

# Verandah collective set up in Makhandanda for Fest

Group to exhibit work at Cornish Art Centre for next two weeks

**SIBULELE MTONGANA**

At this year's National Arts Festival you will find a bit of the Sunshine Coast in the form of the Art on the Verandah collective's exhibition at St Andrew's College. The artists regularly paint and exhibit together at Bushman's River. They have

come together to show off their beautiful talent at the festival. One of the group's stars is Jolene Olivier, who did well in child art competitions and received several commissions. In matric, she came second nationally in textile design and illustrated a book at a young age. Also exhibiting with the Art

on the Verandah group is Juli Norton, who studied fine art at NMMU in Gqeberha and did her PGCE at Rhodes University. She has taught visual art at a high school for the past 18 years. The collective, Robyn Coetzee, Sue Davis, Charles Du Toit, Birgit Duval, Adri Moller, Norton, Olivier, Vera Skae,

Chanelle Staude, Caitlin Wilmot and Greg Wilmot, will be exhibiting their fine artwork throughout the Festival period. The exhibition is open in the Cornish Art Centre, next to the St Andrew's College administration block in Somerset Street, every day from 9am-5pm from June 22 until July 2.



**GROWTH:** A work by Jolene Olivier, one of the artists whose works are on display at the exhibition. **Pictures: SUPPLIED**

# 'Boatrace Organ' of St Paul's inaugural concert a joyful noise

**SUE GORDON**

"Make a joyful noise ... with trumpet and sound of cornets" goes the song arranged by Andrew Lloyd Webber.

On Saturday June 10, St Paul's pulled out the stops at a wonderful musical celebration, with a sellout audience in attendance.

The occasion: the Inaugural Pipe Organ Concert featuring organist extraordinaire Prof Albert Troskie, Dr Erika Bothma on piano and violin, and soprano Elsje Nelson, all from Gqeberha (PE).

In pride of place – and being put through its paces – was The Boatrace Organ, with supporting music by Rev Pen Schultz on flute, Rev Jacques Pieterse on organ, and the church choir.

The sacred and secular programme comprised solos, duets, trios and congregational singing, topped by an ensemble finale of Leonard Cohen's *Hallelujah*.

A sumptuous spread of refreshments was enjoyed in the church hall afterwards. Congratulations to Rev Pieterse, the host MC, and his St Paul's Team – and many more interested and expert persons behind the scenes.

Rev Jacques tells the story: "My first encounter with the possibility of a pipe organ for St Paul's Anglican Church, Port Alfred, was when church warden Bruce O'Heley approached me on the subject.

"The singing in St Paul's church had for a number of years been accompanied by a relatively good Allen digital organ.

"Having been raised as a lover of pipe organs, however, I was somewhat saddened that from my arrival in Port Alfred onward, church voluntaries and hymns would only be digital in sound from two massive speakers placed in the back of the church."

St Paul's had hosted a 'Boatrace' church service for years over the annual Regatta weekend – a tradition borrowed from Henley in England.

It was during March 2020 when kind benefactor Ramsay Brierley – organiser and chairperson of (University) Boatrace SA, and lover of pipe organ music – felt that in gratitude for 15 years of joyful



**CELEBRITY:** Prof Albert Troskie behind the St Paul's Anglican Church organ, dubbed the 'Boatrace Organ', which was officially launched on June 10. **Picture: SUE GORDON**

services and regattas on the Kowie River, he would love to donate and have installed a pipe organ for St Paul's.

It took only a few days to accept the generous offer from Brierley, an Anglican himself who worships at St Georges Parktown, in Johannesburg.

Soon the search was on to find the right organ.

Pekelharing Organ Builders from Gqeberha already had two redundant organs in mind, but neither worked out for St Paul's. Churches are usually built with a specific space or chamber to house hundreds, even thousands, of pipes, but St Paul's was not built with this in mind.

If a redundant organ from another church was found, installing it could be difficult. Marcus Greyling, from Johannesburg, stepped up as 'organ advisor' for the project (such experts advise the organ builders on what size the organ should be for the venue, its placement, which stops would be preferable to suit the acoustics, and so on).

Daniel and Sebastian Pekelharing suggested building an organ out of redundant parts from three different organs that were in storage in their warehouse. This would allow them to 'create' an instrument that, sound-wise, was the right size for St Paul's and in diameter (width, depth and height) perfect for the limited available space.

Most of the organ parts came from a Lutheran Church in Pretoria, a smaller portion

from a Dutch Reformed Church in Struisbaai, and a rank of 'oboe' pipes that had been lying unused in the organ loft of an Anglican church in Durban.

Work began almost immediately: many of the parts had to be cleaned and refurbished after years in storage.

A relatively old console had to be refurbished completely with new keys, organ stops and a brand new pedalboard built by Sebastian Pekelharing.


A new electronic control system was added and five ranks of the organ (about 400 pipes, both wood and metal) were divided into 21 stops that can be combined as needed to create different sounds.

A new swell-box also had to be built to house some of the softer sounding ranks of pipes such as the flutes, oboe and dulciana (which sounds more like a stringed instrument). A new casing had to be built to house it and the organ façade, with its 8' Diapason Pipes, was created as a beautiful feature in the church.

Since its successful installation in August 2020, the 'Boatrace Organ' has settled beautifully after a number of tunings (a pipe organ needs to be tuned twice a year).

It brings a beautiful dimension to church worship and other musical events, such as the magnificent inaugural concert held earlier this month.

St Paul's hopes to continue hosting such events for the community of Port Alfred, "for decades to come".



**NDLAMBE MUNICIPALITY**  
PORT ALFRED

**APPLICATION FOR CONSOLIDATION OF ERF 6768, ERF 6769 AND ERF 6770, PORT ALFRED AND REZONING OF THE CONSOLIDATED ERVEN FROM RESIDENTIAL ZONE 1 TO COMMUNITY ZONE 1 (FOR PURPOSES OF A SCHOOL).**

**Applicant:** SETPLAN (PTY) LTD  
**Owner:** HP 5 TRUST  
**Property Description:** Erven 6768, 6769 & 6770, Port Alfred  
**Physical Address:** Hallier, Port Alfred, 6170

**Detailed description of proposal:**  
 The matter for consideration is an Application for Consolidation of Erf 6768, Erf 6769 and Erf 6770, Port Alfred and Rezoning of the Consolidated Erven from Residential Zone 1 to Community Zone 1 (for purposes of a School) as per the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-Laws (2016) and Ndlambe Municipality Integrated Land Use Scheme, 2019.

Notice is hereby given in terms of Section 93 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016) that the abovementioned application has been received and is available for inspection during weekdays between 09:00 to 15:00 at the Ndlambe Municipality, Civic Centre, Causeway, and Port Alfred Municipal Office. The application can also be viewed on the Ndlambe website ([www.ndlambe.gov.za](http://www.ndlambe.gov.za)), under Resource Centre, Town Planning Portal, Current Land Use Applications. Any written comments may be addressed in terms of Section 98 of the said Bylaw to the MUNICIPAL MANAGER, Causeway, Port Alfred, 6170, or emailed to [townplanning@ndlambe.gov.za](mailto:townplanning@ndlambe.gov.za) or [kradingoana@ndlambe.gov.za](mailto:kradingoana@ndlambe.gov.za) on or before **24 July 2023**. Telephonic enquiries can be made to the Town Planning Section at (046) 604 5520. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

**NOTICE: 102/2023**  
**ADV. R DUMEZWENI**  
**22 June 2023 MUNICIPAL MANAGER**

**IN THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE DIVISION, GRAHAMSTOWN**

CASE NO. 811/2020

In the matter between:

**JOHN HELENIUS MAREE**  
*NOMINE OFFICIO* First Plaintiff

**SIMON PETER RIDLEY**  
*NOMINE OFFICIO* Second Plaintiff

**GEOFFREY GORDON ANTROBUS**  
*NOMINE OFFICIO* Third Plaintiff

and

**SIZWE LOCHORE MVUNELWA**  
 First Defendant

**JULIA MVUNELWA**  
 Second Defendant

**NOTICE OF SALE IN EXECUTION**

In pursuance of the judgment in the High Court of South Africa (Eastern Cape Division, Makhandanda) in the abovementioned matter dated 22 September 2020 and Re-issued Writ of Execution dated the 23<sup>rd</sup> of March 2022 a sale of property listed hereunder, will be sold without reserve and for cash to the highest bidder which sale will be held at 22 Wiersma Road, Port Alfred on **Friday, 7 July 2023 at 10h30** or so soon as the sale may commence.

