

JOE GQABI DISTRICT MUNICIPALITY



A G E N D A

**OF THE MEETING OF THE JOE GQABI DISTRICT MUNICIPAL PLANNING TRIBUNAL TO
BE HELD ON TUESDAY, 05 MARCH 2022 AT 10H00 AT THE JOE GQABI DISTRICT
MUNICIPALITY COMMITTEE ROOM**

MEMBERS:

Fiona Sephton (Chairperson)
Nandi Mshumi (Deputy Chairperson)
Themba Phintshane
Nomthandazo Libazi
Sandile Chaphi
Ntomboxolo Eddie
Wiseman Nodwele
Andiswa Qinisile
Mike Coleman
Tony Williams

SECRETARIAT

Tsepiso Ntwanambi
Simnikiwe Mbekushe
Zamazulu Nonkula
Dakhalo Muthelo
Nohleli Khethwa

Notice and confirmation of Members

This serves as a notice of the meeting of the Joe Gqabi District Municipal Planning Tribunal to be held at the Joe Gqabi District Municipality, Committee Room on the 5th of March 2022 at 10h00.



F. SEPHTON
MPT CHAIRPERSON

BARKLY EAST

DATE: 24/03/2022

AGENDA

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| | AGENDA |
| 1. | OPENING AND WELCOME |
| 2. | ATTENDANCE |
| 2.1 | Members: Present |
| 2.2 | Members: Absent with leave (Please see appendix A) |
| 2.3 | Members: Absent without leave |
| 2.4 | Officials present |
| 2.5 | Members of the public present |
| 3. | ADOPTION OF THE AGENDA |
| 4. | NOTING OF RULES OF ENGAGEMENT |
| 5. | DECLARATION OF INTEREST BY MEMBERS AND OFFICIALS (Declaration forms issued to each member during the meeting) |
| 6. | MINUTES OF THE PREVIOUS MEETING |
| 6.1 | CONFIRMATION OF MINUTES |
| 6.2 | MATTERS ARISING |
| 7. | NEW APPLICATIONS FOR CONSIDERATION |
| 7.1 | Application for a Town Planning Amendment, Consolidation and Removal of Restrictions which entail the Rezoning of Erven 692 and 693 Maclear from Business Zone I to Business Zone V for the purposes of a service station. Decision Required: Approval |

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| 7.2 | Application for the Subdivision of the remainder of Erf 1618 Barkly East and Rezoning thereof from Undetermined to Authority and Utility Zone 1 for the purposes of a cemetery. Decision Required: Approval |
| 8. | DATE OF THE NEXT MEETING |
| 9. | CLOSURE |

JOE GQABI DISTRICT MUNICIPALITY



MINUTES

OF THE JOE GQABI DISTRICT MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 28 OCTOBER 2020 AT 12H00 AT THE JOE GQABI DISTRICT MUNICIPAL COUNCIL CHAMBERS

MEMBERS

Ms F. Sephton (Chairperson) – Director Community Services (JGDM)
Ms N. Mshumi (Deputy Chairperson) – COO (JGDM)
Mister T. Phintshane – Manager IDP/PMS (JGDM)
Ms N. Libazi – Manager Legal (JGDM)
Ms P. Bushula – Director: Dev. & Town Planning Services (SLM)
Ms N. Eddie – Director: Planning & Economic Dev (ELM)
Mister W. Nodwele – Manager IDP (WSLM)
Ms A. Qinisile (DEDEAT)
Mister M. Coleman (External)
Doctor T. Williams (External)

SECRETARIAT

Ms T. Ntwanambi – Town Planner (JGDM)
Ms S. Mbekushe – Town Planner (SLM)
Ms Z. Nonkula – Town Planner (ELM)
Mister D. Muthelo – Town Planner (ELM)
Ms N. Khethwa – Housing (WSLM)

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| | None. |
| 3. | <p>ADOPTION OF THE AGENDA</p> <p>The agenda was proposed for adoption by Mr Coleman and seconded by Dr Williams.</p> |
| 4. | <p>NOTING OF RULES OF ENGAGEMENT</p> <p>Chairperson relayed the rules of engagement of the meeting.</p> |
| 5. | <p>DECLARATION OF INTEREST BY MEMBERS AND OFFICIALS</p> <p>All members and officials present at the meeting declared no interest to the items on the agenda.</p> |
| 6. | <p>CONFIRMATION OF MINUTES</p> <p>The following comments were made:</p> <p>There were no changes to the minutes of the previous meeting. Doctor Williams however had a concern on the wording on Page 9 that the wording indicated that the minutes were confirmed as final and signed by the chairperson while members are still required to check and confirm the minutes at the meeting. Dr Williams therefore enquired whether the decision of the MPT is final at the Tribunal meeting or is the decision final when the minutes are final and confirmed.</p> <p>Mr Coleman clarified that the decision is made at the Tribunal meeting and the minutes serve as the record of the decision made. He further suggested that the minutes of the MPT be signed at the next Tribunal meeting. Minutes of the last MPT meeting held on 14 February 2020 were confirmed as correct and were adopted as tabled.</p> |
| | <p>MATTERS ARISING</p> <p>Mister Nodwele enquired whether the MPT SOP was taken to Council and the feedback on Section 3.5 of the minutes (SOP: Interpretation of rules).</p> <p>Ms Ntwanambi responded that the MPT SOP will be tabled at the next Council meeting. Ms Ntwanambi to follow-up with Ms Libazi on the legality of Section 3.5 of the SOP, the matter was flagged for the next meeting.</p> |
| 7. | <p>NEW APPLICATIONS FOR CONSIDERATION</p> |
| 7.1. | <p>Application for the Special Consent for the purpose of a Service Station on Erf 107 Sterkspruit</p> <p>REF. NO.: MPT20/02/01SLM</p> <p>Presentation of the application was done by Ms Mbekushe.</p> <p>DISCUSSIONS</p> <p>Dr Williams enquired whether the site development plan in terms of the Land Use Scheme was adopted by Council. He further enquired whether the site will be totally redeveloped as the site development plan (SDP) does not show much coverage on the site. Secondly raised his concern</p> |

about the parking provision provided on the SDP. According to the SDP there are quite a number of parking bays that are not provided for on the proposed site, some of the parking bays are proposed on the adjacent site (Erf 159) and on the R392 as part of the required 98 parking bays. He indicated that the Scheme does not make provision for the relaxation of parking. How is the applicant proposing to provide for the required 98 parking bays as per the LUS.

In response to Dr Williams enquiries, Ms Mbekushe indicated that the application was brought to the MPT as it is anticipated to have a high impact on the town of Sterkspruit. The applicant is planning to clear out the entire site and the site will be redeveloped. She indicated that the issue of the parking bays reflected on Erf 395 (public open space owned by the SLM) and off the R392 was raised with the applicant and the owner at a site visit in April 2020. The applicant indicated that they will submit an application to council for the relaxation of parking bays or for council to grant them permission to utilise the space on Erf 159 and R392.

Ms Eddie indicated that ELM had received a similar application in Mount Fletcher and they were advised that the following studies are critical when an application for a service station is lodged: Geo-technical, Hydrological, an Aquatic, Traffic Impact, Socio-economic and an EIA professional studies should be conducted and accompany the application to ensure legislative compliance.

In response to Ms Mbekushe, Dr Williams indicated that it is illegal to impose parking on a site that is owned by someone else unless there is prior approval or consent.

Mister Nodwele wanted to confirm whether there are any legal guidelines that need to be followed when developing a service station. He seconded Dr Williams that a developer cannot rely on someone else's property to provide parking.

Mister Coleman acknowledged that the SLM LUS was approved by Council in 2017, he further confirmed that the LUS consists of 3 parts: the LUS (text document), the zoning map (which is apparently not available) and the zoning register. Mister Coleman indicated his concern on how the Council of SLM approved and gazetted the LUS without a zoning map. In terms of the parking provision both on Erf 159 and the street parking, Mister Coleman indicated that there needs to be provision from the Council that goes with the application that states that the council is in consent of the arrangement of providing the site for additional parking bays in the interim until formal processes are undertaken to formalise the situation.

Mister Coleman indicated that it is unacceptable for municipal and state departments to take such a long time to respond to applications. He indicated that if there is no response provided by the due date for comments, it is deemed there is no objection under Regulation 16 (10) of SPLUMA. Secondly, Mister Coleman pointed out that the application form utilised by the consultant is from a "Department of Housing and Local Government" which does not exist, he indicated that there are standard SPLUMA application forms that should be used. Thirdly, he indicated that the report kept referring to "filling station" and "service station" randomly, both the LUS and SPLUMA refer to it as a service station and this should be consistent throughout the document. Lastly, Mister Coleman indicated that there is confusion currently on the dual approval of the overlapping legislation (SPLUMA and Ordinance 33 of 34). The two legislations have different zoning criteria, the zoning

map provided for in the application is from the Transkei Ordinance therefore provides a different zoning. SLM needs to table before council the zoning map as part of the LUS.

Mister Coleman indicated that the application is further confusing as it refers to the site as Business Zone 3, Business Zone 5 and Business Zone 1 of which Business zone 5 does not exist and business zone 1 is irrelevant. He further indicated that a service garage is a consent use under Ordinance 33 of 34 and not a consent use under SPLUMA and the SLM LUS. According to the SLM LUS, a service garage is a **primary use under Business Zone 3 (Commercial)** which is the current zoning of the site, which consequently means that the proposed application is redundant as it does not need a consent.

Mister Coleman further indicated that the conditions outlined on the EIA authorisation as well as from the Traffic Impact Study (TIS) need implementing, although they do not need implementing under a special consent.

Mister Coleman indicated that the application therefore needs to be referred back to the applicant for rephrasing by withdrawing any mention of the word consent use. He further proposed two options in which the application can be dealt with, one the application can be dealt with as a land development application because of the intensity of the proposed use which has implications on the environment and in terms of traffic therefore these need to be formally tabled and approved. The alternative route is that the SLM has to wait until the applicants come with their building plan applications and at that point, the SLM can approve with the Traffic Impact Assessment as well as the EIA Authorisation as a prerequisite for approval. The application therefore would not come back to the Tribunal as there is no Special Consent required.

Dr Williams indicated that there is serious confusion with the application. He enquired about the legalities of the conditions that have been imposed by the different entities that were based on the proposed consent use. Dr Williams suggested another meeting be reconvened to discuss the matter further.

THE JOE GQABI DISTRICT MUNICIPAL PLANNING TRIBUNAL RESOLVED:

That the application for Special Consent for the purpose of a Service Station on Erf 107, Sterkspruit be **REFERRED** back to the Applicant.

REASONS FOR DECISION

1. According to the Senqu LUS, a "Public Garage" is a primary use under Business Zone 3 (Commercial) therefore the application does not need a special consent.

Application for the Rezoning and Relaxation of Building Lines of Erf 1779, Maclear

REF. NO.: MPT20/02/02ELM

Presentation of the application was done by Ms Nonkula.

DISCUSSIONS

7.2.

Mister Coleman firstly indicated that the locality map in the application was wrong. Secondly, Mister Coleman indicated that the roads that lead to the proposed site need to be developed and surfaced. He further enquired from ELM whether there was a service level agreement between the municipality and the applicant for the provision of the road. He further enquired whether the public participation process was undertaken and raised his concern that there was no response from JGDM on sanitation. The site development plan indicates that a septic tank is located in the corner of the site between the building and the boundary wall.

In response to Mister Coleman's comments, Ms Nonkula apologised for the wrong locality map provided by the applicant. With regards to the surfacing of the roads, Ms Nonkula indicated that the development of the main road leading to the site is within the plans of the municipality. She indicated that the public participation process was undertaken. She further indicated that there is no current infrastructure for sewer and the septic tanks are what is currently used in the area. Ms Ntwanambi indicated that the comments from sanitation were received from the District after the agenda had been circulated to the members of the MPT.

Mister Coleman indicated that septic tanks as provided in the application are not acceptable for a block of flats in an urban residential area. He secondly noted the issue of suitable access required for the honey suckers as provided in the comments from the JGDM, which would require revision of the site development plan as there is no way that the honey sucker has access as presented in the current SDP. He further indicated that the Tribunal would like to see the calculations in respect of the capacity of the conservancy tanks proposed in the development.

Ms Eddie noted the importance of having municipal agreements in these types of developments and to have a formal recommendation by the municipality on an official letter signed by the relevant authority.

Dr Williams indicated that the application is inadequate and that it is critical that the decisions taken by the MPT are not only lawful but also take into account the best interest of all stakeholders. With regards to the provision of septic tanks, Dr Williams noted that this could potentially have massive impact on the adjoining property owners, on a health point of view as well as on the municipality. He further indicated that the application be referred back to the applicant and the recent comments by the JGDM and inputs by the meeting be taken up with the applicant.

THE JOE GQABI DISTRICT MUNICIPAL PLANNING TRIBUNAL RESOLVED:

That the application for the Rezoning and Relaxation of Building lines on Erf 1779, Maclear be **REFERRED** back to the Applicant.

REASONS FOR DECISION

1. Site Development Plan to be revised according to the recommendations made by the Joe Gqabi District Municipality: Water Services Authority.
2. Applicant to provide calculations in respect of the capacity of the conservancy tanks proposed in the development.

Attached Annexures:

1. Annexure A: Attendance Register

The meeting closed at 13h56.

This is to confirm that I _____, the Chairperson/Deputy Chairperson of the Joe Gqabi District Municipal Planning Tribunal confirm that these minutes are correct and final.

Signed at _____ on this _____ day of _____ 20__

Signature: _____

This is to confirm that I _____, the Administrative Officer of the Joe Gqabi District Municipal Planning Tribunal confirm that I received the final approved minutes.

Signed at _____ on this _____ day of _____ 20__

Signature: _____

APPENDIX 1

Item 1



Physical Address: No. 01 Suller Street | Ngqandaru | 5480

Postal Address: P.O. Box 1 | Ngqandaru | 5480

Tel: 045 9328100 | Fax: 045 9321094 | Facebook: @Elundini Local Municipality | Twitter: @ElundiniLM | YouTube Channel: @Elundini Local Municipality | Instagram: @Elundini_lm

Enq: D. Muthelo
Tel: (045) 932 8160

16 February 2022

To: The Municipal Manger
Joe Gqabi District Municipality
Private Bag X102
BARKLEY EAST
9786

Dear Sir/Madam

PROPOSED REZONING, CONSOLIDATION AND REMOVAL OF RESTRICTIVE CONDITIONS, ERVEN 692 AND 693, MACLEAR

The above-mention matter refers

We hereby submit an application for Rezoning, Consolidation and Removal of restrictive conditions on erven **692** and **693**, **Maclear** in terms of Spatial Planning and Land Use Management Act, 2013(Act 16 of 2013) and its Regulations. Included herewith please find the following documents:

ANNEXURE A: COVERING ITEM
ANNEXURE B: CHECKLIST
ANNEXURE C: TECHNICAL REPORT
ANNEXURE D: APPLICATION LETTER
ANNEXURE E: APPLICATION FORM
ANNEXURE F: SPECIAL POWER OF ATTORNEY
ANNEXURE G: COMPANY RESOLUTION
ANNEXURE H: MOTIVATIONAL MEMORANDUM
ANNEXURE I: LOCALITY PLAN

ANNEXURE J: LAND USE PLAN
ANNEXURE K: ZONING PLAN
ANNEXURE L: ZONING CERTIFICATES
ANNEXURE M: COPY OF DEED OF TRANSFERS
ANNEXURE N: SITE PLAN
ANNEXURE O: SURVEYOR GENERAL DIAGRAM
ANNEXURE P: CONSOLIDATION PLAN
ANNEXURE Q: PROOF OF PAYMENT
ANNEXURE R: MEDIA NOTICE

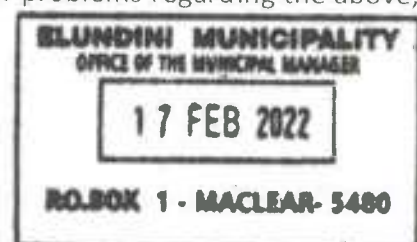
I trust that you will find this in order. Should there be any questions or problems regarding the above, feel free to contact the applicant at anytime.

Yours sincerely,

N.C Eddie

Acting Municipal Manager

Date:



ANNEXURE A

Application Summary

WRITTEN ASSESSMENT BY PROFESSIONAL PLANNER:

TOWN PLANNING AMENDMENT (REZONING), CONSOLIDATION AND REMOVAL OF RESTRICTIVE CONDITIONS.

1. PURPOSE

The purpose of this application is to obtain a resolution from Joe Gqabi Joint Municipal Planning Tribunal on the application for land use rights for Erven 692, Maclear and 693, Maclear for a service station with a service shop. The application is made in terms of Section 68 (read with Part D) and Section 71 of the Spatial Planning and Land Use Management By-law of Elundini Local Municipality.

2. BACKGROUND

The application is for a Town Planning Amendment, Consolidation and Removal of Restrictions which entails the rezoning of Erven 692 and 693 Maclear from Business Zone I to Business Zone V. The applicant distinguished a need for this particular development and developed an interest in utilising Erf 692 and Erf 693 for a filling station with a service shop.

3. DISCUSSION

3.1. LOCALITY

The proposed development is located on 31 and 33 Van Riebeeck Street in the town of Nqanqarhu, which is found in the eastern extent of Elundini Municipality and serves as an important commercial and administrative service centre to a wider rural hinterland.

3.2. ACCESS

The subject property is situated directly 31 and 33 Van Riebeeck Street and gains access these street addresses respectively.

3.3. OWNERSHIP

Erven 692 and 693, Maclear is under the ownership of Maclear General Dealers Enterprises CC under Deeds Transfer T6779/2020 and T6988/2019 respectively.

3.4. COMPLIANCE WITH SPATIAL DEVELOPMENT FRAMEWORKS

The application is in line with the Elundini SDF as the subject sites are located within the urban edge in an area identified as an activity corridor and is seen as the natural extension of the CBD.

3.5. LAYOUT DESIGN

The Site Development Plan has been designed according to available standards.

3.6. PROVISIONS OF THE LAND USE SCHEME

The area will be incorporated to the existing Section 8 Zoning Scheme Regulations, 1993 (as amended).

4. FINANCIAL IMPLICATIONS

The any cost that might arise as a result of this approval must be borne by the applicant or owner;

It is envisaged that the increased service connections will be required in the applicant shall be liable for all costs including bulk services contribution as determined by the Municipality.

5. LEGAL IMPLICATIONS

This application is being submitted in terms of the Elundini Spatial Planning and Land Use Management By-law (2016) read with the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

6. CREDIBILITY

The application, associated motivation report and supporting documentation have been assessed and are confirmed as credible.

7. RECOMMENDATIONS

- A. It That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Town Planning Amendment by the Rezoning Erf 692, Maclear From Business Zone 1 to Business V, **BE APPROVED**,
- B. That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Town Planning Amendment by the Rezoning Erf 693, Maclear From Business Zone 1 to Business V, **BE APPROVED**
- C. That the approvals and A & B above be subject to the following conditions:
 - (i) the development being limited to development parameters and restrictions applicable to Business Zone 5 in terms of the Section 8 Zoning Scheme Regulations, 1993 (as amended) applicable to different uses;
 - (ii) That any cost that might arise as a result of this approval must be borne by the applicant or owner;
 - (iii) That the applicant or owner is liable for payment of engineering services contribution as determined by the Municipality;
 - (iv) That if any increased service connections is required in future; the applicant shall be liable for all costs including bulk services contribution;
 - (v) that all parking be provided on-site parking as per the requirements for each use to developed on site.
 - (vi) that access to the site shall be to the satisfaction of the Director: Infrastructure Planning and Development;
 - (vii) the submission of a Site Development Plan in accordance with the requirements of the Zoning Scheme, to the Satisfaction of Director: Planning and Economic Development;
 - (viii) in terms of the National Building Regulations and before the new use rights are exercised, Building Plans showing the change in use of the building and the layout of the parking area being submitted for approval by the Director: Infrastructure, Planning and

Development. Building plans shall not be signed off until such time as all on-site parking has been physically provided in accordance with the approved Site Development Plan;

- (ix) that the applicant note that they may be required to pay a transportation development levy in respect of the related traffic accommodation costs, such levy to be determined by the Director: Infrastructure, Planning and Development and subject to escalation;
- (x) that any outdoor advertising signs being submitted for Municipal approval in terms of Council's Outdoors Signs (Advertising and Other) By-law;
- (xi) That this approval does not exempt the development from complying with other legislative requirements that may be triggered by other legislative requirements;
- (xii) that all use rights granted will lapse after 5 years, in terms of Section 43 (2) of the Spatial Planning and Land Use Management Act 2013 (SPLUMA) if conditions imposed are not completed within the above stated period.

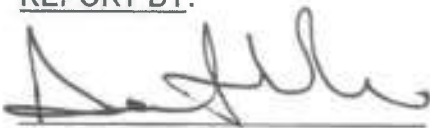
D. That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), the Consolidation of Erven 692 and 693 Maclear to form one cadastral unit, **BE APPROVED**, subject to the following conditions:

- (i) That the zoning of the consolidated Erf be Business Zone 5 in terms of the Section 8 Zoning Scheme as per the above approval;
- (ii) That the consolidation diagram be lodged with the Surveyor General Office;
- (iii) That all requirements of the Surveyor General and the Register of Deeds be complied with.

E. That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) read with section 57(d) and 58 of the Elundini Spatial Planning and Land Use Management By-law the removal of restrictive title conditions namely B.1 (a)(b) and (d) contained in Deed of Transfer No. T6779/2020 applicable to Erf 692, Maclear, **BE APPROVED**

F. That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) read with section 57(d) and 58 of the Elundini Spatial Planning and Land Use Management By-law the removal of restrictive title conditions namely of B.A (a)(b) and B (d) contained in Deed of Transfer No. T6988/2019 applicable to Erf 693, Maclear., **BE APPROVED**

REPORT BY:



16 - 02 - 2022

D. Muthelo Pr. Pln.

Date

Pr.Pln A/2776/2019

ANNEXURE B

Technical Report

MPT Meeting Date:

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Venue: _____

Application: Application for Town Planning Amendment, Consolidation and Removal of Restrictions

Property Description: Erven 692 and 693 Maclear

| Reference Number | Application Submission Date | Date Report Finalised |
|------------------|-----------------------------|-----------------------|
| | | |

| Status of Application | | | | | | | | | |
|-----------------------|---|-----------------------|---|-------------|---|--------------------------------|---|-----------------------|---|
| Received | X | Confirmed as complete | X | Circulation | X | Advertised | X | All comments received | X |
| Responded to comments | X | Assessment report | X | Decision | | Applicant / Objectors notified | | Appeal received | |
| Appeal hearing | | Final decision | | Other | | | | | |

| SECTION A: AUTHOR DETAILS | |
|--|--|
| First name(s) | Dakalo |
| Surname | Muthelo |
| Job title | Manager: Spatial Planning |
| Prof body registration number (if applicable & supported by the relevant by-law) | Pr. Pln A/2776/2019 |
| Directorate/Department | Planning and Economic Development |
| Contact details | |
| Physical Address | Municipal Office, 1 Seller Street, Nqanqarhu |
| Postal Address | Municipal Office, 1 Seller Street, Nqanqarhu, 5480 |
| Tel no: | 045 932 8214 |
| Fax: | 086 566 1782 |
| E-mail address | Dakalom@elundini.gov.za |
| SECTION B: APPLICANT DETAILS | |
| First name(s) | Johan |
| Surname | Jonas |
| Company name / CC | Setplan EL Trust |
| Company / CC Reg. Nr. | N/A |

| | | |
|---|--|----|
| Cipro documents | N/A | |
| SACPLAN Registration Number | Pr. Pln A/995/1997 | |
| Is the applicant authorised to submit this application | Yes | No |
| Power of Attorney & Minutes | Company Resolution and Power of Attorney is attached. | |
| Registered owner(s) | Maclear General Dealers Enterprises CC | |
| <i>Contact details</i> | | |
| Physical Address | 4 Pearce Street, Berea, East London, 5241 | |
| Postal Address | P.O Box 19017, Tecoma, 5322 | |
| Tel no: | 043 721 1245/ 083 788 1308 | |
| Fax: | 086 513 4471 | |
| E-mail address | j.jonas@iafrica.com | |
| SECTION C: PROPERTY DETAILS | | |
| Property description (in accordance with Title Deed) | Erven 692 and 693 Maclear | |
| Physical address | Erf 692 Maclear: 31 Van Riebeeck Street, Nqanqarhu Erf 693 Maclear: 33 Van Riebeeck Street, Nqanqarhu | |
| Town / City | Nqanqarhu | |
| Current zoning | Erf 692 Maclear: Business Zone I in terms of Section 8 Zoning Scheme Erf 693 Maclear: Business Zone I in terms of Section 8 Zoning Scheme | |
| Extent (m ² /ha) | Approximately 1 142 m ² (Erf 692, Maclear) and 520 m ² (Erf 693, Maclear) | |
| Are there existing buildings on the property? | Yes | No |
| Applicable zoning scheme | Town Planning Ordinance 15 of 1985, Section 8, Zoning Scheme regulations (As amended) | |
| Current land use | Erf 692 Maclear: Old Dilapidated structure Erf 693 Maclear: Vacant | |
| Title Deed number & date | Erf 692 Maclear: T6779/2020 Erf 693 Maclear: T6988/2019 | |
| Any restrictive title conditions applicable (if yes, list condition below) | Yes | No |
| <p>There are restrictive conditions of title applicable to the subject properties and part of the proposal at hand is for:</p> <p>i) The removal of B.1 (a)(b) and (d) contained in Deed of Transfer No. T6779/2020 applicable to Erf 692, Maclear. The conditions to be removed read as follows:</p> <p><i>"B. SUBJECT to the following special conditions contained in Deed of Transfer Number 6178 dated 15th April 1947-CTN, imposed by the Administrator in terms of Ordinance Number 33 of 1934, namely: -</i></p> <p><i>1. As being in favour of the Local Authority and the Registered owner of any erf in the Township: -</i></p> <p><i>(a) This erf shall be used for shop purposes only.</i></p> <p><i>(b) Not more than two-thirds of the area of this erf shall be built upon.</i></p> | | |

2. As being in favour of the Administrator: -

(d) This erf shall not be subdivided except with the consent in writing of the Administrator."

ii) The removal of B.A (a)(b) and B. (d) contained in Deed of Transfer No. T6988/2019 applicable to Erf 693, Maclear. The conditions to be removed read as follows:

"B. SUBJECT FURTHER to the following special conditions in the said Deed of Transfer Number T6180/1947CTN imposed by the Administrator under the provisions of Ordinance 33 of 1934: -

A. AS being in favour of the local authority and the registered owner of any erf in the Township

(a) This erf shall be used for shop purposes only.

(b) Not more than two-thirds of the area of this erf shall be built upon.

B. As being in favour of the Administrator: -

(d) This erf shall not be subdivided except with the consent in writing of the Administrator."

| | | |
|--|-----|----|
| Any third-party conditions applicable? (if yes, specify below) | Yes | No |
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| | | |
|---|-----|----|
| Any unauthorised land use/building work (if yes, explain below) | Yes | No |
|---|-----|----|

SECTION D: PRE – APPLICATION CONSULTATION OR WRITTEN ENQUIRY (ATTACHED MINUTES)

| | | |
|---|-----|----|
| Has pre-application consultation been undertaken? (if yes, provide a brief summary of the outcomes below) | Yes | No |
|---|-----|----|

SECTION E: TYPE OF APPLICATIONS (TICK APPLICABLE)

| | | | | | | | |
|------------------------------|---|---|---|---|---|----------------------------------|--|
| Rezoning | X | Removal suspension or amendment of restrictive conditions | X | Consolidation | X | Temporary departure | |
| Permanent departure | | Consent use | | Township Development / Division of land | | Division of an approved township | |
| Cancellation of General Plan | | Extension of the validity period of an approval | | Permissions in terms of the zoning scheme | | Closure of public place | |
| Determination of zoning | | Disestablish a home owner's association | | Rectify failure by home owner's association to meet obligations | | Occasional use | |

SECTION F: APPLICATION DESCRIPTION

The purpose of this application is to obtain a resolution from Joe Gqabi Joint Municipal Planning Tribunal on the application for land use rights for Erven 692, Maclear and 693, Maclear for a service station with a service shop. The application is made in terms of Section 68 (read with Part D) and Section 71 of the Spatial Planning and Land Use Management By-law of Elundini Local Municipality.

SECTION G: BACKGROUND

The application is for a Town Planning Amendment, Consolidation and Removal of Restrictions which entails the rezoning of Erven 692 and 693 Maclear from Business Zone I to Business Zone V. The applicant distinguished a need for this particular development and developed an interest in utilising Erf 692 and Erf 693 for a filling station with a service shop.

Site Observations

Erven 692 and 693 Maclear (hereafter known as the subject property or property in question, terms used interchangeably) are located along van Riebeeck Street in Maclear town. The subject sites measure approximately 1 142 m² (Erf 692 Maclear) and 520 m² (Erf 693, Maclear) in extent. Access to and egress from the subject property is gained via Van Riebeeck Street (both erven).

During the site inspection that currently Erf 692, Maclear is currently vacant and Erf 693, Maclear has an old (unutilized) structure. The subject properties are registered on the Land Use Management database, with the zoning Business Zone I respectively in terms of the Scheme Regulations as provided for by Section 8 of the Land Use Planning Ordinance, 1985. The subject properties are surrounded by a combination of properties zoned for Institutional Zones, Authority Zones, Business 1, Business 2, Business 3, Business Zone 4 Public Open Space and Residential 1 purposes.

Locality

Erven 692 and 693 Maclear is situated in the town of Nqanqarhu (Refer to Annexure I: Locality Map).

Zoning

Erf 692 Maclear: Business Zone I in terms of Section 8 Zoning Scheme

Erf 693 Maclear: Business Zone I in terms of Section 8 Zoning Scheme

Land Use

Erf 692 Maclear: Vacant

Erf 693 Maclear: Old (unutilized) structure which has since been demolished.

