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TALKING SETTLERS: Mary Ritchie, Lower Albany Historical chair, left, historian and Emeritus Professor Julia Wells, and committee member Sue Gordon after Wells' presentation on settler Thomas Stubbs. Picture: MARK CARRELS

Looking back at settler who opposed authority

Thomas Stubbs befriended amaXhosa, rejected British colonial policies

MARK CARRELS

Emeritus professor Julia Wells recounted the story of 1820 settler Immigrant Thomas Stubbs to an audience of the Lower Albany Historical Society at Settlers Park Auditorium last week Thursday.

Wells spent two decades researching the Battle of Grahamstown during the time of the Frontier Wars that led to the publishing of a book in 2012. "So I had finished writing the book but I asked myself: 'Well, what happened next ... what happened to the people who'd been living in the area and around it?'"

She recalled she had read a book about Stubbs. "I remembered thinking there is just something about him that was rather odd and strange ... and special."

Reflecting on Stubbs, Wells said he had immigrated from London to the Lower Albany area as a teenager with his parents, trader John Stubbs and Anne Campbell, and interacted with the Xhosa inhabitants "In a way we have never heard of before".

Stubbs memoirs and writings (*Reminiscences of Thomas Stubbs*) gives some interesting insights in to his relationships with the amaXhosa tribes in the area. Wells explained that Stubbs seemed to be more inclined to work with the Xhosa people of the time than with the colonial settler authorities.

This cordial relationship often got him in to the cross-hairs of the British authorities. "The question I am asking is whether Stubbs could have been 'Africanised?'"

The Stubbs family, who were located in the Clay Pits area, were friendly with the local amaXhosa and traded amicably with them.

Wells said that Thomas had even joined the amaXhosa on hunting parties and became familiar with their trails and the Fish River bush.

"However those good times changed when Stubbs was orphaned and apprenticed in Grahamstown," Wells said.

Wells tells a story with quotes from writings in Rhodes University's Cory Library archives that Stubbs is believed to have told a Dr Athertonstone as they were riding on horseback in the 1850s.

"The story was when Stubbs was 15 years old,

he used to go on hunting trips with amaXhosa. One night they were sitting around a fire with his friends when an older man got up and said: 'I killed a English boy and I'm gonna kill you too'.

"Another man standing around the fire stood up and took a rifle from the young Stubbs and said 'I am going to fight that man to show him he can't touch you'. And if I lose, shoot him," Wells said, to laughter from the audience.

Wells said the man never bothered Stubbs again after Stubbs' rescuer defeated him. "That was kind of characteristic of the era ... despite so much negative happenings in the history [of Frontier Wars] people were making friends at the same time."

Wells found in her research that Stubbs was unrelenting in his disapproval of missionaries and British government authorities and directed his anger at them. "He just comes out shooting mad at these people but not the amaXhosa."

This was very unusual for these times because he lived through many wars.

Wells mentioned that Stubbs' father became a trader of some repute in the region and "so begins the era of Thomas Stubbs' hatred towards British colonial officials".

Early settler history was characterised by differences between Sir Rufane Donkin and Lord Charles Somerset, who governed the Cape Colony from 1814-1826, Wells said. "Donkin wanted to promote friendship and trade but got removed by Somerset who tried to undo everything that Donkin had done".

"Somerset's approach was aggressive and hostile ... it was a complete reversal of policy."

"And now for Stubbs, this little era that he enjoyed had ended," Wells said.

"In 1823, Thomas's father was returning from a profitable trading mission.

"He was crossing Trumpeter's Drift with two wagons full of ivory and 60 head of cattle when he got ambushed by colonial forces, who sent him retreating."

Wells said Stubbs' father retreated in to a group of Xhosa cattle thieves and they killed him, according to Stubbs' rendition of the story.

And one year later as Stubbs put it, "my mother died of a broken heart".

This meant that at this point, six children had

been orphaned. "The older boys, including Thomas were put out to apprenticeships and the others were adopted by other families."

"All their properties were sold by the orphan chamber."

"So Stubbs had gone from being a son of this great trader living his free and happy life ... crossing the Fish and being friendly with everybody ... and now becoming an apprentice [on farms], which is almost like becoming a slave."

Wells said that according to Stubbs' writings, he had learnt to read and write from his mother. "She was a very well educated literate individual."

Stubbs from a middle-class trader family, had now come in to an apprenticeship on a farm to people whom he hated, Wells said.

However, Wells said Stubbs had a sense that he was better than his enforced status because he could read and write and due to his good upbringing in central London.

He writes that "Many nights I had sat crying for hours, not having a friend to tell my troubles to. However being able to read and write kept me from falling."

Stubbs was eventually recruited in to a special forces group but never really agreed with the methods of the British authorities during the wars.

Wells said at the end of Stubbs' life in 1877, after all the wars and all he had done to uplift the army, he got nothing out of it.