**ATTACHED GOODS:**

- 1 x Fridge
- 1 x Gas Braai
- 1 x Lounge Suite
- 1 x Webber Braai
- 1 x Fan
- 1 x Ladder
- 1 x Gas Bottle
- 1 x LCD TV 50 inch
- 1 x Dining Room Table
- 1 x Samsung Printer
- 1 x Apple Computer
- 1 x Bosch Drill
- 1 x Heater Oil

DATED at MAKHANDA on this 7<sup>th</sup> day of JUNE 2023

**WHEELDON RUSHMERE & COLE INC.**

Per:  
 Attorneys for the Plaintiffs  
 Matthew Fosi Chambers  
 119 High Street  
 MAKHANDA  
 (Ref: M van der Veen/Michelle/S22906)



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

**TYPE OF APPLICATION:**

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
X	Rezoning (SPLUMA) R 6759.57	<del>R 6 437.00</del>
X	Consolidation R 5718.38	<del>R 5 446.07</del>
	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R
	Departure Permanent or Temporal Departure (for land use change)	R
	Departure Relaxation building line	R
	Consent use in terms of the Land Use Scheme	R
	Extension approval	R
	Subdivision :	R
	Road closure or Closure of Public Open Space	R
		R
		R
		R
<b>TOTAL</b>	12,477.95	<del>R 11 882.75</del>

+  
R 374.34 = R 12 852.29.

**COMPLETE THE FOLLOWING:**

Local Authority: Ndlambe Municipality	
Description of Land: Erven 6768, 6769, 6770 Port Alfred	
Registered owner(s): HP 5 Trust	
Street Address: 11 Alfred Road Port Alfred 6170	
Postal Address:	Code:
Email Address of Owner:	
Applicant (With Power of Attorney): Brendan Hindes - SETPLAN (PTY) LTD	
Postal Address: 40 Bird Street Central	Code: 6006
Email Address of Applicant: brendan@setplanpe.co.za	

**INSTRUCTIONS**

(These instructions should be read before completing the form)

**1. GENERAL REMARKS**

- 1.1. All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 1.2. 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 as per the Schedules in the Ndlambe Municipal Spatial Planning and Land Use Management Bylaw (2015).
- 1.3. **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.**
- 1.4. 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.
- 1.5. Applicants may supply any additional information, on a particular issue, if they want to and when required 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

- 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 information necessary for the relevant authority to take a rational decision. Ideally applications should indicate the following:

#### 3.3.1. Details in respect of the application

- A Locality sketch 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 envisaged 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 are 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

A written motivation for an application should be based on the criteria referred to in the said legislation (SPLUMA), namely;

- Desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding desirability of proposed land uses;
- Investigations carried out in terms of other laws that are relevant to the consideration of the application;
- The impact of the proposed land development on municipal engineering services;

- Applicable policies of the Municipality that guide decision making;
- Applicable provisions of the zoning scheme;
- Consideration of the following forward planning documents;
- Integrated development plan, including the municipal spatial development framework; Provincial spatial development framework; and
- Policies, principles and planning and development norms and criteria set by the national and provincial government; and -
- Land development principles as referred to in section 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).
- When an application is submitted for an amendment, suspension or removal of restrictive conditions the criteria referred to in section 33(5) of the said legislation, should also be considered.

### 3.3.5 Supporting information and documentation

The following information or documentation may be requested at the discretion of the Municipality and can include the following;

- Copy of Traffic Impact Statement (TIS - if between 50 – 150 peak hr trips) or Traffic Impact Assessment (TIA - if > 150 peak hr trips);
- Floodline determination (report / plan);
- Copy of the Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) report;
- Confirmation of submission of EIA / HIA; or Copy of the Environmental Authorisation (EA) / Record of Decision (ROD);
- Services report or indication of all municipal services / registered servitudes;
- Landscaping / Tree plan;
- Typical unit types (plan & elevation);
- Abutting neighbour consent;
- Body Corporate / Home Owners Association (HOA) consent;
- Home Owners Constitution / architectural guidelines;
- Copy of original approval and conditions of approval;
- Minutes of pre-application consultation meeting;
- Confirmation from the Department of Rural Development and Land Reform regarding land claim(s) / restitution claim(s);
- Proof of lawful use right;
- Additional copies of selected documentation;
- Additional motivation; and –
- Any other specialist studies, etc.

## SECTION A

### TO BE COMPLETED BY THE APPLICANT

(\* ANSWER YES, NO, OR NOT APPLICABLE)

#### 1. PERSONAL PARTICULARS OF APPLICANT

Your reference number	12/62
Name of person to whom correspondence should be addressed	Brendan Hides
Address:	40 BIRD STREET, CENTRAL, P.E.
Telephone number:	0415851788 / 0827879393
Email:	brendan@setplanpe.co.za

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): HP 5 Trust

1.3. Is the property encumbered with a bond? Yes

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

#### 2. DETAILS OF LAND UNIT

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

Erf 6768, 6769 & 6770 Port Alfred

Number and date of the title deed: T8925/2020 & T4643/2020

Area of land: 7757.37m<sup>2</sup>

2.2. What is the present zoning of land unit? Industrial Zone 1

2.3. Are any departures applicable to the land unit? No

2.4. Is there any building or other development on the land unit? Yes

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

Good condition

2.5. Is the site being used in accordance with its present zoning? No

If not, how is the land being utilised? Education facility

**3. DETAILS OF APPLICATION**

3.1. Describe the proposed development in detail (A separate motivational report MUST be added):

Application is made for the consolidation of Erven 6768, 6769 and 6770, Port Alfred and the rezoning of the Erven to Community Zone 1

3.2. Does the proposed development involve the entire land unit? If not, indicate the position and size of the portion of the land unit that is not included in the proposed development and for what purpose it is, or will be used:

Yes

3.3. Is a departure being applied for in order for 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:

3.4. Departure (for an alteration of the conditions in respect of a particular zone) in terms of Section 76(1) of the Ndlambe Municipality Spatial Planning and Land Use Management Bylaw (2015) for a relaxation of the:

- i. Lateral (side) building line(s) from ..... m to ..... m; and / or
- ii. Rear building line from ..... m to ..... m; and / or
- iii. Street building line from ..... m to ..... m; and / or
- iv. Coverage factor from ..... % to ..... %; and / or
- v. Building height restriction from ..... m to ..... m; and / or
- vi. Street boundary wall / fence height restriction from ..... m to ..... m;
- vii. Other zoning scheme condition(s) (as specified).....

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:

4.2. Is there 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?

No

.....  
.....  
.....

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:

.....  
.....  
.....

4.5. Are there any other restrictions of which you are aware, but which were not mentioned above?

No

.....  
.....  
.....

**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.)?

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

Yes - SDF (see memorandum) .....

5.2. Are the provision 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:

.....  
.....  
.....

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 line, a power station, a railway line, a railway station, airport or harbour? No

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? 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 / Owner's consent if applicant is not owner			X
Resolution or other proof that applicant is authorised to act on behalf of a juristic person	X		
Flood-line certificate			X
Bondholder's consent		X	
Locality map	X		
Extract from zoning map	X		
Land-use map	X		
Layout plan		X	
Motivation report	X		
Full Copy of Signed Title Deed	X		
Conveyancer's certificate			X
Proof of payment			
Any other annexures, give details .....			

If any of the above questions, answers are no, give

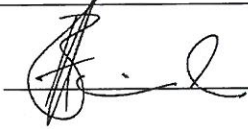
reasons:.....

AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION		
Y	<input checked="" type="checkbox"/>	National Environmental Management Act, 1998 (Act 107 of 1998)
Y	<input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
Y	<input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations
Y	<input checked="" type="checkbox"/>	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.

**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'm 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 only 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 applicant as a result of the proposed development.

Applicant's signature:  Date: 30\_01\_2022

Full name: Brendan Mark Hindes

Professional capacity & Registration Nr: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date received: <u>19/12/2023</u>	Received by: <u>Khawelo Radingoana</u>
For Erf No.: <u>6768, 6769, &amp; 6770 PA</u>	





## SPECIAL POWER OF ATTORNEY

I, HENDRIK PETRUS NEL,

the undersigned do hereby nominate, constitute and appoint Company **SETPLAN (PTY) LTD** of 40 Bird Street, Port Elizabeth **to be represented by Brendan Hindes and Carel Olivier,**

with power of substitution to be my lawful representative in my name, place and stead to submit a land use application and/or removal of restrictive conditions application applicable to

### Property Description:

**ERVEN 6768, 6769 & 6770 PORT ALFRED**

In addition, make any other necessary applications and further, to represent me at any enquiry in relation to the above mentioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of these present and whatever our said representatives have to date done herein.

SIGNED AT **PORT ELIZABETH** ON THIS THE 8 DAY  
OF DECEMBER 2022

SIGNED

*HP Nel*  
.....

In the presence of the undersigned witnesses:

AS WITNESSES:

1) *GNel*  
.....

2) *B.E. KANI*  
.....

