL DEVELOPMENT TRIBUNAL

DATE: 25. 5. 2011

SCHEDULE 1

SPECIAL AREA ZONE: MPUSHINI BUSINESS PARK

In addition to the general provisions of the Scheme, the following shall apply exclusively to the SPECIAL AREA ZONE – Mpushini Business Park

1.1.1 Reference to Scheme Map

Reference to Map-bordered by pale blue being the area to which this land use controls will have affect. The Mpushini Business Park land use controls shall be tied to Zoning Plan 07019N dated 15/10/2010.

The land use and bulk controls for the area shown as Commercial shall be as per the Commercial Zone controls of the Ashburton Town Planning Scheme provided that the commercial zone within Mpushini Business Park (Erf 781 and 794) shall be restricted to an FAR of 0,45 and a coverage of 40%.

The land use and bulk controls for the area shown as Private Open Space (Erf 849) shall be as per the Private Open Space Zone controls of the Ashburton Town Planning Scheme

The land use and bulk controls for the area shown as Conservation shall be as per the Conservation Zone controls of the Ashburton Town Planning Scheme provided that the 20m wetland buffer area within Business Park or Office sites which is classified as Conservation Servitude, may be included in the area of the Business Park or Office site for the purposes of calculating coverage and FAR.

The land use and bulk controls for the area shown as Residential shall be as per the Intermediate Residential Zone controls of the Ashburton Town Planning Scheme.

Erf 824 shall be zoned Administration and the Administration Zone controls of the Ashburton Town Planning Scheme shall apply.

The land use and bulk controls for the area shown as Business Park and Office shall be as per the Business Park and Office controls below:

1.1.2 Business Park Statement of Intent

The Business Park is a mixed use area that permits a range of business, warehouse and office uses which are generally compatible with each other, as well as adjacent zones, such as residential, commercial, mixed use, and open space zones. The Business Park will involve large “campus-like” developments in prestigious landscaped settings.



1.1.3 Use of Land and Buildings (Business Park)

1	2	3	4
USE ZONES	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY BE USED
Business Park	Dwelling House Educational Building Office Building Public Office Private Recreation Area Recreational Building Motor Showroom Medical Facility Warehouse Retail Warehouse Shop (See restrictions as per Clause 8 under Additional Controls following in Table hereafter)	Creche Institution Light Industrial Building Parking Garage Restaurant Service Industrial Building Residential Building 2	Buildings and land uses not included in columns 3 and 4.
<p>For the purposes of the Business Park Special Area Zone only:</p> <p>a) Motor Showroom shall mean a building or site used for the exhibition or display of substantially roadworthy motor vehicles for purposes of sale, hiring out or lease and</p> <p>b) Retail Warehouse means a building used primarily for the storage of goods, except those of an offensive or dangerous nature, and includes premises used for businesses of a wholesale nature and buildings intended for retail business, provided that adequate parking in accordance with the retail standards is required for the retail space.</p>			

DENSITY ZONE	MAXIMUM PERMITTED F.A.R, COVERAGE AND HEIGHT	ADDITIONAL CONTROLS
Business Park	0,60; 50%; 2	<ol style="list-style-type: none"> 1. Minimum lot area 4 000m². 2. Parking and loading accommodation for motor vehicles to be provided on the lot as set out in Clause 2 below. 3. Open spaces not required for parking and circulation shall be landscaped in accordance with the submitted landscaping plan as per Clause 2.2 a) and b) 4. A landscaping and greening plan for each site are to be submitted to the Municipality for approval 5. Building line of 5m on all internal boundaries except in the case of the national route where it shall comply with the requirements of the South African National Roads Authority and the R103 where it shall comply with the requirements of the KwaZulu-Natal Department of Transport. 6. Side and rear space: 5m 7. Loading areas shall be provided to Council's satisfaction. 8. The categories of shops which are to be permitted into this zone are as follows: <ul style="list-style-type: none"> • Warehousing for storage, packaging and repackaging of stock. • Specialised retail outlets requiring large floor areas at lower relative rentals, accepting in return a lower, but nevertheless attractive standard of finishes. 9. Storage of materials of any sort shall be confined to buildings erected for that purpose or in areas approved by the Council which are satisfactorily screened from view from the N3. 10. A caretakers flat not exceeding 200m² shall be permitted on each site.

