

BR 3403
From Fhiffo

Ndlambe Municipality
Corporate Services
14 NOV 2017
RECEIVED



NDLAMBE MUNICIPALITY
15 NOV 2017
TOWN PLANNING
DEPARTMENT OF INFRASTRUCTURE

**NDLAMBE MUNICIPALITY
SPLUMA LAND USE APPLICATION
(Spatial Planning and Land Use Management Act 16 of 2013)**

TYPE OF APPLICATION:

	Rezoning to subdivisional area (SPLUMA)	(R4986.00)
	Rezoning which does not comprise a rezoning to subdivisional area	(R4986.00)
	Removal of Restrictive Condition	(R4986.00)
	Departure	(R3988.80)
	Subdivision	(R3988.80)
#	Consent use	(R3988.80)
	Extension of approval (SPLUMA)	
	Consolidation	(R4218.00)
	Any other application, give details	

TYPE OF LEGISLATION APPLICABLE:

	Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)
#	Ndlambe Spatial Planning and Land Use Management By Laws 2015
	Ndlambe Spatial Development Framework (SDF)
	Land Use Planning Ordinance 1985 (15 of 1985)

ATTENTION	ACTION REQUIRED
Mayor	Follow-up
Spokesperson	For your attention
Municipal Manager	For your information
Director Corporate Serv	Accounting/Finance Account
Director Finance Serv	Re: Land Use Matter
Director Community Serv	For your info
Director Infrastructure Dev	For Review/Comments
Human Resources	For Report/Support for Council
Administration	For Report/Support
Registry 74117	Review Sign/Deed of Sale

- 1.3. 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.
- 1.4. **Applicants must note that until such time that an application 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 Ndlambe Municipality, in any way.**
- 1.5. The Ndlambe Municipality 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.
- 1.6. 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 comments.
- 2.2. A list of the different authorities and other interested parties affected 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. Applications can be posted via registered mail or hand delivered to the following address:

The Municipal Manager
Ndlambe Municipality
P O Box 13
Port Alfred
6170

The Municipal Manager
Ndlambe Municipality
Campbell St
Port Alfred
6170

The Municipal Manager
Ndlambe Municipality
C/O Town Planning Section
Causeway
Port Alfred
6170

- 3.3. Lack of information leads to delays and adds to the workload of the Department. It is essential that all applications that are submitted for consideration contain all of the

- The LDO'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 LDO refuses the application).

SECTION A

TO BE COMPLETED BY THE APPLICANT

(* ANSWER YES, NO, OR NOT APPLICABLE)

1. PERSONAL PARTICULARS OF APPLICANT

Your reference number	
Name of person to whom correspondence should be addressed	Mr R Beer
Address:	P O Box 7021 GRAHAMSTOWN 6148
Telephone number:	046 6362894
Facsimile number:	046 6362952 Email: beer@insightnet.co.za = admin@piperdevelopment.

- 1.1. Is the applicant the only registered owner of the property? **Yes** w.z.d

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. **N/A**

- 1.2. Name the registered owner(s): **Beer Properties (PTY) Ltd**

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

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

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

4. **RESTRICTING FACTORS**

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

4.1. Are there any title deed restrictions, which may have an effect on the application?

NO

If so, furnish details: **N/A**

4.2. Is there any portion of the land unit subject to tidal flow or situated under the high water mark? **YES**

If so, furnish details:

THE SOUTH EAST BOUNDARY OF THE PROPERTY BORDERS ON THE KOWIE RIVER

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**

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

If so, furnish details and state how the problem can be solved: **N/A**

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

5.7. Is the land unit close to, or is it affected by, a power line, a power station, a railway line, a railway station, airport or harbour? **YES**

If so, furnish details:

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

5.9. Is the land unit situated within 100m from the high-water mark of the sea or tidal river? **YES**

If so, has Nature Conservation been consulted? **YES**

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

If so, please supply details: **N/A**

Beer Properties (Pty) Ltd recently purchased the farm as a family retreat, upgrading of the main dwelling and surrounding outbuildings are taking place. The owners want to erect five (5) units on the lower part of the property. The units will consist of four (4) two (2) bedroom units and 1 communal living/dining unit, building plans have been submitted to the Municipality. A letter from the Department of Agriculture confirming that the property is a bonafide agricultural entity forms part of the Annexures.