## RESOLUTION

PASSED AT PORT ALFRED

ON THIS 10 DAY OF AUGUST 2021

### THE TRUSTEES OF HP 5 TRUST (IT1722/2007)

#### RESOLVED THAT:

1. Mr/Mrs HENDRIK PETRUS NEL, in his/her capacity as Chairman, make application to the authorities as may be deemed necessary to enable the submission of a land use application for the following property:
  - ERVEN 6768, 6769 & 6770 PORT ALFRED
2. Brendan Hindes and Carel Olivier of the firm Setplan Port Elizabeth., are hereby given Power of Attorney to sign the application and any other documents which may be deemed necessary to give effect thereto.
3. HENDRIK PETRUS NEL, in his/her capacity as Chairman, is hereby authorised to sign any documents which may be deemed necessary to give effect to this resolution.

#### CERTIFIED A TRUE EXTRACT

  
\_\_\_\_\_  
TRUSTEE

  
\_\_\_\_\_  
TRUSTEE

\_\_\_\_\_  
TRUSTEE



## 2.2 PROPERTY SIZE

The properties are 7757.37m<sup>2</sup> in extent.

## 2.3 OWNERSHIP

The current deeds of transfer is attached as

The properties are owned by HP5 Trust.

## 2.4 COMPANY RESOLUTION

The letter of resolution from HP5 Trust is included. See - ANNEXURE A.

## 2.5 POWER OF ATTORNEY

The registered owners have issued the necessary consent to enable the application to be submitted by Setplan. See - ANNEXURE B.

## 2.6 BONDHOLDERS CONSENT

Properties are bonded.

## 2.7 SG DIAGRAM

Attached - Error! Reference source not found.

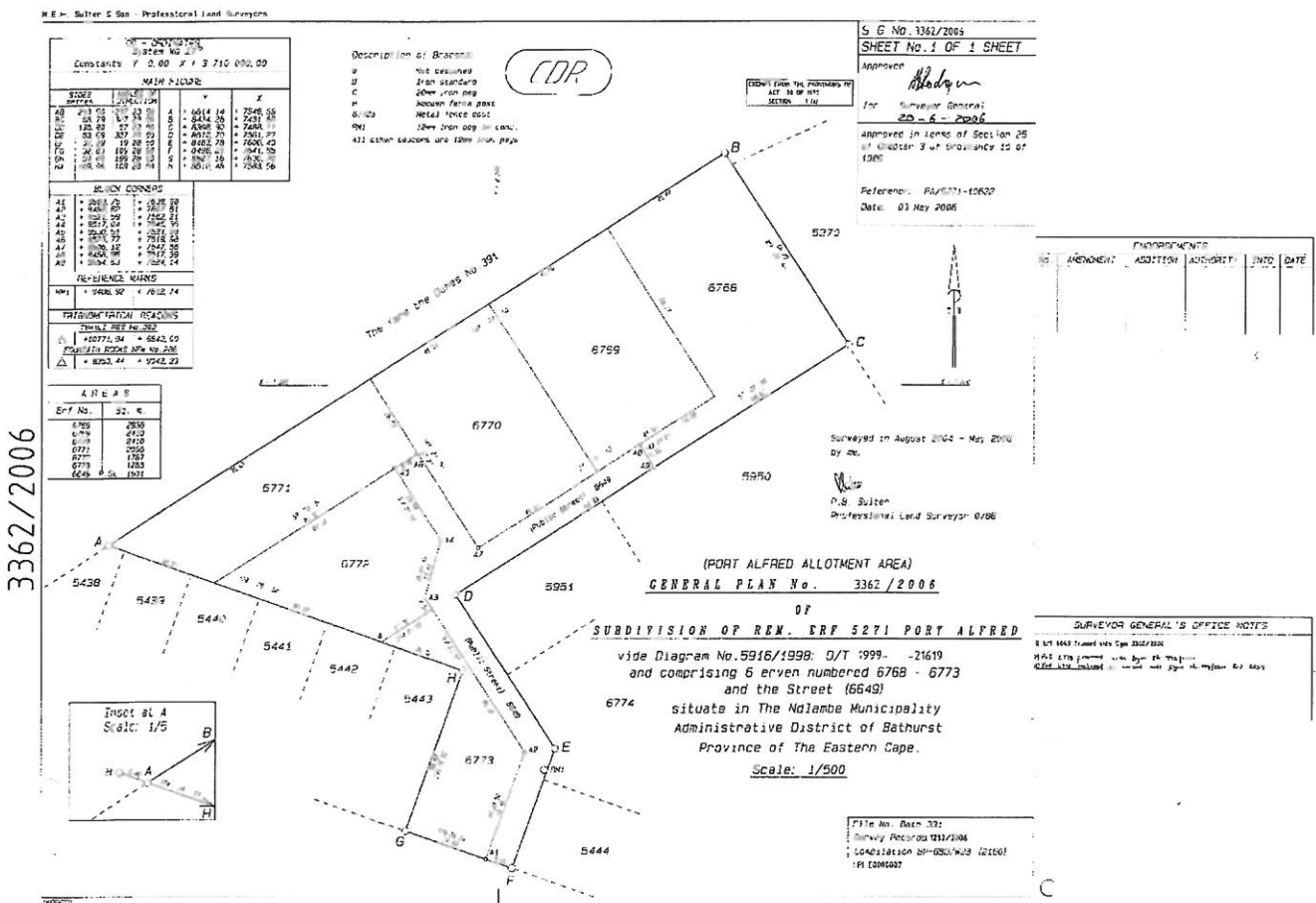


FIGURE 2: SG DIAGRAM COPY



## 2.8 CURRENT ZONING

The attached zoning certificate indicates that the property is zoned as Industrial Zone 1.

## 2.9 EXISTING LAND USE

Erf 6770 has been developed as a house and is currently being used as a playschool/afterschool care.

Erven 6768 and 6769 are currently vacant.

## 3 DEVELOPMENT PROPOSAL

It is proposed to develop a school on the consolidated property which will be intended to accommodate the following:

- The house will accommodate 120 children
- A further 4 class rooms are to be built to accommodate an additional 80 children.
- Further 8 class rooms to be built to accommodate 25 children each.
- 1 office/staff room will be provided as well as a hall.
- The proposed facility will therefore accommodate 400 children plus staff/teachers

## 4 PLANNING MOTIVATION

### 4.1 DEVELOPMENT PRINCIPLES AND NORMS & STANDARDS AS CONTEMPLATED IN CHAPTER 2 OF SPLUMA;

The general principles set out in Chapter 2 of the SPLUMA apply to all of state organs and other authorities responsible for the implementation of legislation regulating the use and development of land, and guide -

- (a) The preparation, adoption and implementation of any spatial development framework, policy or by laws concerning spatial planning and the development or use of land;
- (b) The compilation, implementation and administration of any land use scheme or other regulatory mechanism for the management of the use of land;
- (c) The sustainable use and development of land
- (d) The consideration by competent authority of any application that impacts or may impact upon the use and development of land and
- (e) The performance of any function in terms of this Act or any other law regulating spatial planning and land use management.

As the above highlighted instances of land development activities will be affected during the consideration of this application the relevant Chapter 2 Development Principles are addressed below:

#### 4.1.1 SPATIAL JUSTICE

In the broadest sense, spatial (in)justice refers to an intentional and focused emphasis on the spatial or geographical aspects of justice and injustice. As a starting point, this involves the fair and equitable distribution in space of socially valued resources and the opportunities to use them.

"The city and spatial justice": Sophie Didier, Frédéric Dufaux, Spatial justice 01 September 2009

SPLUMA Chapter 2 Development Principles	Compliance Statement
Spatial Justice	
Past spatial and other development imbalances must be redressed through improved access to and use of land	Not applicable to this proposal

Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterized by widespread poverty and deprivation	Not applicable to this proposal
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged areas, informal settlements and former homeland areas	Not applicable to this proposal
Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas	Not applicable to this proposal
Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas	Not applicable to this proposal
A Municipal Planning tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application	The proposal will not negatively affect the values of surrounding properties.

#### 4.1.2 SPATIAL SUSTAINABILITY

Sustainable development implies that products designed for today's needs should not harm people and nature anywhere and should not limit the well-being of people and nature later.

<b>Spatial Sustainability</b>	
Promote land development that is within the fiscal, institutional and administrative means of the Republic	There is no negative impact on the fiscal, institutional and administrative means of the Republic
Ensure that special consideration is given to the protection of prime and unique agricultural land	No prime and unique agricultural land will be negatively affected.
Uphold consistency of land use measures in accordance with environmental management instruments	No NEMA applications are required
Promote and stimulate the effective and equitable functioning of land markets	No applicable to this proposal
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments	The project will make effective use of the existing available infrastructure. There will be no additional demand for infrastructure or social services as a result of the approval of the application.
Promote land development in locations that are sustainable and limit urban sprawl	The proposal also will not increase the residential density of the area and will therefore not contribute to urban sprawl.
Result in communities that are viable	The development will contribute to the local economy of the area, by enabling employment as well as the provision of additional education facilities.