SECTION H: SUMMARY OF APPLICATIONS MOTIVATION

- (a) The properties are both located within the policy area of the Elundini Spatial Development Framework (2019). The sites are situated in a proposed business zone. uses.
- (b) The subject sites are strategically located for the intended use as they are seen as the natural extension of the Nqanqarhu (Maclear) town central business district.
- (c) The proposed use, i.e. Business 5 purposes in terms of the Section 8 Scheme Regulations and the development parameters are recorded in the table below:

| | |
|------------------------------|---|
| Use | The primary use of the proposed zoned as depicted as filling/service station under Business Zone 5 in the Section 8 Zoning Scheme. Service Station in the said scheme can be defined as follows: "Service Station" means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, or a restaurant or café, but does not include spray painting, panel beating, blacksmithery or body work. Evidently, the intended zone primary use accommodates both filling station and a convenient store |
| Need and desirability | The proposed development is property is situated along a high order road with relatively high traffic volumes and within the urban edge of the town of |
| Coverage | Coverage for the proposed zone is 75% Though this is the case, the development on-site will still be subjected to compliance with other development parameters such as parking, FAR and setback lines where necessary. |
| FAR/Density | The proposed zone has the FAR of 1.5 according to the Section 8 Zoning Scheme. |
| Set back line | Where necessary, the development controls applicable to this zone prescribe for a setback line of at least 6.5m. This shall be considered in the final site development plan and building plans that will be submitted to the municipality for approval. |

| | |
|--------------------------------------|--|
| Street Building Lines | Street Building Line: 0m, provided that a 3,5 m building line shall apply if fuel pumps are to be erected. |
| Side Building Line | Side Building Lines: 0m, provided that the council may lay down side building lines in the interest of public health or in order to enforce any law or right. |
| Parking | at least one parking bay per 50m ² of the total floor space; provided that the parking bays be clearly indicated for visitors. |
| SPLUMA Development Principles | <p>Spatial Sustainability: this principle deals with the promotion of land development in strategic location, protecting the environment, stimulation of land markets and viable communities. The application at hand is considered in line with the fundamental objectives of the aforesaid SPLUMA principle. Subsection (iv) of Spatial Sustainability advocates for promotion and stimulation of equitable functional of land markets. It is viewed that the proposed rezoning of the subject properties will make use of existing infrastructure, with no financial implications for the Municipality. This will enable optimal utilisation of the property to its full development potential while ensuring equitable functionality of land markets. Given the need to promote compact growth and development, effective utilisation of properties located within the urban edge is regarded as one of the approaches in direction to realise spatial sustainability.</p> <p>Efficiency: this principle advocates for optimisation of resource, minimisation of impact and sufficiency of land development application. Subsection (i) of this principle calls for land development that optimises the use of the existing resources and infrastructure. Effectively, the application for rezoning of the subject property will enable the property to be developed to its full potential. Any improvements or modification on the property as a result of the subject application will utilise the existing engineering services such as water connections, electricity etc. Thus, provisions of this principle are met.</p> <p>Spatial Resilience: This principle calls for flexibility of spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities that are most likely to suffer from environmental and economic shocks. It should be noted that the rezoning of the subject properties will enable the properties to be developed through the zone that is more flexible in respect to land uses afforded by the proposed Business Zone 5 land use rights. In light of the above, the rezoning of the subject property will give effect to the provisions of this principle.</p> <p>Good administration: Subsection (i) of this principle calls for an integrated approach to land use and land development as well as just administrative processes. The processing and advertising of this application has given effect to pronouncements of this principle where all relevant stakeholders had an opportunity to make their input and contributions during the public participation phase of this application for their comments and inputs. Thus, provisions of this principle were adequately addressed while processing the application.</p> |

SECTION I: SUMMARY OF PUBLIC PARTICIPATION

| <i>Method of advertising:</i> | | | | <i>Date published:</i> | <i>Closing date comments:</i> |
|-------------------------------|-----|----|-----|------------------------|-------------------------------|
| Press | Yes | No | N/A | 16 April 2021 | 16 May 2021 |
| Gazette | Yes | No | N/A | | |
| Notices | Yes | No | N/A | | |
| Site notice | Yes | No | N/A | | |
| Community organisation(s) | Yes | No | N/A | | |
| Public meeting | Yes | No | N/A | | |

| Third parties | Yes | No | N/A | | |
|---|-----------------------|---|------------------------------|---------------|-----|
| Other | None | | | | |
| Total valid comments / objection | None | | | | |
| Total comments & petitions refused | None | | | | |
| Valid petition(s) | Yes | No | If yes, number of signatures | | |
| Community organisation(s) response | Yes | No | N/A | | |
| Ward councillor response | Yes | No | N/A | | |
| Total letters of support | | | | | |
| Was public participation undertaken in accordance with the relevant By-law & policies | Yes | | No | | |
| SECTION J: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION | | | | | |
| <u>In support:</u> | | | | | |
| None | | | | | |
| <u>Objections:</u> | | | | | |
| None | | | | | |
| SECTION K: COMMENTS FROM ORGANS OF THE STATE AND/OR MUNICIPAL DEPARTMENTS | | | | | |
| <u>State/Municipal Department Name:</u> | <u>Date Received:</u> | <u>Comments (Attached Annexure?):</u> | <u>Recommendations (V):</u> | | |
| | | | Supported | Not Supported | N/A |
| Elundini Community Services Department: Waste and Environmental Management | 20-05-2021 | <p>The proposed rezoning should take cognisance of the following:</p> <p>1. Construction phase:</p> <p>The applicant must develop an Environmental Management plan which entails environmental management practices to be adhered to with regards to solid waste generated on site (general waste), liquid waste (spillages, etc.) and any hazard waste generated on site.</p> <p>The applicant is also required to detail proper management of each type of waste and that plan is approved by the Competent Authority with the EA for implementation. The ELM will however, request a correspondence in writing from the appointed contractor stipulating / detailing all types of waste envisaged to be generated on site and the management thereof. The ELM owns and operates general waste landfill sites ONLY, the applicant will have to adhere to the EMP/EMF for liquid or hazardous waste management.</p> | ✓ | | |

| | | | | | |
|---|------------|---|---|--|--|
| | | <p>2. Operational phase:</p> <p>The applicant has a duty to comply with all waste management legislations, the ELMs waste management by-laws, the ELMs collection schedule and the ELMs tariff book (these will be provided).</p> <p>The client is also binded by all relevant legislative requirements governing waste and environmental management such as the National Environmental Management Act, act 107 of 1998 (NEMA), National Environmental Waste Management Act, act 59 of 2008 with its regulations, norms and standards etc.</p> | | | |
| <p>Elundini Community Services Department: Fire & Disaster</p> | 13-07-2021 | <p>The applicant is to comply with the need for Hydrants or Bore Hole, Signages: No Smoking, No Open Flames and No Cell Phones and Environmental Assessment for fire compliance.</p> | ✓ | | |
| <p>Elundini Infrastructure and Planning Development Department: Electricity Unit</p> | 15-07-2021 | <p>Sufficient electricity supply will be made available when the customer is submits a building plan application for the proposed development, if there will be no upgrade needed.</p> | ✓ | | |
| <p>Elundini Infrastructure and Planning Development Department: Roads and Stormwater Management Unit</p> | 12-07-2021 | <p>1. Although Erf 694 is Zoned business, there are residents staying on the upper floor. A service station has breather pipes for the underground fuel tank. These pipes are connected to the tanks and are normally fastened to the building and are raised to approximately above roof height. This is dependent on where the underground tanks are placed. This may affect the residents who are on the upper floor.</p> <p>2. The layout design is a basic design. If the access is similar to the Caltex Filling Station (Fresh Stop situated on Erf 765, Maclear), this is actually incorrect. There should be a defined entrance and exist and motorists may not have access to the entire face of the service station. This would be dangerous for motorists and the municipality would lose two or three parking bays on the property frontage.</p> | ✓ | | |
| <p>Water Services Authority: JGDM</p> | 06-09-2021 | <p>The Water Services Authority would like to confirm that:</p> <ul style="list-style-type: none"> • Erf 692 and 693 are serviced with bulk water and sanitation services. | ✓ | | |

| | | | | |
|---|-------------------|---|----------|--|
| | | <ul style="list-style-type: none"> • The proposed new erf will be able to connect to the current bulk water and sewer services. The sewer system is currently being upgraded. <p>The Joe Gqabi District Municipality therefore do not have any objection to the proposed application as stated above. The district must emphasize adherence to the following water services related-conditions:</p> <ul style="list-style-type: none"> • An application must be made to the District for any water or sewer connections. • Building plans must be submitted before any development can commence on the erven. • All water and sewer installations/connections must be inspected by JGDM Water Services Provider before water can be supplied and sewer can be deposited into the bulk network. | | |
| <p>South African National Roads Agency (SANRAL)</p> | <p>24-01-2022</p> | <p>1. Building Line Relaxation: SANRAL has no objection to the relaxation of the building restriction from twenty (20) metres to zero (0) metres measured from the national road reserve fence since the site is positioned within the Central Business District (CBD).</p> <p>2. Application for Access: SANRAL accepts the recommendations contained in the TIA. Our "in-principle" acceptance of the recommendations contained in the TIA does not relieve the applicant of any obligations to ensure that the assumptions and outcomes of the TIA will maintain acceptable levels of service (LOS) of traffic operations on the national road. SANRAL have the following conditions regarding the TIA.</p> <p>2.1. No direct vehicular or pedestrian access from the National Road R56 except at the existing access point. All road improvements for the development being submitted to SANRAL for consideration and all cost associated with the road network improvements will be solely for the developer's account.</p> <p>2.2. The applicant may not alter, amend or extend a development utilising the approved access without SANRAL's prior written approval.</p> <p>2.3. The applicant indemnifies SANRAL against, and holds it harmless from, any claim or damage which may be instituted or suffered by any</p> | <p>v</p> | |

| | | | | |
|--|--|--|--|--|
| | | <p>person, including legal costs incurred, as a result of:</p> <ul style="list-style-type: none"> i) The erection or establishment of any works on the site; The failure by the applicant to properly maintain and safeguard the access or other works on the site, or the non-compliance of the applicant with any condition to which this permission relates (ii) The amendment or cancellation of any condition pertaining thereto or the imposition of any new condition (iii) The lapsing of approval (iv) Any alteration to the national road <p>4. The SANRAL reserves the right to direct at any time in the interest of the road safety that the access to be closed altered or relocated.</p> <p>5. Application for Rezoning and Consolidation:</p> <p>5.1. No advertising directed at the R56 National Road being displayed during the development or construction of this development. All advertising on completion of the development shall be subject to the requirements of the National Roads Act 7 of 1998, the Regulations on Outdoor Advertising and the South African Roads Traffic Signs Manual.</p> <p>5.2. The SANRAL shall not be held liable to any party should it be found at any time in the future that noise, air pollution and light pollution emanating from the national road presents a problem to the development adjacent to the national road. The developer/successor in title/local authority shall be responsible for taking such steps as may be necessary to reduce the impact of such noise, air and/or light pollution.</p> <p>5.3. Applicants that apply to construct a rest and service facility on Class 1 rural roads or Class 2 and 3 roads will have to follow a three-stage process as per SANRAL guidelines and policies.</p> <p>5.4. All filling stations or rest and service facilities benefiting from traffic generated from the National Road owned by the SANRAL, shall be required to contribute a levy on all [petroleum products sold on the property as well as a levy on the gross turnover value (excluding VAT), of all other sales on the property. The quantum of these levies is determined at the sole discretion</p> | | |
|--|--|--|--|--|

of SANRAL and may be reviewed from time to time. The owner or operator which enters into an agreement with the SANRAL, will be required to submit annual audited statements to the SANRAL to confirm the amount of the levy and provide proof of payment thereof within one month of the end of the financial year as applied by the SANRAL.

5.5. The above conditions shall be registered notarial, at the applicant's own cost, by way of a Bilateral Notarial Deed, such registration to take place by no later than twelve (12) calendar months from the date of this Approval or such extended date as may be agreed in writing by the SANRAL in SANRAL's sole and absolute discretion.

5.6. In the event of any of this land being consolidated with any other land, the title to the consolidated land shall be subject to the above conditions.

5.7. The written confirmation from the SANRAL, that the conditions referred to herein have been fulfilled to its satisfaction, shall be required prior to the occupation of the site. The applicant/developer shall provide the SANRAL with a certificate from a Professional Consulting Engineer certifying that the design and construction of all services and other improvements referred to in these conditions have been undertaken to the required standards.

5.7. All cost for any of the above conditions is to be for the applicant/developer's account.

6. Notification of Commencement and Completion:

The developer shall at least fourteen (14) days prior to the commencement of the work advise the SANRAL Regional Manager in Port Elizabeth in writing of the date upon which the work shall commence. The SANRAL Regional Manager shall also be advised in writing, within thirty (30) days after the completion of the work, of the date upon which the work was completed.

7. Additional Legal requirements:

7.1. This approval shall bind any successor-in-title to the land to which this approval relates and agree in writing to these conditions.

7.2. This approval shall not be exempt from the provisions of any other Act.

7.3. Should any damage be caused to the national road or a user of the national road or property as a result of the erection, use or removal of any structure erected or established on the site, the property owner shall be liable for such damage and shall compensate the SANRAL therefore, and indemnify the SANRAL against any claim from a third party.

SECTION L: MUNICIPAL ASSESSMENT OF COMMENTS

Comments received are satisfactorily in terms of recommending the proposed application for approval. N.B. This stage of the application is mainly concerned with acquiring land use rights in terms of SPLUMA and Municipal SPLUM By-law which precedes a Building Plan application in terms of the NBR. Accordingly, in considering the application we only needed confirmation on the available capacity of services (or the conditions to be met as part of approval). It is expected that the final and detailed building plans will be submitted once the rezoning, consolidation and removal of restrictive conditions process is complete

SECTION M: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Was the application processed correctly (if no, elaborate below): Yes No

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA & decision guideline in relevant By-law: Yes No

Application History:

None

(In)consistency with the IDP/Various levels of SDF's/Applicable policies?

Yes- In line with SDF as the subject site is located within the urban edge in an area identified as an activity corridor and is seen as the natural extension of the CBD.

Outcomes of investigations/applications i.t.o other applicable legislation

Existing and proposed zoning comparisons and considerations

| PARAMETER | BUSINESS ZONE I | BUSINESS ZONE V | PROPOSED DEVELOPELEMENT |
|----------------------|---|---|---|
| Floor Factor | 3.0 | 1.5 | 0.13 |
| Coverage | 100% | 75% | 13,5% |
| Height | N/A | 2 Storeys | 1 Storey |
| Street Building Line | 0m | 0m | Required: 0m Provided: 0m Compliant |
| Rear Building Line | 6,5m | 6.5m | Required: 6.5m Provided: 0m Not Compliant |
| Side Building Line | 0m | 0m | Required: 0m Provided: 0m Compliant |
| Parking | 1 parking bay per 25m ² of the total floor space | 1 parking bay per 50m ² of the total floor space; provided that the parking bays be clearly marked | Required: 05 Parking Bays Provided: 16 Parking Bays Compliant |

SECTION N: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

None.

SECTION O: SUMMARY OF EVALUATION

The **Consolidation of Erven 692 and 693, Maclear to create Proposed Portion A measuring 1662m²;**

The **Rezoning of Proposed Portion A from Business Zone I to Business Zone V to allow for a service station and convenient shop;**

The **Removal of Restrictive Conditions of Title contained in Deed of Transfer No. T6779/2020 and T6988/2019**

The existing development to adhere to all the requirements as stipulated by the Municipality.

SECTION P: RECOMMENDATION

- A.** That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Town Planning Amendment by the Rezoning Erf 692, Maclear From Business Zone 1 to Business V, **BE APPROVED**,
- B.** That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Town Planning Amendment by the Rezoning Erf 693, Maclear From Business Zone 1 to Business V, **BE APPROVED**
- C.** That the approvals and A & B above be subject to the following conditions:
- (i) the development being limited to development parameters and restrictions applicable to Business Zone 5 in terms of the Section 8 Zoning Scheme Regulations, 1993 (as amended) applicable to different uses;
 - (ii) that all parking be provided on-site parking as per the requirements for each use to developed on site.
 - (iii) that access to the site shall be to the satisfaction of the Director: Infrastructure Planning and Development;
 - (iv) the submission of a Site Development Plan in accordance with the requirements of the Zoning Scheme, to the Satisfaction of Director: Planning and Economic Development;
 - (v) in terms of the National Building Regulations and before the new use rights are exercised, Building Plans showing the change in use of the building and the layout of the parking area being submitted for approval by the Director: Infrastructure, Planning and Development. Building plans shall not be signed off until such time as all on-site parking has been physically provided in accordance with the approved Site Development Plan;
 - (vi) that the applicant note that they may be required to pay a transportation development levy in respect of the related traffic accommodation costs, such levy to be determined by the Director: Infrastructure, Planning and Development and subject to escalation;
 - (vii) that any outdoor advertising signs being submitted for Municipal approval in terms of Council's Outdoors Signs (Advertising and Other) By-law;
 - (viii) That this approval does not exempt the development from complying with other legislative requirements that may be triggered by other legislative requirements;
 - (ix) that all use rights granted will lapse after 5 years, in terms of Section 43 (2) of the Spatial Planning and Land Use Management Act 2013 (SPLUMA) if conditions imposed are not completed within the above stated period.
- D.** That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), the Consolidation of Erven 692 and 693 Maclear to form one cadastral unit, **BE APPROVED**, subject to the following conditions:
- (i) That the zoning of the consolidated Erf be Business Zone 5 in terms of the Section 8 Zoning Scheme as per the above approval;
 - (ii) That the consolidation diagram be lodged with the Surveyor General Office;

(iii) That all requirements of the Surveyor General and the Register of Deeds be complied with.

- E. That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) read with section 57(d) and 58 of the Elundini Spatial Planning and Land Use Management By-law the removal of restrictive title conditions namely B.1 (a)(b) and (d) contained in Deed of Transfer No. T6779/2020 applicable to Erf 592, Maclear, **BE APPROVED**
- F. That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) read with section 57(d) and 58 of the Elundini Spatial Planning and Land Use Management By-law the removal of restrictive title conditions namely of B.A (a)(b) and B (d) contained in Deed of Transfer No. T6988/2019 applicable to Erf 693, Maclear., **BE APPROVED**

SECTION Q: REASONS FOR RECOMENTATION

The reasons for the decision as detailed out above can be summarized as follows:

- ✓ The application is in line with the Elundini Municipal Spatial Development Framework Plan, 2019 as the proposed use is commercial in character, with the subject sites located within the urban edge;
- ✓ The proposal is in accordance with the following principles of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013): Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good Administration;
- ✓ The proposal is envisaged to promote optimal utilization of the scarce resources such as prime land and engineering services as it is located within a readily serviced area; and
- ✓ The approval of this application does not demonstrate any sign of posing negative impact on the surrounding property owners and public in general.

SECTION R: ANNEXURES

- ANNEXURE A: COVERING ITEM**
- ANNEXURE B: CHECKLIST**
- ANNEXURE C: TECHNICAL REPORT**
- ANNEXURE D: APPLICATION LETTER**
- ANNEXURE E: APPLICATION FORM**
- ANNEXURE F: SPECIAL POWER OF ATTORNEY**
- ANNEXURE G: COMPANY RESOLUTION**
- ANNEXURE H: MOTIVATIONAL MEMORANDUM**
- ANNEXURE I: LOCALITY PLAN**
- ANNEXURE J: LAND USE PLAN**
- ANNEXURE K: ZONING PLAN**
- ANNEXURE L: ZONING CERTIFICATES**
- ANNEXURE M: COPY OF DEED OF TRANSFERS**
- ANNEXURE N: SITE PLAN**
- ANNEXURE O: SURVEYOR GENERAL DIAGRAM**
- ANNEXURE P: CONSOLIDATION PLAN**
- ANNEXURE Q: PROOF OF PAYMENT**
- ANNEXURE R: MEDIA NOTICE & PROOF OF REGISTERED LETTERS**

SECTION 5: SIGNATURES

Author Name : DARALD W. WHELO

Author Signature : [Signature]

Date : 16.02.2022

Director Name : M. C. GANE

Director Signature : [Signature]

Date : 16 / FEB / 2022

*** (Section to be completed post Tribunal)*

| | | | | | | | |
|----------|--|---------------------------|--|---------------------|--|---------|--|
| APPROVED | | APPROVED CONDITIONALLY | | APPROVED IN PART | | REFUSED | |
|----------|--|---------------------------|--|---------------------|--|---------|--|

If in Part-Outline Details : _____

Decision Maker Name : _____

Decision Maker Signature : _____

Date : _____

CONDITIONS OF APPROVAL

Provide details of all Department conditions imposed as well as the supporting legislative context:

CHECKLIST OF ANNEXURES

Please complete checklist prior to submitting report to ensure its completeness. Tick (✓) the relevant sections and ensure checklist is attached on top of report.

| | ANNEXURE | ATTACHED | | |
|----|---|----------|----|-----|
| | | YES | NO | N/A |
| 1 | Power of attorney | ✓ | | |
| 2 | Authorisation from mortgage | | | ✓ |
| 3 | Bondholder's consent | | | ✓ |
| 4 | Flood-line certificate | | | ✓ |
| 5 | Regional map | ✓ | | |
| 6 | Locality map | ✓ | | |
| 7 | Extract from zoning map | ✓ | | |
| 8 | Land use map | ✓ | | |
| 9 | Layout plan/social facilities plan | ✓ | | |
| 10 | Motivation report | ✓ | | |
| 11 | Title deed | ✓ | | |
| 12 | Copy of advertisement | ✓ | | |
| 13 | SG Diagram | ✓ | | |
| 14 | Draft conditions of establishment | | | ✓ |
| 15 | Zoning certificate | ✓ | | |
| 16 | Application Form | ✓ | | |
| 17 | Conveyancer Certificate (where necessary) | | | ✓ |
| 18 | Pre-application minutes | | ✓ | |
| 19 | Cover letter (applicant) | ✓ | | |
| 20 | Engineering Services Report | | ✓ | |
| 21 | Comments | | | ✓ |
| 22 | Response to comments | | | ✓ |
| 23 | Notice of advertisement | ✓ | | |
| 24 | List of comments | | ✓ | |
| 25 | Consolidation plan | ✓ | | |
| 26 | Public participation (notices, gazette, local newspapers etc) | ✓ | | |

[NOTE]: Report to be submitted to the Joe Gqabi District Municipal Planning Tribunal 14 (working) days prior to the sitting of the Tribunal

Signed by: D.E MUTHILO

Date: 16/02/2022

Signature:



ANNEXURE C

Land Use Application Form



(Formerly Local Municipality)
 1 Lutho Street - Mankweng - 0840 - P.O. Box 1 - Mankweng - 0840
 Tel: +27 51 866 92 81 - Fax: +27 51 866 92 82 - Email: info@elundini.gov.za
LAND USE PLANNING APPLICATION FORM

KINDLY NOTE: Please complete this form using **BLOCK** capital and ticking the appropriate boxes.

SECTION A: APPLICANT DETAILS

| | | | | | |
|--|---------------------|-----|--------------|-------------|--------------|
| First name(s) | JOHAN | | | | |
| Surname | JONAS | | | | |
| South African Council for Planners (SACPLAN) registration number (if applicable) | PR. PLN A/ 995/1997 | | | | |
| Company name (if applicable) | SETPLAN | | | | |
| Postal Address | P.O. BOX 19017 | | | | |
| | TECOMA | | | Postal Code | 5214 |
| Email | j.jonas@iafrica.com | | | | |
| Tel | 043 721 1245 | Fax | 086 513 4471 | Cell | 083 788 1308 |

SECTION B: REGISTERED OWNER(S) DETAILS (if different from applicant)

| | | | | | |
|---------------------|--|-----|--|-------------|--|
| Registered owner(s) | MACLEAR GENERAL DEALERS ENTERPRISES CC | | | | |
| Physical address | c/o SETPLAN | | | | |
| | | | | Postal Code | |
| Email | | | | | |
| Tel | | Fax | | Cell | |

PART C: PROPERTY DETAILS (in accordance with title deed)

| | |
|---|--------------------------|
| Property description (Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area) | ERVEN 692 & 693, MACLEAR |
|---|--------------------------|

| | | | | | | | | |
|---|---------|---|--------|---|--|--|-----------|---|
| Physical Address | | 31 and 33 Van Riebeeck street, Maclear | | | | | | |
| GPS Coordinates | | | | | Town | MACLEAR | | |
| Current Zoning | | Business Zone I | Extent | 692 - 1142 m ² 693 - 520 m ² | Are there existing buildings? | Y | N | |
| Applicable Zoning Scheme | | SECTION 8 SCHEME | | | | | | |
| Current Land Use | | BUSINESS | | | | | | |
| Title Deed number and date | | ERF 692 - T6779/2020 dated 2020/07/14 ERF 693 - T6988/2019 dated 2019/05/07 | | | | | | |
| Any restrictive conditions? | | Y | N | If Yes, list the condition(s) | SEE SECTION 4.2 OF MOTIVATION REPORT 1907/1-0 Dated: DECEMBER 2020 | | | |
| Are the restrictive conditions in favour of a third party(ies) | | Y | N | If Yes, list the party(ies) | | | | |
| Is the property encumbered by a bond? | | Y | N | If Yes, bondholder(s) | | | | |
| Any existing unauthorized buildings and/or land use on the subject proper(s) | | | | Y | N | If Yes, is this application to legalize the building/land use? | Y | N |
| Are there any pending court case(s)/order(s) relating to the subject property(ies)? | | | | Y | N | Are there any land claim(s) registered on the subject property(ies)? | Y | N |
| SECTION D: PRE-APPLICATION CONSULTATION | | | | | | | | |
| Has there been any pre-application consultation? | | | | Y | N | If Yes, complete the information below and attach the minutes of the pre-application consultation. | | |
| Official's name | | Reference Number | | Date of consultation | | | | |
| SECTION E: LAND USE PLANNING APPLICATION FEES PAYABLE | | | | | | | | |
| TICK | Section | Type of application | | | | | Cost | |
| ✓ | 68 (1) | a rezoning of land; | | | | | R3,276.46 | |
| ✓ | | a permanent departure from the development parameters of the zoning scheme | | | | | R | |
| ✓ | | a departure granted on a temporary basis to utilize land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land; | | | | | R | |
| ✓ | | a subdivision of land; | | | | | R | |
| ✓ | 71 (2) | a consolidation of land; | | | | | R1,637.80 | |
| ✓ | 69 (2) | a removal, suspension or amendment of restrictive conditions in respect of al land unit; | | | | | R1,339.33 | |
| ✓ | | a permission required in terms of the zoning scheme; | | | | | R | |
| ✓ | | an amendment, deletion or imposition of conditions in respect of an existing approval; | | | | | R | |

| | | | |
|-----------------|--|--|------------------|
| ✓ | | an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram; | R |
| ✓ | | a permission required in terms of a condition of approval; | R |
| ✓ | | a determination of a zoning; | |
| ✓ | | a closure of a public place or part thereof; | |
| ✓ | | a consent use contemplated in the zoning scheme; | |
| ✓ | | an occasional use of land; | |
| ✓ | | to disestablish a home owner's association; | R |
| ✓ | | to rectify a failure by a homeowner's association to meet its obligations in respect to the control over or maintenance of services; | R |
| ✓ | | a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building. | R |
| TOTAL: A | | | R6,253.59 |

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

| Tick | Notification of application in media | Type of application | Cost |
|---|--|---|----------|
| ✓ | SERVING OF NOTICES | Delivering by hand; registered post; data messages | R |
| ✓ | PUBLICATION OF NOTICES | Local Newspaper(s); Provincial Gazette; site notice; Municipality's website | |
| ✓ | ADDITIONAL PUBLICATION OF NOTICES | Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection | R |
| ✓ | NOTICE OF DECISION | Provincial Gazette | R |
| ✓ | INTEGRATED PROCEDURES | T.B.C | R |
| TOTAL B: | | | R |
| TOTAL APPLICATION FEES (TOTAL A + B) | | | R |

*Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany and application.

**The applicant is liable for the cost of publishing and serving notice of an application

BANKING ACCOUNT DETAILS

Name: ELUNDINI
MUNICIPALITY Bank: First
National Bank
Branch Code.: 211020
Account no.: 62159933772
Type of Account: Cheque
Payment reference: 140300

SECTION F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

THE AIM OF THE APPLICATION IS TO CONSOLIDATE ERVEN 692 & 693, MACLEAR TO CREATE ONE PROPERTY (REFERRED TO AS PORTION A), TO REZONE THE CONSOLIDATED PORTION A FROM BUSINESS ZONE I TO BUSINESS ZONE V FOR A FILLING STATION AND SHOP, AS WELL AS TO REMOVE RESTRICTIVE CONDITIONS ON TITLE DEED T6779/2020 AND T6988/2019.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation have been submitted.

| | | | | |
|-------------------------------------|-----|--|-----|--|
| <input checked="" type="checkbox"/> | N | Power of attorney / Owner's consent if applicant is not owner | N/A | Bondholder's consent (if applicable) |
| <input checked="" type="checkbox"/> | N | Resolution or other proof that applicant is authorized to act on behalf of a juristic person | X | Proof of registered ownership or any other relevant right held in the land concerned |
| <input checked="" type="checkbox"/> | N/A | Written motivation | X | S.G diagram / General plan extract |
| <input checked="" type="checkbox"/> | N | Locality plan | X | Site development plan or conceptual layout plan |
| <input checked="" type="checkbox"/> | N/A | Proposed subdivision plan | N/A | Proof of agreement or permission for required servitude |
| Y | N | Proof of payment of application fees | X | Full copy of title deed |
| <input checked="" type="checkbox"/> | N/A | Conveyancer's certificate | X | Minutes of pre-application consultation meeting (if applicable) |

Supporting information and documentation:

| | | | | | | | |
|-------------------------------------|---|-----|--|---|-------------------------------------|-----|---|
| <input checked="" type="checkbox"/> | N | N/A | Consolidation plan Street name and numbering plan | Y | <input checked="" type="checkbox"/> | N/A | Land use plan / Zoning plan |
| <input checked="" type="checkbox"/> | N | N/A | Landscaping / Tree plan | Y | <input checked="" type="checkbox"/> | N/A | 1:50 / 1:100 Flood line determination (plan / report) |
| Y | N | N/A | Abutting owner's consent | Y | <input checked="" type="checkbox"/> | N/A | Home Owner's Association consent |
| Y | N | N/A | Copy of Environment Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact (MHIA) / Environmental Authorization | Y | <input checked="" type="checkbox"/> | N/A | Services Report or indication of all municipal services / registered servitudes |

| | | | | | | | |
|---|---|-----|---|---|---|-----|--|
| | | | (EA) / Record of Decision (ROD) (strike through if irrelevant) | | | | |
| Y | X | N/A | Copy of original approval and conditions of approval | Y | N | N/A | Proof of failure of Home Owner's Association |
| Y | X | N/A | Proof of lawful use right | Y | X | N/A | Any additional documents or information require as listed in the pre-application consultation form / minutes |
| Y | N | X | Required number of documentation copies | Y | X | N/A | Other (specify) |

SECTION H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

| | | | | | | | |
|---|---|--|--|---|-----|--|---|
| Y | X | | National Heritage Resources Act, 1999 (Act 25 of 1999) National Environmental Management Act, 1998 (Act 107 of 1998) Subdivision of Agricultural Land Act 1970 (Act 70 of 1970) Spatial Planning and Land Use Management Act, 2013 (Act 116 of 2013) (SPLUMA) Occupational Health and Safety Act, 1993, (Act 85 of 1993): Major Hazard Installations Regulations | Y | N/A | | Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989), National Environmental Management: Air Quality Act 2004 (Act 39 of 2004), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough if irrelevant) |
| Y | X | | If required, has application for EIA / HIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. | | | | |

SECTION I: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I am aware that it is an offense to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required to enable the development proposed herein.

6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the application as a result of the proposed development.

Applicant's signature:



Date: 14/12/2020

Full name:

JOHAN JONAS

Professional capacity:

TOWN PLANNER

SACPLAN registration
Number

PR. PLN A/ 995/1997

FOR OFFICE USE ONLY

Date received:

10/03/2021

Received by:



**ELUNDINI LOCAL MUNICIPALITY
PLANNING & ECONOMIC
DEVELOPMENT DEPARTMENT**

10 MAR 2021

**P.O. BOX 1
MACLEAR 5480**

ANNEXURE D

Motivation Report

MOTIVATION REPORT

Consolidation, Rezoning & Removal of Restrictive Conditions of Title Erven 692 & 693, Maclear



CLIENT: Maclear General Dealers Enterprises CC
PREPARED BY: SETPLAN, EAST LONDON
PROJECT NO.: 1907



December 2020

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| ANNEXURE C | DEED OF TRANSFERS T6779/2020 T6988/2019 |
| ANNEXURE D | S.G. DIAGRAMS G.P. 7594/1946 |

PROFESSIONAL TOWN PLANNER: Johan Jonas (Pr. Pln A/ 995/1997)

Consolidation, Rezoning & Removal of Restrictive Conditions of Title: Erven 692 & 693, Maclear

1. PURPOSE OF THIS REPORT

SETPLAN, East London has been appointed to prepare and submit an application in terms of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA) for the following:

- a. Consolidation of Erven 692 & 693, Maclear to create Portion A measuring 1662m² in terms of Section 71 (2) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA);
- b. Rezoning of Portion A from Business Zone I to Business Zone V to allow for a service station and shop in terms of Section 68 (1) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA); and
- c. Removal of Restrictive Conditions of Title on Deed of Transfer T6779/2020 and T6988/2019 in terms of Section 69 (2) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

(See Power of Attorney attached as Annexure B).

2. BACKGROUND

Erven 692 & 693, Maclear are registered in the name of Maclear General Dealers Enterprises CC (See Title Deed T16446/2018 and T6988/2019 attached as Annexure C).

The aim of the application is to consolidate Erven 692 & 693, Maclear to create one property (referred to as Portion A), to rezone the consolidated Portion A from Business Zone I to Business Zone V for a filling station and shop, as well as to remove restrictive conditions on Title Deed T6779/2020 and T6988/2019.

3. LOCALITY

Erven 692 & 693 is located at 31 and 33 Van Riebeeck street, Maclear.



Figure 1: Locality



Figure 2: Locality Image

4. SUPPLEMENTARY INFORMATION

4.1 Property Description and Ownership

| | | |
|-------------------------------|---|--|
| Property Description | Erf 692, Maclear | Erf 693, Maclear |
| Extent | 1142 m ² | 520 m ² |
| Ownership | Maclear General Dealers Enterprises CC | Maclear General Dealers Enterprises CC |
| Title Deed | T6779/2020 | T6988/2019 |
| Restrictive Conditions | Yes – refer Section 4.2 below | Yes – refer Section 4.2 below |
| Bond | No | No |
| Servitudes | No | No |
| Surveyed Diagram | Erven 692 & 693 were first surveyed in July 1944 as part of a General Plan (See G.P. 7594/1946 attached as Annexure D). | |

4.2 Restrictive Conditions

The following conditions in the Title Deeds are considered to be either restrictive or no longer required (based on the fact that land development restrictions are now being administered in terms of an approved Land Use Management Scheme). These conditions are included in this application for removal, in terms of Section 69 (2) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA):

T6779/2020 - Conditions B. 1. (a) (b) and 2. (d).