"No job offers, no land grants and no pension ... he got nothing for all of his efforts, even though colleagues were always cheering him and saying 'You'll never be forgotten'."

Wells said in her final words: "This is one settler who was never just quite one of the boys."

"He didn't fit in. He had to live with that society but he had a different kind of upbringing and education."



NDLAMBE MUNICIPALITY PORT ALFRED

APPLICATION FOR PROPOSED SUBDIVISION OF ERF 350, BATHURST INTO ONE PORTION (PORTION A) LEAVING THE REMAINDER.

Applicant: M.E.H SULTER AND SON INC

Owner: BRYAN RICHARD EVA

Property Description: ERF 350, BATHURST

Physical Address: BATHURST, 6166

Detailed description of proposal:
The matter for consideration is an Application for Subdivision of Erf 350, Bathurst into One Portion (Portion A) Leaving The Remainder 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), under Town Planning Portal; Planning Applications-Public Participation. 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 or krdingwane@ndlambe.gov.za on or before 24 June 2024. Telephonic enquiries can be made to the Town Planning Section at (048) 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 NUMBER: 108/2024

ADV. R DUMEZWENI MUNICIPAL MANAGER

VOLCANIK TELEVISION
29 Bleccy Road | TEL: (048) 624 3630

VARIETY OF JBL SOUNDBARS AND WOOFERS AVAILABLE

DOCTORS ON WEEKEND EMERGENCY		
CALL OUTS FOR MAY 2024		
Friday 03 rd - Sunday 05 th	Dr Gaunt	082 3782 336
Friday 30 th - Sunday 12 th	Dr Jackson	083 6535 511
Friday 13 th - Sunday 19 th	Dr Webster	084 5858 984
Friday 24 th - Sunday 26 th	Dr Cole	082 5657 202
Friday 31 st - Sunday 02 nd	Dr Gaunt	082 3782 336
CALL OUTS FOR JUNE 2024		
Friday 07 th - Sunday 09 th	Dr Jackson	083 6535 511
Friday 14 th - Sunday 16 th	Dr Gaunt	082 3782 336
Friday 21 st - Sunday 23 rd	Dr Cole	082 5657 202
Friday 28 th - Sunday 30 th	Dr Van Jaarsveld	083 4407 912

That was kind of characteristic of the era ... despite so much negative happenings in the history [of Frontier Wars]



Ndlambe Municipality
Corporate Services

30 APR 2024

RECEIVED

**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
	Rezoning (SPLUMA)	R
	Consolidation	R
	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 6 744.85
	Road closure or Closure of Public Open Space	R
		R
		R
		R
		R 6 744.85

COMPLETE THE FOLLOWING:

Local Authority:	NDLAMBE MUNICIPALITY
Description of Land:	ERF 350 BATHURST
Registered owner(s):	BRIAN RICHARD EVA
Street Address:	ERF 350 GILLANDERS STREET BATHURST
Postal Address:	77 FAIRBRIDGE, DANIELLE STREET, FAIRLAND JOHANESSBURG Code: 2195
Email Address of Owner:	fourevas@gmail.com
Applicant (With Power of Attorney):	M.E.H. SULTER & SON
Postal Address:	15A MILNER STREET GRAHAMSTOWN Code: 6170
Email Address of Applicant:	peter@surveyec.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 provided for in terms of other legislations.
- 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 Municipality Spatial Planning and Land Use Management By-law (2016).
- 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 incorrect 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 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 clearly showing 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 utilization 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 Chapter 2 and Section 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

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);
- Flood line 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 Authorization (EA) / Record of Decision (ROD);
- Services report or indication of all municipal services / registered servitudes;
- Landscaping / Tree plan;
- Typical unit types (plan & elevation);
- Abutting neighbor consent;
- Body Corporate / Homeowners Association (HOA) consent;
- Homeowners 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 THE APPLICANT

Your reference number	BATH-350
Name of person to whom correspondence should be addressed	P.B. SULTER C/o M.E.H. SULTER & SON
Address:	15A MILNER STREET GRAHAMSTOWN 6139
Telephone number:	046-6224441
Email:	peter@surveyec.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): **BRIAN RICHARD EVA**

1.3. Is the property encumbered with a bond? **YES**

If so, please attach the authorization of the mortgage holder to the application. **STANDARD BANK BOND HOLDERS
CONSENT ATTACHED.**

2. DETAILS OF LAND UNIT

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

ERF 350 BATHURST Title deed: T 20094/2022 Area of land: 8 565 SQ.M.

2.2. What is the present zoning of land unit? **RESIDENTIAL 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? **NO**
 If so, what are the nature and condition of these improvements? **N/A**
- 2.5. Is the site being used in accordance with its present zoning? **YES**
 If not, how is the land being utilised? **N/A**

3. DETAILS OF APPLICATION

- 3.1. Describe the proposed development in detail (A separate motivational report MUST be added): - **SEE MOTIVATION REPORT**
- 3.2. Does the proposed development involve the entire land unit? **YES**
 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:
N/A
- 3.3. Is a departure being applied 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 departure: **N/A**
- 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. Northern lateral (side) building line from m to m; and / or
 - II. Rear building line from m to m; and / or
 - III. Street building line from m tom; 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 tom;
 - VII. Other zoning scheme condition(s) (as specified).....