#### 4.1.3 CONSTITUTIONAL TRANSFORMATION IMPERATIVES AND THE RELATED DUTIES OF THE STATE;

The Constitution states that within its financial and administrative capacity the **objects of local government** are-  
(a) to provide democratic and accountable government for local communities;

- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organisations in the matters of local government.

In addition, the Constitution states that as municipality's **developmental duties** are to:

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes.

Although this development proposal does not enable the municipality to directly meet transformational imperatives it does enable the Municipality to exercise its developmental duties and to meet the object of creating economic development opportunities.

## 4.2 THE STATE AND IMPACT OF ENGINEERING SERVICES, SOCIAL INFRASTRUCTURE AND OPEN SPACE

### 4.2.1 ENGINEERING SERVICES

The development will connect to existing services.

### 4.2.2 OPEN SPACE REQUIREMENTS

There is no impact on current Open Space and no additional Open Space is required in terms of the zoning scheme regulations.

## 4.3 CONSISTENCY WITH THE SPATIAL DEVELOPMENT FRAMEWORK PLAN(S)

### 4.3.1 NDLAMBE SDF

The site falls inside the urban edge of Port Alfred and has been earmarked as a mixed-use node/activity strip in the Ndlambe SDF.

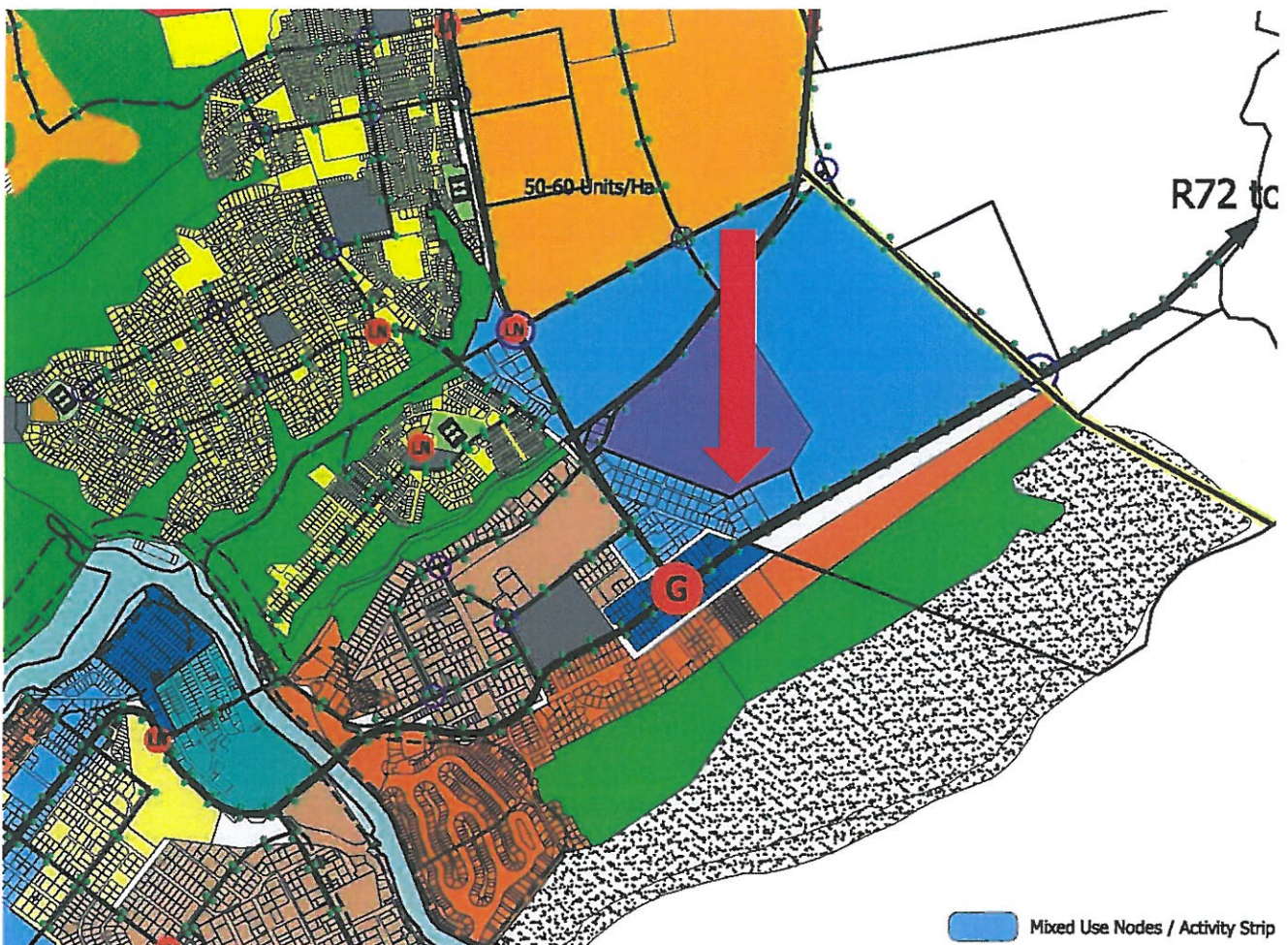


FIGURE 3: EXTRACT FROM THE SDF MAP.

No specific guidelines or proposals are contained in the SDF that inhibit the proposed use of the site. In view of this it can be stated that the proposed application/s adheres to the principles contained in the SDF.

#### **4.4 THE RESPECTIVE RIGHTS AND OBLIGATIONS OF ALL AFFECTED;**

The Municipality has the obligation to ensure that the constitutional objectives are met. In addition, the Municipality has the obligation to ensure that all parties have a safe and healthy environment. By implication this means that the Municipality needs to ensure that the proposed development does not negatively affect the environment of the surrounding area. The Municipality has the obligation to provide effective services to the area and the site. The Applicant has the right to undertake the development of the property and the use without negatively impacting on the surrounding area.

#### **4.5 ENVIRONMENTAL IMPACT (WHERE APPLICABLE);**

Not Applicable.

#### **4.6 THE INFLUENCE OF THE PROPOSAL ON THE SURROUNDING AREA;**

The property is surrounded by a mixture of land uses including businesses (i.e. building material stores, hardware stores, auto body repair shops, fuel depots), warehouses and vacant land. The property is located to the north of intersection between Hallier Street and the R72, which is the primary access road into Port Alfred.

The proposed school will not have a negative impact on the existing or proposed developments surrounding it.

#### **4.7 THE IMPACT OF THE PROPOSAL IN TERMS OF HERITAGE CONSERVATION;**

There will be no negative impact from a heritage perspective.

#### **4.8 THE INFLUENCE OF THE PROPOSAL ON THE TRAFFIC AND/OR PARKING OF THE AREA;**

##### **4.8.1 ACCESS**

The access to the site is gained from the R72 (to the south) via Hallier Street.

##### **4.8.2 PARKING**

Sufficient parking will be provided on the site.

#### **4.9 THE INFLUENCE OF THE PROPOSAL ON SURROUNDING FACILITIES SUCH AS SCHOOLS, OPEN SPACES AND OTHER COMMUNITY FACILITIES IF THE APPLICATION LEADS TO AN INCREASE IN THE RESIDENTS OF THE AREA;**

The proposal will have no impact on the schools, open spaces and other community facilities in the area. The proposal will add an additional education facility into the community.

#### **4.10 THE INFLUENCE OF THE PROPOSAL ON THE EXISTING CHARACTER OF THE AREA AND THE RIGHTS OF RESIDENTS WITH REGARDS TO PRIVACY, VIEW, ETC.**

The proposal will have no negative impact on the existing character of the area.

#### **4.11 SURROUNDING ZONING**

There is no impact on the surrounding zonings. All zoning can be exercised should the application be approved.

## **5 CONCLUSION**

Notwithstanding the unique circumstances associated with this development proposal the application has demonstrated broad compliance with the spatial planning imperatives for the area. It has also demonstrated that the granting of the application will not have a negative impact on the rights of the general public nor will it affect the rights of the surrounding property owners.