B. **SUBJECT** to the following special conditions contained in Deed of Transfer Number 6178 dated 15th April 1947 CTN, imposed by the Administrator in terms of Ordinance Number 33 of 1934, namely:-

1. As being in favour of the Local Authority and the Registered owner of any erf in the Township:-

(a) This erf shall be used for shop purposes only.

(b) Not more than two-thirds of the area of this erf shall be built upon.

2. As being in favour of the Administrator:-

(d) This erf shall not be subdivided except with the consent in writing of the Administrator.

T6988/2019 - Conditions B. A. (a) (b) and B. (d).

B. **SUBJECT FURTHER** to the following special conditions in the said Deed of Transfer Number T6180/1947 CTN imposed by the Administrator under the provisions of Ordinance 33 of 1934:-

A. AS being in favour of the local authority and the registered owner of any erf in the Township

(a) This erf shall be used for shop purposes only.

(b) Not more than two-thirds of the area of this erf shall be built upon.

6. EXISTING POLICY FRAMEWORKS

6.1 Zoning Scheme

The relevant zoning scheme which controls land use management in the area is the Section 8 Scheme.

In terms of this scheme, Erven 692 & 693 is currently zoned Business Zone I (refer Figure 4: Existing Zoning). The surrounding area is also predominantly zoned Business Zone I, with a number of sites also zoned Authority Zone, Business Zone III and V, Institutional Zone I and III, Open Space Zone I, Residential Zone I, Resort Zone II and Transport Zone II.



Figure 4: Zoning

6.2 SDF Proposals

The subject properties, Erven 692 & 693 are located within the policy area of the Elundini Spatial Development Framework (2018). The sites are situated in a proposed business zone.

The area in which the site is located is indicated with the symbol ★ in Plan 1: Maclear Proposals.

SETTLEMENT PLANNING SERVICES



Plan 1: Macleod Proposals.

7. DEVELOPMENT PROPOSAL

7.1 Consolidation

As depicted in **Figure 5: Consolidation Plan**, the specific development proposals in respect of Erven 692 & 693 are noted as follows:

- The Consolidation of Erven 692 & 693 to create Portion A measuring 1662m².

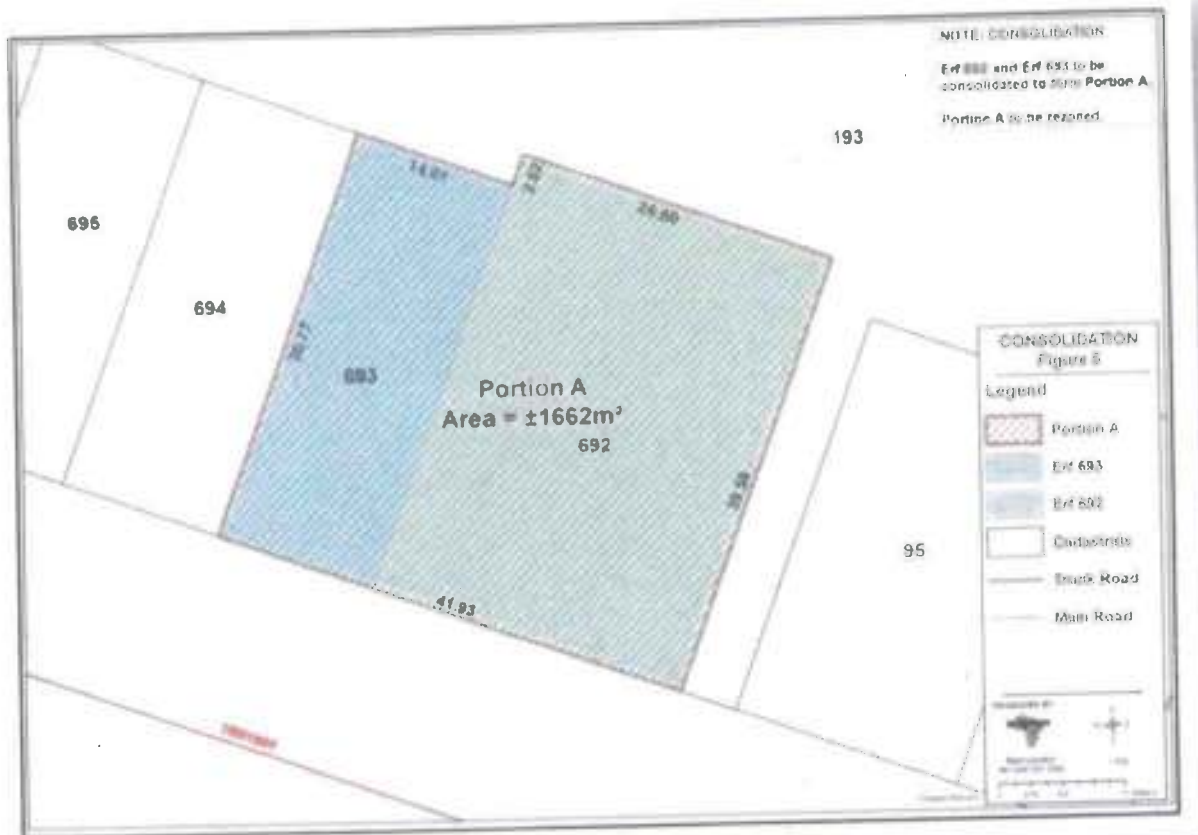


Figure 5: Consolidation Plan

7.2 Rezoning

As depicted in **Site Plan No 1907 A/1**, the specific development proposals in respect of Erven 692 & 693 are noted as follows:

- The proposed Rezoning of Portion A from Business Zone 1 to Business Zone 5 to allow for a service station, shop and associated landscaped garden area.
- Total GLA = 225m².
- In terms of the recommended parking standards for the proposed Business Zone 5, as approved by the Council (i.e. 1 parking bay per 50m²), a total of 5 parking bays are required. **Plan 1915 A/1:** Site Plan depicts the proposed arrangement for a total of 16 parking bays.

SETTLEMENT PLANNING SERVICES



Plan 1: Maclear Proposals.

7. DEVELOPMENT PROPOSAL

7.1 Consolidation

As depicted in **Figure 5: Consolidation Plan**, the specific development proposals in respect of Erven 692 & 693 are noted as follows:

- The Consolidation of Erven 692 & 693 to create Portion A measuring 1662m².

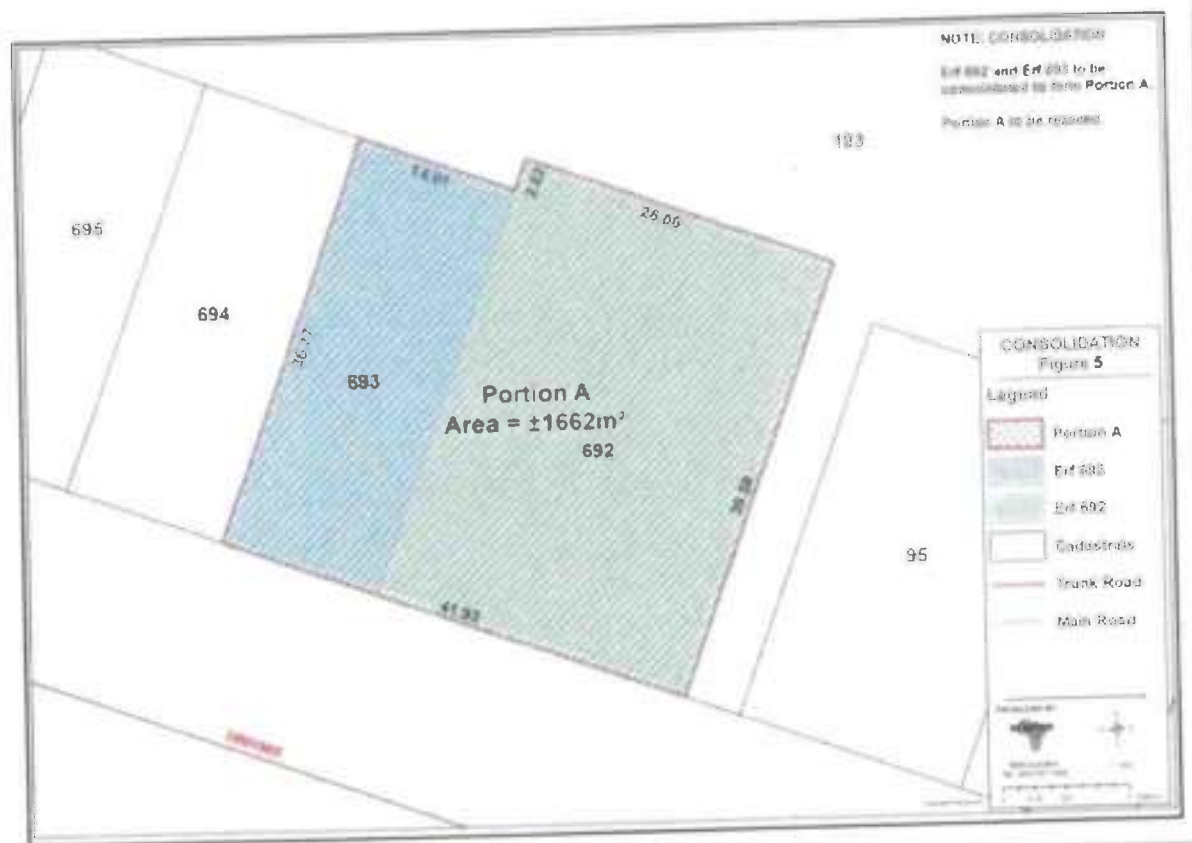


Figure 5: Consolidation Plan

7.2 Rezoning

As depicted in **Site Plan No 1907 A/1**, the specific development proposals in respect of Erven 692 & 693 are noted as follows:

- The proposed Rezoning of Portion A from Business Zone 1 to Business Zone 5 to allow for a service station, shop and associated landscaped garden area.
- Total GLA = 225m².
- In terms of the recommended parking standards for the proposed Business Zone 5, as approved by the Council (i.e. 1 parking bay per 50m²), a total of 5 parking bays are required. **Plan 1915 A/1**: Site Plan depicts the proposed arrangement for a total of 16 parking bays.

7-3 Removal of Restrictive Conditions of Title

The following restrictive conditions appear on Deed of Transfer T6779/2020 and T6988/2019 and will need to be removed in terms of Section 69 (2) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA):

T6779/2020 - Conditions B. 1. (a) (b) and 2. (d).

| RESTRICTIVE TITLE CONDITION | | REASON FOR REMOVAL |
|-----------------------------|---|--|
| B (1) | (a) This erf shall be used for shop purposes only. | The Section 8 Scheme allows for a filling station and shop as a primary right under the proposed zoning of Business V. This condition is restrictive as it restricts the use of the property in line with the primary rights awarded by the applicable zoning scheme. The era during which conditions of title were imposed pre-date the introduction of land use or zoning schemes. Today, sufficient control is in place via the applicable Land Use Management Scheme, which renders title conditions as described above obsolete. |
| | (b) Not more than two-thirds of the area of this erf shall be built upon. | The Section 8 Scheme makes provision for coverage per use zone. In terms of this, the coverage for Business Zone V is 75%, which adequately covers and regulates the permitted coverage. |
| | (d) This erf shall not be subdivided except with the consent in writing of the Administrator. | The responsible Local Authority has the constitutional right and legal responsibility for determining planning issues including subdivision. Elundini Local Municipality can thus consider and decide on any application for subdivision within its jurisdiction as long as the prescribed legal process is followed. The condition of title can therefore be removed as part of the application. |

T6988/2019 - Conditions B. A. (a) (b) and B. (d).

| RESTRICTIVE TITLE CONDITION | | REASON FOR REMOVAL |
|-----------------------------|---|--|
| B (A) | (a) This erf shall be used for shop purposes only. | The Section 8 Scheme allows for a filling station and shop as a primary right under the proposed zoning of Business V. This condition is restrictive as it restricts the use of the property in line with the primary rights awarded by the applicable zoning scheme. The era during which conditions of title were imposed pre-date the introduction of land use or zoning schemes. Today, sufficient control is in place via the applicable Land Use Management Scheme, which renders title conditions as described above obsolete. |
| | (b) Not more than two-thirds of the area of this erf shall be built upon. | The Section 8 Scheme makes provision for coverage per use zone. In terms of this, the coverage for Business Zone V is 75%, which adequately covers and regulates the permitted coverage. |
| | (d) This erf shall not be subdivided except with the consent in writing of the Administrator. | The responsible Local Authority has the constitutional right and legal responsibility for determining planning issues including subdivision. Elundini Local Municipality can thus consider and decide on any application for subdivision within its jurisdiction as long as the prescribed legal process is followed. The condition of title can therefore be removed as part of the application. |

8. MOTIVATION

8.1 Spatial Structuring Elements

The subject property is situated along a high order road with relatively high traffic volumes and within the urban edge of the town of Maclear. These two factors are the main spatial elements which influenced the decision for the proposed development of a filling station.

8.2 Compliance with Development Principles

The proposed Land Development on the subject properties comply with development principles as stipulated in the Spatial Planning and Land Use Management Act 16 of 2013. The following specific principles are complied with:

- The principle of spatial sustainability which must ensure that land development is within the fiscal, institutional and administrative means of the country;
 - The proposed development of the properties will make use of existing infrastructure, with no financial implications for the Municipality. The proposed use of the properties for a Service Station and associated business purposes will generate additional rates income for the Municipality.
- That land development is promoted in locations that are sustainable and which will limit urban sprawl; complies with environmental codes of good practise and development which has considered the associated infrastructure and social service costs.
 - The location of the two properties, being on the main road through Maclear (R56) is ideal for developing refuelling and convenience grocery and food outlets to passing traffic. The land parcels are fully developed, with no environmentally sensitive features.
 - Care was taken to ensure that traffic impact in the adjoining area is minimised, by channelling all vehicle access and parking bays via the Main Road.
- The proposed rezoning will promote the sustainable use of existing infrastructure and will furthermore optimise the productive use of existing underutilised properties.
 - The change of the existing Business I zoning to Business Zone IV will ensure that the range of services offered to the passing traffic is improved.
- The principle of efficiency whereby land development optimises existing resources and infrastructure.
 - The development does not necessitate and new roads or infrastructure connections and purely aims to optimise the potential of the properties to service the traffic passing through the Central Business area of the town.



Figure 1: Locality



Figure 2: Locality Image

ANNEXURE J: LAND USE PLAN

SETTLEMENT PLANNING SERVICES

- B. As being in favour of the Administrator-
- (d) This erf shall not be subdivided except with the consent in writing of the Administrator.

5. THE SITE IN CONTEXT

5.1 Existing Land Use

As depicted in Figure 3: Land Use, Erven 692 & 693 are presently being utilised for business purposes.

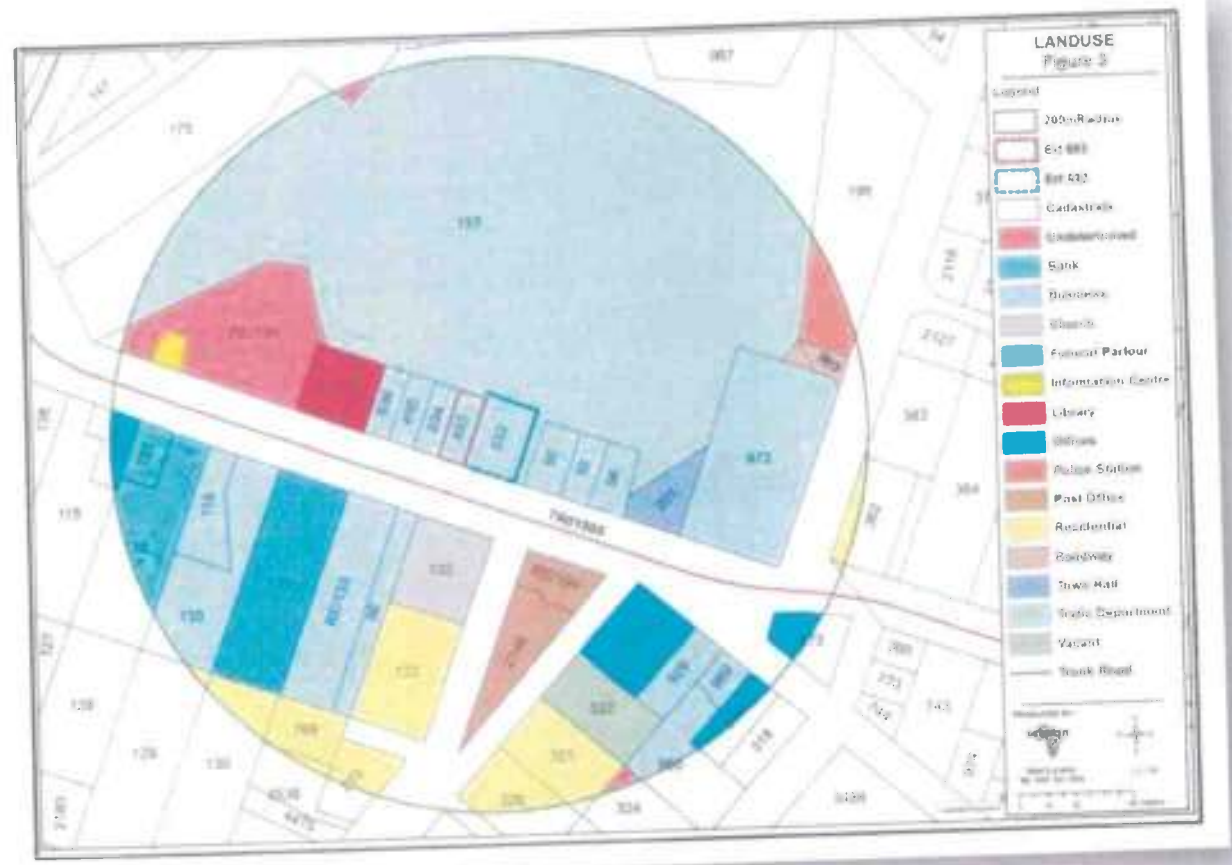


Figure 3: Land Use

5.2 Character of the Surrounding Area

The majority of land uses along the main road are a mixture of Business uses as well as a church and municipal uses, with residential properties further to the south and east.

ANNEXURE K: ZONING PLAN

6. EXISTING POLICY FRAMEWORKS

6.1 Zoning Scheme

The relevant zoning scheme which controls land use management in the area is the Section 8 Scheme.

In terms of this scheme, Erven 692 & 693 is currently zoned Business Zone I (refer Figure 4: Existing Zoning). The surrounding area is also predominantly zoned Business Zone I, with a number of sites also zoned Authority Zone, Business Zone III and V, Institutional Zone I and III, Open Space Zone i, Residential Zone I, Resort Zone II and Transport Zone II.

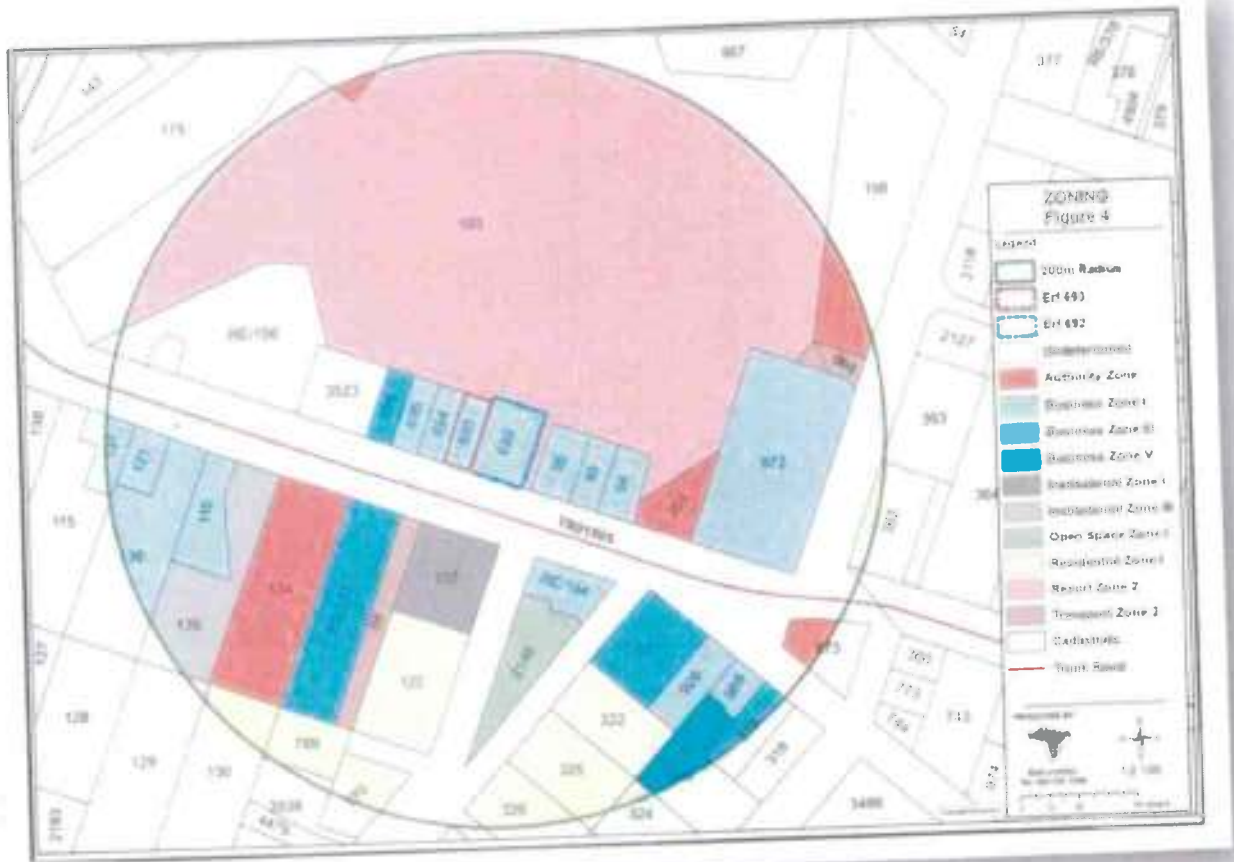


Figure 4: Zoning

6.2 SDF Proposals

The subject properties, Erven 692 & 693 are located within the policy area of the Elundini Spatial Development Framework (2018). The sites are situated in a proposed business zone.

The area in which the site is located is indicated with the symbol ★ in Plan 1: Maclear Proposals.

ANNEXURE L: ZONING CERTIFICATES



Physical Address: No. 01 Sailer Street | Nqanqarhu | 5480
Postal Address: P.O. Box 1 | Nqanqarhu | 5480
Tel: 045 9328100 | Fax: 045 9321094 | Facebook: @Elundini Local Municipality | Twitter: @ElundiniLM | YouTube Channel: @Elundini Local Municipality | Instagram: @elundini_lm

SETPLAN

19 March 2021

P.O Box 19017

TECOMA

5322

ZONING CERTIFICATE

ERF Number : 692
Town : Maclear
Zoning : Business Zone 1
Primary use : Business premises
Consent uses : Town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle store, supermarket, service trade.

To whom it may concern

The information of the above mentioned property is registered on the Land Use Management database, which is regulated in terms of the TOWN PLANNING ORDINANCE 15 OF 1985, Section 8, Zoning Scheme regulations.

Yours faithfully,

N.C Eddie

Director – Planning & Economic Development





Physical Address: No. 01 Saller Street | Nqanqarhu | 5480

Postal Address: P.O. Box 1 | Nqanqarhu | 5480

Tel: 045 9328100 | Fax: 045 9321094 | Facebook: @Elundini Local Municipality | Twitter: @ElundiniLM | YouTube Channel: @Elundini Local Municipality | Instagram: @elundini_lm

SETPLAN

19 March 2021

P.O Box 19017

TECOMA

5322

ZONING CERTIFICATE

ERF Number : 693
Town : Maclear
Zoning : Business Zone 1
Primary use : Business premises
Consent uses : Town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle store, supermarket, service trade.

To whom it may concern

The information of the above mentioned property is registered on the Land Use Management database, which is regulated in terms of the TOWN PLANNING ORDINANCE 15 OF 1985, Section 8, Zoning Scheme regulations.

Yours faithfully,

N.C Eddie

Director – Planning & Economic Development



ANNEXURE M: COPY OF DEED OF TRANSFERS

WILKIE FLEMMER & ORSMOND
2
 TEL: 083 843 3879
 Vowles, Callaghan & Boshoff INC

24 Queen Street
 Knysna
 6571

Prepared by me

[Signature]
 CONVEYANCER
SAMANTHA LEE-ANN VOCKERODT

| Fee Endorsement | | Office Fee |
|-------------------------|--------------------|-------------------------------|
| | Amount | |
| Purchase Price/Value | R 650 000,00 | R 889,00 |
| Mortgage Capital Amt. | R | R |
| ALL OTHER REGISTRATIONS | | R |
| Reason For Exemption | Category Exemption | Exempt i.to Sect/Reg Act/Proc |

VERBIND MORTGAGE *wop*

R 1 066 000,00

B 3150 | 2019

07 MAY 2019

[Signature]
 REGISTRAR OF DEEDS

(4)

T 6988 | 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SAMANTHA LEE-ANN VOCKERODT

appeared before me, the Registrar of Deeds at King William's Town, the said appearer, being duly authorised thereto by a power of attorney granted to him by

RONALD GEORGE VAN DEN BERG
 Identity Number 420922 5008 08 8
 Unmarried

signed at KNYSNA on 14 MARCH 2019

18

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 14 December 2018 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

MACLEAR GENERAL DEALERS ENTERPRISES CC
Registration Number 1990/014231/23

Its successors in title or assigns, in full and free property

ERF 693 MACLEAR
ELUNDINI LOCAL MUNICIPALITY
DIVISION OF MACLEAR
PROVINCE OF THE EASTERN CAPE

IN EXTENT 520 (FIVE HUNDRED AND TWENTY) SQUARE METRES

FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T6180/1947CTN WITH
DIAGRAM S G NUMBER 7596/1946 RELATING THERETO AND HELD BY DEED OF
TRANSFER NUMBER T58486/2012CTN

- A. SUBJECT to the following conditions referred to in Certificate of Registered Title Number T1272/1947CTN save in so far as these may have since lapsed or been cancelled.
- B. SUBJECT FURTHER to the following special conditions in the said Deed of Transfer Number T6180/1947CTN imposed by the Administrator under the provisions of Ordinance 33 of 1934:-

"A. AS being in favour of the local authority and the registered owner of any erf in the Township:

- (a) This erf shall be used for shop purposes only.
- (b) Not more than two-thirds of the area of this erf shall be built upon.
- (c) The owner of this erf shall without compensation be obliged to allow the sewerage and drainage including stormwater of any other erf or erven to be conveyed across this erf if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

B. AS being in favour of the Administrator:

- (d) This erf shall not be subdivided except with the consent in writing of the Administrator.

Any words and expressions used in the above conditions shall be deemed to have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice Number 401 dated 17th October, 1935, and in the memorandum which accompanied the said regulations."

C. **SUBJECT FURTHER** to the following conditions contained in said Deed of Transfer Number T6180/1947CTN imposed by Susanna Margaretha Hortor (formerly Adams, born Pienaar on the 24th September, 1903) married out of community of property to Frederick Harold Hortor or her successors in title as owner of the remainder of the land held under Deed of Transfer Number T3230/1942CTN:-

"That the transferee and her successors in title shall be and are hereby debarred in perpetuity from carrying on or permitting to be carried on the business of an hotel or bottle store keeper, or being concerned directly or indirectly in the business in which the sale of spirituous or alcoholic liquor is undertaken on the land hereby transferred, without the consent of the transferor or her successors in title."

91

AB

WHEREFORE the appearer, renouncing all the right and title the said

RONALD GEORGE VAN DEN BERG, Unmarried

heretofore had to the premises, did, in consequence also acknowledge Him to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said

MACLEAR GENERAL DEALERS ENTERPRISES CC

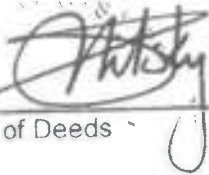
Its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R650 000,00 (Six Hundred and Fifty Thousand Rand).

IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS SIGNED, EXECUTED AND SEALED at the Office of the Registrar of Deeds at King William's Town on

07 MAY 2019.

In my presence



Registrar of Deeds



Signature of appearer q.q.

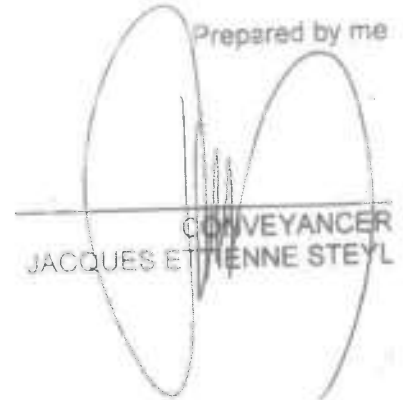
AB

91

BAX KAPLAN
 RUSSEL INC. 137
137
 03 705 8400

BOWES, McDUGALL INCORPORATED
 27a PRINCE ALFRED STREET
 QUEENSTOWN

| Less Endorsement Amount | | Office Fee |
|--------------------------------|--------------------|-------------------------------|
| Purchase Price/Value | R. 1 380 000,00 | R. 1220,00 |
| Mortgage Capital Amt. | R. | R. |
| ALL OTHER REGISTRATIONS | | |
| Reason For Exemption | Category Exemption | Exempt i.to Sect/Reg Act/Proc |

Prepared by me

 CONVEYANCER
 JACQUES ETIENNE STEYL

T 6779 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JACQUES ETIENNE STEYL

appeared before me, REGISTRAR OF DEEDS at KING WILLIAM'S TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

AL-ASR COLLECTION RETAILERS CC
REGISTRATION NUMBER 2004/076664/23

which said Power of Attorney was signed at QUEENSTOWN on 18 March 2020

And the appearer declared that his/her said principal had, on 10 June 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MACLEAR GENERAL DEALERS ENTERPRISES CC
REGISTRATION NUMBER 1990/014231/23

or its Successors in Title or assigns, in full and free property

K

ERF 692 MACLEAR SITUATE IN THE ELUNDINI LOCAL MUNICIPALITY,
DIVISION OF MACLEAR, EASTERN CAPE PROVINCE

IN EXTENT 1142 (ONE THOUSAND ONE HUNDRED AND FORTY TWO)
Square metres

FIRST TRANSFERRED by Deed of Transfer Number T6178/1947-CTN with Diagram Number 7595/1946 relating thereto and held by Deed of Transfer Number T16446/2018.

- A. **SUBJECT** to the conditions referred to in Certificate of Registered Title Number 1272 dated 29th January 1947-CTN, save insofar as these may since have lapsed or been cancelled.
- B. **SUBJECT** to the following special conditions contained in Deed of Transfer Number 6178 dated 15th April 1947-CTN, imposed by the Administrator in terms of Ordinance Number 33 of 1934, namely:-
1. As being in favour of the Local Authority and the Registered owner of any erf in the Township:-
 - (a) This erf shall be used for shop purposes only.
 - (b) Not more than two-thirds of the area of this erf shall be built upon.
 - (c) The owner of this erf shall without compensation be obliged to allow the sewerage and drainage, including stormwater of any other erf or even to be conveyed across this erf if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
 2. As being in favour of the Administrator:-
 - (d) This erf shall not be subdivided except with the consent in writing of the Administrator.

Any words and expressions used in the above conditions shall be deemed to have the same meaning as may have been assigned to them by the Regulations published under Provincial Administration Notice Number 401 dated 17th October 1935, and in the memorandum which accompanied the said regulations."

- C. **SUBJECT** to the following condition contained in Deed of Transfer Number 6178 dated 15th April 1947CTN, imposed by SUSANNA MARGARETHA HORTER (formerly ADAMS, born PIENAAR) married out of community of property to FREDERICK HAROLD HORTER, or her successors-in-title as owners of the Remainder of the land held under Deed of Transfer Number 3230 dated 15th April 1941CTN, namely:-

That the Transferee and his successors-in-title shall be and are hereby debarred in perpetuity from carrying on or permitting to be carried on the business of an hotel or bottle store keeper, or being concerned directly or indirectly in any business in which the sale of spirituous or alcoholic liquor is undertaken on the land hereby transferred, without the consent of the said SUSANNA MARGARETHA HORTER or her successors-in-title.