Public Participation

Notifications in terms of the SPLUM By Law were sent to the neighbouring property owners and adequate time allowed for their responses.

Mr J Van Rensburg - jaco@border.co.za - 082 8787383 - NO RESPONSE
Mr J Ford - jvford@xsinet.co.za - 083 309 7004 - RESPONDED
Mr G Scarterfield - boulders@lantic.net - 082 8995244 - NO RESPONSE
Mr J De Wet Steyn - kimcom@border.co.za - 082 773 383 - NO RESPONSE

The response from Mr Ford forms part of the Annexures.

The proposed units will not detract from the agricultural status of the farm and as no services are provided by the Municipality the units will not contribute to an increased strain on the Municipal infrastructure.

ANNEXURES:

1. Title Deeds
2. Site plan
3. Notice to Neighbours
4. Response from Mr J Ford
5. Letter from Dept of Agriculture
6. Proof of payment

130

Neave Stötter Inc.
37 Campbell Street
Port Alfred
6170

Prepared by me

CONVEYANCER
DAVID PATRICK ARTLET

Fee endorsement		Office fee
	Amount	R.
Purchase price/Votea	R. 4 500 000,00	R. 1 650,00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t.o	
	Cat.	section Act.

T 000008033 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Belinda Ann Scholtz

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at PORT ALFRED on 2 DECEMBER 2016 granted to him by

COLIN HUGH COCKCROFT
Identity Number 630816 5005 08 4
Married out of community of property

DATA / VERIFY
01 MAR 2017
VAN TONDER ENZABETH

[Handwritten mark]

And the appearer declared that his said principal had, on 31 October 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

BEER PROPERTIES PROPRIETARY LIMITED
Registration Number 1989/060135/07

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

**PORTION 3 (PORTION OF PORTION 1) OF THE FARM FAIRFAX NUMBER
340
IN THE AREA OF NDLAMBE MUNICIPALITY
DIVISION OF BATHURST
EASTERN CAPE PROVINCE**

**IN EXTENT 171,3064 (ONE HUNDRED AND SEVENTY ONE COMMA
THREE ZERO SIX FOUR) HECTARES**

FIRST TRANSFERRED by Deed of Transfer Number T15436/1942 with Diagram S.G. Number 3811/1942 relating thereto and held by Deed of Transfer Number T40294/2003

A. SUBJECT to the conditions contained and referred to in Deed of Transfer Number T7223/1938.

B. SUBJECT FURTHER to the terms of the endorsement dated 22 March 1977 on Deed of Transfer Number T15436/1942 reading:

"By Notarial Deed Number K0221/1977, the property held hereunder is subject to a right in favour of The electricity Supply Commission to convey electricity thereover, together with ancillary rights, and subject to conditions, as will more fully appear from reference to the said Notarial Deed, *grosse* whereof is annexed hereto."

C. SUBJECT FURTHER to the terms of the endorsement dated 25 March 1985 on Deed of Transfer Number T15436/1942 reading:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Number 1456/1986) dated 15 November 1984 as will more fully appear on reference to the copy of said Order annexed hereto. *Vide* K292/1985S."

D. SUBJECT FURETHER to the terms of the endorsement dated 29 September 1986 on Deed of Transfer Number T15436/1942 reading:

"By Notarial Deed of Servitude Number K821/1986, the within property is subject to a servitude of abutment and aqueduct in favour of the Municipality of Port Alfred, entitling it to establish certain works for the purposes of abstracting and impounding water from the Kowie River and Bathurst Stream and to convey such water by means of a pipeline over the within property plus ancillary rights as will more fully appear from the said Notarial Deed."