1.1.4 Use of Land and Buildings (Office Area)

(a) Uses that are expressly permitted or permitted by Council's Consent: –

1	2	3	4
USE ZONES	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY BE USED
Offices	Conservation Area Dwelling House Educational Building Office Building Medical Facility Parking Garage Public Office Private Recreation Area Recreational Building	Creche Institution Restaurant Residential Building 2	Buildings and land uses not included in columns 3 and 4.

DENSITY ZONE	MAXIMUM PERMITTED F.A.R, COVERAGE AND HEIGHT	ADDITIONAL CONTROLS
Offices	0,55 ; 50% ; 2	1. Minimum lot area 1000m ² . 2. Parking and loading accommodation for motor vehicles to be provided on the lot as set out in Clause 2 below. 3. A landscaping and greening plan for each site is to be submitted to the Municipality for approval.

1.1.5 Minimum Lot Size

The minimum size of any Erf within the Business Park shall be 4 000 m²
The Minimum size of any Erf within the Office Area shall be 1 000 m²

1.1.6 Minimum Frontage within the Business Park and Office Areas

- (a) The minimum Frontage of a Lot shall be 20 metres with the exception of panhandle sites and sites around turning circles which shall have a minimum frontages of not less than 9m.

1.1.7 Front Space within the Business Park and Office area

- (a) All Buildings, excluding a boundary wall or fence, shall observe a Front Space of:

5 metres

save with the Council's Consent and, in respect of Lots fronting onto any National or Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any National or Provincial Road, the National or Provincial Road requirements, and shall be adjusted to meet these requirements accordingly.

1.1.8 Side and Rear Space within the Business Park and Office Area

- (a) All Buildings shall observe a Side and Rear space of:

5 metres

- (b) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.
- (c) A 20m building line shall apply along the N3 National Road and this may be relaxed with the permission of SANRAL to 10m for the provision of parking and access roads.



2.0 GENERAL

2.1 On-Site Parking Requirements

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be –

LAND USES	ON-SITE PARKING REQUIREMENTS
All Commercial Uses	6 Bays per 100 m ² of net floor area
Warehouse	1 Bays per 100 m ² of net floor area
Retail Warehouse	5 Bays per 100 m ² of net floor area
Office Building	4 Bays per 100 m ² of net floor area
Public Office	2 Bays per 100 m ² of net floor area
Recreational Building	2 Bays per 100 m ² of net floor area

save with the Council's Consent.

- (b) The minimum size of a parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (c) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.
- (d) Ingress and egress to all sites zoned Business Park shall be designed by a professional engineer to ensure that heavy vehicles can enter and leave each site without interfering with normal traffic flow on the Park's access/circulation road network. Such design shall be included in/on the site development plan required at clause 2.2 of Appendix 1: Special Area Zone: Mpushini Business Park land use controls, for each individual development site to be submitted to the Msunduzi Municipality for approval.

2.2 Landscaping and Site Development Plans

- a) A master Landscaping Plan shall be prepared for the development.
- b) Every erf shall have a Site Development Plan, Landscaping Plan and Building Plan prepared for it by the owner in accordance with and aligned to the master Landscaping Plan and approved by the Municipality prior to any construction or development on the erf provided that such plans have been recommended in writing for approval by the Property Owner's Association to submission to the Municipality.



- c) Storage of materials of any sort shall be confined to buildings erected for that purpose or in areas approved by the Council which are satisfactorily screened from view from the N3.

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