RESTRICTING FACTORS

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

- 3.3. Are there any title deed restrictions, which may have an effect on the application? **NO**
 If so, furnish details: **N/A**
- 3.4. Is there any portion of the land unit subject to tidal flow or situated under the high-water mark? **NO**
 If so, furnish details: **N/A**

- 4.3 Is any portion of the land unit situated in a flood-plain of a river under the 1 in 50 year's flood-line or subject to any floods? **NO**
- 3.5. 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**
- 3.6. Are there any other restrictions of which you are aware, but which were not mentioned above? **N/A**

4. POSSIBLE REFERRAL TO OTHER BODIES

- 4.1. 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 as far as they affect the application under consideration:
NDLAMBE SPATIAL DEVELOPMENT PLAN
- 4.2. Are the provision of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) applicable in the case of this application? **NO**
- 4.3. Is the land unit situated within the boundaries of a nature area 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, 1976 (Act 57 of 1976). **NO**
If so, furnish details: **N/A**
- 4.4. 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: **N/A**
- 4.5. 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): **NO**
- 4.6. 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? **N/A**
- 4.7. 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 harbor? **NO**
If so, furnish details: **N/A**

4.8. Are there any conservation worthy buildings/grave/rock engravings/archeological finds on the property including those that have not been declared national monuments? **N/A**

4.9. 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? **N/A**

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: **N/A**

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	*		
Resolution or other proof that applicant is authorized to act on behalf of a juristic person			*
Flood-line certificate			*
Bondholder's consent	*		
Locality map	*		
Extract from zoning map	*		
Land-use map	*		
Layout plan	*		
Motivation report	*		
Full Copy of Signed Title Deed	*		
Conveyancer's certificate		*	
Proof of payment	*		
Any other annexures, give details			


If any of the above questions, answers are no, give reasons: **N/A**

AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION		
YES	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)
YES	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
YES	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations
YES	N/A	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 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) 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: **8TH FEBRUARY 2024**

Full Name: **PETER BROCAS SULTER**

Professional capacity & Registration Nr: **PROFESSIONAL LAND SURVEYOR PLS 0786**

FOR OFFICE USE ONLY	
DATE RECEIVED	30/4/2024
RECEIVED BY	Zamogaina Dantile
FOR ERF NUMBER	350 Bathurst



SPECIAL POWER OF ATTORNEY

I the undersigned, being the registered owner of erf 350 Bathurst, do hereby appoint Peter Sulter, of M.E.H. Sulter & Son Land Surveyors, to handle all and whatsoever applications and procedures that are necessary and to sign all documentation necessary on my behalf relating to the


- Subdivision of erf 350 Bathurst into one portion leaving the Remainder

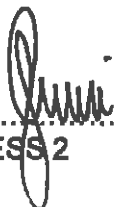
Situate in the Ndlambe Municipal Area, Administrative District of Bathurst.

SIGNED AT Rodquest this 29th day of January 2024 in the presence of the undersigned witnesses.

AS WITNESSES:


BRYAN RICHARD EVA


.....
WITNESS 1


.....
WITNESS 2



Home Services Operations
Account Maintenance

M.E.H SULTER & SONS
MEDICAL CENTRE
15A MILNER STREET
GRAHAMSTOWN
6139

15 February 2024

Dear Sir/Madam

CONSENT FOR PROPOSED/CONSENT TO SUBDIVIDING THE PROPERTY INTO (1))
ACCOUNT NUMBER : 536229848
BOND BY : EVA BR
BOND OVER : ERF 350 BATHURST, NDLAMBE

We refer to the above and advise that Standard Bank has no objection to consent to your request subject to our rights being protected and the following conditions:

Request for Proposed Subdivision is approved subject to:

- No release to be done without approval from Credit.
- Local Authority approval/All municipal by laws must be adhered to.
- No buildings to be demolished without the Bank's consent.
- The Bank is not committing to finance new development.
- The building must comply with SBSA minimum specifications, should there be any further development.
- The correct Insurance must be applied.
- Residential component not to be compromised.
- Please note that the bank holds the right to withdraw or amend the given consent.
- All compliance conditions on customer first to be met.
- The correct portions to be linked to the account once sub-division is finalised.

Yours faithfully,

Operations Home Services SA
Consultant After Sales Customer Contact Centre : +27 0860 123 001

Should you have any queries, please do not hesitate to contact us CSAdmin@standardbank.co.za.