WHEREFORE the said Appearer, renouncing all rights and title which the said

AL-ASR COLLECTION RETAILERS CC
REGISTRATION NUMBER 2004/076664/23

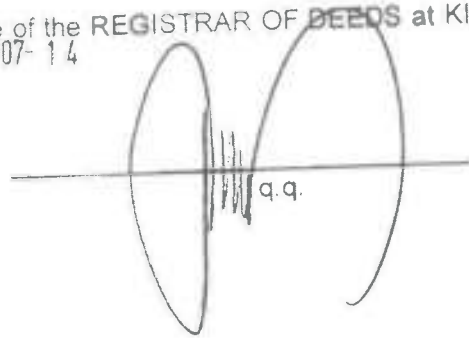
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

MACLEAR GENERAL DEALERS ENTERPRISES CC
REGISTRATION NUMBER 1990/014231/23

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 380 000,00 (ONE MILLION THREE HUNDRED AND EIGHTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at KING WILLIAM'S TOWN on 2020-07-14


q.q.

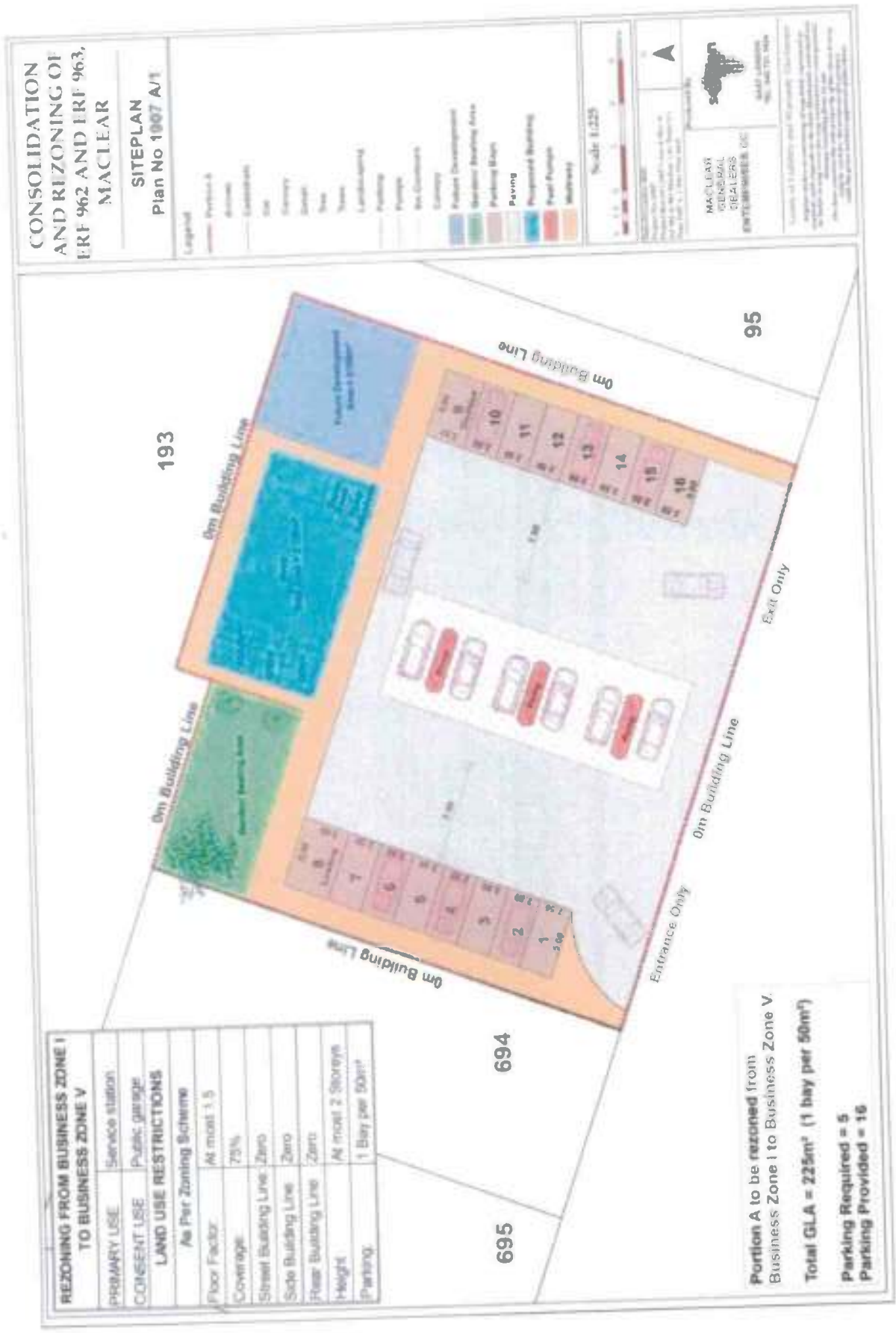
In my presence


REGISTRAR OF DEEDS



ANNEXURE N: SITE PLAN

SETTLEMENT PLANNING SERVICES



ANNEXURE O: SURVEYOR GENERAL DIAGRAM

3741

C.D.R.

T.P.

GENERAL PLAN 280 SD

C.D.R.

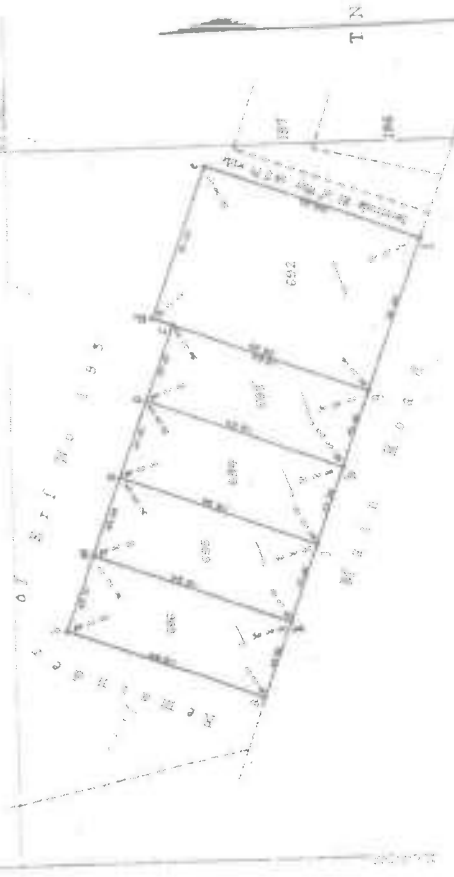
MACLEAR (EXTENSION No. 1)

S.C. No. 7521 A4

The figure a b c d e f represents the Township of

in which 24214 Square Yds. comprising 3 Acres numbered 692 to 696, being Lot No. 697, is portion of S.P. No. 103) Alameda
Situated in the Municipality and Division of **MACLEAR**
Title Diagram No. 1032/1044, returned to Dept of Lands No. 1232 /1047

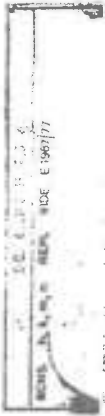
APPROVED
[Signature]
Surveyor General



S.P. No. No S. 8506.14
S.P. No. S. 1704.16
Original Diagram No. 25514A
Plan No. 4451.0
Township No.

The bearings of each Inf. represented on this plan are in accordance with regulations and have been placed under my signature
Approved: 21 July 1884 W. M.

[Signature]
Land Surveyor



Classification of Sections
a f g h k m
w's w' that was P.P.
Survey of area page 27
0 0 0
Sections of area standard if they

| Area | Analysis | Area | Area |
|------|----------|------|--------|
| 0.0 | 116.08 | 1.00 | 116.08 |
| 0.1 | 116.08 | 1.00 | 116.08 |
| 0.2 | 116.08 | 1.00 | 116.08 |
| 0.3 | 116.08 | 1.00 | 116.08 |
| 0.4 | 116.08 | 1.00 | 116.08 |
| 0.5 | 116.08 | 1.00 | 116.08 |
| 0.6 | 116.08 | 1.00 | 116.08 |
| 0.7 | 116.08 | 1.00 | 116.08 |
| 0.8 | 116.08 | 1.00 | 116.08 |
| 0.9 | 116.08 | 1.00 | 116.08 |
| 1.0 | 116.08 | 1.00 | 116.08 |

| Inf. No. | Eng. No. | Area | Area |
|----------|-----------|--------|------|
| 692 | 7486/1044 | 115.00 | |
| 693 | 7486/1044 | 6649 | |
| 694 | 7486/1044 | 6292 | |
| 695 | 7486/1044 | 6398 | |
| 696 | 7486/1044 | 6649 | |

FOR REVISIONS TO SECTION
W.M. & S. B. B. B. B.

ANNEXURE P: CONSOLIDATION PLAN

7. DEVELOPMENT PROPOSAL

7.1 Consolidation

As depicted in **Figure 5: Consolidation Plan**, the specific development proposals in respect of Erven 692 & 693 are noted as follows:

- The Consolidation of Erven 692 & 693 to create Portion A measuring 1662m².

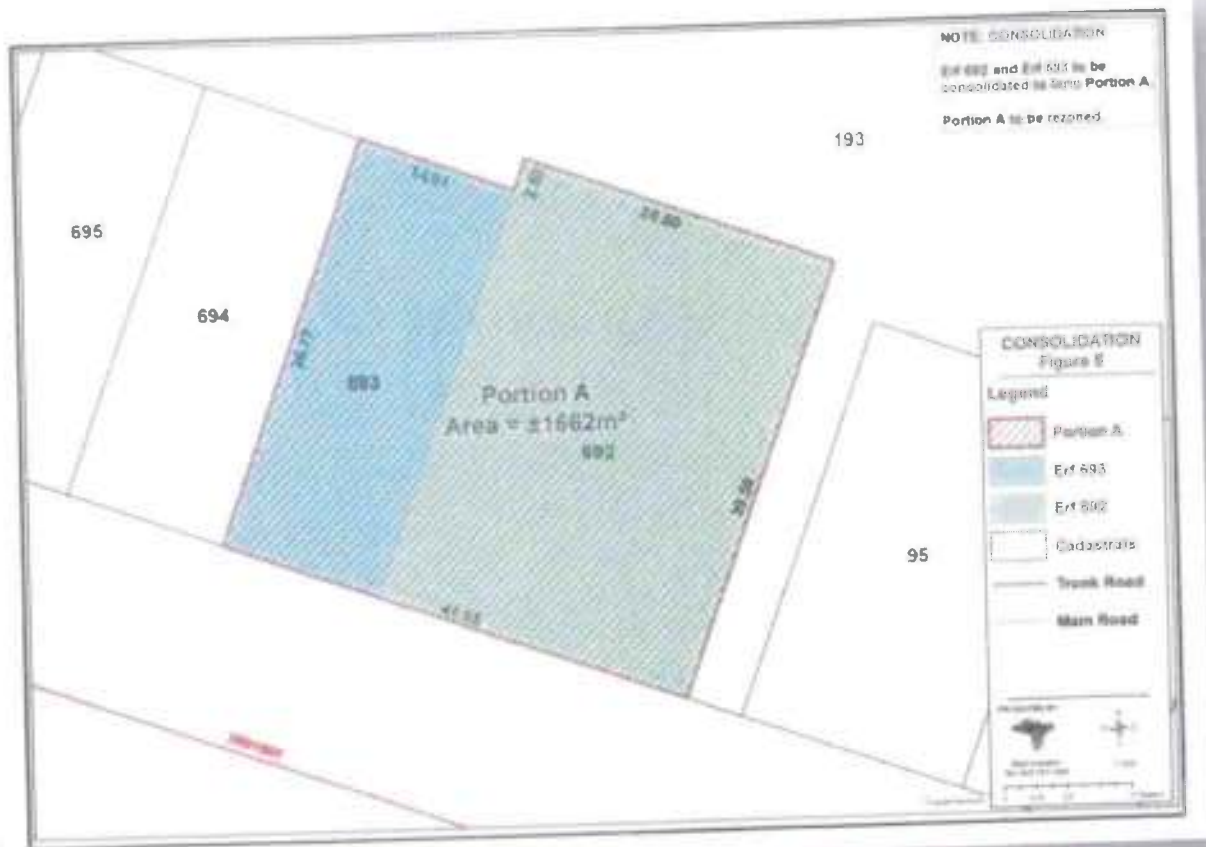


Figure 5: Consolidation Plan

7.2 Rezoning

As depicted in **Site Plan No 1907 A/1**, the specific development proposals in respect of Erven 692 & 693 are noted as follows:

- The proposed Rezoning of Portion A from Business Zone 1 to Business Zone 5 to allow for a service station, shop and associated landscaped garden area.
- Total GLA = 225m².
- In terms of the recommended parking standards for the proposed Business Zone 5, as approved by the Council (i.e. 1 parking bay per 50m²), a total of 5 parking bays are required. **Plan 1915 A/1: Site Plan** depicts the proposed arrangement for a total of 16 parking bays.

ANNEXURE Q: PROOF OF PAYMENT

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Investec Bank Limited

100 Grayston Drive Sandown Sandton 2196
PO Box 788700 Sandton 2146 South Africa
T +27 (0) 11 296 7000 F +27 (0) 11 296 9555
www.investec.co.za

To whom it may concern

Investec hereby confirms that the following payment has been made:

| | |
|---|-----------------------|
| Payment From | Setplan E L Trust |
| Amount | 6253.59 |
| Payment Date from Investec | 2020-12-09 |
| Payment Reference | UP0028888195 |
| Beneficiary Account Name | Elundini Municipality |
| Beneficiary Bank | FIRST NATIONAL BANK |
| Beneficiary Branch Number | 211020 |
| Beneficiary Bank Account Number | 62159933772 |
| Beneficiary Reference or Account Number | 140300 |

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Investec Bank Limited

100 Grayston Drive Sandton Sandton 2198
PO Box 165700 Sandton 2146 South Africa
T +27 (0) 11 296 7000 F +27 (0) 11 296 9555
www.investec.co.za

To whom it may concern

Investec hereby confirms that the following payment has been made:

| | |
|---|-----------------------|
| Payment From | Setplan E L Trust |
| Amount | 65.51 |
| Payment Date from Investec | 2021-03-18 |
| Payment Reference | UBP0072512268 |
| Beneficiary Account Name | Elundini Municipality |
| Beneficiary Bank | FIRST NATIONAL BANK |
| Beneficiary Branch Number | 211020 |
| Beneficiary Bank Account Number | 62159933772 |
| Beneficiary Reference or Account Number | Erven 692&693 |

ANNEXURE R: MEDIA NOTICE & PROOF OF
REGISTERED LETTERS



NOTICE

CONSOLIDATION, REZONING & REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE - ERVEN 692 & 693, MACLEAR

Notice is hereby given in terms of the provisions of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), that Elundini Municipality has received an application for the Consolidation, Rezoning and Removal of Restrictive Conditions of Title for Erven 692 & 693, Maclear to allow for a filling station and shop

Copies of the proposed application and supporting documentation will be available for inspection during normal working hours, at 1 Selier Street, Maclear.

Any objections must be lodged in writing with the Elundini Municipality Human Settlements Head of Department, on PO Box 1, Maclear, 5480, not later than 30 days of the publication of this notice.

ISAZISO

UKUMANYANISWA, UKUCANDWA NGKUTSHA, NOKUSUSWA KWEMIQATHAGO YESI QINISEKISO SE TAYITILE - YE ZIZA 692 & 693, MACLEAR

Kukhutshwa isaziso ngokwemigaqo yomthetho woCwangoiso lweNdawo noLawulo lokuSetyenziswa koMhlaba, 16 ka-2013 (SPLUMA), ukuba uMasipala wase-Elundini ufumene isicelo soManyaniso, ukuCandwa ngokutsha nokususwa kweMiqathango yesiQinisekiso seTayitile yeZiza ezingama-692 & 693, Maclear ukuvumela isitishi sokugcwalisa kunye nevenkile.

likopi zesicelo esicetywayo kunye namaxwebhu axhasayo aya kufumaneka ukuba ahlolewe ngexesha leeyure eziqhelekileyo zokusebenza, kwiSitalato Kwa-1, eSeller Street, eMaclear.

Naziphina izichaso mazifakwe ngokubhaliweyo kwiNtloko yeCandelo lokuHlaliswa kwaBantu kuMasipala wase-Elundini, kwi-Box Box 1, Maclear, 5480, ungadlulanga iintsuku ezingama-30 zokupapashwa kwesi saziso.

Mr Khaya Gashi
MUNICIPAL MANAGER

Afskeid en verwelkoming by Huis vd Horst

Op Dinsdag 23 Maart 2021 het Loretta en Berta hulle laaste Behoerersvergadering van Huis vd Horst se Afskeid bygewoon. Sy was op 13 Junie se laaste aktiewe lid van Huis vd Horst se Behoerersvergadering. Die laaste 5 jaar as Chairperson het sy baie goeie geleentheid gehad om informasionele wissel, en hier en geselskap te hê.

ampelike dokumente (sook die Tektis se Grondwet) uitgereik. Die Loretta was besonderse om te sê dat die stap die hulle in goeie verhouding en verhouding was om hulle te laat wissel, sook om hulle te ondersteun en hulle te ondersteun in hulle verhouding om hulle te laat wissel.



Huis vd Horst se Bestuurder, Dr Christo du Plessis; Voorsitter van die Behoerersvergadering, Rocco Coomes; Loretta de Bont; en Berta Vermeulen tussen Onder-Voorsitter.



Rocco Coomes, Voorsitter van Huis vd Horst se Behoerersvergadering in hys intieme aan Loretta de Bont.

89th Annual Conference / Women's Day of the WAA in Circle North Eastern Cape held in Molteno



Loretta Fennie ontvangende in Dinsdag van Maria Pretorius.

On Saturday 27 March 2021 the Cape Women's Agreement Association in NE Cape held its 89th annual Conference in the Molteno Midlands. More than 40 delegates from Dordrecht, Lady Grey, Queenstown, Sicksburg, Ugie, and of course Molteno attended and were welcomed.

The keynote speaker was Rev. Dr David de Kock from Cape Town, a well-known and much acclaimed motivational speaker, psychologist, photographer, businessman, chef, and entrepreneur. Using the theme of "Invest in Women" he urged everyone to never stop investing. Lead by the power of example, not by the example of power (Gibson). Your life need not be determined by your situation, but by how you react. Take a chance, make a change, and change your life forever.

It is the way je DINK is die - It is the way je DINK!! Moenie bang wees om 'n nuwe te maak nie - so leer jy Om te groei oor ons woorde. Wees eerder bekommerd oor jou gesondheid en persoonlike welsind. Is moet integreer lê - jou is meer jou JA wees, en jou nie NEE. Kernwinkels is belangrik. Die manier om te vgl getoer word. Wees pligsinnig. Dis nie net om te dinge op die manier te doen nie. Daar sal resulte 'n kortpad wees! Konsentreer op jou goeie punte. Bou voort op wat jy goed kan doen, en moenie dinge doen om moenie te betrek nie. Pak alles met entoesiasme aan. If you don't have a target, don't expect to hit anything. Moenie koop wat jy nodig het nie - koop waasonder jy nie kan klaarkom nie.

Vergewe en word vry. Ooreengestemdheid, moet jou vroeë. Dis sit om in ooreengestemdheid en selfbejaming. Waardeer en geniet jou man/vrou, kinders, ouers, kleinkinders. *Verslag op bladsy 5*

situation, but by how you react. Take a chance, make a change, and change your life forever.

It is the way je DINK is die - It is the way je DINK!! Moenie bang wees om 'n nuwe te maak nie - so leer jy Om te groei oor ons woorde. Wees eerder bekommerd oor jou gesondheid en persoonlike welsind. Is moet integreer lê - jou is meer jou JA wees, en jou nie NEE. Kernwinkels is belangrik. Die manier om te vgl getoer word. Wees pligsinnig. Dis nie net om te dinge op die manier te doen nie. Daar sal resulte 'n kortpad wees! Konsentreer op jou goeie punte. Bou voort op wat jy goed kan doen, en moenie dinge doen om moenie te betrek nie. Pak alles met entoesiasme aan. If you don't have a target, don't expect to hit anything. Moenie koop wat jy nodig het nie - koop waasonder jy nie kan klaarkom nie.

Vergewe en word vry. Ooreengestemdheid, moet jou vroeë. Dis sit om in ooreengestemdheid en selfbejaming. Waardeer en geniet jou man/vrou, kinders, ouers, kleinkinders. *Verslag op bladsy 5*

Elundini Local Municipality



NOTICE

CONSOLIDATION, REZONING & REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE - ERVEN 692 & 693, MACLEAR

NOTICE is hereby given in terms of the provisions of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), that Elundini Municipality has received an application for the Consolidation, Rezoning and Removal of Restrictive Conditions of Title for Erven 692 & 693, Maclear to allow for a filling station and shop.

Copies of the proposed application and supporting documentation will be available for inspection during normal working hours, at 1 Seller Street, Maclear.

Any objections must be lodged in writing to the Office of the Municipal Manager, Elundini Local Municipality, PO Box 1, Ngqangqulu, 5480, not later than 30 days of the publication of this notice. Any person who cannot write may during office hours visit Elundini Municipality's Planning & Economic Development, Town Planning Section, where Mr. D. Muthelo / Mr. Z. Nonkula will assist that person to transcribe that person's objections, comments or representations.

Municipal employee contact details: 045 932 8160/8214

C.J. Scholes & Son
Funeral Directors

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COLIN SCHOLES
Telephone 043 683 2981 or 083 771 5323
Serving the Eastern Cape since 1987

ISAZISO

UKUMANYANISWA, UKUCANDWA NGKUTSHA, NOKUSUSWA KWEMIQATHAGO YESI QINISEKISO SE TAYITILE - YE ZIZA 692 & 693, MACLEAR

MATTHEUS HEARING
Modern Hearing Aid Solutions

Moderne Gehoorapparate

GEHOOR TOETSE

Annemien Mattheus
Gehooraapparaat Akoestikus

Tel.: 072 191 8408

Royal Manor Gebou, Hoek van Cole & Greyvenstein Strate, Barkly-Dos
<https://www.mattheushearing.co.za>
Vind my op Facebook: @MattheusHearing

KUKHUTSHWA Isaziso ngokwemigexoqo lomihetho woCwangciso lweNdawo noLawulo lokuSetyenziswa koMhlaba, 16 ka-2013 (SPLUMA), ukuba uMasipala wase-Elundini ufumane isicelo sokManyaniso, ukuCandwa ngokutshwa nokususwa kweMiqathango yesiQinisekiso seTayitile yeZiza 692 & 693, Maclear ukumela izifishi sokugqwaliswa kunye nevenkile.

Iikopi zesicelo kunye namazwebhu ahasayo aya kutumaneka ukuba ahlolwe ngaxaxha leyure ezizheleleleyo zokusebenza, kweStalato, 1 eSeller Street, eMaclear.

Nazphi na izikhatalo mazingeniawe ngokubhalwayo kwiOfisi kaMandisa kaMasipala, uMasipala weNgingqi wase-Elundini, PO Box 1, Ngqangqulu, 5480, zingadlulanga iintsuku ezili-30 sokuphaphashwa kwesiziso. Nowuphi na umntu ongakwaziyo ukubhala angatyelisa u-Masipala wase-Elundini kuCwangciso noPhuhliso lwezoGqoqosho, kwiCandelo lokuCwangciswa kweColophu, apho uluntu D. Muthelo / Nksz. Nonkula aya kuthi amncede ekubhaleni izichaso, izimvo okanye izimvo zalo mntu.

Iinkukacha zonzibelelwano zomsebenzi kaMasipala: 045 932 8160/8214

Mr Khaya Gashi
MUNICIPAL MANAGER

**LIST OF REGISTERED LETTERS
SETPLAN EL TRUST
P.O. BOX 19017
TECOMA
5214**

**SURROUNDING PROPERTY OWNERS TO BE NOTIFIED: APPLICATION FOR
CONSOLIDATION, REZONING & REMOVAL OF RESTRICTIVE CONDITIONS
OF TITLE: ERVEN 692 & 693, MACLEAR
PROJECT 1907**

| REGISTERED OWNER | ERF | ADDRESS | |
|-----------------------------|--------------|--|---|
| ELUNDINI LOCAL MUNICIPALITY | 193, MACLEAR | 1 SELLER STREET MACLEAR 5480 | ORDINARY PARCEL ShareCall 0800 111 800 www.saps.co.za PE 936 310 884 2A CUSTOMER COPY 301016 |
| J.H. VAN DYK | 694, MACLEAR | 19 FOURIE STREET MACLEAR 5480 | ORDINARY PARCEL ShareCall 0800 111 800 www.saps.co.za PE 936 310 885 2A CUSTOMER COPY 301016 |
| METHODIST CHURCH OF SA | 132, MACLEAR | 4 HULLEY STREET MACLEAR 5480 | ORDINARY PARCEL ShareCall 0800 111 800 www.saps.co.za PE 936 310 884 2A CUSTOMER COPY 301016 |
| W.A. DE KOCK | 66, MACLEAR | 24 VAN RIEBEECK STREET UMTATA 5480 | ORDINARY PARCEL ShareCall 0800 111 800 www.saps.co.za PE 936 310 889 2A CUSTOMER COPY 301016 |

TOTAL 4

SIGNATURE OF ACCEPTING OFFICER

DATE STAMP

OFFICE COPY

ANNEXURE Q: PROOF OF PAYMENT

To whom it may concern

Investec hereby confirms that the following payment has been made:

| | |
|---|-----------------------|
| Payment From | Setplan E L Trust |
| Amount | 6253.59 |
| Payment Date from Investec | 2020-12-09 |
| Payment Reference | UP0028888195 |
| Beneficiary Account Name | Elundini Municipality |
| Beneficiary Bank | FIRST NATIONAL BANK |
| Beneficiary Branch Number | 211020 |
| Beneficiary Bank Account Number | 62159933772 |
| Beneficiary Reference or Account Number | 140300 |

Out of the Ordinary[®]



Investec Bank Limited

100 Grayston Drive Sandown Sandton 2196
PO Box 785700 Sandton 2146 South Africa
T +27 (0) 11 266 7300 F +27 (0) 11 266 8555
www.investec.co.za

To whom it may concern

Investec hereby confirms that the following payment has been made:

| | |
|--|-----------------------|
| Payment From | Setplan E L Trust |
| Amount | 65.51 |
| Payment Date from Investec | 2021-03-18 |
| Payment Reference | UBP0072512268 |
| Beneficiary Account Name | Elundini Municipality |
| Beneficiary Bank | FIRST NATIONAL BANK |
| Beneficiary Branch Number | 211020 |
| Beneficiary Bank Account Number | 62159933772 |
| Beneficiary Reference or Account Number | Erven 692&693 |

ANNEXURE R: MEDIA NOTICE & PROOF OF
REGISTERED LETTERS



NOTICE

CONSOLIDATION, REZONING & REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE - ERVEN 692 & 693, MACLEAR

Notice is hereby given in terms of the provisions of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), that Elundini Municipality has received an application for the Consolidation, Rezoning and Removal of Restrictive Conditions of Title for Erven 692 & 693, Maclear to allow for a filling station and shop

Copies of the proposed application and supporting documentation will be available for inspection during normal working hours, at 1 Selier Street, Maclear.

Any objections must be lodged in writing with the Elundini Municipality Human Settlements Head of Department, on PO Box 1, Maclear, 5480, not later than 30 days of the publication of this notice.

ISAZISO

UKUMANYANISWA, UKUCANDWA NGKUTSHA, NOKUSUSWA KWEMIQATHAGO YESI QINISEKISO SE TAYITILE – YE ZIZA 692 & 693, MACLEAR

Kukhutshwa isaziso ngokwemigaqo yomthetho woCwangciso lweNdawo noLawulo lokuSetyenziswa koMhlaba, 16 ka-2013 (SPLUMA), ukuba uMasipala wase-Elundini ufumene isicelo soManyaniso, ukuCandwa ngokutsha nokususwa kweMiqathango yesiQinisekiso seTayitile yeZiza ezingama-692 & 693, Maclear ukuvumela isitishi sokugcwalisa kunye nevenkile.

likopi zesicelo esicetywayo kunye namaxwebhu axhasayo aya kufumaneka ukuba ahlolwe ngexesha leeyure eziqhelekileyo zokusebenza, kwiSitalato Kwa-1, eSelier Street, eMaclear.

Naziphina izichaso mazifakwe ngokubhaliweyo kwiNtloko yeCandelo lokuHlaliswa kwaBantu kuMasipala wase-Elundini, kwi-Box Box 1, Maclear, 5480, ungasidlulanga iintsuku ezingama-30 zokupapashwa kwesi saziso.

Mr Khava Gashi
MUNICIPAL MANAGER

Afskeid en verwelkoming by Huis vd Horst

Op Dinsdag 23 Maart 2021 het Lorena de Boer haar taakte Beheerraadsvergadering van Huis vd Horst as Afdelingsbestuurder bygeëindig. Sy was vir 13 jaar in hierdie posisie en het Huis vd Horst as Beheerraad, die laaste 5 jaar as Ouderbestuurder. Sy het gereeld getruie met administratiewe sake, en het as proviese Engelse-woordvoerder, alle

nie-praktiese dokumente (soosook die Technis se Geordeneerde verslae). Die Geordeneerde was verantwoordelik vir die Afdelingsbestuur. Sy het ook die belang van Huis vd Horst in terme van die werke van die Beheerraad en die werke van die Ouderbestuurder in ag geneem.



Huis vd Horst se Beheerraad, Die Ouderbestuurder, Die Afdelingsbestuurder van die Beheerraad, Huis vd Horst se Ouderbestuurder, Lorena de Boer, en Huis vd Horst se Ouderbestuurder.



Huis vd Horst se Ouderbestuurder, Huis vd Horst se Ouderbestuurder, Huis vd Horst se Ouderbestuurder, Lorena de Boer.

89th Annual Conference / Women's Day of the WAA in Circle North Eastern Cape held in Molteno



Lorena Pienaar, Ouderbestuurder van Huis vd Horst, Molteno.

On Saturday 27 March 2021 the Cape Women's Agricultural Association in NE-Cape held its 89th annual Conference in the Molteno Methodist Hall. More than 40 delegates from Dorchester, Lady Grey, Queenstown, Swakoppan, Ugie, and of course Molteno attended and were involved.

The keynote speaker was Rev. Dr. Danie de Kock from Cape Town, a well-known and much acclaimed motivational speaker, psychologist, photographer, businessman, chef, and entrepreneur. Using the theme of "Invest in Women" he urged everyone to never stop dreaming. Last but not least, the keynote was by the presence of former Ugie Mayor. Your life must not be determined by your

situation, but by how you react. Take a chance, make a choice, and change your life forever.

Ja is dit wat jy DINK is nie - Ja is wat jy DINK!! Moenie bang wees om 'n fout te maak nie - so leer jy. Dit is gepas om ons voorkeure. Wees eerder betroubaar as 'n goeie vriend. Wees integreer nie - jou ja moet jou JA wees, en jou net NEE. Komkommers is belangrik. Dit wat jy afvoer is die geestes word. Wees pligbaar. Dis nie meer nodig om dinge op die ou manier te doen nie. Daar sal heeltyd 'n korpsal wees! Konsentreer op jou goeie punte. Bou voort op wat jy goed kan doen, en moenie dinge doen om mense te behaag nie. Pak alles met entoesiasme aan. If you don't have a target, don't expect to hit anything. Moenie koop wat jy nodig het nie - koop wantsonder jy nie kan klaarkom nie.

Vergewe en word vergewe. Ouvergewensgesindheid is die sleutel tot sukses. Dit is om te oorgesien en te verstaan. Waardeer en gee jou man/vrou, kinders, ouers, kleinkinders. **Vervolg op bladsy 5**



Elundini Local Municipality

NOTICE

CONSOLIDATION, REZONING & REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE - ERVEN 692 & 693, MACLEAR

NOTICE is hereby given in terms of the provisions of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), that Elundini Municipality has received an application for the Consolidation, Rezoning and Removal of Restrictive Conditions of Title for Erven 692 & 693, Maclear to allow for a filling station and shop.

Copies of the proposed application and supporting documentation will be available for inspection during normal working hours, at 1 Seller Street, Maclear.

Any objections must be lodged in writing to the Office of the Municipal Manager, Elundini Local Municipality, PO Box 1, Ngqangqaru, 5480, not later than 30 days of the publication of this notice. Any person who cannot write may during office hours visit Elundini Municipality's Planning & Economic Development, Town Planning Section, where Mr. D. Muthelo/ Ms. Z. Nontula will assist that person to transcribe that person's objections, comments or representations.