**ERF 6768, 6769 & 6770  
PORT ALFRED**

**LOCALITY**

**Legend**

- Erf 6768, 6769 & 6770
- Port Alfred
- Road Class
- Trunk

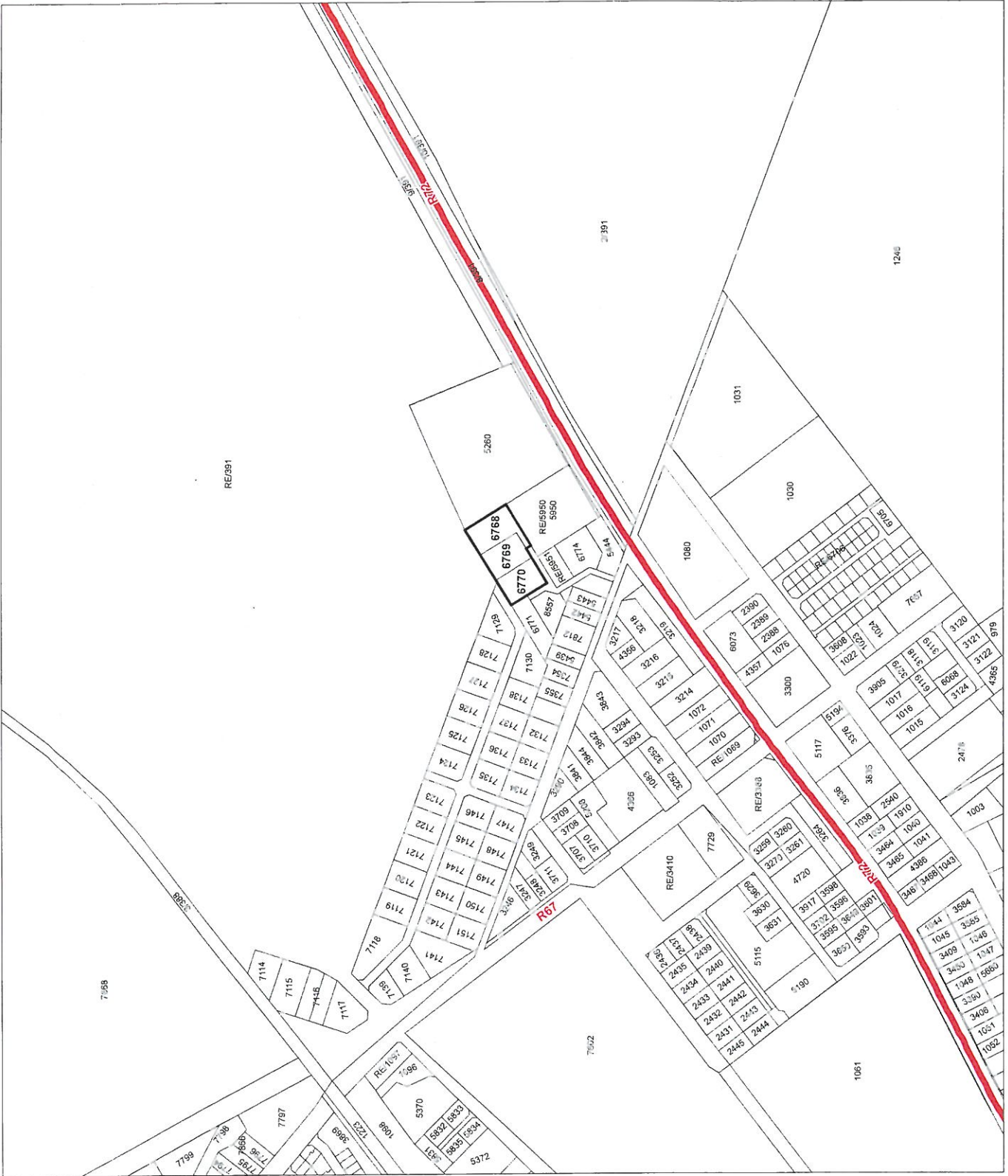


Port Elizabeth  
40 Bird Street  
041 6851788

Plan No: 12-62-1b  
Date: 8 June 2021  
Scale: 1:5000 (A3)











LIMITS OF LIABILITY AND DISCLAIMER OF WARRANTIES  
The user of this plan is advised that the information contained herein is for general information only and does not constitute a contract. The user is advised that the information contained herein is subject to change without notice and may only be used in conjunction with the written approval of the SETPLAN.




**ERF 6770  
PORT ALFRED**

**ZONING**

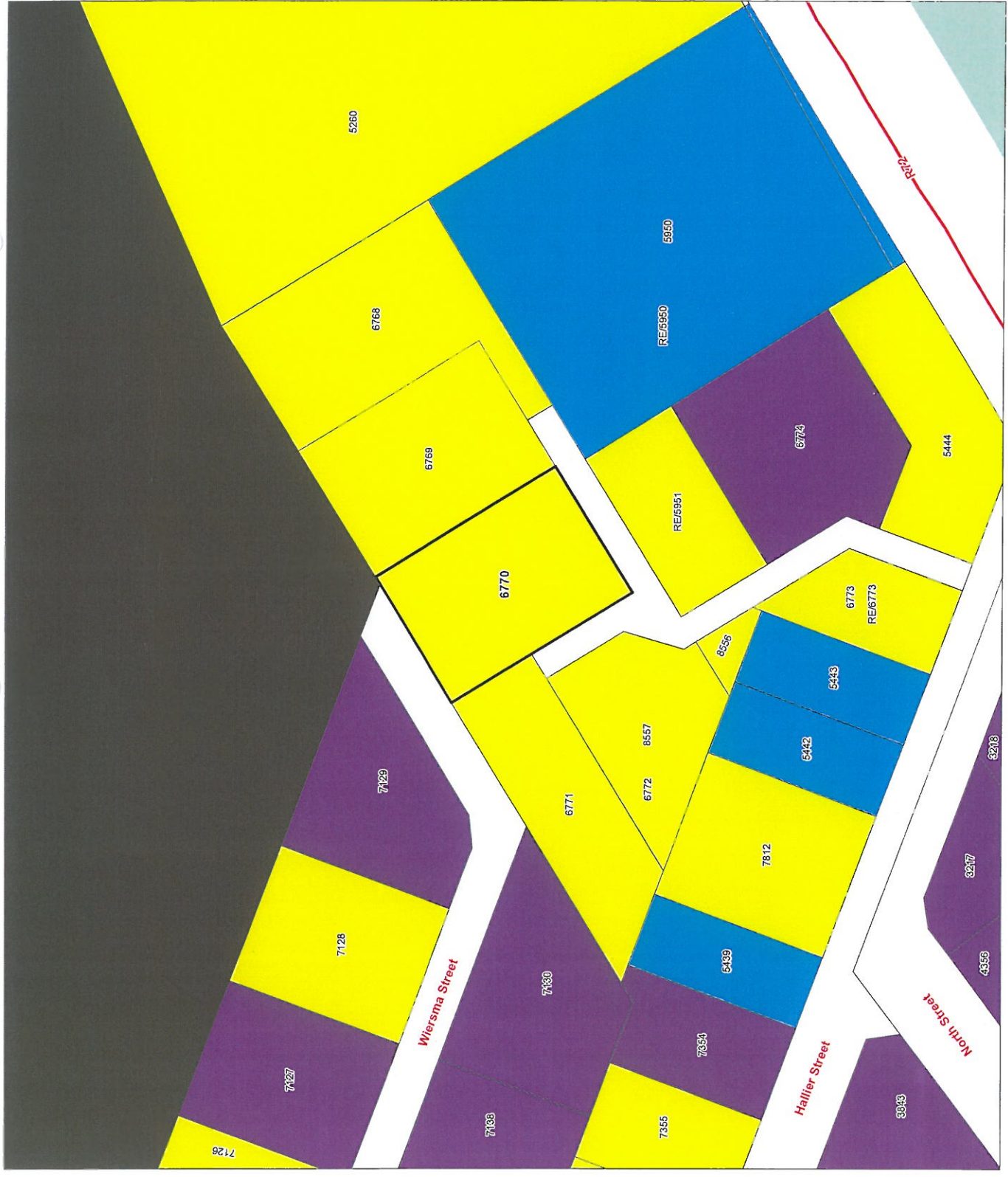
- Legend**
-  Erf 6770 Port Alfred
  - Road Class**
  -  Trunk
  - Zoning**
  -  Agriculture Zone
  -  Industrial Zone 1
  -  Open Space Zone 1
  -  Residential Zone 1
  -  Special Zone
  -  Transport Zone 1

**seplan** Port Elizabeth  
40 Bird Street  
041 585 1788

Plan No: 12-62-2a  
Date: 11 March 2021  
Scale: 1:1000 (A3)

 N

LIABILITY OF LIABILITY AND ESCHEWER OF A VOUCHER  
The information contained in this document is for informational purposes only and does not constitute an offer of any financial product or service. The information is provided as a guide only and should not be relied upon for any financial decision. The information is provided as a guide only and should not be relied upon for any financial decision. The information is provided as a guide only and should not be relied upon for any financial decision.