The Standard Bank of South Africa Limited (Reg. No. 1962/000736/06) Authorised financial services and registered credit provider (NCRCP18)

Directors: NMC Nyembezi (Chairman) L Fuzile* (Chief Executive Officer) LL Bam PLH Cook A Daeheke* GJ Fraser-Moleketi
Xueqing Guan¹ GMB Kennealy BJ Kruger Li Li¹ JH Maseko NNA Matyonye ML Oduor-Otieno² ANA Peterside CON³ SK Tahabalela*

Company Secretary: K Froneman – 2023/08/12
* Executive Director ¹ Chinese ² Kenyan ³ Nigerian

SECTION A: INTRODUCTION

MEH Sulter & Son have been appointed by Bryan Richard Eva to apply to the Ndlambe Municipality for the following.

- Subdivision
 - To subdivide erf 350 Bathurst into 1 portion leaving the Remainder.

Refer to the attached Special Power of Attorney from Bryan Richard Eva - **Annexure 2**.

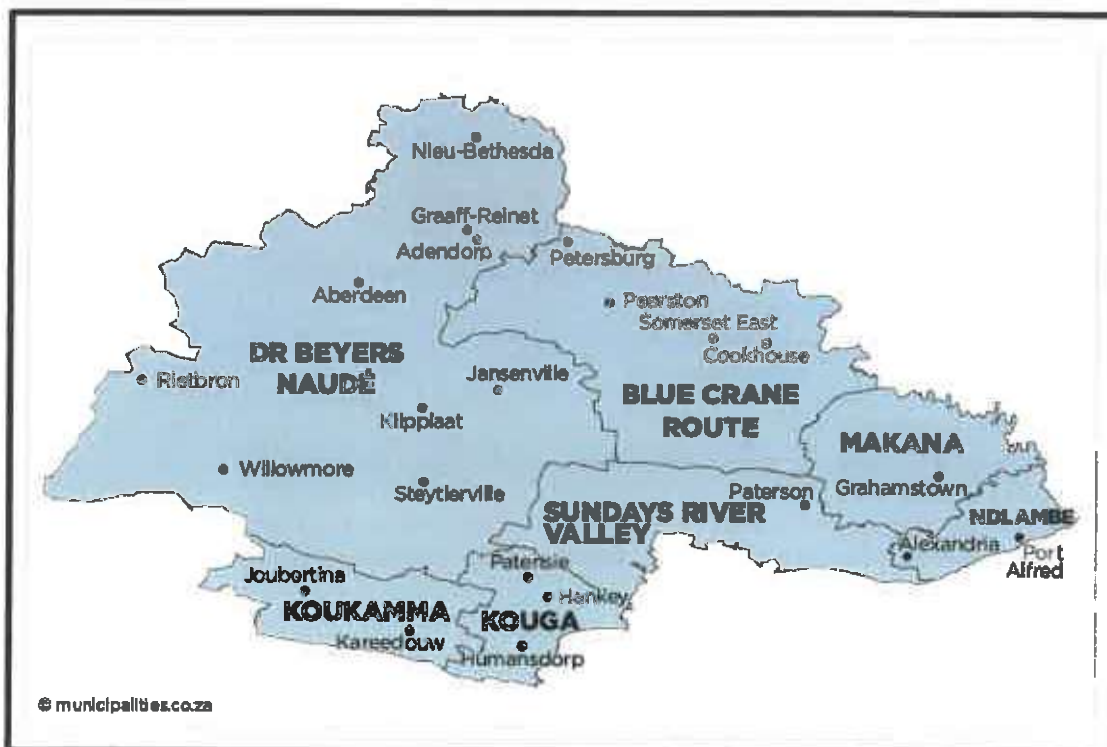
The contents of this report, therefore, serve as a motivation for the subdivision of erf 350 Bathurst , into 1 portion leaving the Remainder.

This application is made in terms of Section 59(1) of the Ndlambe Municipal By-laws promulgated in terms of the Spatial Planning and Land Use Management Act No.16 of 2013.

SECTION B: LOCALITY OF THE PROPERTIES

The locality of the properties can be broken down into municipal and local levels. The municipal level refers to which municipal borders the properties fall into, and the local level refers to the erven inside the town in which the properties fall. In this instance the property falls within the Ndlambe Municipality and inside the town of Port Alfred. The borders of the Ndlambe Municipality can be seen on Map 1 below.

Map 1: Ndlambe Local Municipality



The Ndlambe Municipality consists of towns such as Alexandria, Bathurst, Boknesstrand, Bushmans River Mouth, Cannon Rocks, Kenton-on-Sea, Port Alfred and Seafield.

SECTION D: TITLE DEED RESTRICTIONS

There are no conditions of title preventing subdivision.

See copy of the title deed under **Annexure 3**.

SECTION E: BOND HOLDERS CONSENT

There is a bond over erf 350 Bathurst and Bond Holders consent is attached. See **Annexure 3**.

SECTION F: EXISTING AND ADJACENT LAND USE

The property is situated at the southern end of Gillanders Street in Bathurst as shown on the locality plan.

The surrounding properties are either vacant or occupied by permanent residents of Bathurst.