- E. **SUBJECT** to the endorsement dated 20 May 1994 on Deed of Transfer No. T75197/1988 reading:

"By Notarial Deed of Servitude No. K483/94S the withinmentioned property is subject to a Powerline Servitude in favour of ESKOM with ancillary rights."

- F. **SUBJECT** to an endorsement dated 5 September 1995 on Deed of Transfer No. T75197/1988 which reads as follows:

"By virtue of Notarial Deed of Servitude No. K817/95S the undermentioned Notarial Deed the route of the withinmentioned powerline servitude has been determined."

A handwritten signature in black ink, consisting of a large, stylized letter 'P' with a vertical line extending downwards from its base.

GhostConvey 15.8.12.4

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

COLIN HUGH COCKCROFT, Married as aforesaid

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


**BEER PROPERTIES PROPRIETARY LIMITED
Registration Number 1989/060135/07**

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 R4 500 000,00 (FOUR MILLION FIVE HUNDRED THOUSAND RAND) excluding VAT in the sum of R630 000,00 (SIX HUNDRED AND THIRTY THOUSAND RAND), total consideration paid by the transferee to the transferor being the amount of R5 130 000,00 (FIVE MILLION ONE HUNDRED AND THIRTY 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 CAPE TOWN on

17 February 2017



q.g.

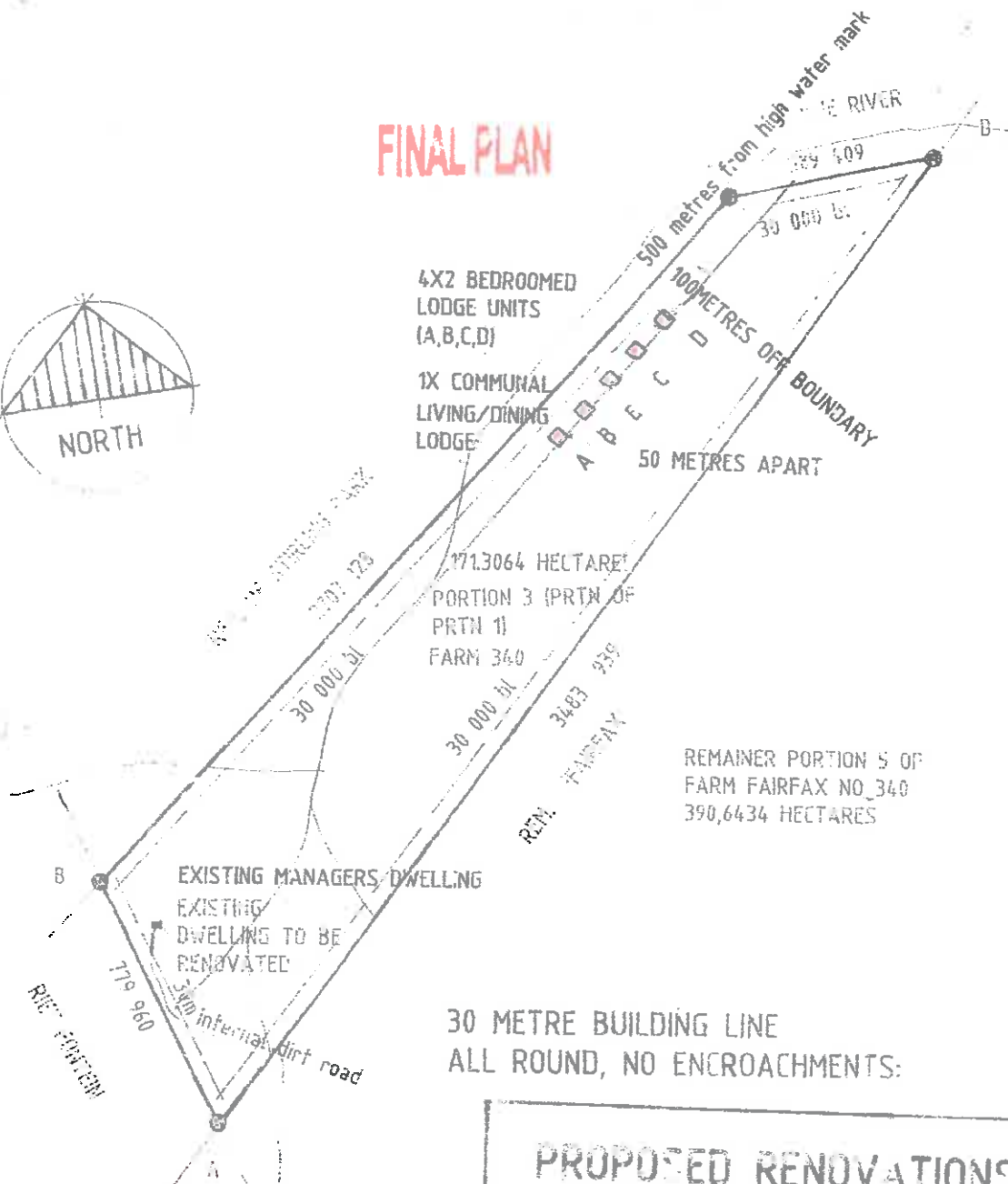
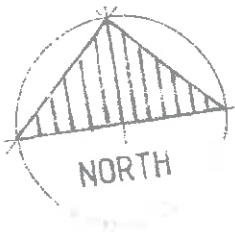
In my presence