Municipal employee contact details: 045 932 8160/8214

ISAZISO

UKUMANYANISWA, UKUCANDWA NGKUTSHA, NOKUSUSWA KWEMIQATHAGO YESI QINISEKISO SE TAYITILE - YE ZIZA 692 & 693, MACLEAR

KUKHUTSHWA isaziso ngokwemigaqo kuyomthetho woCwangciso lweNdlwalo noLwulo lokuSetyenziswa koMhlaba, 16 ka-2013 (SPLUMA), ukuba uMasipala wase-Elundini ulumene isicelo soManyaniso, ukuCandwa ngokutsha nokususwa kwemiqathango yesiQinisekiso seTayitile yeZiza 692 & 693, Maclear ukuvumela iitshani sokugawalisa kunye nevenkile.

Iikopi zesicelo kunye namawebhu ahasayo aya kufumaneka ukuba shicilelwe ngesasha leeyure ezichwekileyo zokusebenza, kwizalato, 1 eSeller Street, eMaclear.

Nesizphi na izikhatalo mazingeniawe ngokubhalwayo kwiDfisi kaMamejela kaMasipala, uMasipala weHingol wase-Elundini, PO Box 1, Ngqangqaru, 5480, zingadlulanga iintlobo ziziyi-30 sokuphaphashwa kwesizaliso. Nowuphi na umntu ongekweziyo ukubhala angathayela u-Masipala wase-Elundini kuCwangciso noPhuhliso lwezoQoqosho, kwiCandelo lokuCwangciswa kweDolophu, apho uMnu D. Muthelo / Nkazi Nontula aya kufhi amncede ekubhaleni izichaso, izimvo okanye izimvo zalo mntu.

Iinkcukacha zonxibelelwano zomsebenzi kaMasipala: 045 932 8160/8214

Mr Khaya Gashi
MUNICIPAL MANAGER

C.J. Scholes & Son
Funeral Directors
Caring ~ Professional ~ Dignified ~ Funerals ~ Cremations
For assistance or advice
COLIN SCHOLES
Telephone 043 683 2981 or 083 771 5323
Serving the Eastern Cape since 1987

MATTHEUS HEARING
Modern Hearing Aid Solutions
Moderne Gehoorapparate
GEHOOR TOETSE
Annemien Mattheus
Gehoorapparaat Akoestikus
Tel.: 072 191 8408
Royal Manor Gebou, Hoek van Cole & Greyvenstein Strate, Barkly-Oos
<https://www.mattheushearing.co.za>
Vind my op Facebook: @MattheusHearing

**LIST OF REGISTERED LETTERS
SETPLAN EL TRUST
P.O. BOX 19017
TECOMA
5214**

**SURROUNDING PROPERTY OWNERS TO BE NOTIFIED: APPLICATION FOR
CONSOLIDATION, REZONING & REMOVAL OF RESTRICTIVE CONDITIONS
OF TITLE: ERVEN 692 & 693, MACLEAR
PROJECT 1907**

| REGISTERED OWNER | ERF | ADDRESS | |
|-----------------------------|--------------|--|---|
| ELUNDINI LOCAL MUNICIPALITY | 193, MACLEAR | 1 SELLER STREET MACLEAR 5480 | ORDINARY PARCEL Shereka 0800 111 800 www.sapo.co.za PE 336 110 984 ZA CUSTOMER COPY 301918 |
| J.H. VAN DYK | 694, MACLEAR | 19 FOURIE STREET MACLEAR 5480 | ORDINARY PARCEL Shereka 0800 111 800 www.sapo.co.za PE 336 110 978 ZA CUSTOMER COPY 301918 |
| METHODIST CHURCH OF SA | 132, MACLEAR | 4 HULLEY STREET MACLEAR 5480 | ORDINARY PARCEL Shereka 0800 111 800 www.sapo.co.za PE 336 110 804 ZA CUSTOMER COPY 301918 |
| W.A. DE KOCK | 66, MACLEAR | 24 VAN RIEBEECK STREET UMTATA 5480 | ORDINARY PARCEL Shereka 0800 111 800 www.sapo.co.za PE 336 110 990 ZA CUSTOMER COPY 301916 |

TOTAL 4

SIGNATURE OF ACCEPTING OFFICER

DATE STAMP.....

OFFICE COPY

ANNEXURE E

Comments from Organs of State



JOE GQABI
DISTRICT MUNICIPALITY



cnr Cole & Graham Streets
Private Bag X102
Barkly East, 9786

An improved quality of life for all residents

Tel : (045) 979 3000
Fax: (045) 971 0251
www.jgdm.gov.za

Our Reference : 16/5/R
Date : 06 September 2021
Enquiries : DC Lourens
E-mail : stompie@jgdm.gov.za
Cell: : 082 774 1137

The Municipal Manager
Elundini Local Municipality
P.O. Box 1
Maclear
5480

Attention: Director Technical Services

Proposed subdivision of Erf 369, Ugie: Confirmation of Bulk Services

The Water Services Authority would like to confirm that:

- Erf 369, Ugie is serviced with bulk water and sanitation currently.
- It can be confirmed that the new erf created with the subdivision will be able to be serviced with bulk water services. However, a **conservancy/septic** tank will be required as Ugie does not have sewer reticulation.

The Joe Gqabi District Municipality do therefore have no objections to the approval of the application as submitted. The district must emphasize adherence to the following water services related-conditions:

- Building plans must be submitted before any development can take place on erf 369 or the newly created erf.
- An application must be made to the District for any water or sewer connections.
- All water and sewer **installations/connections** must be inspected by JGDM Water Services Provider before water can be supplied and sewer can be deposited into the bulk network.

All enquiries regarding the contents of the letter can be directed to the Manager: Water Services Authority, Mr Sicelo Pongoma, at 045 979 3000/3141, Cell 084 957 6860.

Yours faithfully

Z.A. WILLIAMS
MUNICIPAL MANAGER

.../rf



ANNEXURE F

Special Power of Attorney

SPECIAL POWER OF ATTORNEY

Appointment I, the undersigned, *Donaldus Abraham van Heerde*, duly authorised hereto by a resolution of the members of **MACLEAR GENERAL DEALERS ENTERPRISES CC**, Reg. No 1990/014231/23, do hereby appoint **SETPLAN E.L. TRUST**, IT1262/2000/2, the proprietor of **SETTLEMENT PLANNING SERVICES** trading as **SETPLAN** (hereinafter called "the Agent") to be our lawful agent with full power and authority and in our name:

- 1 To apply for the **Consolidation, Rezoning & Removal of Restrictive Conditions of Title: Erven 692 & 693, Maclear.**
- 2 To apply for copies of the latest approved Building Plans for Erven 692 & 693, Maclear from the Elundini Local Municipality, Building Plans Department, should this be necessary.
- 3 To sign all documents as may be necessary in connection therewith.

SIGNED at *Maclear* on this *4th* day of *December* 2020

Witnesses:

1 *[Signature]*

2 *M n T*

(Signatures of witnesses)

[Signature]

(Signature of member)

ANNEXURE G

Company Resolution

RESOLUTION TABLED AT MEETING
OF THE MEMBERS OF
MACLEAR GENERAL DEALERS ENTERPRISES CC
Registration Number: 1990/014231/23

At Maclear

On 4th December 2020

RESOLVED:

- 1 That the close corporation applies for the **Consolidation, Rezoning & Removal of Restrictive Conditions of Title: Erven 692 & 693, Maclear.**
- 2 That the close corporation appoint The Trustees for the time being of SETPLAN E.L. TRUST, IT1262/2000/2, the proprietor of SETTLEMENT PLANNING SERVICES trading as SETPLAN to make the necessary applications in terms of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA) or in terms of any other Statutes, Enactments, Ordinances and Regulations;
- 3 That Arvidus Christen van Heerden in his/her capacity as a member is hereby authorised to execute on behalf of the close corporation any power of attorney appointing SETPLAN, and to sign all further documents and perform any acts and make any representations, that may reasonably be required in connection with this matter;
- 4 And that the close corporation hereby ratifies and adopts as valid any documentation already signed and acts performed by any of the members in connection herewith.



(All members as listed on the CK 1 or CK2 forms to sign)


RESOLUTION TABLED AT A MEETING OF THE TRUSTEES FOR THE TIME BEING
SETPLAN E.L. TRUST (1762/2000)2, THE PROPRIETOR OF
SETTLEMENT PLANNING SERVICES TRADING AS SETPLAN


At EAST LONDON


On 16/05/2014

RESOLVED

1. That PETRUS JACOBUS JONAS and JOHAN KARL JONAS as trustees of SETPLAN E.L. TRUST be and are hereby authorized to act on behalf of the trust in any application in terms of the relevant Town Planning Legislation where a power of attorney has been granted appointing SETPLAN to represent a client, and to sign all further documents and perform any acts and make any representations, that may reasonably be required in connection with the matter;
2. And that the trustees hereby ratify and adopt as valid, any documentation already signed and acts performed by any of the trustees in connection herewith.


Petrus Jacobus Jonas


Johan Karl Jonas


Gary Brian Klinkrad representing KA Administrators (Pty) Ltd



DEPARTMENT OF JUSTICE & CONSTITUTIONAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

ENDORSEMENT

TRUST : SETPLAN E L TRUST
NUMBER : IT 1262/2000

This is to certify that as

ANTONIUS WILHELMUS GEORGE MEULEMAN
is no longer a trustee of the above mentioned trust

JOHAN KARL JONAS
(ID: 650423 5008 03 8)

is authorised to act as trustee of the said trust together with

PETRUS JACOBUS JONAS
(ID: 630928 5004 08 0)

and

GARY BRIAN KLINKRADI
(ID: 680701 5046 03 1)

as nominee of

KA ADMINISTRATORS PTY LTD
(Registration No: 2005/018733/07)


ASST MASTER OF THE EASTERN CAPE HIGH COURT
GRAHAMSTOWN

MEESTER VAN DIE HOOGGEREGSHOF
GRAHAMSTAD
7 9 MAY 2016
GRAHAMSTOWN
MASTER OF THE HIGH COURT

REZONING FROM BUSINESS ZONE I TO BUSINESS ZONE V

| | |
|-------------|-----------------|
| PRIMARY USE | Service station |
| CONSENT USE | Public garage |

LAND USE RESTRICTIONS

As Per Zoning Scheme

| | |
|-----------------------|----------------------------|
| Floor Factor: | At most 1.5 |
| Coverage: | 75% |
| Street Building Line: | Zero |
| Side Building Line: | Zero |
| Rear Building Line: | Zero |
| Height: | At most 2 Storeys |
| Parking: | 1 Bay per 50m ² |

CONSOLIDATION AND REZONING OF ERF 692 AND ERF 693, MACLEAR

SITEPLAN Plan No 1907 A/1

Legend

- Portion A
- Arrows
- Cadastral
- Car
- Canopy
- Detail
- Tree
- Trees
- Landscaping
- Parking
- Pumps
- 5m Contours
- Generated 1m Contours
- Pavement/Curbing
- Canopy
- Future Development
- Garden/ Seating Area
- Parking Bays
- Paving
- Proposed Building
- Fuel Pumps
- Walkway

Scale 1:225



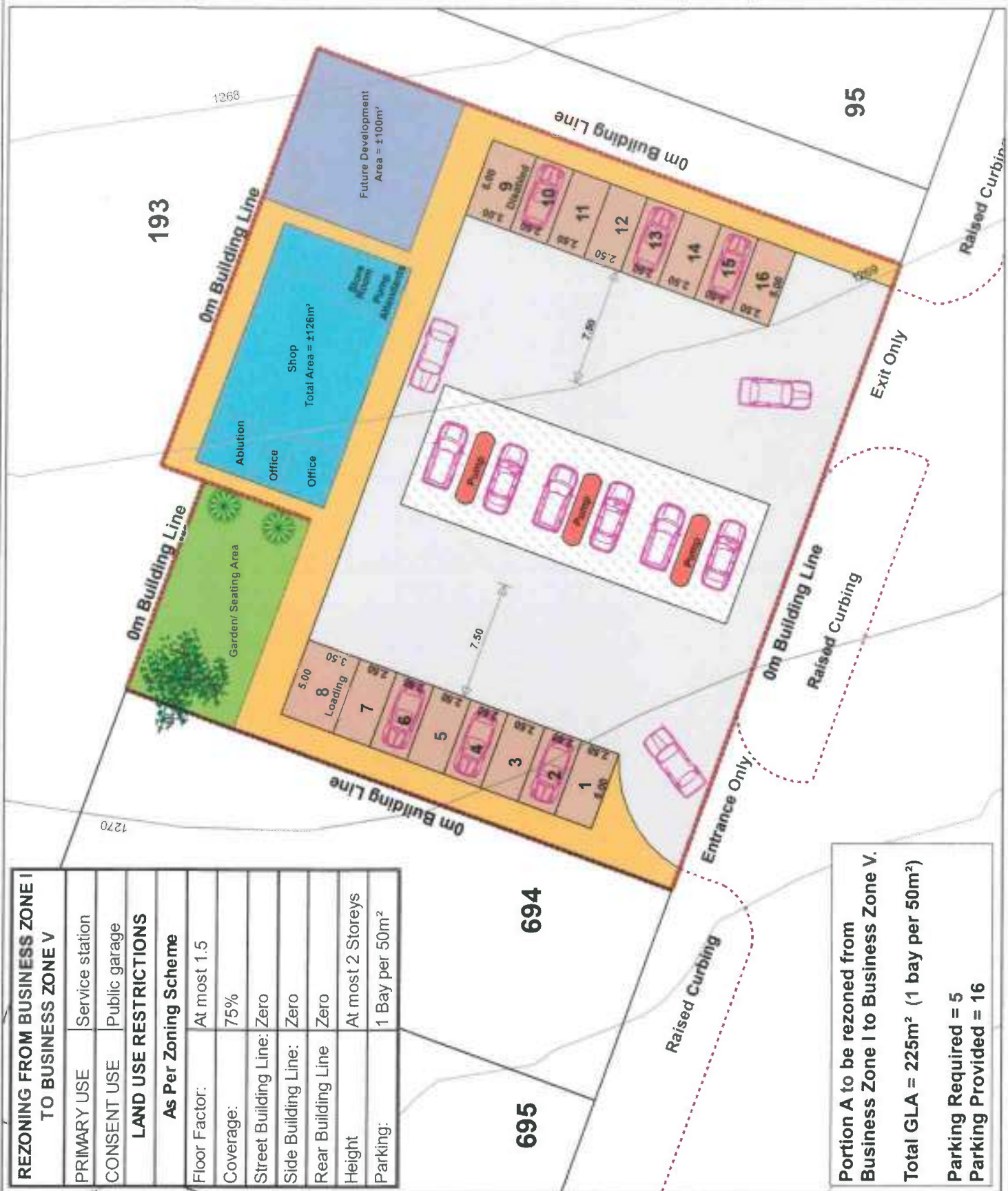
Project Name: Maclear General Dealers Enterprises CC
 Project No: 1907 A/1
 Date: 2024-08-01
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]

Professional No: [Number]



MACLEAR GENERAL DEALERS ENTERPRISES CC
 1455 LINDSAY TRL, 1601 1604

Liability of Liability and Warranty Disclaimers
 Applicant undertakes to verify all information and data provided and is responsible for the accuracy of the information and data provided. The client is responsible for the accuracy of the information and data provided. The client is responsible for the accuracy of the information and data provided.



Portion A to be rezoned from Business Zone I to Business Zone V.
Total GLA = 225m² (1 bay per 50m²)
Parking Required = 5
Parking Provided = 16

APPENDIX 2

Item 2



Our ref: 194
Enquiries: 6 800 0456

06/06/2022

Joe Gqabi District Municipality
Cnr Cole and Graham Street
Barkly East
9456

SUBMISSION OF ITEMS TO THE JOE GQABI DISTRICT PLANNING TRIBUNAL

Reference is made to the above mentioned matter.

Senqo Municipality would like to submit to the planning tribunal, for consideration and approval, the following items:

1. Subdivision of the remainder of erf 1510 Barkly East and rezoning thereof from Residential to 'Agriculture and Utility Zone 1' (jointly).

For further clarity, contact the Housing and Town Planning and Land Use Management office on 0518031414/1400.

Yours faithfully,



M. J. YAMA
MUNICIPAL MANAGER

ANNEXURE A

Application Summary

APPLICATION DESCRIPTION

- a) The subdivision of Remainder Erf 1618 Barkly East into Portion A measuring approximately 10.09 ha and a remainder measuring approximately 922.65 ha.
- b) The rezoning of the proposed Portion A of Remainder Erf 1618 Barkly East from Undetermined to the Authority and Utility Zone.
- c) Special Consent for the proposed Portion A of Remainder Erf 1618 Barkly East to be utilised as a Cemetery.

1. PURPOSE

The purpose of the land development application is for the Joe Gqabi District Municipal Planning Tribunal to approve the subdivision, rezoning and special consent on Remainder Erf 1618 Barkly East which will enable the said property to be utilised as a cemetery.

2. BACKGROUND

Senqu municipality has appointed Ilizwe Town and Regional Planners to attend to the subdivision, rezoning and consent use for the Barkly East cemetery which is proposed on the remainder of erf 1618 in Barkly East. In close proximity of the proposed cemetery, there is a landfill site. The application is submitted in terms of the Spatial Planning and Land Use Management Act 16 of 2013 and the Ordinance 15 of 1985. The main purpose of the land use application is to obtain a permit for the cemetery. The remainder of erf 1618 in Barkly East forms part of the commonage area of the town.

3. DISCUSSION

The evaluation of the application for subdivision, rezoning and consent use for the proposed cemetery on Remainder Erf 1618 Barkly East has found to be positive. It followed the correct land development application procedures as contemplated by the Senqu SPLUMA By-Law. It aligns with the planning legislation such as NEMA and SPLUMA. It is not in conflict with any of the spatial development goals as envisioned by the municipal IDP and SDF. It is desirable in that there is a great need for a cemetery in the area, does not have a detrimental effect on the abutting properties and is compatible with the existing and surrounding uses.

4. PROPOSAL

The proposal is made to enable the subject property to utilised as a cemetery.

5. FINANCIAL IMPLICATIONS

The proposed development is a Municipal Infrastructure Grant project therefore construction phase of the development will be funded from the said grant. It is anticipated that the municipality will collect revenue from the selling of burial sites. The municipality appointed a service provider to do the Town Planning application. The services were paid for by the municipality.

6. LEGAL IMPLICATIONS

The application is made in terms of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013 and the Senqu Municipality SPLUMA By-Law. The nature of the proposed development also triggers the National Environmental Management Act (NEMA). The required processes in terms of NEMA have been followed and an approval granted.

7. CREDIBILITY

Certain functions such as the checking and signing off of land development applications have been delegated from the Municipal Manager to the Director: Development and Town Planning Services (DTPS) department. The application was duly checked and verified by Director: DTPS.

8. RECOMMENDATIONS

it is recommended that the subdivision of Remainder Erf 1618 Barkly East into Portion A measuring approximately 10.09 ha and a remainder measuring approximately 922.65 ha as depicted on subdivisional plan number 576-04, the rezoning of the proposed Portion A of Remainder Erf 1618 Barkly East from Agricultural Zone to the Authority and Utility Zone and the Special Consent for the proposed Portion A of Remainder Erf 1618 Barkly East to be utilised as a Cemetery be approved, subject to:

1. The subdivision being submitted to the Surveyor General for approval within a period of five (5) year from date of this approval;
2. Compliance with the regulations of the Utility and Authority Zone;
3. Compliance with the conditions contained in the Environmental Authorisation issued by the Provincial Department of Economic Development, Environmental Affairs and Tourism
4. Submission of a Site Development Plan in terms of the Senqu Municipality Land Use Scheme regulations;
5. Submission of a Building Plan in terms of the National Building Regulations.
6. In terms of the Spatial Planning and Land Use Management Act, the granting of this rezoning will lapse in 5 years from the date of issue if the new use rights are not exercised.

ANNEXURES

As per checklist

ANNEXURE B

Technical Report

MPT Meeting Date :

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Venue : _____

Application : Subdivision, Rezoning and Special Consent

Property Description : Remainder Erf 1618, Barkly East

| Reference Number | Application Submission Date | Date Report Finalised |
|------------------|-----------------------------|-----------------------|
| | | |

| Status of Application | | | | | | | |
|-----------------------|--|-----------------------|--|-------------|--|--------------------------------|-----------------------|
| Received | | Confirmed as complete | | Circulation | | Advertised | All comments received |
| Responded to comments | | Assessment report | | Decision | | Applicant / Objectors notified | Appeal received |
| Appeal hearing | | Final decision | | Other | | | |

| SECTION A: AUTHOR DETAILS | |
|--|--|
| First name(s) | Yolisa |
| Surname | Macala |
| Job title | Town Planner |
| Prof body registration number (if applicable & supported by the relevant by-law) | B/8422/2019 |
| Directorate/Department | Development and Town Planning Services |
| Contact details | |
| Physical Address | 19 Murray Street, Lady Grey, 9755 |
| Postal Address | P/Bag X 03, Lady Grey, 9755 |
| Tel no: | 0516031300 |
| Fax: | 0516030445 |
| E-mail address | macalay@senqu.gov.za |
| SECTION B: APPLICANT DETAILS | |
| First name(s) | Sakumzi |
| Surname | Mgugudo |

| | | | |
|--|-----------------------------------|--|--|
| Company name / CC | Ilizwe Town and Regional Planners | | |
| Company / CC Reg. Nr. | 2008/134189/23 | | |
| Cipro documents | | | |
| SACPLAN Registration Number | | | |
| Is the applicant authorised to submit this application | Yes | No | |
| Power of Attorney & Minutes | | | |
| Registered owner(s) | Senqu Municipality | | |
| Contact details | | | |
| Physical Address | 19 Murray Street, Lady Grey, 9755 | | |
| Postal Address | P/Bag X03, Lady Grey, 9755 | | |
| Tel no: | 0516031300 | | |
| Fax: | 0516030445 | | |
| E-mail address | yawam@senqu.gov.za | | |
| SECTION C: PROPERTY DETAILS | | | |
| Property description (in accordance with Title Deed) | Remainder of Erf 1618 Barkly East | | |
| Physical address | | | |
| Town / City | Barkly East | | |
| Current zoning | Undetermined | | |
| Extent (m ² /ha) | 932, 74 ha | | |
| Are there existing buildings on the property? | Yes | No <input checked="" type="checkbox"/> | |
| Applicable zoning scheme | Senqu Land Use Scheme Regulations | | |
| Current land use | Vacant | | |
| Title Deed number & date | BEF2-14/1920 CTN, T90321/2002 CTN | | |
| Any restrictive title conditions applicable (if yes, list condition below) | Yes | No <input checked="" type="checkbox"/> | |
| | | | |
| | | | |
| Any third party conditions applicable? (if yes, specify below) | Yes | No | |
| | | | |
| | | | |
| Any unauthorised land use/building work (if yes, explain below) | Yes | No <input checked="" type="checkbox"/> | |
| | | | |
| | | | |

| SECTION D: PRE – APPLICATION CONSULTATION OR WRITTEN ENQUIRY (ATTACHED MINUTES) | | | | | | | |
|--|-------------------------------------|---|-------------------------------------|---|-------------------------------------|---|-----------------------------|
| Has pre-application consultation been undertaken? (if yes, provide a brief summary of the outcomes below) | | | | | | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Yes. The pre application approval was done between the municipality and the service provider to get information on the proposed site for the cemetery and the municipal sdf. | | | | | | | |
| SECTION E: TYPE OF APPLICATIONS (TICK APPLICABLE) | | | | | | | |
| Rezoning | <input checked="" type="checkbox"/> | Removal suspension or amendment of restrictive conditions | <input type="checkbox"/> | Subdivision | <input checked="" type="checkbox"/> | Temporary departure | <input type="checkbox"/> |
| Permanent departure | <input type="checkbox"/> | Consent use | <input checked="" type="checkbox"/> | Township Development / Division of land | <input type="checkbox"/> | Division of an approved township | <input type="checkbox"/> |
| Cancellation of General Plan | <input type="checkbox"/> | Extension of the validity period of an approval | <input type="checkbox"/> | Permissions in terms of the zoning scheme | <input type="checkbox"/> | Closure of public place | <input type="checkbox"/> |
| Determination of zoning | <input type="checkbox"/> | Disestablish a home owner's association | <input type="checkbox"/> | Rectify failure by home owner's association to meet obligations | <input type="checkbox"/> | Occasional use | <input type="checkbox"/> |
| SECTION F: APPLICATION DESCRIPTION | | | | | | | |
| Application is made for the following: | | | | | | | |
| <ol style="list-style-type: none"> 1. The subdivision of Remainder Erf 1618 Barkly East into Portion A measuring approximately 10.09 ha and a remainder measuring approximately 922.65 ha. 2. The rezoning of the proposed Portion A of Remainder Erf 1618 Barkly East from Undetermined to the Authority and Utility Zone. 3. Special Consent for the proposed Portion A of Remainder Erf 1618 Barkly East to be utilised as a Cemetery. | | | | | | | |
| SECTION G: BACKGROUND | | | | | | | |
| <p>Senqu municipality has appointed Ilizwe Town and Regional Planners to attend to the subdivision, rezoning and consent use for the Barkly East cemetery which is proposed on the remainder of erf 1618 in Barkly East. In close proximity of the proposed cemetery, there is a landfill site. The application is submitted in terms of the Spatial Planning and Land Use Management Act 16 of 2013 and the Ordinance 15 of 1985. The main purpose of the land use application is to obtain a permit for the cemetery. The remainder of erf 1618 in Barkly East forms part of the commonage area of the town.</p> | | | | | | | |
| SECTION H: SUMMARY OF APPLICATIONS MOTIVATION | | | | | | | |
| <p>The Barkly East town is currently experiencing a shortage in burial plots, and therefore there has been a need for a new cemetery for the town. The increased pressure for the new cemetery is also from the significant rise in deaths due to the Covid-19 pandemic. The establishment of the new cemetery in Barkly East has also become an urgent matter because the Department of Economic Development Environmental Affairs and Tourism will not grant the municipality a second extension of the current cemetery.</p> | | | | | | | |

| SECTION I: SUMMARY OF PUBLIC PARTICIPATION | | | | | | | |
|--|-----------------------|---------------------------------------|------------------------------|------------------------|-------------------------------|----|-----|
| <u>Method of advertising:</u> | | | | <u>Date published:</u> | <u>Closing date comments:</u> | | |
| Press | Yes | No | N/A | 04/06/2021 | 05/07/2021 | | |
| Gazette | Yes | No | N/A | N/A | | | |
| Notices | Yes | No | N/A | N/A | | | |
| Site notice | Yes | No | N/A | 04/06/2021 | 05/07/2021 | | |
| Community organisation(s) | Yes | No | N/A | N/A | | | |
| Public meeting | Yes | No | N/A | N/A | | | |
| Third parties | Yes | No | N/A | N/A | | | |
| Other | | | | | | | |
| Total valid comments / objection | | | | 1 | | | |
| Total comments & petitions refused | | | | 0 | | | |
| Valid petition(s) | Yes | No | If yes, number of signatures | | | | |
| Community organisation(s) response | | | | | Yes | No | N/A |
| Ward councillor response | | | | | Yes | No | N/A |
| Total letters of support | | | | | | | |
| Was public participation undertaken in accordance with the relevant By-law & policies | | | | | Yes | No | |
| SECTION J: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION | | | | | | | |
| <u>In support:</u> | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| <u>Objections:</u> | | | | | | | |
| One objection was received for the proposed cemetery from the Joe Gqabi District Municipality Water Services department. | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| SECTION K: COMMENTS FROM ORGANS OF THE STATE AND/OR MUNICIPAL DEPARTMENTS | | | | | | | |
| <u>State/Municipal Department Name:</u> | <u>Date Received:</u> | <u>Comments (Attached Annexure?):</u> | <u>Recommendations (v):</u> | | | | |
| | | | Supported | Not Supported | N/A | | |
| JGDM | | | | √ | | | |
| DEDEAT | | | √ | | | | |
| | | | | | | | |
| | | | | | | | |

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|--|--|--|--|--|
| | | | | |
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| | | | | |

SECTION L: APPLICANT’S REPLY TO COMMENTS

No response was received from the applicant in relation to the comments received.

SECTION M: MUNICIPAL ASSESSMENT OF COMMENTS

In summary, the comments received from the Joe Gqabi District Municipality’s Water Services department relate to the topography of the subject portion, its location that is in close proximity to Barkly East’s main water source and storage facility and the potential risk of contamination of the water source by the proposed use (cemetery). It is anticipated that this will be exacerbated particularly with the existing municipal solid waste facility that is also in the vicinity.

The district departments comments and subsequent decision not to support the application at hand are noted. It should however be borne in mind that, the provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) has issued an environmental authorisation permitting the proposed use. In issuing the authorisation, the potential impact of the proposed use to the area and the environment, was carefully considered and a resolution made to grant the authorisation notwithstanding same. Conditions of approval were also imposed and will be enforced and adhered to by the municipality, thereby ensuring that the district department’s concerns are curtailed.

SECTION N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

| | | |
|---|--------------|-----------|
| Was the application processed correctly (if no, elaborate below): | Yes ✓ | No |
| The administrative procedures for land development applications as contemplated in the Senqu Municipality SPLUMA By-Law have been followed. | | |
| Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA & decision guideline in relevant By-law | Yes ✓ | No |

Application History:

There are no records of any other land development applications being made for the subject property.

| |
|--|
| |
| |
| |
| |
| |

(In)consistency with the IDP/Various levels of SDF’s/Applicable policies?

The proposal is considered to be consistent with the Senqu Local Municipality’s Integrated Development Plan (IDP) and the Spatial Development Framework (SDF), 2016. The municipality’s IDP is a strategic management tool whereby the municipality and its citizens and stakeholders collaborate to plan the future development of the municipal area. This process results in a 5 year

plan that entails the municipality's development objectives, key strategies and projects that will be implemented to achieve these objectives.

The municipal Spatial Development Framework is a component of the IDP that is intended to give effect to the vision, goals and objectives of the IDP. It is a plan that outlines the desired spatial development of the municipal area. It sets out basic guidelines for a land use management system. It highlights priority investment and development areas.

The main development goals and vision of the municipal area as contemplated in the SDF is to;

- Improve Institutional and Spatial/ Development Planning Capacity.
- Sustain environmental and water resources.
- Provide adequate and reliable infrastructure/services.
- Develop and expand the industrial and agri-processing economy.
- Land Development and Expansion of Tourism and Resorts

The proposed cemetery on the subject property is considered not to be in conflict with the above objectives. The plans of developing and expanding the industrial and agri-processing economy and tourism industry of the municipality will see an influx of people from the surrounding rural areas to the more urbanised areas such as Barkly East to take advantage of the envisaged economic opportunities. With higher population numbers, the municipality is compelled to provide and improve infrastructure and services. The proposal for a new cemetery is thus considered to be a service provision requirement as a result of the spatial development goals of the SDF.

The proposed cemetery will be developed in a manner that is environmentally sound thereby complying with the goal of "Environmental and water resources sustainability". Employment opportunities are also envisaged to be created by the proposed cemetery, further making the application compliant with the development goals envisioned by the SDF.

Outcomes of investigations/applications i.t.o other applicable legislation

The merits and desirability of the proposed use are assessed in terms of the following legislation:

1. Spatial Planning and Land Use Management Act (SPLUMA) of 2013.

The proposal is considered to be inline with the following Development Principles contained in Chapter 2 of SPLUMA:

Spatial Sustainability: Environmental management mechanisms have been applied for the proposed development thereby ensuring that sustainable development is achieved.

Spatial justice: The lack of land available for burial activities is considered to be a past spatial development imbalance. By approving this application, this injustice will be redressed.

Spatial efficiency: The proposal will promote the optimal utilisation of the subject property and existing infrastructure. The decision to approve the proposal would be in line with Council approved SDF which is premised at, amongst others, minimising negative financial, social, economic or environmental impacts

Good administration: The application was advertised in the prescribed manner. This is considered to be good administration practice.

2. National Environmental Management Act (NEMA) of 1998

The proposed use has potential to have a negative impact on the environment and the natural resources of the area. It is thus imperative for an Environmental Impact Assessment to be conducted. This was done and an Environmental Authorization issued by DEDEAT, with conditions to be complied with.