Map 4: Land Use Plan – aerial view

SECTION G: SERVITUDES

There are no servitudes encumbering the erven.

SECTION H: EXISTING SERVICES

The purpose of this section is to highlight the existing infrastructural services available to erf 350 Bathurst. The erf is situated at the southern end of Gillanders Street and all available services have been installed.

- **Electricity**
ESKOM provides electricity to the site. However, it is intended to use solar.
- **Refuse Removal**
The Municipality is currently responsible for refuse removal.
- **Roads**
Access to the site is via Gillanders Street.
- **Sanitation**
The sites will be serviced by septic tanks and French drains. One for each property.
- **Storm water**
Is via natural run off and drains.
- **Water**
A municipal water main runs past the site. However, it is intended to use rainwater harvesting as much as possible.

SECTION I: EXISTING AND PROPOSED ZONING

As mentioned previously the property is situated in Gillanders Street in Bathurst.

Erf 350 is zoned Residential 1.

The surrounding properties are also all zoned Residential Zone 1, and some have been subdivided.

The zoning parameters currently applicable to the land units are as follows:-

Residential Zone 1 (RZ1):

- *Primary Use: Dwelling unit*
- *Consent Use: Additional dwelling unit, Crèche, Guest House, Home Enterprise, Medical Use, Social Facility*
- *Building lines: Street 5m, lateral 1,5m and rear 3m*
- *Height: 8,5m*
- *Coverage: 50%*
- *Floor factor 1.0*

See zoning certificate under **Annexure 4**.

SECTION J: DESIRABILITY – EXISTING & PROPOSED DEVELOPMENT

The main criterion of establishing a need and desirability is to ensure that the land use development proposals are necessary and desirable in the public interest. This will result in sustainable land utilization which is publicly acceptable and relevant in all aspects such as economic growth, convenience, and benefit the community at all levels.

Erf 350 Bathurst has recently been bought by Bryan Eva. The erf is 8 565 square metres in extent, and he wants to sell a portion to his parents who have just retired to Bathurst.

Other erven in the vicinity have been subdivided over the years and both portions will still be over 4 000 Sq.m. which are large erven. Under previous legislation the minimum erf size for Bathurst was 1 200 Sq.m.

All buildings lines and other development parameters as per the Ndlambe ILUMS will be retained and no application is being submitted for departures.



Map 5: Plan showing compatibility with surrounding erven

The subdivision is desirable from a Town Planning point of view for the following reasons.

- The proposed development aligns itself with the Ndlambe SDF which encourages Infrastructure Investment and Sustainable Development.
- The development will be guided by the Spatial Planning and Land Use Management Act 16 of 2013.
- The local authority will benefit from the subdivision in perpetuity from additional rates and taxes and supplying of services.
- The proposal promotes densification and better utilization of existing services.

In addition to the above a single subdivision also has the following economic benefits which are often referred to as the “revolving rand”

- The application creates an opportunity for a Town Planner or another professional to earn fees
- The Municipality gets application fees
- The subdivision creates an opportunity for work for a Professional Land Surveyor
- The Surveyor General receives examination fees
- A Conveyancer transfers the land and receives transfer fees
- The Deeds Office will get transfer duty
- The Receiver of Revenue receives Capital Gains taxes (mostly)
- A Draughtsman or Architect will earn income when drawing the house plans
- The municipality will receive building plan fees when the building plans are submitted for approval
- A contractor will be appointed to complete the building creating temporary employment and stimulating the local building industry through the purchase of:-
Cement, bricks, cement, doors, paint, roof tiles, sand, stone, windows etc.
- A carpenter could be employed to do the cupboards and kitchen
- Local stores will benefit from the purchase of household appliances and furniture
- The local nursery will benefit from creating the garden
- The municipality will benefit in perpetuity for connection fees, consumption fees and rates and taxes
- Permanent employment can be created by employing a gardener and/or domestic worker
- employing an electrician, plumber etc. to fix the problems that invariably arise overtime

SECTION K: POLICY ALIGNMENT – DEVELOPMENT PRINCIPLES, NORMS & STANDARDS

National Development Plan:

The National Development Plan identifies several short comings in the development path of South Africa, which includes inequality, high levels of unemployment and extreme poverty.

The NDP realises that South Africa needs to increase employment capacity and to reduce poverty and inequality.

To achieve the above the following requirements must be met:

- Active efforts and participation of all South Africans in their own development redress injustices of the past
- Create faster economic growth and higher investment and employment opportunities
- Increase the standard of education, health and housing
- An effective and capable government
- Co-operation between the private sector and public sector
- Leadership in all spheres of society

As a long-term strategic plan, the NDP serves four broad objectives:

1. Providing overarching goals for what we want to achieve by 2030.
2. Building consensus on the key obstacles to us achieving these goals and what needs to be done to overcome those obstacles.
3. Providing a shared long-term strategic framework within which more detailed planning can take place to advance the long-term goals set out in the NDP.
4. Creating a basis for making choices about how best to use limited resources.