REGISTRAR OF DEEDS



FINAL PLAN



SITE PLAN
SCALE 1:20 000

AREA: 171,3064 HECTARES
REVISION C 16 JANUARY 2017
(SITE PLAN)

30 METRE BUILDING LINE
ALL ROUND, NO ENCROACHMENTS:

PROPOSED RENOVATIONS & ADDITIONS FOR: BEER PROPERTIES (PTY) LTD PRTN 3 (PRTN OF PRTN 1) OF FARM 340 (WINSTON) SOUTHWELL PORT ALFRED		
WORKING DRAWING		
TITLE: SECTIONS, ELEVATIONS, SITE PLAN		
SCALE 1:50, 1:200		
28/11/2016	REV: 0	DRWNG 5 OF 5

FINAL PLAN

REVISED 19 JUNE 2017

BATHURST





Province of the
EASTERN CAPE
 RURAL DEV. AND AGRARIAN REFOR
 EXTENSION AND ADVISORY SERVICES



15 Milner Street, Grahamstown 6139
 REPUBLIC OF SOUTH AFRICA, ~~0800 11 1111~~
 Tel: +27(0)46 6035400 Fax: +27(0)46 6035414 sandiswa.keva@ordar.gov.za

TO:	TOWN PLANNER : NDLAMBE MUNICIPALITY
FROM:	DEPARTMENT OF RURAL DEVELOPMENT AND AGRARIAN REFORM
ENQUIRIES:	KEVA S
DATE:	28 JULY 2017
SUBJECT:	PORTION 3 (PORTION OF PORTION1) OF THE FARM FAIRFAX NO. 340 IN THE NDALMBE MUNICIPALITY, DIVISION OF BATHURTS, PROVINCE OF THE EASTERN CAPE (WINSTON FARM)

This correspondence serves to confirm that the above-mentioned farm is a bona fide agricultural farm. The farm was assessed by this office and the farmer is currently farming with Angus Cattle.

Hoping that this is in order.