Existing and proposed zoning comparisons and considerations

The subject property is currently zoned Undetermined in terms of the Senqu Land Use Scheme. The Undetermined Zone does not cater for any use to be developed thereon. It is therefore clear that a new zone should be considered to accommodate the proposed cemetery.

Having perused the applicable Zoning Scheme, the Authority and Utility Zone is considered to be the most suitable zone to accommodate the proposed use. The zone permits "cemetery" as a consent use. The applicant has rightfully applied for the property to be rezoned from Agricultural Zone to Authority and Utility Zone and obtain Council's Special Consent for a cemetery in the same zone. The application is thus in line with the regulations of the Senqu Municipality Land Use Scheme.

The desirability of the proposal

The decision to approve or not approve a land development application should be based on the merits/desirability of the proposed land use or lack thereof. The desirability of the proposal is measured by taking into account factors such as need of the proposed use, the potential impact it will have on the surrounding properties, compatibility of the proposed use with the existing and surrounding uses and alignment thereof with planning legislation, policies and strategic plans in the area.

The initial planning of the town of Barkly East did not take into account the future growth of the town and thus no consideration was made for adequate and sufficient land to be made available for burial activities. As a result, the town is now experiencing a shortage in burial sites which has been exacerbated with the recent rise in deaths from the Covid 19 pandemic. The location of the land for the proposed use was carefully considered to ensure that it will not have any detrimental impact to any abutting properties. It forms part of the municipal commonage land situated a few kilometres outside the town of Barkly East and its settlements. It does not adjoin any other property apart from Erf 4683 Barkly East which is a municipal solid waste facility. The proposed use is therefore not envisaged to have any negative impact to any surrounding properties. Moreover, no other uses are seen in the immediate vicinity of the proposed use apart from the municipal solid waste facility, making the proposal compatible with the existing and surrounding uses. It has been demonstrated in this report that the proposal is inline with planning legislation such as NEMA and SPLUMA. It is also inline with policies and strategic plans in the area such as the municipal IDP and SDF.

With the above being said, it is clear that the proposal does not lack desirability and should thus be considered for approval.

SECTION O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

There were restrictive title deed conditions found on the applicable Title Deed, Therefore, a removal of restrictions is not necessary.

SECTION P: SUMMARY OF EVALUATION

The evaluation of the application for subdivision, rezoning and consent use for the proposed cemetery on Remainder Erf 1618 Barkly East has found to be positive. It followed the correct land development application procedures as contemplated by the Senqu SPLUMA By-Law. It aligns with the planning legislation such as NEMA and SPLUMA. It is not in conflict with any of the spatial development goals as envisioned by the municipal IDP and SDF. It is desirable in that there is a great need for a cemetery in the area, does not have a detrimental effect on the abutting properties and is compatible with the existing and surrounding uses.

SECTION Q: RECOMMENDATION

Based on the foregoing evaluation, it is recommended that:

4. The subdivision of Remainder Erf 1618 Barkly East into Portion A measuring approximately 10.09 ha and a remainder measuring approximately 922.65 ha as depicted on subdivisional plan number 576-04 **be approved.**
5. The rezoning of the proposed Portion A of Remainder Erf 1618 Barkly East from Agricultural Zone to the Authority and Utility Zone **be approved.**
6. The Special Consent for the proposed Portion A of Remainder Erf 1618 Barkly East to be utilised as a Cemetery **be granted.**

SECTION R: REASONS FOR RECOMENTATION

The recommendation made to approve the subdivision of Remainder Erf 1618 Barkly East into Portion A measuring approximately 10.09 ha and a remainder measuring approximately 922.65 ha, the rezoning of the proposed Portion A from Agricultural Zone to the Authority and Utility Zone and Special Consent for the proposed Portion A to be utilised as a cemetery is based on the following reasons:

- The proposed use is considered to be desirable;
- It is in line with the regulations of the Senqu Municipality Land Use Scheme;
- It is not in conflict with the provisions of the Spatial Development Framework;
- It is inline with the development principles of Spatial Sustainability, Spatial Justice, Good Administration and Spatial Efficiency as contemplated in SPLUMA;
- The administrative procedures and protocols as contemplated by the Senqu Municipality SPLUMA By-Law;
- The objections received were considered and responded to adequately.

SECTION S: ANNEXURES

As per LDA annexure checklist.

SECTION T: SIGNATURES

Author Name : Yolisa Macala

Author Signature : 

Date : 17-03-2022

Director Name : 

Director Signature : 

Date : 17 March 2022

***(Section to be completed post Tribunal)*

| | | | | | | | |
|----------|--|---------------------------|--|---------------------|--|---------|--|
| APPROVED | | APPROVED CONDITIONALLY | | APPROVED IN PART | | REFUSED | |
|----------|--|---------------------------|--|---------------------|--|---------|--|

If in Part-Outline Details : _____

Decision Maker Name : _____

Decision Maker Signature : _____

Date : _____

CONDITIONS OF APPROVAL

The application to subdivided, rezone and obtain consent use for Remainder Erf 1618 Barkly East is recommended for approval subject to:

1. The subdivision being submitted to the Surveyor General for approval within a period of five (5) year from date of this approval;
2. Compliance with the regulations of the Utility and Authority Zone;
3. Compliance with the conditions contained in the Environmental Authorisation issued by the Provincial Department of Economic Development, Environmental Affairs and Tourism
4. Submission of a **Site** Development Plan in terms of the Senqu Municipality Land Use Scheme regulations;
5. Submission of a Building Plan in terms of the National Building Regulations.
6. In terms of the Spatial Planning and Land Use Management Act, the granting of this rezoning will lapse ~~in 5 years~~ *5 years* from the date of issue if the new use rights are not exercised.

CHECKLIST OF ANNEXURES

Please complete checklist prior to submitting report to ensure its completeness. Tick (v) the relevant sections and ensure checklist is attached on top of report.

| | ANNEXURE | ATTACHED | | |
|----|---|----------|----|-----|
| | | YES | NO | N/A |
| 1 | Power of attorney | | | X |
| 2 | Authorisation from mortgage | | | X |
| 3 | Bondholder's consent | | | X |
| 4 | Flood-line certificate | | X | |
| 5 | Regional map | | X | |
| 6 | Locality map | X | | |
| 7 | Extract from zoning map | X | | |
| 8 | Land use map | X | | |
| 9 | Layout plan/social facilities plan | | X | |
| 10 | Mobvation report | X | | |
| 11 | Title deed | X | | |
| 12 | Copy of advertisement | X | | |
| 13 | SG Diagram | X | | |
| 14 | Draft conditions of establishment | | X | |
| 15 | Zoning certificate | | X | |
| 16 | Application Form | X | | |
| 17 | Conveyancer Certificate (where necessary) | | | X |
| 18 | Pre-application minutes | | | |
| 19 | Cover letter (applicant) | X | | |
| 20 | Engineering Services Report | | X | |
| 21 | Comments | X | | |
| 22 | Response to comments | | | X |
| 23 | Notice of advertisement | X | | |
| 24 | List of comments | X | | |
| 25 | Subdivision plan | X | | |
| 26 | Public participation (notices, gazette, local newspapers etc) | X | | |

[NOTE]: Report to be submitted to the Joe Gold District Municipal Planning Tribunal 14 (working) days prior to the sitting of the Tribunal

Signed by:

Smiline Mbeke

Date: 17/03/2022

Signature:

[Signature]

ANNEXURE C

Land Use Application Form



DEPARTMENT OF HOUSING AND LOCAL GOVERNMENT

LAND USE APPLICATIONS

(Place a cross in all the appropriate blocks)

TYPE OF APPLICATION :

| | |
|---|--|
| | Subdivisional area (LUPO) |
| ✓ | Rezoning |
| | Departure |
| ✓ | Subdivision |
| ✓ | Consent use |
| | Extension of approval (Ordinance 33 of 1934) |
| | Any other application, give details : |

TYPE OF LEGISLATION APPLICATION :

| | |
|---|--|
| ✓ | Land Use Ordinance 15 of 1985 & SPLUMA (16/2013) (Former CPA areas) |
| | Townships Ordinance 33 of 1934 (Former Transkei areas) |
| | Land Use Regulation act 15 of 1987 (Former Ciskei areas) |
| | Townships Proclamation R293 of 1962 |
| | Black Communities Development Act 4 of 1984 (Regulations) |

COMPLETE THE FOLLOWING :

| | |
|----------------------|---|
| Local Authority: | SENQU LOCAL MUNICIPALITY |
| Description of land: | REMAINDER ERF 1618 BARKLY EAST |
| Registered owner(s): | SENQU LOCAL MUNICIPALITY |
| Postal address: | PRIVATE BAG X03, LADY GREY |
| | Code : 9755 |
| Applicant : | ILIZWE TOWN & REGIONAL PLANNERS CC |
| Postal Address : | PO BOX 13636 |
| | VINCENT |
| | Code : 5217 |

INSTRUCTIONS

(These instructions should be read before completing this form)

1. GENERAL REMARKS

- 1.1. If an application requires approval in terms various types of legislation and two or more of the applications have to be advertised, the applicant must inform the town clerk, secretary or executive officer accordingly so that all applications may be advertised and submitted for approval simultaneously.
- 1.2. All applications should comply with the Chapter one Principles of the Development Facilitation Act of 1995.
- 1.3. All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 1.4. Incorrect and incomplete applications will be returned to the Applicant. The Applicant's attention is drawn to the plans and other documentation that must accompany their application.
- 1.5. Applicants must note that until such time that an approval has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the local authority, or the Premier, in any way.
- 1.6. The premier reserves the right to have an approval declared null and void if it was based on wrong information supplied by an applicant. Applicants must therefore ensure that information about restricting factors that could influence the application, is provided.
- 1.7. Applications in terms of Land Use Regulation Act 15 of 1987 and the Townships Ordinance 33 of 1934 require 10 copies for the Land Use Planning Board and Townships Board respectively.
- 1.8. Applicants may supply any additional information, on a particular issue, if they want to.

2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

2.1. Prior liaison with interested bodies including National and provincial Departments, is strongly recommended, as the processing of applications will be expedited in this way. Where an applicant submits proof that an interested party is satisfied with a proposal, it will not be necessary to again approach such interested party for components.

2.2. A list of the different authorities and other interested parties effected by the development, together with the names, telephone numbers and addresses of contact persons may be available from the local authority.

3. SUBMISSION OF APPLICATION

3.1. The application must be submitted in duplicate, together with all the required annexes, to the local authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a local authority, the application form must also be submitted to the local authority concerned.

3.2. If the relevant local authority does not have the delegated powers to finalise the application, a copy of the application must also be submitted to:

The Regional Director: Department of Housing and Local Government
Private Bag X 6005
PORT ELIZABETH
6000

The Regional Director: Department of Housing and Local Government
2 Floor Metropolitan Life Building
Drury Lane
EAST LONDON
5200

The Regional Director: Department of Housing and Local Government
Private Bag X 5030
UMTATA
5100

The Regional Director: Department of Housing and Local Government
Private Bag X 7086
QUEENSTOWN
5320

3.3. Lack of information leads to delays and add to the workload of the Department. It is essential that all applications that are submitted for consideration contain all of the information necessary for the relevant authority to take a rational decision. Ideally applications should include the following information:

3.3.1 Details in respect of the application

- A locality plan showing clearly the details of the application;
- A description of the site that is to be developed;
- What does the owner intend to do with the land;
- What are the envisage development parameters (for instance the proposed floor area and coverage);
- What portion of the site is to be developed;
- What is the existing zoning and use of the subject land;
- A copy of the advertisement of the proposal;
- A site development plan.

3.3.2 Details in relation to the existing and proposed development of the land in the vicinity of the subject land

- the existing uses and zonings to be shown on separate map ;
- the visual or historical characteristics of the area ;
- topographical and physical features ;
- details of illegal and non-conforming uses.

3.3.3 Details in respect of the planning proposals for the subject area

- what is the existing and proposed conditions applicable to the subject.
- land (servitudes, title deed and / or zoning scheme conditions) ;
- relevant details contained in Land Development Objectives, or any other
- policy proposals for the area.

3.3.4 Motivation given in the application and in the objections

- The applicant's motivation and comments on objections and / or the appeal ;
- The comments of relevant government departments ;
- details of the objections received.

3.3.5 Evaluation of the application by the Council

- The evaluation of the application in relation to the DFA principles, Land Development Objectives, desirability, precedents, the council's policies et cetera ;
- In the case of land zoned for public purposes, the reasons why such land
- Is no longer required for the use by the public ;
- Desirability is usually considered in terms of the following :
 - physical characteristics of the area ;
 - potential of the site ;
 - character of the surrounding area ;
 - planning proposals for the area (LDO/Framework/Structure Plan Etc) ;
 - location and accessibility ;
 - provision of services ;
 - environmental impact of the proposal ;
 - impact of the construction phase.

3.3.6 The decision of the Council

- Council's decision, including the conditions that must be imposed if the application is approved. (Note that the application must contain these conditions, even if the relevant council recommends that the application refused by the Premier).

Note that applications that are submitted to District or Local Council's for a decision **must also contain all of the relevant details**. A copy of the item submitted to the aforementioned authorities must be attached to any application that is submitted to this Department. The above information can serve as check list for the purpose.

SECTION A**TO BE COMPLETED BY THE APPLICANT**

(*ANSWER YES, NO, OR NOT APPLICABLE)

1. PERSONAL PARTICULARS OF APPLICANT

| | |
|--|--|
| Your reference number | 576 |
| Name of person to whom correspondence should be addressed: | MR ROY NICHOLSON / MR SAKUMZI MGUGUDO |
| Address: | PO BOX 13636, VINCENT Postal Code: 5217 |
| Telephone number : | 043 - 721 1311 |
| Facsimile number : | 086 506 0069 |

1.1 Is the applicant the only registered owner of the property? **NO.***

If not, attach the power of attorney from the registered owner(s) to the application. this is also applicable if the person who is applying is still in the process of obtaining the land unit, or if the land unit is owned by a company or more than one person.

1.2 Name the registered owner(s) : **SENQU LOCAL MUNICIPALITY**

1.3 Is the property encumbered with a bond ? **NO***

If so, please attach the authorization of the mortgage holder to the application.

2. DETAILS OF LAND UNIT

2.1 Registered description of the property, as is shown on the title deed :

ERF 837 BEACON BAY

Number and date of the title deed : **T BEF2-14/1920CTN
& T90321/2002CTN**

Area of Land : **932,74HA**

What is the present zoning of land unit ? **UNDETERMINED**

2.2 Are any departures applicable to the land unit ? **NO***

If so, give a full explanation:

2.3 Is there any building or other development on the land unit? **NO***

If so, what are the nature and condition of these improvements?

2.4 Is the site being used in accordance with its present zoning? **YES.***

If not, how is the land being utilised?

3. DETAILS OF APPLICATION

3.1 Describe the proposed development in detail (A separate motivational report may be added) :**SEE MOTIVATION REPORT**

.....

3.2 Does the proposal development involve the entire land unit? **NO***

If not, indicated the position and size of the portion of the land unit is not included in the proposed development and for what purpose it is, or will be used : **SEE REPORT**

.....

3.3 Is a departure being applied for in order to obtain a temporary change of use on the land unit ? **NO***

If so, explain why rezoning is not being considered and supply reasons for the proposed period of the departure :

4. RESTRICTING FACTORS

(A separate report may be added to address the restricting factors)

4.1 Are there any title deed restrictions that, which may have an affect on this application in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) ? **NO***
If so, furnish full details :

4.2 Is any portion of the land unit subject to tidal flow or situated under the high water mark ? **NO***

If so, furnish details :

.....

4.3 Is any portion of the land unit situated in a flood-plain of a river under the 1 in 50 years flood-line or subject to any floods? **YES***

If so, furnish details

32m BUFFER OF NO DEVELOPMENT TO BE IMPOSED

4.4 Are there any physical restrictions (such as steep slopes, unstable soil formation, swamps, etc.) which could affect the development? **NO***

If so, furnish details and state how the problem can be solved

4.4 Are there any other restrictions of which you are aware, but which were not mentioned above? **NO ***

If so, furnish full details
.....
.....

5. POSSIBLE REFERRAL TO OTHER BODIES

5.1 Does the application fall within the area of a land Development Objective (LDO) and / or Policy Plan (Structure Plan, Framework Plan etc.) ?

YES*

If so, please give details in so far as they affect the application under consideration :

SENQU LOCALMUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK PLAN

5.2 Are the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) Applicable in the case of this application? **NO***

5.3 Is the land unit situated within the boundaries of a nature area reserved in terms of section 4 of the Physical Planning Act, 1967 (Act 88 of 1967), or a mountain catchment-area reserved in terms of the Mountain Catchment Areas Act, 1970 (Act 63 of 1970), or a nature reserve reserved in terms of the former Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), or a national park reserved in terms of the Nature Parks Act, 1978 (Act 57 of 1976). **NO***

If so, furnish details.....

5.4 Does the land unit abut on the area of jurisdiction of another local authority or does any other local authority have an interest in this application? **NO***

If so, state the name of the local authority and its interest in the application:.....
.....

8.

5.5 Does the property abut on any national, trunk, main or divisional road or such proposed Road ? **NO***

If so, furnish full details (including status of the road and full statutory width):

5.6 Is the land situated in a metropolitan transport area in terms of the Urban Transport Act, 1977 (Act 78 of 1977)? **NO***

If so, has It been referred to the relevant transport authority?

5.7 Is the land unit close to, or is it affected by, a power station, a railway line, a railway station, Airport or harbour? **NO ***

5.8 Are there any conservation worthy buildings/ graves/ rock engravings/ archaeological finds on the property including those that have not been declared national monuments? **NO ***

If so, furnish details

.....

.....

5.9 Is the land unit situated within 1000 m from the high-water mark of the sea or tidal or river? **NO***

If so, has nature conservation been consulted?

.....

5.10 Does the land unit abut on, or is it in any way influenced by any property belonging to the S.A. National Defence Force? **NO ***

If so, please supply details :

.....

ANNEXURES

HAVE THE FOLLOWING ANNEXURES BEEN ATTACHED?

(*ANSWER YES, NO, OR NOT APPLICABLE)

| ANNEXURE | YES | NO | NOT APPLICABLE |
|---|------------|-----------|-----------------------|
| Power of attorney | ✓ | | |
| Authorization from mortgagee | | | ✓ |
| Flood-line certificate | | | ✓ |
| Regional map | | | ✓ |
| Locality map | ✓ | | |
| Extract from zoning map | ✓ | | |
| Land use-map | ✓ | | |
| Layout / Subdivision plan | ✓ | | |
| Motivation report | ✓ | | |
| Title deed | ✓ | | |
| Copy of advertisement | | | ✓ |
| Any other annexures, give details :..... | | | |

If any other above questions, answers are no, give reasons :

.....

I, the undersigned, certify that the information appearing in this section of the form and the information in the annexures is correct and complete, and that I understand the application. (Please note the contents of paragraph 1.6 of the instructions).

SIGNATURE:

DATE:

FULL NAME: ROY NICHOLSON

DATE ON WHICH THE APPLICATION WAS SUBMITTED TO THE LOCAL AUTHORITY

SECTION B

TO BE COMPLETED BY THE LOCAL AUTHORITY WHEN APPLICATION ARE
SUBMITTED TO THE PREMIER OF SECTION 2.2 BELOW

(*ANSWER YES, NO OR NOT APPLICABLE)

1. DETAILS OF LOCAL AUTHORITY

| | |
|--------------------------|---|
| Name : | |
| Address: |Postal code :..... |
| Name of contact person : | |
| Telephone number: | |
| Facsimile number: | |
| Reference number: | |

2. DETAILS OF PREVIOUS OR ACCOMPANYING APPLICATIONS

2.1 Has there been previous correspondence with the Department of Housing and Local Government in respect of this land unit or a land unit of which this one forms part?

.....*

If so, furnish all reference numbers of the Department and the date of the most recent Correspondence:

.....

2.2 Does the current application also involve an application to the Premier for:

| | YES | NO | NOT APPLICABLE |
|---|-----|----|----------------|
| The removals of restrictions in terms of Act 84 of 1967? | | | |
| The expropriation /sale/ long term lease of land by a local authority? | | | |
| The closure of street/public places | | | |
| Application for land that is within 1000 m of the high water mark of the sea ? | | | |
| A rezoning which may not be approved by the local authority in terms of the General Structure Plan? | | | |

If the answer is YES to any above questions, please supply details and the motivations for the application :

.....

.....

2.3 If the answer is YES to any of the above questions, were all the applications advertised simultaneously? (it is required that advertising should be done simultaneously in such cases.).....*

Have any of the above applications already been submitted to the Eastern Cape Provincial Administration?

If so, state which applications were given and furnish the relevant Department's Reference number(s) in respect of each such application and the date of submission:

.....

.....

3. ADVERTISING

3.1 Have notices been served on the owners of adjacent properties ?

.....*

If so, attach a map indicating the names of those owners on whom notices have been served and a copy of the notice.

3.2 Indicate whether it was necessary to advertise in the press and the Provincial Gazette?* If so, attach a copy of the advertisement.

3.3 Have any objections been received ?*

If so, attach a map indicating the name of every objector on his erf as well as copies of the objections and the comments of the applicant and the local authority on each issue or objection.

4 LAND DEVELOPMENT OBJECTIVES AND POLICY PLANS

4.1 Is there Land Development Objectives or a Policy Plan for the local Authority's area of jurisdiction, or the area within which the subject erf is situated?

.....*

4.2 If so, what is the status of such objectives / plan ?*

.....

4.3 Furnish any applicable reference number(s) of the Department of Housing and Local Government in respect of the plans concerned and the date of the most recent correspondence :

.....

.....

4.4 To what extent does the proposal comply with the Land Development Objectives or Policy Plans?

5. APPLICANT'S INFORMATION

5.1 Is the information supplied by the applicant correct and complete?.....*

5.2 If not, provide the correct information :

.....

.....

5.3 Are any problems envisaged with the provision of the following services?

| | YES | NO | NOT APPLICABLE |
|----------------------|-----|----|----------------|
| Water | | | |
| Electricity | | | |
| Sewerage | | | |
| Storm water drainage | | | |
| Refuse removal | | | |
| Roads | | | |

If the answer to any of the above is YES, furnish full details regarding the problem and how it will be solved:

.....

6. COMMENTS OF THE COUNCIL

6.1 Does the Council recommend the application for approval?.....*

6.2 Date of Council's resolution:

6.3 Furnish a copy of the item considered by Council and the reason for the above-mentioned resolution (on a separate sheet, if necessary).

.....

.....

A copy of the proposed conditions of approval, must be attached, irrespective of whether or not the Council supports the application.

7. ANNEXURES

7.1 Have the following annexures been attached?

| | YES | NO | NOT APPLICABLE |
|---|------------|-----------|-----------------------|
| Map indicating those persons on whom notices have been served | | | |
| Copy of notice | | | |
| Copy of press notice | | | |
| Map of objectors properties | | | |
| Copies of objections received | | | |
| Comments of applicant on objections | | | |
| Comments of Council on objections | | | |
| List of conditions | | | |
| Scoping report if required | | | |
| Comments from other government Departments | | | |
| Any other documents / correspondence Please give full details :..... | | | |

I CERTIFY THAT THE APPLICATION IS COMPLETE AND CORRECT.

.....

SIGNATURE

CHIEF EXECUTIVE OFFICER: LOCAL AUTHORITY

NAME : DATE :

ANNEXURE D

Motivation Report

January 2021



TOWN PLANNING MOTIVATION REPORT FOR THE SUBDIVISION, REZONING & CONSENT USE OF REMAINDER ERF 1618, BARKLY EAST

SUBMITTED TO:
Senqu Local Municipality

www.ilizweplanners.co.za

Member of the South African Council for Planners (SACPLAN)
and the South African Planning Institute (SAPI)

Professional Town & Regional Planners, GIS Consultants, Development Planners and Land Reform Practitioners

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DIRECTOR: SD Mngqalo Pg.Pl., N.DIP (TRP), B.TECH (TRP)

CC Registration Number: 2008/134189/23

www.ilizweplanners.co.za

A faded, grayscale image of a city skyline with various skyscrapers and buildings, serving as a background for the bottom section of the page. A solid blue triangle is positioned in the bottom right corner, overlapping the skyline image.

Table 1: Property Particulars

| Description | Ownership | Extent | Title Deed no. |
|------------------------------------|--------------------------|----------|-------------------------------------|
| Remainder Erf 1618, Barkly East | Senqu Local Municipality | 932,74ha | BEF2-14/1920CTN & T90321/2002CTN |

(See Annexure B: Title Deed)

3.2 LOCALITY

The property is located in the allotment town of Barkly East, within the Senqu Local Municipality, Administrative District of Barkly East, and Province of the Eastern Cape.

The co-ordinates of the site are: 30°58'50.62"S & 27°35'48.11"E.

(See Locality Plan: 545-01)

3.3 AUTHORITY

The applicant is Ilizwe Town & Regional Planners, acting on behalf of the registered owners, **Senqu Local Municipality**. A copy of the Power of Attorney and resolution, as an instruction from the owners, has been submitted with this application.

(See Annexure C: Power of Attorney & Resolution)

3.4 CONDITIONS OF TITLE

We have not had sight of the property title deeds and cannot confirm if there are any restrictive conditions that would prohibit this application from being approved.

3.5 BONDHOLDERS CONSENT

There is no mortgage bond registered over the subject property.

4 SITE ANALYSIS

4.1 EXISTING & SURROUNDING LAND USES

The subject site is currently used for *commonage* purpose.

Surrounding land uses include;

- Commonage
- Residential
- Government
- Industrial
- Municipal
- Solid Waste Site
- Recreation
- Trading Store
- Vacant property

(See Land Use Plan: 545-02)

4.2 EXISTING & SURROUNDING ZONINGS

In terms of the Section 8 Zoning Scheme, the subject site is zoned as *Undetermined*.

Surrounding zonings include;

- Undetermined
- Authority Zone
- Industrial Zone 1
- Open Space Zone 2
- Residential Zone 1

(See Zoning Plan: 545-03)

4.3 CURRENT ACCESS

The proposed portion will obtain access from an unknown road which is an extension of Poarie Street.

4.4 TOPOGRAPHY, SLOPES AND DRAINAGE

The proposed Portion A has a moderate slope from the west to the east. This can be seen from the contours. Drainage occurs naturally towards the east of the property. A watercourse appears to traverse the central location of the property, in a west to east direction.

There are no significant topographical and drainage constraints that hinder the proposal in any way.

4.5 GEO-TECHNICAL

The Department of Agriculture GIS identifies the underlying geology as part of the Drakensberg type.



Figure 1: Geology type

4.6 FLOODLINE

There is a drainage course that traverses the site. Buffers of no development are proposed which will be 32m from the watercourse.

4.7 ENVIRONMENTAL

No negative environmental impact is foreseen, a letter from Department of Environmental Affairs should be obtained to confirm the requirements in terms of the National Environmental Management Act.

4.8 SERVITUDES

The SG Diagram for the property do not refer to any servitudes that transgress the proposed Portion A. However there is a powerline that traverses the property, a 30m wide servitude should be registered over Portion A.

(See Annexure B & D: Title Deeds & SG Diagrams)

5 DEVELOPMENT PROPOSAL

5.1 PROPOSAL

As determined in section 2 of this report, this application is to obtain approval for the subdivision, rezoning and consent use of the property in order to permit a cemetery.

The development will comprise of the following;

- ✓ A gatehouse building
- ✓ A shed/tool building
- ✓ A parking area consisting of 40 parking bays
- ✓ Internal roadway
- ✓ ±5711 graves

(See Plan 4: Site Development Plan 545-04)



Figure 2: Extract from site development plan

5.2 DEVELOPMENT PARAMETERS

The developmental parameters are as follows;

Table 2: Land Use Restrictions

| Land Use Restrictions - Per SDP | |
|---|----------|
| Portion A of Remainder Erf 1618 Barkly East | |
| Erf size | 10,09ha |
| Street, side & rear building line | 0m |
| Coverage | 0,03% |
| Height | 1 storey |
| Parking provided | 40 bays |

6 INFRASTRUCTURE/ENGINEERING SERVICES

All engineering services will be supplied to municipal specifications. Senqu Local Municipality to advise on any further requirements.

7 MOTIVATION & DESIRABILITY

7.1 SUBDIVISION, REZONING & CONSENT USE

The site has been identified by the Senqu Local Municipality as the desired location for the position of the cemetery. Adjacent to the proposed cemetery site is the municipal Solid Waste site. the proposed site allows for further extension if required. The rezoning will align with the Land Use Management Scheme and will become Authority and Utility Zone 1. The consent use is required for the cemetery as per the requirement of the LUMS.

The proposed development is further desirable from a town planning perspective in that it will:

- Assist with land use efficiency;
- Optimise the use of existing resources including such resources relating to roads, transportation and social facilities;
- Not negatively impact the environment;
- Assist in meeting the current demand for cemetery sites in the general area;
- Create employment opportunities during the construction & maintenance of such a development;
- Compact and infill development is promoted as per policy; &
- That the objectives of the Senqu Local Municipality Spatial Development Framework are adhered to and enhanced.

7.2 POLICY COMPLIANCE

Table 3: Policy compliance

| | |
|---|---|
| Senqu Local Municipality Spatial Development Framework Plan - 2013 | Aligns with the principles and land use management guidelines within the Spatial Development Framework (SDF) of SLM. The spatial component of the proposal complies with the SDF policy and proposals |
|---|---|

| | |
|--|--|
| | of the Senqu Local Municipality Spatial Development Framework. Land use management guidelines contained within the SLM Spatial Development Framework is intended to enable sound consideration of applications to change the use of land, subdivide properties and develop according to the social compact with communities regarding the future spatial vision that they wish to see in their municipality. |
| Eastern Cape Provincial SDF of 2028 | Aligns with the principles and land use management guidelines of the Eastern Cape Provincial SDF of 2028 |
| Eastern Cape Growth and Development Plan | Aligns with the objectives of the Eastern Cape Growth and Development Plan 2004-2014. |
| National Spatial Development Framework | Aligns with the principles and land use management guidelines of the National Spatial Development Framework Plan. |
| National Growth Plan | Aligns with the National Growth Plan in terms of urban renewal, opportunity and job creation. |
| Senqu Municipality Land Use Management Scheme | The proposal and application aligns with the Senqu Municipality LUMS. |
| Local Economic Development (LED) | The proposal aligns with the vision and key priorities of the Senqu Municipality and Provincial Local Economic Development Plan. |
| Building Controls | All buildings will be constructed in terms of the National Building Regulations. |

7.3 CURRENT PLANNING PRINCIPLES

SPLUMA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial sustainability:

- Past spatial and other development imbalances must be redressed through improved access to and use of land.
- Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded.
- Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land.

2. Spatial justice:

- Promote land development that is within the fiscal, institutional and administrative means of the Republic.
- Ensure that special consideration is given to the protection of prime and unique agricultural land.
- Uphold consistency of land use measures in accordance with environmental management instruments.
- Promote and stimulate the effective and equitable functioning of land markets.
- Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.
- Promote land development in locations that are sustainable and limit urban sprawl.
- Result in communities that are viable.

3. Efficiency (optimising the use of existing resources and infrastructure)

- Land development optimises the use of existing resources and infrastructure.
- Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.
- Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

4. Spatial resilience (allow for flexibility in spatial plans)

- Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

5. Good administration:

- All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.
- All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.
- The requirements of any law relating to land development and land use are met timeously.

- The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.
- Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

The table below indicates how the proposed development will be consistent with the SPLUMA principles.

Table 4: SPLUMA Principles

| Principle | Motivation |
|-------------------------|---|
| Spatial Sustainability: | <ul style="list-style-type: none"> ✓ Application complies with Eastern Cape Provincial Spatial Development Framework (2028) as a spatial tool to guide future development on a Provincial Level. ✓ Application complies with Senqu Municipality Spatial Development Framework as a spatial tool to guide future development on a Municipal Level. |
| Spatial Justice: | <ul style="list-style-type: none"> ✓ The proposed application will contribute to the functional and integrated land use pattern evident throughout the surrounding area. ✓ The proposed application will contribute to the character of the surrounding area. |
| Spatial Efficiency: | <ul style="list-style-type: none"> ✓ Development will make use of existing local resources and contribute to specialised skills development within the local municipality. |
| Spatial Resilience: | <ul style="list-style-type: none"> ✓ The development complies with the following spatial development frameworks; <ul style="list-style-type: none"> i. Eastern Cape Provincial Development Framework ii. Senqu Local Municipality Spatial Development Framework |
| Good Administration: | <ul style="list-style-type: none"> ✓ This principle has no direct bearing on the application, however, the Senqu Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. |

7.4 DEVELOPMENT AND SPATIAL PLANNING POLICY

National Spatial Development Plan 2012

The National Development Plan (NDP) introduces the long-term vision for the future development of South Africa. It acknowledges the spatial inefficiencies that characterizes existing settlements and commits the national government to developing a National Spatial Framework (NDP 2028: 287).