The NDP highlights the need to strengthen the ability of local government to fulfil its developmental role. Integrated Development Plans need to be used strategically to focus attention on priorities in the NDP, such as spatial planning, infrastructure and basic services. The IDP should strive to focus on areas of the NDP that are in line with the municipality's priorities

Ndlambe Municipality Integrated Development Plan (2022/2023)

The Ndlambe Municipality 2030 vision:

The Ndlambe Municipality Vision that emerged during the Strategic Planning workshop is as follows:

Ndlambe municipality strives to be a premier place to work, play, and stay, on the eastern coast of South Africa. It strives to be the destination of choice for people who love natural and cultural heritage, adventure water sports, and living for families.

Our promise is to build a state-of-the-art physical infrastructure which will be laid out aesthetically in our beautiful natural environment. Our prosperous community supports a safe and healthy lifestyle which is supported by affordable natural living and a vibrant tourism and agriculturally based economy.

We promote good governance by providing sustainable, efficient, cost effective, adequate and affordable services to all our citizens.

Mission:

To achieve our vision by enabling optimal performance within each of the five Key Performance Areas of Local Government within the context of available resources

Values:

- Commitment.
- Transparency.
- Honesty.
- Trustworthiness; and
- Care

Strategic Goals and Objectives:

Below are the Strategic goals and objectives that emanate from the long-term strategy of the municipality:

Goal 1:	A premier place to work and do business
Strategic Objectives	1.1. Improve the efficient running of and the governance of the Municipality 1.2. Develop state-of-the-art physical infrastructure 1.3. Develop a vibrant, rapidly growing, employment generating agri-based economy 1.4. Develop a vibrant, rapidly growing, employment generating tourism economy, including the heritage economy 1.5. Develop a vibrant, rapidly growing, employment generating oceans economy
Goal 2:	2. Destination of choice for living Strategic Objectives
Strategic Objectives	2.1. Improve financial viability of the municipality

	<p>2.2. Provide sustainable, efficient, cost effective, adequate and affordable services to all our citizens</p> <p>2.3. Create a safe and secure living environment</p> <p>2.4. Position the municipality as a learning hub of excellence</p>
Goal 3:	3. Tourist destination of choice for people, who love natural and cultural heritage and adventure water sports
Strategic Objectives	<p>3.1. Preserve the natural beautiful environment</p> <p>3.2. Develop and support adventure and extreme water sports</p> <p>3.4. Develop cultural heritage economy</p>

The proposed subdivision supports the principles of the Integrated Development Plan and aims to create a vibrant community, investment opportunities, service delivery and economic development.

Municipal Spatial Development Framework (2023):

The Ndlambe Spatial Development Framework sets out the long-term spatial development for the municipality. The SDF is a framework that seeks to guide overall spatial distribution of current and desirable land uses within a municipality, to give effect to the vision, goals and objectives of the municipal Integrated Development Plan.

The Ndlambe SDF is a high-level strategic policy plan which is a component of the IDP. It is a living document.

Spatial Planning Principles - Section 9:

The SDF for the Ndlambe Municipality is guided by the following planning principles:

- Development of sustainable human settlements
- Ensuring a sustainable and functioning environment
- Managing and maintaining safe and accessible infrastructure provision
- Access and affordable public transport and accessible linkage between settlements
- Thriving economy which is well positioned within the province and within the country
- “Smart City” and information technology
- Effective Governance

Further the following spatial structuring elements should apply.

The key elements of the structuring elements are as follows:-

- **Contain urban sprawl – the erf is in an established township and the proposal will certainly not create urban sprawl**
- **Promote urban and social integration – an additional erf will lead to more social integration**
- **Promote higher densities - the proposed subdivision will result in densification and better utilization of existing services**

- Create quality urban environments – **This area in Bathurst is already a quality urban environment**
- Promote pedestrian friendly environments and movement patterns – **these will not change**
- Create a sense of space – **the erven in this area are large and certainly create a sense of space**
- Enhancement of investment opportunities – **allowing subdivision of this nature should promote development opportunities resulting in both temporary and permanent employment and create additional revenue for the Ndlambe Municipality through additional rates, taxes and service charges.**
- Simplifying decision making regarding development applications – **an especially crucial point to note. The application falls into the category where the decision making is made by the Authorised Official after the application has been securitized by the Town Planner.**

It should be emphasized that this proposal will not negatively impact on the character of the area.

The creation of a smaller erf will have a favourable impact on investment and possible employment opportunities.

This application aligns with the growth and development of Ndlambe in that it conforms to the Spatial Development Framework for the Ndlambe Municipality.