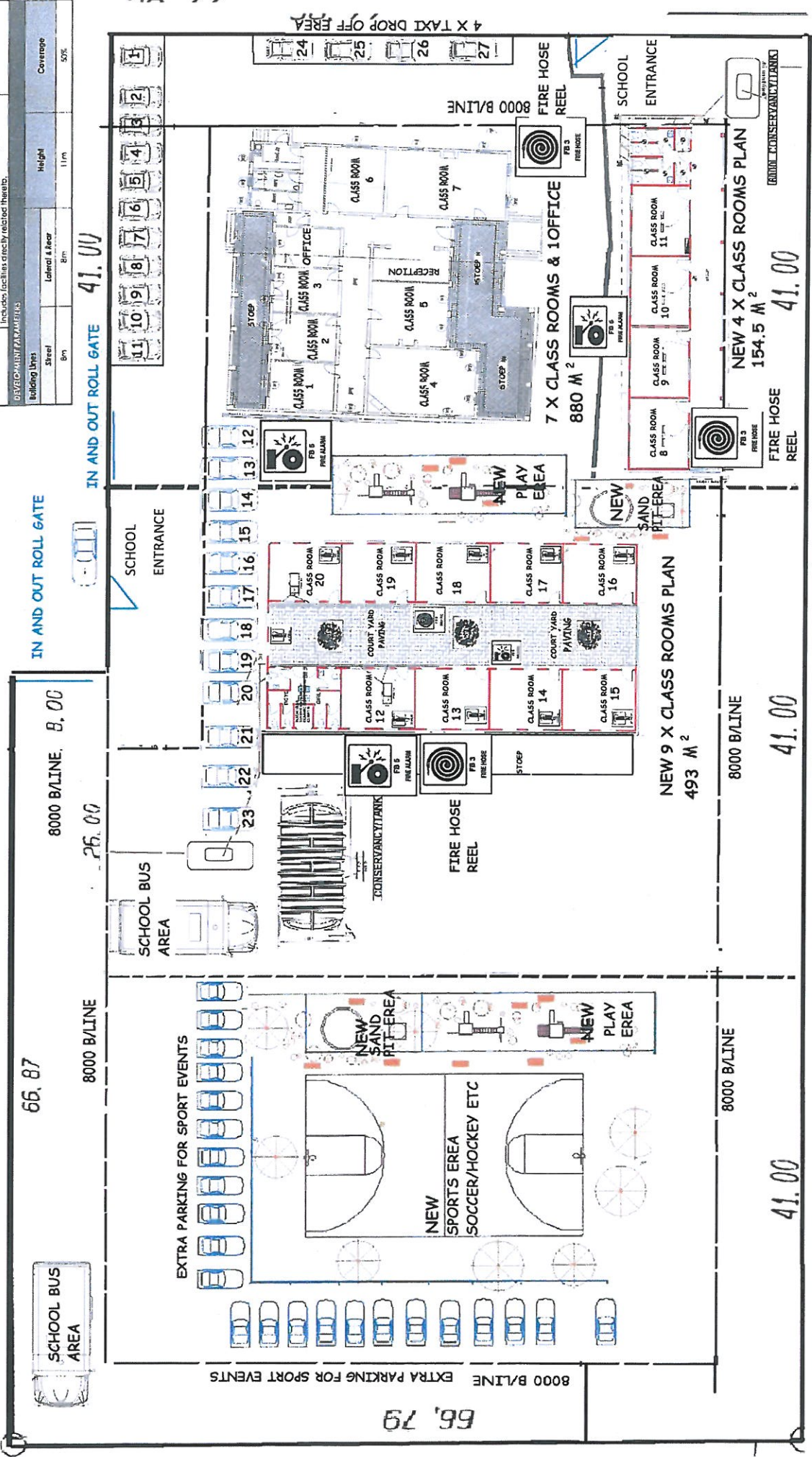


**TOTAL AREA OF CLASS ROOMS = 1527 M<sup>2</sup>**  
**TOTAL CLASS ROOMS 20**  
**27 PARKINGS FOR 20 CLASS ROOMS & 2 X OFFICES**  
**4 X TAXI PARKING**  
**3 X DISABLE PARKING AND 2 SCHOOL BUS PARKING**

A R E A S	
Erf No.	Sq. m.
6768	2338
6769	2410
6770	2410
<b>3 X TOTAL</b>	<b>7758</b>

**CLIENT/TITLE**  
**CLASS ROOMS FOR**  
**HP 5 TRUST ERF 6769**  
**PORT ALFRED.**  
**PLAN/ HENNY SITE PLAN**  
**/01/2021**  
**DATE: 20/09/2021**

Community Zone 1	Community
LAND USE CATEGORY	Community Zone 1
ZONING	Education
RUP/DSS	
Objectives	<ul style="list-style-type: none"> <li>Provision of education and related uses.</li> <li>Includes schools, creches, tertiary facilities and support activities.</li> </ul>
Use of the Proportion	
Definition	<ul style="list-style-type: none"> <li>Places of instruction</li> <li>Primary/secondary schools</li> <li>Technical institutions</li> <li>University</li> <li>Academy</li> <li>Lecture hall</li> <li>Library</li> <li>Art gallery</li> <li>Museum or other such facility which is allowed for education purposes and includes facilities directly related thereto.</li> </ul>
Primary Use	<ul style="list-style-type: none"> <li>Class facility</li> <li>Places of Assembly</li> <li>Telecommunication</li> <li>Work</li> </ul>
Development Parameters	
Building Lines	
Street	8m
Lateral & Rear	8m
Height	11m
Coverage	50%