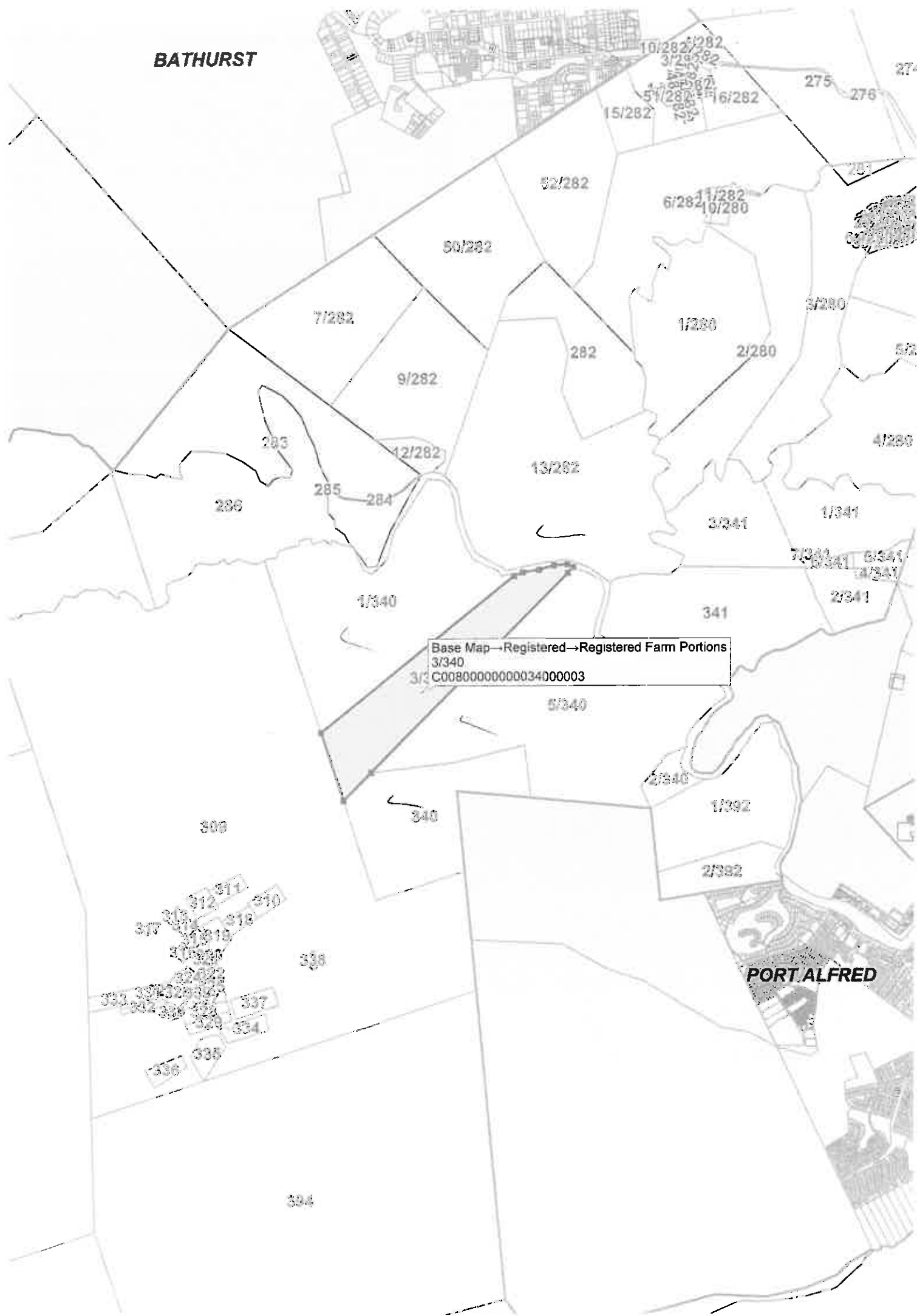
Yours faithfully

S. Keva

28-07-17

Date

BATHURST



Base Map - Registered - Registered Farm Portions
3/340
C00800000000034000003

PORT ALFRED