Spatial Planning and Land Use Management Act (SPLUMA), Act No.16 of 2013:

SPLUM at a Municipal level (often referred to as Municipal Planning) includes mainly two broad categories:



The SPLUMA has been introduced as framework legislation to outline how SPLUM must be done by municipalities with the support of provinces and national government. The aim of the SPLUMA is to:

- Provide a single, uniform framework for spatial planning and land use management on a national level;
- Provide for inclusive, developmental, equitable and efficient spatial planning at the different spheres of government;
- Provide a framework for policies, principles, norms and standards for spatial planning and land use management;
- Address past spatial and regulatory imbalances;
- Promote greater consistency and uniformity in procedures and decision-making by authorities;
- To provide for the establishment, functions and operations of Municipal structures (Planning Tribunals) to consider development applications; and
- Provide for the facilitation and control of land use and development.

The application is made in terms of Sections 59(1) of the Ndlambe Municipal By-laws promulgated in terms of the Spatial Planning and Land Use Management Act No.16 of 2013.

Decisions need to be based on Sections 7, 22(1) and 42(1) of the aforementioned Act and Sections 53(1) and 53(4) of the Ndlambe Spatial Planning and Land Use Management By-laws.

The application needs to be assessed in terms of Development Principles contained in Section 7 Chapter 2 of the Spatial Planning and Land Use Management Act No.16 of 2013.

Section 42(1) of the Spatial Planning and Land Use Management Act No.16 of 2013 stipulates that a Municipal Planning Tribunal, before considering and deciding on an application must:

- 42(1)(a) Be guided by the development principles set out in Chapter 2 - The relevant development principles in Chapter 2 of the Act have been addressed in the memorandum.
- 42(1)(b) Make a decision which is consistent with norms and standards, measures designed to protect and promote sustainable use of agricultural land (not applicable on this application), national and provincial government policies and the municipal spatial development framework.

This development is in accordance with the following Spatial Planning Principles.

Section 7 of SPLUMA stipulates:

Such principals include but are not limited too.

- The principal of Spatial Justice
- The principal of Spatial Sustainability
- The principal of Efficiency
- The principal of Spatial Resilience
- The principal of Good Administration

The proposed re-zoning and consolidation is in line with the SPLUMA Development Principles (Section 42(1)(1)) in the following manner:

SPLUMA REFERENCE		Development Compliance
7 (a)	<p>Spatial Justice</p> <p>i) The principle of spatial justice requires that past spatial and other development imbalances must be addressed through improved access to and use of land.</p> <p>ii) 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 characterised by widespread</p>	<ul style="list-style-type: none"> ● The location of this property in the town and the type of land use supports spatial justice. ● The application is being submitted so that the owner can sell a portion of the erf to his parents. ● The property is in a sparsely developed area and will contribute to the prevention of urban decay and to regeneration and urbanization when both portions are

	<p>poverty and deprivation;</p> <p>iii) Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;</p> <p>iv) 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;</p> <p>v) Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas and</p> <p>vi) 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;</p>	<p>developed.</p> <ul style="list-style-type: none"> ● The subdivision will contribute to the improved use of the land and will be more sustainable.
<p>7 (b)</p>	<p>Spatial Sustainability</p> <p>i) Promote land development that is within the fiscal, institutional and administrative means of the Republic;</p> <p>ii) Ensure that special consideration is given to the protection of prime and unique agricultural land;</p> <p>iii) Uphold consistency of land use measures in accordance with environmental management instruments;</p> <p>iv) Promote and stimulate the effective and equitable functioning of land markets;</p> <p>v) Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;</p> <p>vi) Promote land development in locations that are sustainable and limit urban sprawl; and</p> <p>vii) result in communities that are viable;</p>	<ul style="list-style-type: none"> ● The erf is within the urban edge of Bathurst and is an old and fairly established residential area. ● This proposal will certainly not conflict with the present character of the area. ● The erf is in an established township and no environmental authorization is necessary. The area is not particularly environmentally sensitive.

7 (c)	<p>Efficiency</p> <p>i) Land development optimises the use of existing resources and infrastructure;</p> <p>ii) Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and</p> <p>iii) Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;</p>	<ul style="list-style-type: none"> ● The proposal will promote the optimal utilization of the subject property and existing infrastructure. ● The proposal supports the principle of nodal development ● It could create temporary and permanent job opportunities ● It will support and strengthen the existing residential node
7 (d)	<p>Spatial Resilience</p> <p>i) The principle of spatial resilience, whereby 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</p>	<ul style="list-style-type: none"> ● This proposal is in line with the Ndlambe Municipality Spatial Development Framework
7 (e)	<p>Good Administration</p> <p>i) 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;</p> <p>ii) All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;</p> <p>iii) The requirements of any law relating to land development and land use are met timeously;</p> <p>iv) The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;</p> <p>v) Policies, legislation and procedures must be clearly set to inform and empower members of the public.</p>	<ul style="list-style-type: none"> ● The Ndlambe Municipality is obligated to consider the application fairly and within the timeframes provided. ● It is important that decision making is aligned with sound policies based on national, provincial and local development policies. This application complies with all relevant policies, legislation and procedures as well as transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them. ● This application will be processed in accordance with the prescribed application procedures and stipulated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

Building Controls

All new dwellings and buildings will have to have plans drawn and submitted to the Ndlambe Municipality for approval to ensure that they comply with the National Building Regulations.