FR 77

66, 79

41.00

41.00

41.00

41.00

IN AND OUT ROLL GATE

8000 B/LINE. B. OG

25.00

8000 B/LINE

66.87

SCHOOL BUS AREA

8000 B/LINE EXTRA PARKING FOR SPORT EVENTS

8000 B/LINE

8000 B/LINE

8000 B/LINE

8000 B/LINE

4 X TAXI DROP OFF AREA

CONSERVANCY TANK

CONSERVANCY TANK

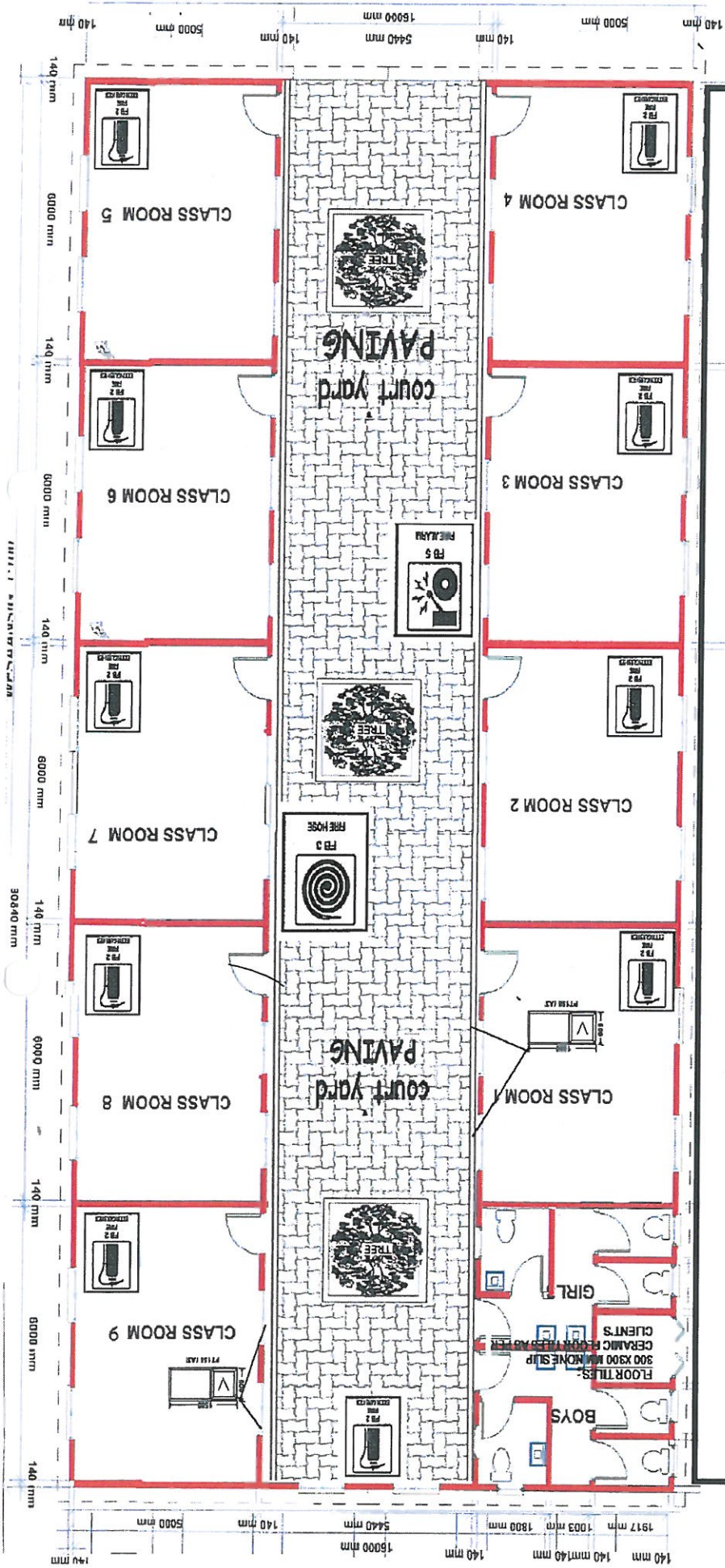
CONSERVANCY TANK

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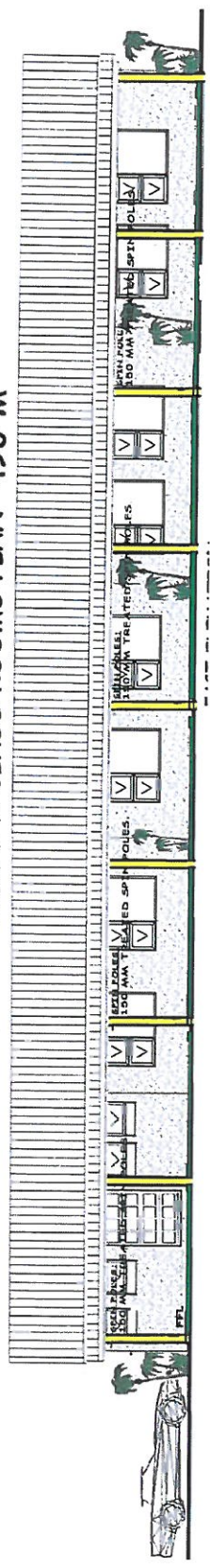




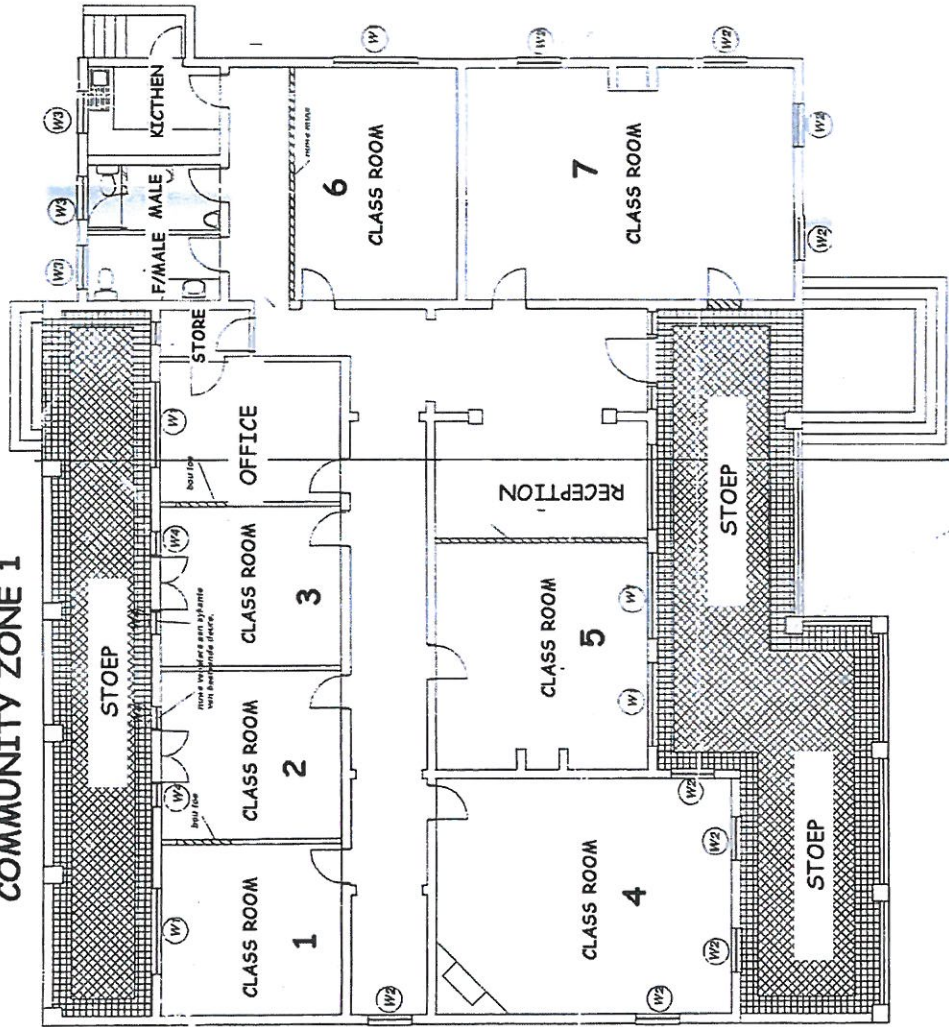
CLIENT/TITLE  
 CLASS ROOMS FOR  
 HP 5 TRUST ERF 6769  
 PORT ALFRED.  
 PLAN/ HENNY9 CLASS  
 ROOMS /01/2021  
 DATE: 20/09/2021

**SHAHEED BURTON**  
 PROFESSIONAL ARCHITECT  
 AND BUILDING AND  
 PLUMBING CONSULTANTS  
 082 701 6032 / 073 443 2770  
 shaheedburton@gmail.com

GROUND FLOOR PLAN  
 NEW 9 X CLASS ROOMS PLAN 493 M<sup>2</sup>



**OLD EXISTING OFFICES CHANGED TO CLASS ROOMS  
ON ERF 6768 ZONED AS RESIDENTIAL 1 TO  
COMMUNITY ZONE 1**



**GRONDPLAN**

**CLIENT/TITLE**  
**CLASS ROOMS FOR**  
**HP 5 TRUST ERF 6769**  
**PORT ALFRED.**  
**PLAN/ HENNY EXISTING**  
**OFFICES/CLASS ROOM**  
**701/2021**  
**DATE: 20/09/2021**

**SHAHEED BURTON**  
 SOUTH AFRICAN ARCHITECT, REGISTERED PROFESSIONAL ARCHITECT  
 ARCHITECTURAL DESIGN  
 AND BUILDING AND  
 PLUMBING CONSULTANTS  
 082 701 6052 / 073 448 2720  
 shaheedburton@gmail.co.za





**Ndlambe Municipality**  
**ZONING CERTIFICATE**

**Date : 15 June 2021**

**Fax No: (046) 624 2669**

**Tel: 046 624 5500**

**Address:**

**P O Box 13**

**Port Alfred**

**6170**

**Property description:**

**Erf 6770, Port Alfred**

**Street Address:**

**Hallier Street**

**Registered area:**

**2410.0SQM**

**Municipality:**

**Ndlambe Municipality**

**Zoning:**

**Industrial Zone 1**

**Primary Use:**

**Industry**

**Consent Use:**

**Crematorium, General Business,  
Place of Entertainment, Scrap Yard,  
Service Station, Telecommunication  
Mast, Transport Use, Warehouse.**

**Restrictions:**

**Land use restrictions and additional  
Provisions applicable to this zone as  
per the Title Deed.**

This information is in accordance with the **Ndlambe Integrated Land Use Scheme (2019)**, regulations as on above date, and may be amended from time to time. This information is also given in respect of Land Use Management requirement only and must not be construed as indicating requirements in terms of any By-Laws, the National building regulations, Environmental Legislations or any restrictive conditions in title Deeds.

**NB: See attached previous approval for subdivision and rezoning and diagrams.**

A handwritten signature in black ink, appearing to read 'N Vithi-Masiza', is written over a horizontal line.

**N VITHI-MASIZA**

**Director: Infrastructural Development**



# NDLAMBE MUNICIPALITY

## Port Alfred

Causeway  
P O Box 13  
Port Alfred  
6170

Phone: (046) 624 1140  
Fax: (046) 624 2669  
portalfred@ndlambe.co.za  
http://www.ndlambe.co.za

Please address all correspondence to The Municipal Manager

Our Reference : PA/5271-10622

Contact : A G SCHLEMMER

Your Reference :

03 May 2006

Mr L P Vorster  
Misty Rose Properties 15 CC  
P O Box 373  
PORT ALFRED  
6170

Dear Sir

**REZONING AND SUBDIVISION : ERVEN 5951, 5952 AND REMAINDER OF ERF 5271,  
ALBANY ROAD, PORT ALFRED**

I have pleasure in advising you that the Council, at its meeting held on 2 May 2006, resolved, inter alia,

that the application by Mr L P Vorster on behalf of Misty Rose Properties 15 CC, the owners of the remainder of erf 5271, erf 5951 and 5952, Albany Road, Port Alfred for the following:-

- \* 1. Subdivision in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of the remainder of erf 5271 (1,25 hectare in extent) into 5 portions and remainder road.
2. Subdivision in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of erf 5951 (4118m<sup>2</sup> extent) into 2 portions.
3. Subdivision in terms of Section 14 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of erf 5952 (1961m<sup>2</sup> in extent) into 1 portion and remainder.
- \* 4. Rezoning in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of the 5 portions of the proposed subdivision of the remainder erf 5271 from General Residential to General Industry Purposes and remainder road.
5. Rezoning in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of erf 5951 from Special Truck Stop to General Industry.
6. Rezoning in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of erf 1961 from Special Truck Stop to General Industry and remainder road.