National policy on spatial planning currently focuses on the rationalization of a fragmented system of land use and related laws. The current fragmented spatial pattern of human settlement and the associated urban sprawl is a direct consequence of the skewed and inappropriate planning legislation of the past. The government has identified 10 priority areas in its programme of action, with an intention to turn around the global economic slowdown, whilst at the same time ensuring that the needs of all its citizens are met. The priority areas developed are intended to do the following:

1. Speed up **economic growth and transform the economy** to create decent work and sustainable livelihoods;
2. Introduce a massive programme to **build economic and social infrastructure**;
3. Develop and implement a comprehensive rural development strategy linked to land and agrarian reform and food security;
4. Strengthen the skills and human resource base;
5. Improve the health profile of all South Africans;
6. Intensify the fight against crime and corruption;
7. Build cohesive, caring and sustainable communities;
8. Pursue African advancement and enhanced international cooperation;
9. Ensure sustainable resource management and use;
10. Build a developmental state, improve public service and strengthen democratic institutions.

In essence, the NSDP proposes that an approach be followed in spatial and development planning, which acknowledges the realities of the economic development potential of an area to be planned and the likelihood that the legacies of Apartheid spatial planning have ensured a fragmented pattern of spatial development so that the majority of people live in areas removed from such economic development potential.

The NSDP suggests that economic development potential be classified in terms of broad categories (i.e. Categories of Development Potential) and that; moreover, such potential will not be uniformly distributed but is likely to be associated with certain conditions that enhance development potential. Such conditions would include current economic activities and associated scales of economy, natural endowments such as climate, soils and water availability (for agricultural and/or industrial development), and tourism potential based on competitive advantages (which August be historical, social, or natural in character).

Therefore, whilst acknowledging the ongoing imperative to roll-out a basic level of service to all residents, based on available resources, the NSDP proposes that development planning be directed by an understanding of the economic development potential of a given locality.

In this, the explicit notion is set out that a strategic approach to development would imply targeting investment and planning strategies in areas where economic development potential is identified, in order to realise a sustainable return on investments and generate a surplus (in the form of service charges, rates and taxes levied, and/or tax payments to the national fiscus).

NSDP principles

In order to contribute to the broader growth and development policy objectives of government, the NSDP puts forward a set of five normative principles:

Principle 1: Rapid economic growth that is sustained and inclusive is a pre-requisite for the achievement of other policy objectives, among which poverty alleviation is key.

Principle 2: Government has a constitutional obligation to provide basic services to all citizens (e.g. water, energy, health and educational facilities) wherever they reside.

Principle 3: Beyond the constitutional obligation identified in Principle 2 above, government spending on fixed investment should be focused on localities of economic growth and/or economic potential in order to gear up private-sector investment, to stimulate sustainable economic activities and to create long-term employment opportunities.

Principle 4: Efforts to address past and current social inequalities should focus on people, not places. In localities where there are both high levels of poverty and demonstrated economic potential, this

could include fixed capital investment beyond basic services to exploit the potential of those localities. In localities with low demonstrated economic potential, government should, beyond the provision of basic services, concentrate primarily on human capital development by providing education and training, social transfers such as grants and poverty-relief programmes. It should also reduce migration costs by providing labour-market intelligence to give people better information, opportunities and capabilities, to enable them to gravitate - if they choose to - to localities that are more likely to provide sustainable employment and economic opportunities.

Principle 5: In order to overcome the spatial distortions of apartheid, future settlement and economic development opportunities should be channelled into activity corridors and nodes that are adjacent to or that link the main growth centres. Infrastructure investment should primarily support localities that will become major growth nodes in South Africa and the SADC region to create regional gateways to the global economy.

8. CONCLUSION

Based on the research and report findings, it is submitted that this application for the rezoning, departure and consent use of Remainder Erf 1618, Barkly East, is desirable and has merit.

The application consists of the following:

- **Subdivision** of Remainder Erf 1618 Barkly East into a Portion A measuring ±10,09ha and a Remainder Erf 1618 measuring ±922,65ha; &
- **Rezoning** of the Portion A to *Authority & Utility Zone 1 with **Consent Use*** to permit a cemetery.

Key Points;

- Assist with land use efficiency;
- Optimise the use of existing resources including such resources relating to roads, transportation and social facilities;
- Not negatively impact the environment;
- Assist in meeting the current demand for cemetery sites in the general area;
- Create employment opportunities during the construction & maintenance of such a development;

- Compact and infill development is promoted as per policy; &
- That the objectives of the Senqu Local Municipality Spatial Development Framework are adhered to and enhanced.

In conclusion, the proposed subdivision, rezoning & consent use of Remainder Erf 1618, Barkly East will result in a positive and sustainable development which is compatible to the surrounding area.

The applicant has demonstrated that the proposal finds support in adopted policies and development principles relevant to the area in which the subject land is located.

It is considered that, in view of the above, there are no apparent impediments against the application being approved by the Senqu Local Municipality.

PLAN 1

LOCALITY PLAN 576-01

LOCALITY PLAN

Portion of Remainder Erf 1618 BARKLY EAST

SITUATE IN SENQU LOCAL UNICIPALITY
ADMINISTRATIVE DISTRICT OF BARKLEY EAST
PROVINCE OF THE EASTERN CAPE
Extracted from Surveyor General Spatial Database

Produced by



Professional Town & Regional Planners, GIS Consultants
Development Planners and Land Reform Practitioners

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Tel: 043 721 1311 or 0557 / Fax: 086 506 0069

Email: info@ilizweplanners.co.za / Web: www.ilizweplanners.co.za

All cadastral boundaries are to be confirmed by a Professional Land Surveyor



LEGEND

— PTN OF RE/1618 BARKLY EAST

Road class

— R

— S

— Railway

Project:
**Subdivision, Rezoning
& Consent Use of Remainder
Erf 1618 Barkly East**

Client



**Senqu Local
Municipality**

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Date: Oct 2020

Plan No: 576-01

PLAN 2

LAND USE PLAN 576-02

LAND USE PLAN

Portion of Remainder Erf 1618 BARKLY EAST

SITUATE IN SENQU LOCAL UNICIPALITY
ADMINISTRATIVE DISTRICT OF BARKLEY EAST
PROVINCE OF THE EASTERN CAPE
Extracted from Surveyor General Spatial Database

Produced by:

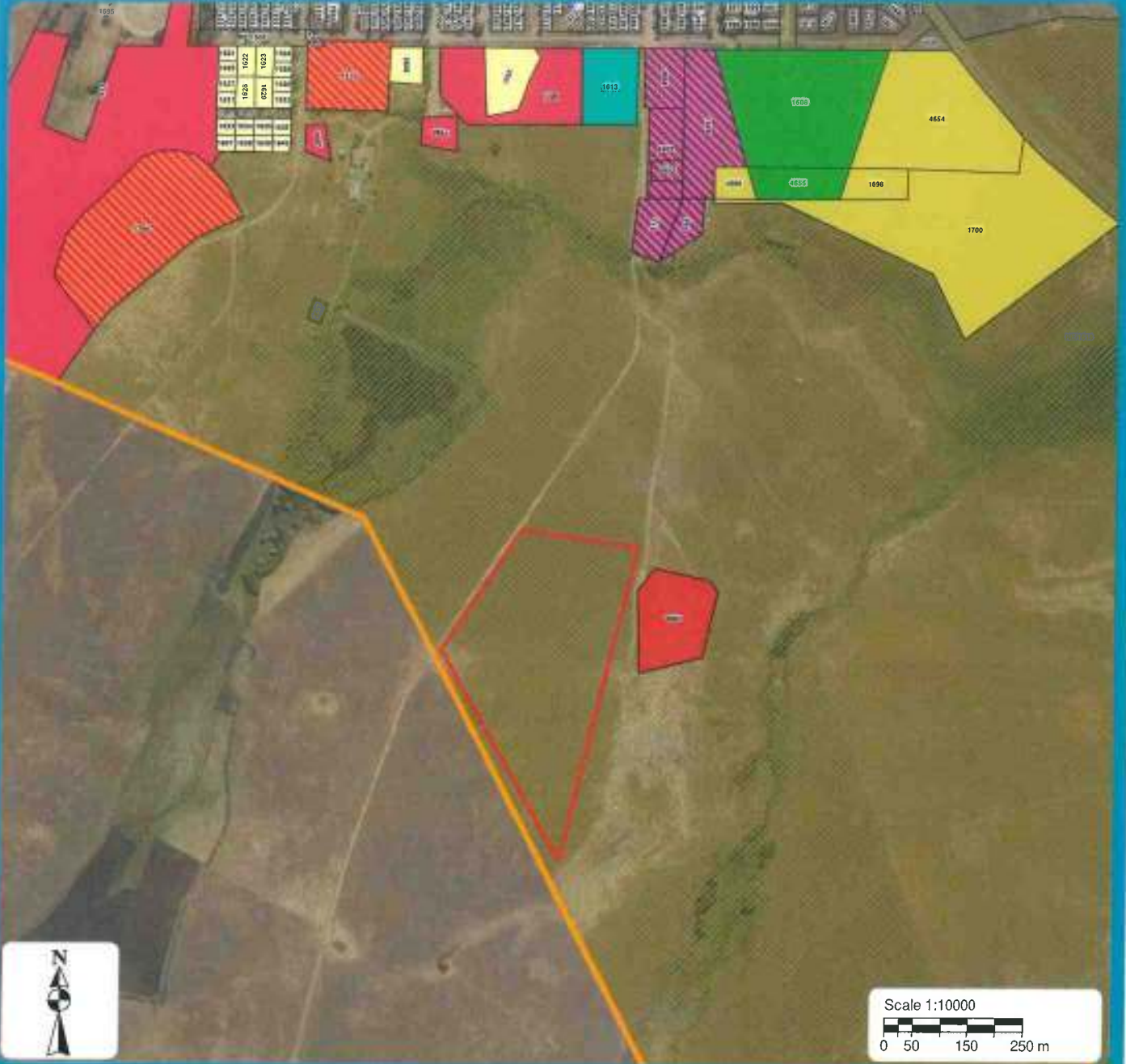


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LEGEND

PTN OF RE/1618
BARKLY EAST

LAND USE

- Commonage
- Residential
- Government
- Industrial

- Municipal
- Solid Waste Site
- Recreation
- Trading Store
- Vacant

Project:
**Subdivision, Rezoning
& Consent Use of Remainder
Erf 1618 Barkly East**

Client
 **Senqu Local
Municipality**

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Date: Oct 2020

Plan No: 576-02

PLAN 3

ZONING PLAN 576-03

ZONING PLAN

Portion of Remainder Erf 1618 BARKLY EAST

SITUATE IN SENQU LOCAL UNICIPALITY
ADMINISTRATIVE DISTRICT OF BARKLEY EAST
PROVINCE OF THE EASTERN CAPE
Extracted from Surveyor General Spatial Database

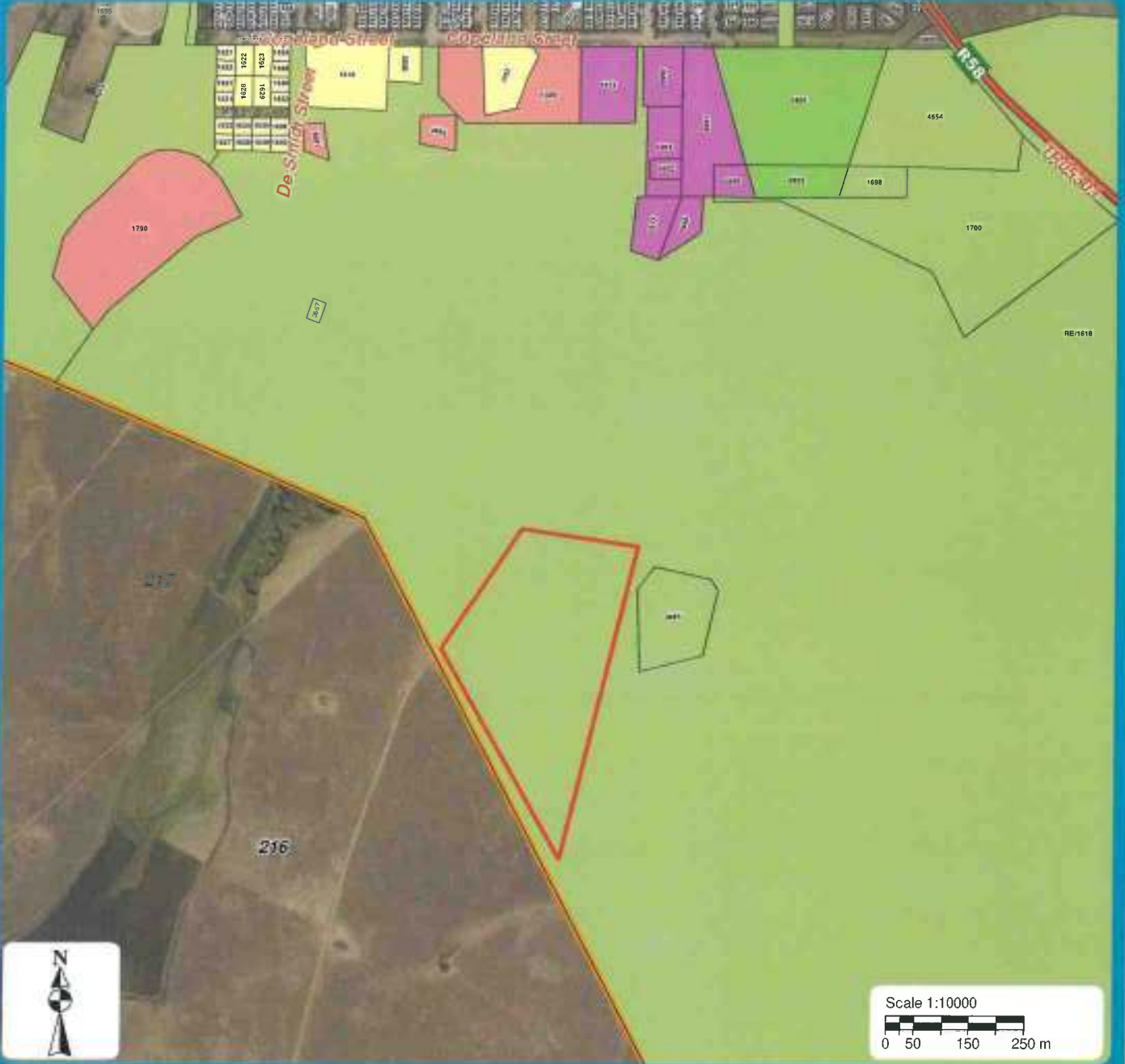
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All cadastral boundaries are to be confirmed by a Professional Land Surveyor



LEGEND

— PTN OF RE/1618 BARKLY EAST

Road class

R

ZONING

- AUTHORITY ZONE
- UNDETERMINED ZONE
- INDUSTRIAL ZONE 1
- OPEN SPACE ZONE 2
- RESIDENTIAL ZONE 1

Project:

**Subdivision, Rezoning
& Consent Use of Remainder
Erf 1618 Barkly East**

Client:



**Senqu Local
Municipality**

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Date: Oct 2020





Plan No: 576-03

PLAN 4

SUBDIVISION PLAN 576-04

SUBDIVISION, REZONING & CONSENT USE OF REMAINDER ERF 1618, BARKLY EAST

| LAND USE TABLE | | | |
|----------------|--------------------------|-------|-----------|
| LAND USE | ZONING | PTMS | AREA (ha) |
| COMMONAGE | UNDETERMINED | REPL | 922,65 |
| CEMETERY | AUTHORITY & UTILITY ZONE | PTM A | 10,09 |
| TOTAL | | 2 | 932,74 |
| | | | 100 |

| LEGEND | |
|---|---|
|  | PROPOSED SUBDIVISION |
|  | 1m CONTOURS |
|  | POWERLINE |
|  | PROPOSED 30m WIDE POWERLINE SERVICITUDE |

NOTES

0m 25m 50m 75m 100m 125m 150m
SCALE BAR

ALL COASTAL BOUNDARIES ARE TO BE CONFIRMED BY THE SURVEYOR GENERAL'S OFFICE

DATE 06 OCTOBER 2020

CLIENT
SENQU LOCAL MUNICIPALITY

SCALE 1:3000

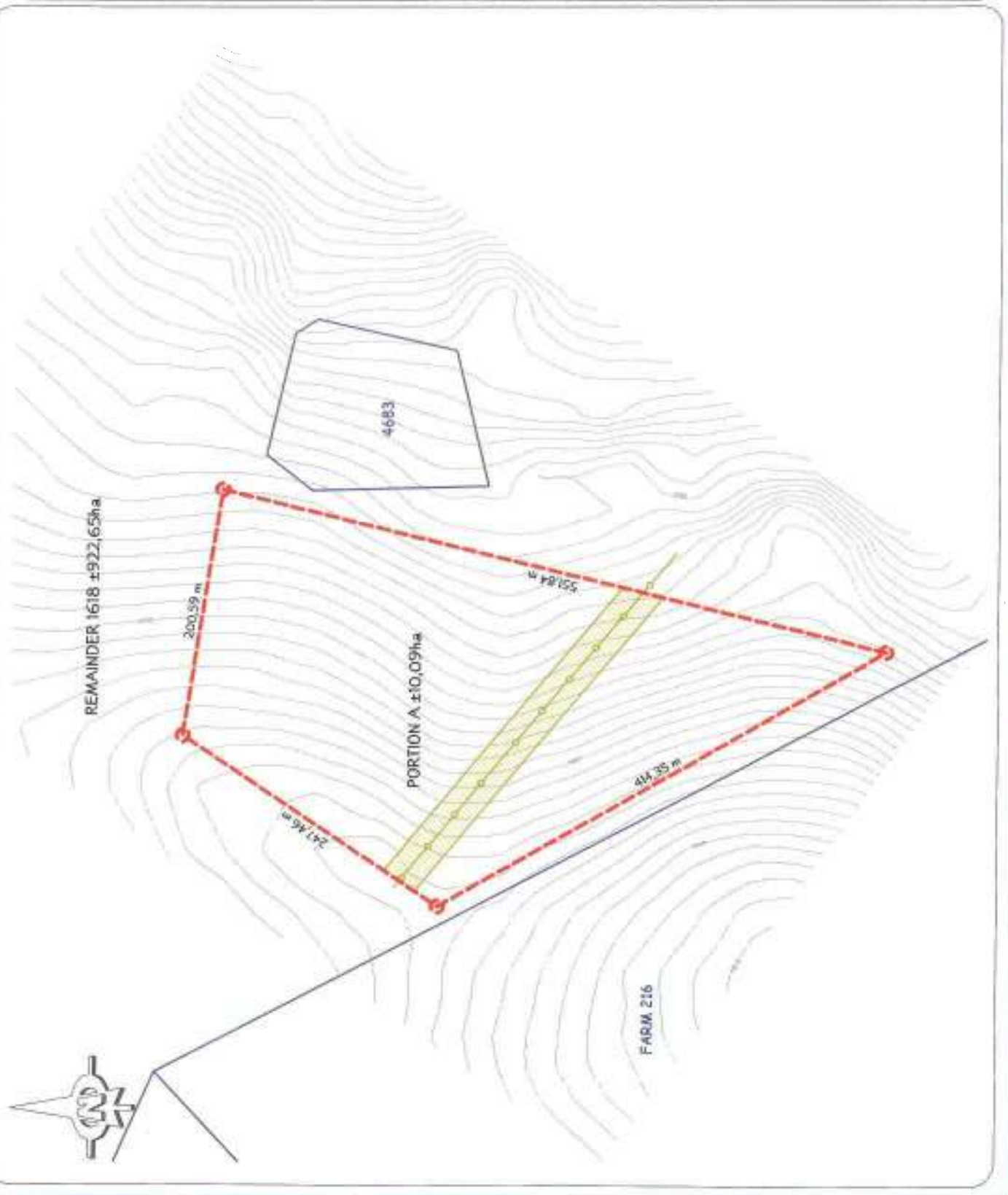


Prepared by
455483483
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455483483

Title
SUBDIVISION PLAN

PLAN NO. 576-04

Rev. No. 0



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Rev. No. 0





The Surveyor General's Office is not responsible for the accuracy of the information provided in this plan. The user of this plan is advised to verify the information provided in this plan with the relevant authorities.

PLAN 5

SITE DEVELOPMENT PLAN 576-05

SUBDIVISION, REZONING & CONSENT USE OF REMAINDER ERF 1618, BARKLY EAST

| LAND USE TABLE | | | | |
|----------------|--------------------------|------|-----------|-------|
| LAND USE | ZONING | PTNS | AREA (ha) | % |
| COMMONAGE | UNDETERMINED | RELA | 922,65 | 98,92 |
| CEMETERY | AUTHORITY & UTILITY ZONE | PTVA | 10,09 | 1,08 |
| TOTAL | | 2 | 932,74 | 100 |

| LEGEND | |
|---|---|
|  | PROPOSED SUBDIVISION 1m CONTOURS |
|  | POWERLINE |
|  | PROPOSED 30m WIDE POWERLINE SEWITRIDE 32m BUFFER FROM DRAINAGE COURSE |
|  | DRAINAGE COURSE |

NOTES

1. CONSENT USE TO PERMIT A CEMETERY ON PORTION A



ALL INDUSTRIAL BOUNDARIES ARE TO BE COMPARED TO THE SURVEYOR GENERAL'S OFFICE LAND SURVEYOR.

DATE: 06 OCTOBER 2020

CLIENT: **SENQU LOCAL MUNICIPALITY**

SCALE: 1:3000



Prepared by:
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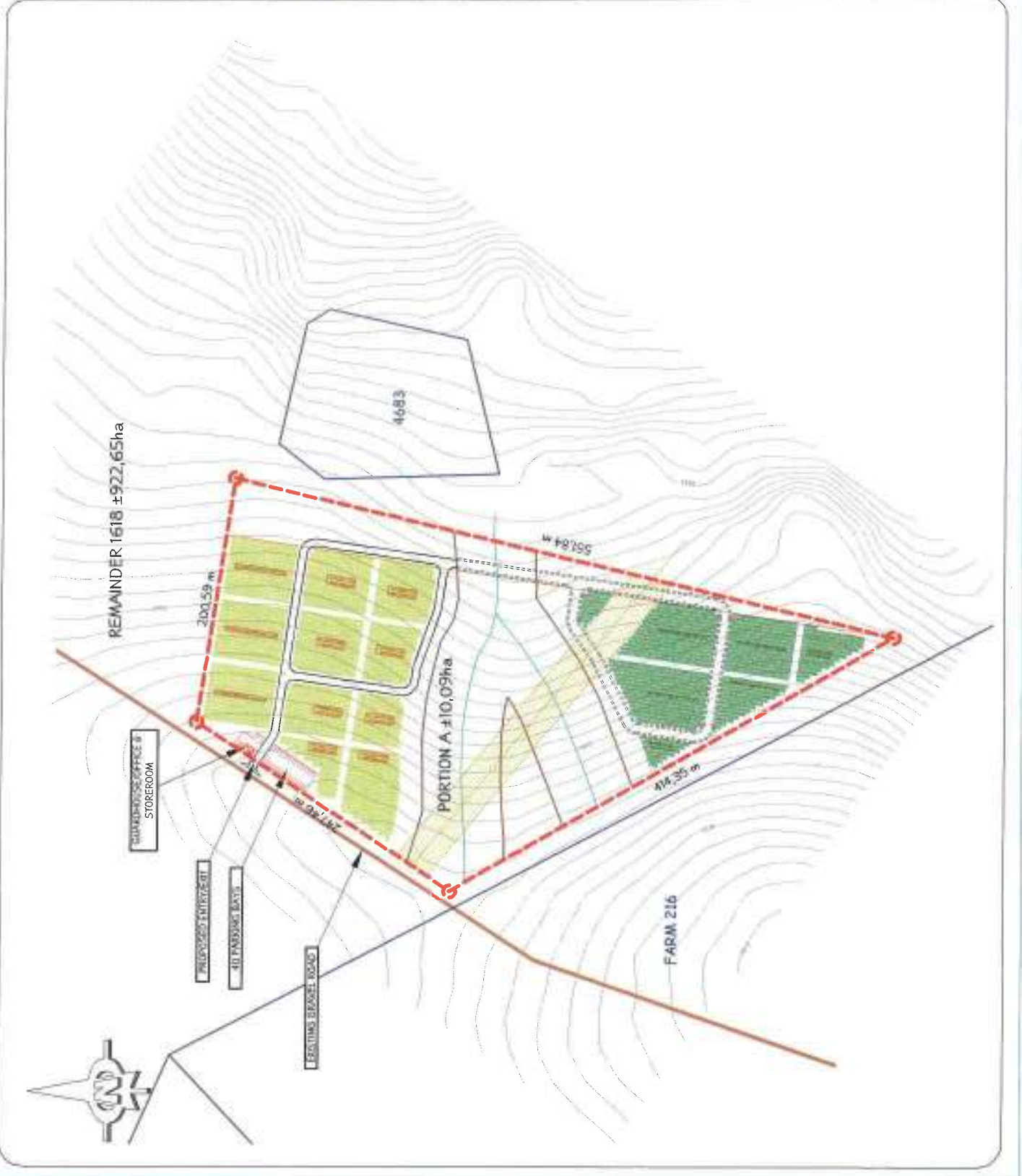
Title

SITE DEVELOPMENT PLAN

PLAN NO.: 576-05

Rev No: 0

07/04/2020
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PROPERTY DETAILS PRINT FOR PORTION 0 (R/E)
 ERF NO 1610
 TOWNSHIP BARKLY EAST
 REG DIV NOT AVAILABLE

PROVINCE EASTERN CAPE
 PREV DESCRIPTION * (933,4802HA)
 DIAGRAM DEED NO BEF2-14/1920
 EXTENT 932.7433
 CLEARANCE BARKLEY EAST MUN

FIRM NR : 999
 FIRM NAME : AKTEKAWTOOH KING WILLIAM'S T
 FILE NR : PREP
 FEE AMOUNT: R .00

SUBDIVISION TO TOWN BARKLY EAST , ERF 2424 , PRTN 0
 SUBDIVISION TO TOWN BARKLY EAST , ERF 1827 , PRTN 0
 SUBDIVISION TO TOWN BARKLY EAST , ERF 1829 , PRTN 0
 SUBDIVISION TO TOWN BARKLY EAST , ERF 2024 , PRTN 0
 SUBDIVISION TO TOWN BARKLY EAST , ERF 2657 , PRTN 0
 SUBDIVISION TO TOWN BARKLY EAST , ERF 3478 , PRTN 0

| INTERDICTION | CASE NUMBER | CASE DATE/TITLE NR | NOTED ON |
|-------------------------|-----------------|--------------------|--------------------------|
| I-1403/1983LGCTH | | | 0000 |
| DOCUMENTS | HOLDER & SHARE | AMOUNT | O/P/A SCAN/MICRO REF MDD |
| K717/19795CTH | 0 | | |
| VA365/983-BEF2-14/92CTH | BEF2-14/1920CTH | | |
| VA7762/2013CTH | | | |
| CONVERTED FROM CTH | | | 1024 |

OWNER DETAILS

| FULL NAME & SHARE | PURCH DATE | AMOUNT/REASON | O/P/A | IDENTITY | DATE OF BIRTH | TITLE DEED | MDD | SCAN/MICRO REF |
|-------------------|------------|---------------|-------|----------|---------------|-----------------|------|----------------|
| MUN SENGU | | SECT 16 | | | | BEF2-14/1920CTH | 1021 | |
| | | | | | | T90321/2002CTH | 1028 | |

* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
 FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***

The lease No. 459/1928 referred to in the endorsement herein dated 20 June 1928 has expired by effluxion of time. Applications filed with Deeds Registry

Legal Form 10.12.5.

(Handwritten signature)
Deeds Registry

| | |
|--|--------------------------------------|
| Certificate of Registered Title No. <u>8186</u> Issued in terms of | |
| Notifikasat van Geregistreerde Titel no. <u>8186</u> uitgevaardigd krachtens | |
| Sec. <u>43</u> Art. 1 ^o in repect of the | Art. 1 ^o in repect of the |
| Vol. No. <u>47/37</u> | Vol. No. <u>47/37</u> |
| Remainder | |
| Restant | |
| GIBBS; H. E. A. | |
| DEEDS OFFICE ARTS & CRAFTS CARE TOWN, KAMPONG | |
| 14-4-1972 | |

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ALLES INLIGTING UITGEVEN

That the land shall be subject to all rights and burdens which now effect or at any time hereafter may be found to affect the title of the land hereby granted or which may be binding on the Government in respect of the said land as at the date hereof.

Thus done and signed by the Secretary for Lands at Cape Town on the 21st day of October 1970, duly authorised thereto in that behalf by the Governor-General in terms of the Crown Land Disposal, (Execution of Deeds) Act, 1911

Registered Deed L. T. 8186/24
Deeds Registry
Cape Town
Dolle Kluiske 1970
(Handwritten signature)
Check in office

(Handwritten signature)
SECRETARY FOR LANDS.

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ALLES INLIGTING UITGEVEN

VA0007762/2013

REF 2-14/1920-

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 88(1)

Deeds Registry
Cape Town

2013-10-24

[Signature]
Asst. Registrar of Deeds

| | |
|--|------------------------|
| SERTIFIKAAT VAN GEREGISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED | |
| TEN OPSIGTE VAN EAF 3478 IN RESPECT OF = 1,3052 HA | |
| RESTANT REMAINDER | |
| T 000008517/2014 | <i>[Signature]</i> |
| 2014-02-25 (2) | REGISTRATEUR/REGISTRAR |

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 ALLEEN VIR INLIGTING UITGEREIK

ISSUED FOR INFORMATION ONLY
 ALLEEN VIR INLIGTING UITGEREIK

Erf 1611 = 10.8926 MA

GETRANSPORTEER
TRANSFERRED

15263

18 SEP 1952

Hospital Trustees as designated by
Ta sec. 51 Ordinance 18 of 1946

Restant
Remainder

F. de V. Brunt

Asst-Registrar
Asst. Registrar

Bertifikaat van Geregistreerde T...
Certificate of Registered Title

Art. 43 Wet
Sect. 47/37

1852123

1807

11 MAR 1958

F. de V. BRUNT.

Asst-Registrar/Asst. Registrar

Bertifikaat van Geregistreerde T...
Certificate of Registered Title

Art. 43 Wet
Sect. 47/37

11010 = 4556

11 MAR 1958

F. de V. BRUNT.

Asst-Registrar/Asst. Registrar

Erf 1649 = 41, 238 Sq feet

GETRANSPORTEER
TRANSFERRED

11014

17. 8. 1959

To The Trustees of the
Bank of East Africa

BRUNT

Asst-Registrar

116/18 M. 01 out enclosure map 10/11/1951

BLADSY/PAGE # 5
 ENDOSSEMENT OP Barkley East
 ENDORSEMENT ON Ed 2/161 / 1920
 EIENDOM/PROPERTY Ed 1618
Barkley East

Certificate of Registered Title No. T16027/74 issued in terms of
 Sertifikaat van Geregisreerde Titel No. uitgereik kragtens
 Sect. 43 Act No. 47/37 in respect of the
 Art. Wet No. ten opsigte van
Ed 1674 road H. 6847 no.

Remainder
 Restant

DEEDS OFFICE
 ASTERAD/OFIS
 DANE TOWN/SABSTON
18/6/1974

C. H. WIESE
 ASST. REGISTRAR
 ASST. REGISTRATEUR

Ed 1682 near 5622
 GETRANSPORTEER 91-8-1976
 TRANSFERRED
 No. T44481/76 Restant
 Remainder

C. H. WIESE
 Asst. registrateur/Asst. Registrasur

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 ALLEEN VIR INLIGTING UITGEREI

E 6

BLADSY/PAGE _____
 ENDOSSEMENT OP Barely East Freehold
 ENDORSEMENT ON 2/14, 1920
 EIENDOM/PROPERTY Erf 1618
Barely East

Wissendes

By Notarial Deed of Servitude K 717 1979 S dated 23.2.1979, the council of the Municipality of Barely East being the registered owner of the withinmentioned property, gives and grants to the Electricity Supply Commission the right in perpetuity to erect a station on an area approximately (fourteen) hectares in extent on the withinmentioned property.