Please quote our reference number when replying.

ADMIN1  
ADMIN1

Ndlambe Municipality incorporating Port Alfred, Bathurst, Kenton on Sea, Boesmansriviermond, Alexandria, Seafield, Boknes, Cannon Rocks and Surrounding Rural areas.

BE APPROVED subject to the following conditions:-

- i) the person who at any time is the owner of the land unit directly involved with the subdivision shall be required without compensation:
  - a) to allow a gas mains, electricity, telephone and television cable and wire and main and/or other water pipes, sewerage and drainage, including stormwater of any other land unit / units to be conveyed across the relevant land unit and surface installations such as mini substations, meter kiosk and service pillars to be installed thereon if deemed necessary by the Council and in such a manner and position as may from time to time be reasonably required. This shall include the right of access to the land unit at any reasonable time, for the purpose of constructing, altering, removing or inspecting any works connecting with the above.
  - b) to receive such material or permit such excavation on the land units as may be required to allow the full width of an abutting streets and provide a safe and proper slope to its bank necessitated by differences between the level of street as finally constructed and land unit, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Council.
- ii) The following contribution BE MADE by developers in respect of sewage and water augmentation costs:
  - a) R4 000 per subdivided erf for bulk services
  - b) R400 surcharge / building plan in respect of water / sewerage (R200 water / R200 sewerage).

Yours faithfully

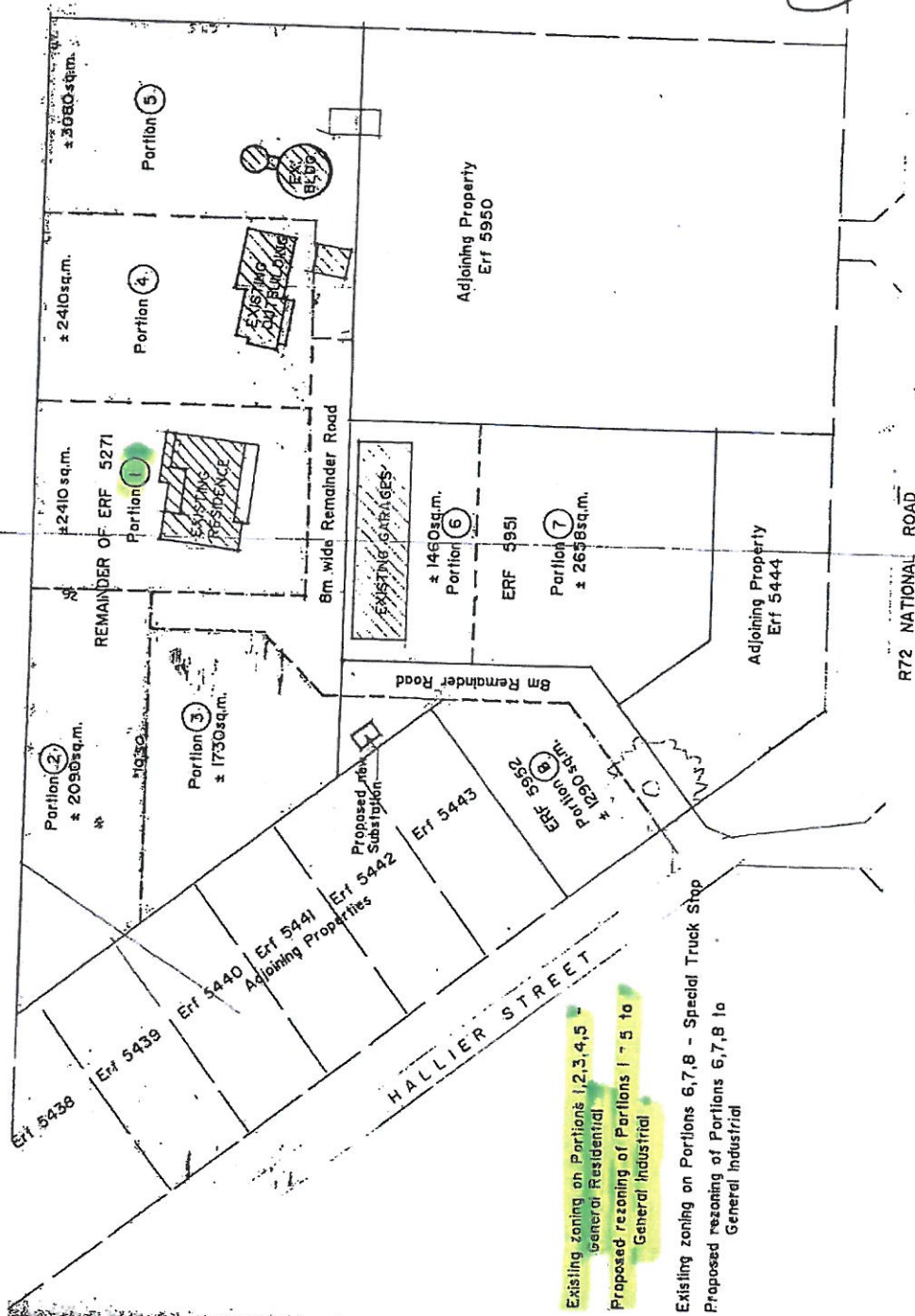


**A. G. SCHLEMMER**  
**DIRECTOR : CORPORATE SERVICES**  
**for MUNICIPAL MANAGER**

Please quote our reference number when replying.

ADMIN1  
ADMIN1

Ndlambe Municipality incorporating Port Alfred, Bathurst, Kenton on Sea, Boesmansriviermond, Alexandria, Seafield, Boknes, Cannon Rocks and Surrounding Rural areas.



Existing zoning on Portions 1,2,3,4,5  
General Residential  
Proposed rezoning of Portions 1 - 5 to  
General Industrial

Existing zoning on Portions 6,7,8 - Special Truck Shop  
Proposed rezoning of Portions 6,7,8 to  
General Industrial

This subdivision has been approved by  
The Council in terms of section 25 of  
Ordinance No. 15 of 1985 subject to the  
conditions as per annexure.

Director Corporate Services for *4/15/2006*  
Municipal Manager

**DUNES PARK**  
INDUSTRIAL DEVELOPMENT

DIAGRAM 'B'

PROPOSED SUBDIVISION OF ERF 5951/ 5952  
& REMAINDER ERF 5271 PORT ALFRED  
Scale 1:1000

CO - ORDINA 155  
System No. 27

Constants Y 0, 00 X + 3 710 000, 00

SIDES	MAIN FIGURE	
	Y	X
AB	213,50	237,23
BC	66,79	57,23
CD	155,60	57,23
DE	97,28	15,28
EF	32,89	109,28
FG	109,96	159,28
HA	109,96	109,28

BLOCK CORNERS	
A1	+ 8503,75
A2	+ 7630,88
A3	+ 8492,68
A4	+ 7607,51
A5	+ 8527,09
A6	+ 7682,53
A7	+ 8530,51
A8	+ 7584,23
A9	+ 8538,77
A10	+ 7519,99
A11	+ 8495,55
A12	+ 7617,39
A13	+ 8495,55
A14	+ 7554,14

REFERENCE MARKS	
RM1	+ 8485,92
RM2	+ 7642,74

TRIGONOMETRICAL BEACONS	
T1	+ 10771,94
T2	+ 8642,00

FOUNTAIN ROCKS NEW No. 285	
F1	+ 8253,44
F2	+ 8042,23

AREAS	
Erf. No.	Sq. m.
6768	2938
6769	2410
6770	2410
6771	1075
6772	1265
6773	1265
6649 P. St. 1601	

Description of Beacons:

- a All beacons
- b Iron standard
- c Wooden iron peg
- d 4mm iron peg in conc.
- e 12mm iron peg in conc.
- f All other beacons are 12mm iron pegs

CDR

EXCEPT FOR THE PROVISIONS OF SECTION 131

G No. 3362/2006

SHEET No. 1 OF 1 SHEET

Approved

*Alfred*  
for Surveyor General  
20-6-2006

Approved in terms of Section 25 of Chapter 3 of Ordinance 15 of 1985

Reference: PA/3271-10622  
Date: 03 May 2006

ENDORSEMENTS		
No.	AMENDMENT	AUTHORITY / INTD / DATE

SURVEYOR GENERAL'S OFFICE NOTES

1 Erf 443 framed vide Dgn 3362/2006

File No. Bath 391  
Survey Records 1387/2006  
Compilation BF-650/123 (2160)  
LPI 0008007

58