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with ancillary rights and subject to conditions as will more fully appear from the said notarial Deed.

Deeds Registry
 Cape Town 1979-10-25

[Signature]
 Act Registrar
 of Deeds.

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 ALLEEN VIR INLIGTING UITGEREIK

1979 OCT 25 10 50 AM

7

BLADSY/PAGE

ENDOSSEMENT OP

ENDORSEMENT ON Barkly Co. F.H. Vol. 2. Fol. 14

FIENDOM/PROPERTY Rem. Erf. 1618

Barkly Co.

VA 365 11983

B/Books

27/7/83

to

Certified a true copy of the duplicate original
 Geseëlsifoor 'n ware afskrif van die duplikaats-
 filied of record in this Registry, issued to serve as
 oorspronklike in bewering gesien op die oorspronklike
 plaas of the original thereof under the provisions
 of the Deeds Registration Act, 1937, in the office of
 the Registrar/Registrieskantoor, Cape Town, Kaapstad.

1983-04-28

365

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 ALLEEN VIR INLIGTING UITGEREIK

Bladsy 365, Volume 11983 van die F.H. Vol. 2, Fol. 14, is 'n ware afskrif van die oorspronklike in bewering gesien op die oorspronklike plaas of die oorspronklike daarvan onder die bepalinge van die Deeds Registrasiewet, 1937, in die kantoor van die Registrasiekantoor, Kaapstad.

Certificate of Registered Title
 Sertifikaat van Geregiseerde Titel T. 10206 1987

issued in terms of sect. 43 Act 47/1977
 uitgereik kragtens art. 43 Wet. 47/1977

in respect of the ERF 1786
 ten opsigte van MEAS 7703m²

Remainder 9025807
 Restant

DEEDS OFFICE
 AKTESKANTOOR
 CAPE TOWN/KAAPSTAD
 1987-03-11

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ERF 1791 = 8592 m²

GETRANSPOORTEER
 TRANSFERRED To: Mr G. L. Roos

No. T. 20429/88 1988-04-20 Restant 9017235 ha
 Restant

Register
 Registrar

ERF 1789 mopp 1,2599 HA

GETRANSPOORTEER
 TRANSFERRED To: Republic of South Africa

No. T. 53549/91 28 08 1991 Restant 9004536
 Restant

Register
 Registrar

ISSUED FOR INFORMATION ONLY
 ALLEEN VIR INLIGTING UITGEREIK

weersake empossasmente sien
 siftnaar endossemments ees.

Certificate of Registered Title T. 01475192 119

issued in terms of sect. 43 Act 47/37
 uitgereik kragtens art. 43 Wet. 47/37

in respect of the Erf 1706 = 41,3945 HA
 ten opsigte van

Remainder 859,0611
 Restant

DEEDS OFFICE
 AKTESKANTOOR
 CAPE TOWN/KAAPSTAD

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ALLEEN VIR INLIGTING UITGEREIK

-9-

Er f 1985 no. 57, 1709 Ha.

| | |
|--------------------------|----------------|
| GETRANSPORTEER AAN | TRANSFERRED TO |
| The Barry East Golf Club | |
| RESTANT/REMAINDER | 799,8982 ha |
| 08 78903 95 | |
| | 1 |
| | REGISTRATIEUR |

carb. 4656 = 7249 m²

| | |
|--------------------------------|----------------|
| GETRANSPORTEER AAN | TRANSFERRED TO |
| The Louis Coetzer Family Trust | |
| RESTANT/REMAINDER | 7918,269 |
| T 01348 '97 | |
| 1997-05-08 | |
| | REGISTRATIEUR |

Further endorsement p 710

| |
|------------------------|
| the issue of this copy |
| N. Robertson |

Restant

loc 25/94

10

| | |
|--|--|
| ARTIKEL 16 VAN WET 47 VAN 1937 GETRANSPORTEER AAN | SECTION 16 OF ACT 47 OF 1937 TRANSFERRED TO |
| BARKLY EAST TRANSITIONAL LOCAL COUNCIL | |
| T | 29160-95 |
| REGISTRATEUR/REGISTRAR | |

1995-04-25

[Signature]

| | |
|--|----------|
| SERTIFIKAAT VAN GEREГИSTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED | |
| TEN OPSIGTE VAN IN RESPECT OF Erf 2095 = 5460 m ² | |
| T | 29161-95 |
| REGISTRATEUR/REGISTRAR | |

2

1995-04-29

RESTANT REMAINDER 9903518 ha

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VIR INLIGTING UITGEREIK

[Signature]

| | |
|--|--------|
| SERTIFIKAAT VAN GEREГИSTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED | |
| TEN OPSIGTE VAN IN RESPECT OF Erf 2424 = 78436 ha | |
| T | 306172 |
| REGISTRATEUR/REGISTRAR | |

16 7 98

RESTANT REMAINDER 7909833 ha

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VIR INLIGTING UITGEREIK

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

11

Proc. 82 / 2000

| | |
|--|--|
| ARTIKEL 16 VAN WET 47 VAN 1997 GETRANSPORTEER AAN DE REPUBLIEK VAN SUID-AFRIKA | SECTION 16 OF ACT 47 OF 1997 TRANSFERRED TO THE REPUBLIC OF SOUTH AFRICA |
| SENQU MUNICIPALITY | |
| T000090321-2000 | |
| 2002-10-28 | REGISTRATEUR/REGISTRAR |

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VIR INLIGTING UITGEREIK

ERF 2657 = 836 m²

| | |
|-----------------------------|------------------------|
| GETRANSPORTEER AAN | TRANSF. NED TO |
| BARKLY EAST ANGLING Society | |
| RESTANT/REMAINDER | |
| T000090322-2000 | |
| 2002-10-28 | REGISTRATEUR/REGISTRAR |


vir verdere end sien pg 12

| | |
|---|------------------------|
| SERTIFIKAAT VAN GEREËGISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED | |
| TEN OPSIGTE VAN IN RESPECT OF | ERF 2024 = 1.7284 ha |
| T 9858/2007 | |
| 13 FEB 2007 | REGISTRATEUR/REGISTRAR |

| | |
|---|--------------------------------|
| SERTIFIKAAT VAN GEREËGISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED | |
| TEN OPSIGTE VAN IN RESPECT OF | ERF 1829 = 9742 m ² |
| RESTANT REMAINDER | |
| T 9824/2008 | |
| 17-03-08 | REGISTRATEUR/REGISTRAR |

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VIR INLIGTING UITGEREIK

- 12 -

| | |
|---|---|
| BETIFIKAAT VAN GEREKISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED | |
| TITEL OORSKOT VAN IN RESPECT OF EF 1827 = 44 m² | |
| RESIDENT (REMANOOP) | |
| T 19925 2008 |  REGISTRATEUR/REGISTRAR |
| 17.03.08 | |

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ALLEEN VIR INLIGTING UITGEREIK

CERTIFIED A TRUE COPY OF THE ORIGINAL FILED OF RECORD IN THIS
GEBETIFISEER 'N WARE AFSCRIF VAN DIE OORSPRONKLIKE WAT IN
OFFICE, ISSUED IN TERMS OF REGULATION 65, ACT 47/1937,
HIERDIE KANTOOR BERUS UITGEREIK KRAGTENREGULASIE 65,
WET 47/1937.

DEEDS OFFICE
AKTEKANTOOR
KING WILLIAM'S TOWN

13 JAN 2008

REGISTRAR OF DEEDS
REGISTRATEUR VAN AKTES

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

 13

ANNEXURE E

Comments from Organs of State



JOE GQABI
DISTRICT MUNICIPALITY

cnr Cole & Graham Streets
Private Bag X102
Barkly East, 9786

An improved quality of life for all residents



Tel : (045) 979 3000
Fax: (045) 971 0251
www.jgdm.gov.za

Our Reference : 16/5/R
Date : 19 July 2021
Enquiries : DC Lourens
E-mail : stompie@jgdm.gov.za

Municipal Manager
Senqu Local Municipality
P.O. Box 18
Lady Grey
9755

Attention: Ms Simnikiwe Mbekushe

APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE OF ERF 1618 IN BARKLY EAST

Your application in regards to the abovementioned refers with reference "Land Use application Barkly East cemetery".

Joe Gqabi District Municipality acknowledges the application and have conducted the necessary on site evaluations to determine the possible impacts to Barkly East water services and confirmation of the capacity of water supply and sanitation infrastructure to accommodate the proposed development.

Joe Gqabi District Municipality, Water Services Authority can hereby confirm:

- The **proposed location of the cemetery is located above and sloping towards the town's primary water source and storage facility thus a risk in terms of contaminations due to leaching;**
- The natural drainage from the proposed site is towards the Langkloof River, a swamp close to the river and the abstraction weir;
- The future groundwater development options of the town must also be considered in terms of potential leaching and contamination of the area;
- **There is an existing municipal solid waste facility which is already in the area and is an existing potential impact to the town's water sources. Thus the gravesite will intensify the contamination due to seepage from the proposed 5711 graves ;**
- There is water supply infrastructure that is available in the area to cater for the water needs. However, in terms of the sanitation the facility would need to develop an onsite system similar to the municipal solid waste site; and
- **That the application for subdivision and rezoning is therefore not supported by the municipality. Therefore, Senqu LM must consider another site.**



All enquiries regarding the contents of the letter can be directed to the Head: Water Services Compliance, Mr DC Lourens, at 045 979 3000, Cell 082 7741137.

Yours faithfully



^ **Z.A. WILLIAMS**
MUNICIPAL MANAGER

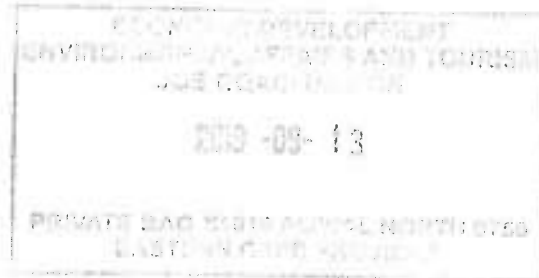
.../rf



Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

Reference Number: **EC 142/JG/LN1/23/27/19/03**
Enquiries: Mr **Thozamile Babane**

Attention: Mr. Mxolisi Yawa
Senqu Local Municipality
Private Bag X03
Lady Grey
9755
Fax No: **051 633 3177**



PER FACSIMILE

Dear Sir

**ENVIRONMENTAL AUTHORISATION ISSUED IN TERMS OF LISTING NOTICES 1
GN R.327 ACTIVITY 23 AND 27 OF 2014 EIA REGULATIONS PROMULGATED
UNDER SECTION 24 OF NEMA 1998 AS AMENDED**

With reference to the above mentioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Regulation 4 of the National Appeal Regulations, 2014 as amended which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge an appeal with the MEC as per sections 6.1 to 6.7 of the attached authorisation, within 10 days of receiving this letter. Appeals may be lodged by fax, post or hand.

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

Should you decide to appeal, you must serve a copy of your appeal to all registered interested and **affected** parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully

Ms A.G Qinisile

Regional Manager: Environmental Affairs (Joe Gqabi)

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

Environmental Authorisation

Authorisation register number : EC 142/JG/LN1/23/27/19/03

NEAS number : ECP/EIA/0000733/2019

Last amended :

Holder of authorisation : Senqu Local Municipality

Location of activity : Adjacent to Barkly East landfill site,
Senqu Local Municipality in the
Eastern Cape

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



**Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750**

DEFINITIONS

"2014 EIA Regulations" – These are the Environmental Impact Assessment Regulations published in Government Notice **R982** of 4 December 2014 in terms of Sections 24(5) and 44 of the National Environmental Management Act, Act 107 of 1998.

"CEMP" – Construction phase Environmental Management Programme

"Commencement" – Any physical activity on site that can be viewed as associated with the establishment of the facility inclusive of initial site preparation, vegetation clearing and establishment of a construction site office.

"EAP" – Environmental Assessment Practitioner.

"FBAR" – The Final Basic Assessment Report prepared by Ages Omega – Basic Assessment Report" read together with all its annexures.

"NEMA" – National Environmental Management Act, Act 107 of 1998.

"NEM: WA" – National Environmental Management: Waste Act, Act 59 of 2008.

"Authorisation Holder"- Senqu Local Municipality.

"Burial Plot/s or grave/s"- dug holes for the purpose of placing the human body whether in coffin or not.

"Monitoring report"- a report prepare by a specialist, institution, external or internal for the purpose of maintaining compliance with conditions of this authorisation and other environmental legislation that are applicable to the proposed development.

"Naked Burials"- is burying of human body without a coffin due to whatever reason.

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



**Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750**

1. Decision

The Department **is satisfied**, on the **basis** of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to **undertake** the activity specified below.

Details regarding the basis on which the Department reached this decision are **set** out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

Senqu Local Municipality

With the following contact details –

Mr Mxolisi Yawa

Private Bag, X03

Lady Grey

9755

Tel: (051) 603 1300

Fax: (051) 633 3177

Email: nkopanen@senqu.gov.za

to undertake the following activities (hereafter referred to as "the activities") indicated in Government Notice R 327, listed activity 23 and 27.

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

| Listing Notice | Activity Description |
|--|---|
| GN R 327 Listing Notice 1 Activity 23 | The development of cemeteries of 2 500 square metres or more in size. |
| GN R 327 Listing Notice 1 Activity 27 | The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation. |

as described in the Final Basic Assessment Report (FBAR) received on 28 June 2019:

| Point | Latitude | Longitude |
|-------|------------------|------------------|
| North | S 30° 58' 45.78" | E 27° 35' 45.90" |
| East | S 30° 58' 46.72" | E 27° 35' 53.38" |
| South | S 30° 59' 04.15" | E 27° 35' 48.56" |
| West | S 30° 58' 52.49" | E 27° 35' 40.77" |

Senqu Local Municipality is proposing to **establish** a new cemetery for Barkly East community. AGES Omega (Pty)Ltd has been appointed by Rhodium consulting as the independent Environmental Assessment Practitioner to undertake the application of environmental authorization process. The proposed project is located to the south of Barkly East town adjacent to Barkly East town landfill site under Joe Gqabi District Municipality. The proposed cemetery site will provide approximately 3980 underground burial plots. The site will be provided with the following infrastructure: burial plots or graves of all sizes, guard house, roads and fencing.

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



**Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750**

3. Exemptions

The granting of this Environmental Authorisation is subject to the conditions set out below.

4. Conditions of Environmental Authorisation

Scope of authorisation

- 4.1. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 4.2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 4.3. The activities authorised may only be carried in the proposed new Barkly East cemetery **site**, under Senqu Local Municipality.
- 4.4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 4.5. Conditions of authorization relating to the project are valid in perpetuity.
- 4.6. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:

REF. NUMBER: EC 142/JG/LN1/23/27/19/03

Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

- i. Provisions contained in the principles of **National Environmental Management Act (Act 107 of 1998)** as amended and **its Regulations (2014 EIA Regulations as amended)**.
 - ii. Pollution of air through generation of dust from excavation must be controlled as according to the **National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)** as amended, **Dust Control Regulations**.
 - iii. **National Environmental Management Biodiversity Act (No.10 of 2004)** as amended.
 - iv. **National Water Act, (36 of 1998)**.
- 4.7. **Mitigation** measures must be implemented to reduce the dust emission that may emanates from excavation or diggings process. Dust emission should **be within** acceptable dust fall rates as per regulation No. 3 of **Dust Control Regulations**. If dust fall standards as set out in **Dust Control Regulation** are exceeded, a dust management plan must be developed and submitted to the Department, for approval.
- 4.8. An integrated waste management approach must be implemented that **is** based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill site licensed in terms of section 20 (b) of the **National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)**.
- 4.9. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



Joe Gqabi Regional Office
P/Bag x 1016, Allwal North, 9750

Management of the activity

- 4.10. The Environmental Management Programme (EMPr) for development of Barkly East cemetery, submitted as part of application for Environmental Authorization is hereby approved.
- 4.11. The recommendations and mitigation measures recorded in the Basic Assessment Report received on 28 June 2019 must be adhered to and must be incorporated as part of the EMPr.
- 4.12. Any updates or amendments to the EMPr must be submitted to the Department of Economic Development, Environmental Affairs and Tourism and must be decided upon within a period of 30 days of the submission.
- 4.13. All correspondence with regard to this application must be forwarded for attention of The Deputy Director: Environmental Affairs within the regional office, except an appeal.

Monitoring

- 4.14. It is the responsibility of authorization holder to comply with the conditions of this authorization.
- 4.15. Annual water samples from boreholes must be collected and analysed by accredited institution to determine groundwater quality, if any trend/s of potential pollutants that are associated with cemetery is detected authorisation holder must inform department.

Recording and reporting to the Department

- 4.16. The results in 4.15 must be submitted to DWS and DEDEAT. The monitoring report must –
 - i. Indicate the date of the monitoring, the name of the person conducted monitoring and the outcome of the monitoring in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.

REF. NUMBER: EC 142/JG/LN1/23/27/19/03



Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

- ii. Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

- 4.17. This activity must commence within a period of thirty-six (36) months from the date of issue. If commencement of the activity does not occur within thirty (36) months, the holder of the authorisation may apply for an extension before the authorisation lapses.
- 4.18. If no extension is applied for, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken; and
- 4.19. Should you be notified by the MEC of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

Notification to authorities

- 4.20. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

Operation of the activity

- 4.21. Fourteen (14) days written notice must be given to the Department that the activity's operational phase will commence.
- 4.22. Operational EMPr attached to FBAR must adhered.

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Site closure and decommissioning

- 4.23. Should the activity cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

- 4.24. Construction site must be kept clean at all times. Waste bins with lids must be provided to control litter on site and the construction camp. The waste bins must be emptied regularly and disposed in a permitted waste disposal site. Burning of waste is not allowed on site and the construction camp.
- 4.25. No fires are allowed on site. Cooking must be done in demarcated areas that are safe of runaway fires. Operational fire fighting equipment must be available on site and the construction camp at all times. Emergency fires must be reported to the local authority.
- 4.26. No poaching of flora and fauna will be allowed on site.
- 4.27. Killing of fauna by trapping, capturing or electrocuting is prohibited during all phases of the projects.
- 4.28. Cemetery site must be adequately fenced off and provided with suitable gates to restrict unreasonable entrance to the site during construction of cemetery infrastructure and operation of cemetery.
- 4.28.1. If a concrete or brick wall is to be used as fence it must blend with environmental surrounding.
- 4.28.2. Electrocuting fence must be provided with warning signs and be inside the cemetery.
- 4.29. Deface, paint, marked or damage of natural features on site without prior agreement with the ECO is prohibited.
- 4.30. The establishment and regrowth of alien vegetation and exotic species must be controlled.

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- 4.31. Backfilling of graves must be done in way that reduces chances of alien infestation-
- 4.31.1. During digging of grave the subsoil must be separated from topsoil.
 - 4.31.2. During backfilling the subsoil must first to be returned and topsoil be last to return to grave.
 - 4.31.3. All left out earth material must be spread through and be used as rehabilitation soil.
 - 4.31.4. Earth stockpile must be located away from the drainage line and maintained free of alien invasive vegetation.
 - 4.31.5. The earth stockpile must not exceed 5 m in height above ground level.
- 4.32. All eroded areas must be repaired immediately provided that the repairs will not constitute a listed activity in terms of the EIA regulations.
- 4.33. In event that erosion is the result of emergency occurrence as per section 30 of NEMA of 107 of 1998 as amended-
- 4.33.1. The provision that are contained in section 30 A of NEMA as amended must be followed.
 - 4.33.2. The authorisation holder must keep register of all emergency events occurred in the site including complaint register recording all complaints received by the site.
- 4.34. Diversion trench or berm must be constructed to prevent or divert storm water runoff entering the graves.
- 4.35. No graves to be built within 100m of water bodies.
- 4.35.1. Minimum buffer zone of 2.5m between grave and groundwater level must be adhered in order to prevent pollutants from reaching water table.
 - 4.35.2. Graves showing shallow fracture bedrock should be abandoned and backfilled with earth to prevent contamination of groundwater.
 - 4.35.3. Graves for naked burials must only take place in graves with containment barriers as per regulation 636 of NEM: WA 59 of 2008.
 - 4.35.4. The graves in 4.35.3 must be located at least 50 m away from of any drainage line and graves must be indicated in the site plan.
 - 4.35.5. Burial plots must not be excavated more than depth of 1.80m

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General

- 4.44 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.**
- 4.45 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 4.46 The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. **Non-compliance** with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 4.47 You are advised to consider vulnerability of the project infrastructure to the climate change i.e. infrastructure of the project should be installed and constructed to resist impacts of the climate change.**
- 4.48 This authorisation does not negate the holder of the authorisation from responsibility to comply with other statutory requirements that may be applicable to the undertaking of the activity.
- 4.49 The provincial government shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for **reasons of non-compliance** by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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5. Reasons for Decision

1. Background

The application from Senqu Local Municipality is for Government **Notice R 327** activities. The following activities are being applied for:

| Listing Notice | Activity Description |
|--|--|
| <i>GN R 327 Listing Notice 1 Activity 23</i> | <i>The development of cemeteries of 2 500 square metres or more in size.</i> |
| <i>GN R 327 Listing Notice 1 Activity 27</i> | <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation.</i> |

The proposed development of cemetery is in Barkly East adjacent landfill site, under Senqu Local Municipality in the Eastern Cape.

Senqu Local Municipality appointed AGES OMEGA (PTY) Ltd to undertake the BAR process as required by Regulation 16 of the EIA Regulations, 2014 as amended.

2. Information considered in making the decision

In reaching its decision, **the** Department took, *inter alia*, the following into **consideration-**

- a) The information contained in the application form received on 27 March 2019.
- b) Information contained in the BAR and EMPr received on 28 June 2019.
- c) The findings from the site visit that was conducted on **29** May 2019 by Mr. A. Ntshinka (DEDEAT), Ms. M.C. Kambi (DEDEAT), Mr. T. Babane (DEDEAT) and Mr. D. Schoeman from AGES Omega (Pty) Ltd.

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- d) The mitigation **measures** as proposed in the EMPr submitted with the **BAR** received on **28** June 2019.
- e) The **acknowledgement** letter for a water use license from the Department of Water and Sanitation as attached to the BAR received on 28 June 2019.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) **Details** provided about the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The proposed cemetery will not benefit local community directly, however it will improve social service with respect to burial facilities and eliminate illegal burials that associated with risks of groundwater contamination.
- c) The **negative** impacts associated with the proposed development can be adequately mitigated provided the Conditions of this Environmental Authorization are adhered to and fully implemented.
- d) The "no-go" areas will have the least impact on the environment.
- e) Adequate opportunity was offered for all parties to provide their opinion with significant economic, social, or environmental interest, and no objections were received in this regard.
- f) A public participation process was undertaken, and the applicant satisfied the minimum requirements as prescribed in the EIA regulations, 2014 as amended for public involvement.

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4. Findings

After consideration of the information and **factors listed** above, the Department made **the** following findings -

- The proposed development of cemetery in Barkly **East** will provide community with formalised cemetery in order to reduce illegal burying which poses health and environmental threat.
- The proposed project area has medium-low sensitivity.
- Any significant disturbance to the environment can be adequately mitigated provided **the** Conditions of this Environmental Authorization and the mitigation measures as contained in the BAR are adhered to and fully implemented.
- There will also be short term job creation during the construction activities which will benefit some of the residents.
- The implementation of the proposed development will improve the social **status** of the Senqu Local Municipality.
- There is expressed need and desirability for the proposed development.
- The procedure followed for impact assessment is adequate for **decision** making process.
- All legal and procedural requirements have been met.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, **1998** and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

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6. Appeal of authorisation

- 6.1 The **holder** of the authorisation must notify every registered interested and affected party, in writing and within 14 days of the **date** of this environmental authorisation, of **its** decision to authorise the activity.
- 6.2 The notification referred must –
 - a) specify the date on which the authorisation was issued;
 - b) inform the interested and affected party of the appeal procedure provided for in Chapter 6 of the regulations;
 - c) advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - d) give the reasons for the decision.
- 6.3 The holder of the authorisation must publish a notice –
 - a) informing interested and affected parties of the decision;
 - b) informing interested and affected parties where the decision can be accessed; and
 - c) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision
 - d) in the newspapers contemplated and used in terms of regulation 56(2)(c) and which newspaper was used for the placing of advertisements as part of the public participation process.
- 6.4 An appeal against the decision contained in this authorization must be addressed in writing, to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as “the **MEC**”) in terms of Regulation 4(1)b of the National Appeal Regulations, 2014 as amended and within 20 (twenty) days after the appellant has been notified.
- 6.5 An appeal submission must be made in the form obtainable from the Departmental website on www.dedea.gov.za or relevant Regional Office.
- 6.6 The appellant must also serve a copy of the appeal to the decision maker in the relevant office.

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- 6.7 The **address**, to which the **original** copies of any such appeal must **be mailed**, is outlined below. **Please** note that originals may **also** be **delivered per hand** or courier.

| | |
|--|--|
| Department | Department of Economic Development & Environmental Affairs |
| Attention | Manager Environmental Affairs |
| Address | Private Bag X0054, BHISHO, 5605 Beacon Hill, Hockley Close, King William's Town 5601 |
| In order to facilitate efficient administration of appeals copies of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows: | |
| Manager Environmental Affairs per fax: | [043] 605 7300 |
| Senior Manager Environmental Impact Management per fax: | 0866192858 |
| It is strongly recommended that electronic copies of all appeal documentation also be e-mailed | E-mail addresses will be supplied on request |

In the event that an appeal is lodged in regard to this authorization, the listed activities described in this authorization may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence.

.....
Mr Thozamile Babane

Environmental Officer EQM (DEDEAT -Joe Gqabi Region)

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Joe Gqabi Regional Office
P/Bag x 1016, Aliwal North, 9750

.....
Mr Thozamile Babane

Environmental Officer EQM (DEDEAT -Joe Gqabi Region)

[Handwritten signature]
.....

Ms A.G. Qinisile

Regional Manager Environmental Affairs (DEDEAT-Joe Gqabi Region)

13 September 2019
.....

Date of issue of environmental authorisation

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Vroue-Landbouvereniging hou Sirkeldag in Queenstown

37 lede van Sirkel NOK se 5 takke het op Saterdag 15 Mei in Queenstown se NG Kerkzaal byeen gekom om meer te leer van volgende jaar se VLV-kompetisies – met die tema "Immergroen en Gewild". Nadat Sirkelpresident Irma Davel van Molteno almal verwelkom het, is die dag geopen deur Sekretaris Antoinette van Plezeten met 'n voorlesing oor "Gister? More? Vandag!" n.a.v. Ps 118:24. Daar is 4 dinge wat jy nooit kan terugky nie. Woorde wat uitgespreek is, Die pyl wat die boog verlaat het, Die lewe wat verby is, en Verlore & verspeelde kansen. Gryp die dag! Daarna het sy 'n gebed van Helen Steiner Rice voorgedra: *A Woman's Prayer*.

Lifestyle Convenor Megan Moorcroft from Sterkstroom discussed and demonstrated all needlework and baking competitions in her usual efficient manner! She started off by showing examples of wonderful ways to recycle old doilies and tray cloths by fixing them to scatter cushions and coat-hanger covers.

Megan explained how to make the knitted teddy, the toddler boy's summer dungaree /romper, and the tea tablecloth with shadow embroidery. The crochet

competition is a baby comfort lovey; this is a crocheted square, star or circle with a head of an animal attached to the center that is used as a comfort blanket, with optionally a dummy attached to the bottom of the animal head.

CWAA competitions are the following embroidery - a picture in colour using blackwork technique, machine work - a ladies reversible sleeveless jacket; knitting - a short sleeved pullover for a man in a typical golf shirt style with a collar and front opening with fasteners; crochet - a backpack for a toddler; and weaving - a decorative cushion cover with a Covid 19 theme. For the floating section - a ladies carry bag is asked, using durable non stretch denim and leather (artificial leather may be used). This section was created to give attention to an article of cultural and historical value, to prevent extinction.

The bottling competition is a fruit jam using honey instead of sugar as sweetener, and the sweets are decorated white Easter eggs. The Baking competition calls for a traditional Easter bun with a twist e.g. a savoury bun, using cranberries instead of

raisins, chocolate bun with choc chips, etc. Megan asked judge Izak van Heerden, also of Sterkstroom, to explain how to bake with yeast. The more you handle the dough, the better - It activates the gluten in the yeast. Dough also needs a rest period to absorb the moisture in the dough. He suggested to knead AWAY from your body.

Vir die eerste keer gaan kinders genooi word om vir Konferensie blokkies te breek wat slegs 30 steke en 48 rye behels. Daar word dan 'n hasie van elke blok gevou, en 'n pompom-stertjie gevorm deur wol om 'n vuk te draai. Na Konferensie word dit dan aan 'n kindersorgoord geskenk, en die wenner sal ook 'n prys ontvang.

Irma Davel is Sirkel NOK se saamroeper vir Kunste en Handvlyt en het wenke gegee vir die Inkleur-kompetisie, wat 'n blom moet wees, Handvlyt se Macrame potplanthouer, en Verf se Hout Tissuebox wat ook aanplakversierings moet hê. Dotpaint vra dat 'n oefeningboek se buiteblad versier moet word slegs met geverfde kolle. Die Scrapbook-kompetisie is opvoedkundig vir peuters. Baby Wipes se deksels word soos fotoraampies op papier geplak en toegevoeg, nadat



Voorbeelde van hoe Megan haar tappies en doilies herwin het!

interessante foto's/prente binne geplak is.

VLVK se kompetisies behels o.a. Woordkuns ('n Brief aan 'n Vriendin oor " Ek wil nou nie skinder nie, maar . . ."), 'n Foto van 'n deur/e, 'n Kwaslose abstrakte skildery in akriel, en 'n Macrame Muurbehangsels. Isabel du Toit van Lady Grey het verskeie Macrame-geheime gedemonstreer en ook vir elkeen 'n houtring uitgedeel saam met haar nota's. Sommige voorbeelde was so lank, dat Izak van Heerden op 'n stoel moes staan om vir Isabel te help vashou daaraan!



Lenie se interessante potte



Tissue boxes

gevoed word om op die regte tyd te blom.

Die dag is afgesluit met die prysuitdeling n.a.v. 27 Maart se konferensie waarvoor in Maart nie tyd was nie.

Tak Trofee's 1ste - Queenstown, 2de - Lady Grey, 3de - Sterkstroom. Blomme trofee - Queenstown. Kunste en Handvlyt trofee - Molteno. Leefstyl trofee - Sterkstroom. Landbou trofee - Molteno. Mees uitstaande artikels: Naaldwerk - Megan Moorcroft, Sterkstroom; Gebak, Gebottel en Lekker: Amanda Oelofse, Sterkstroom; Kunste en Handvlyt - Irma



Voorbeelde van Macrame-knote

Davel, Molteno; Blomme - Retha Peens, Queenstown; Landbou - Irma Davel, Molteno, Meeste inskrywings - Retha Peens.

Die Rangskikking se tema vir 2022 is "Oorbidding in die Natuur" en dit moenie identies wees soos in die verlede nie. Die tafeldek-tema is "Deurtog / Skeuring van die Rooisee". Lede se kreatiwiteit gaan behoorlik hiermee getoets word!

Lenie Fourie van Dordrecht is NOK se Landbousaamroeper en het hierdie keer Herwinning en Landbou gekombineer deur te vra vir 'n herkenbare Tuinmannetjie gebou uit verskeie geverfde potte en 'n blomende plant. Plante kan ±2 weke vóór Konferensie met kalium



NOTICE NO: 72/2021

SUBDIVISION AND REZONING APPLICATION FOR REM 1618 IN BARKLY EAST

NOTICE IS HEREBY given in terms of the of the Spatial Planning and Land Use Management Act 16 of 2013 for the subdivision of the Remainder of erf 1618 Barkly East and rezoning thereof from 'Undetermined' to 'Authority and Utility Zone 1', submitted by Ilizwe Town and Regional Planners on behalf of Senqu Local Municipality.

A copy of the application may be inspected in the Town Planning and Land Use Management Office during normal office hours in the Town Planning and Land Use Management office, Senqu Municipality, 19 Murray Street, Lady Grey.

Members of the public are invited to submit written comments, objections or representations together with the reasons therefor in respect of the application. Submissions must be lodged with the Municipal Manager by no later than the 5th July 2021 to the following address:

**The Municipal Manager
Senqu Municipality
Private Bag X03
Lady Grey
9755
OR
mbekushes@senqu.gov.za**

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