SECTION L: APPLICATION FORM

This application form, in terms of the Spatial Planning and Land use Management Act, Act No.16 of 2013, for the subdivision of the erf can be found under **Annexure 1**.

SECTION M: SUMMARY & CONCLUSION

The application which has been submitted is for the:-

- **Subdivision of erf 350 Bathurst into 1 portion (Portion A) leaving the Remainder.**

The application is being submitted on behalf of the owner of erf 350 who would like to sell a portion of the erf to his parents.

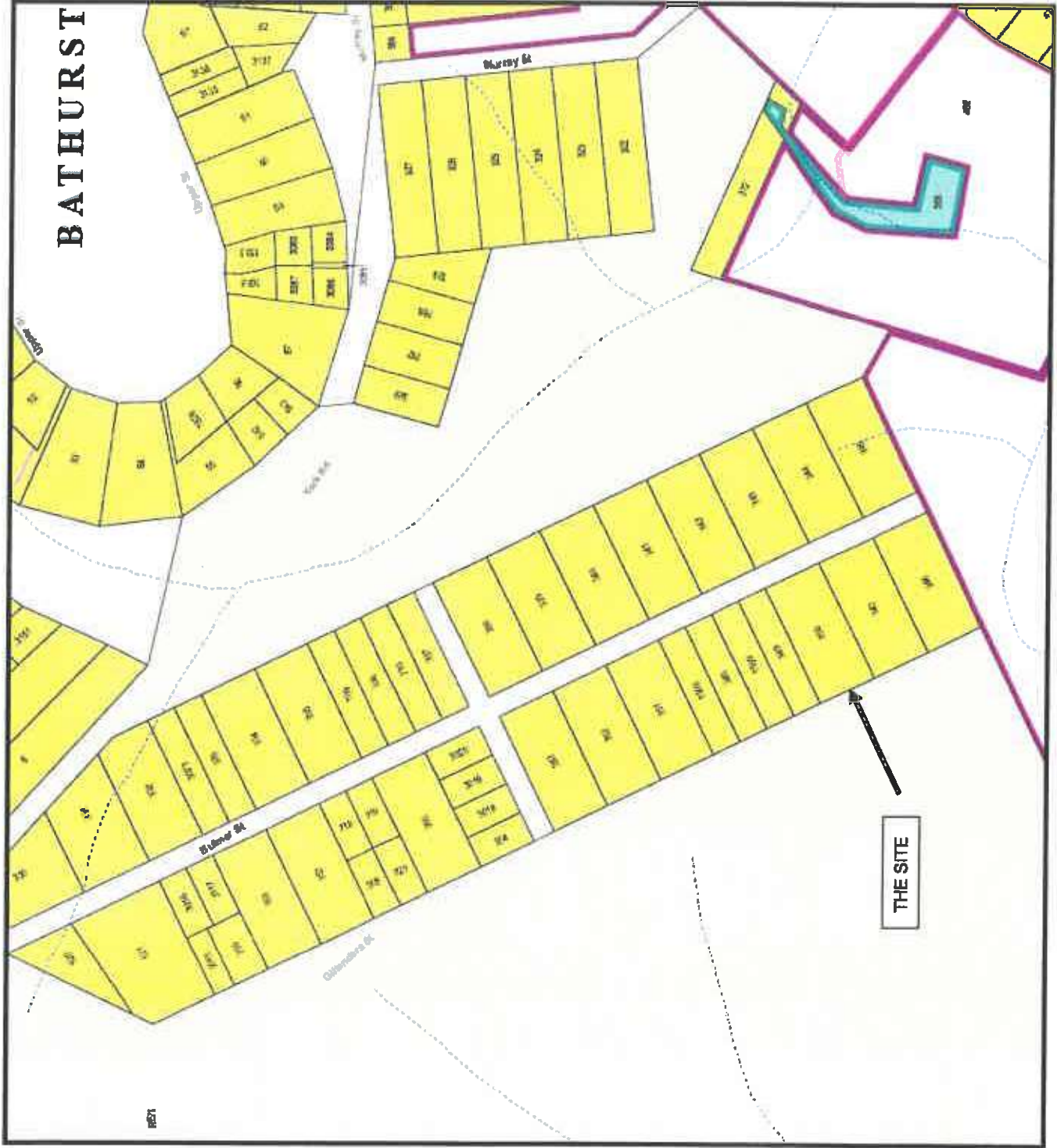
It is recommended that the Council supports and approves the above-mentioned application based on the following.

- The proposal will create additional revenue for the municipality through additional rates and taxes and through the provision of services.
- The proposed subdivision will have little or no impact of the surrounding owners as both buildings and vehicle entrances already exist.
- The development is aligned with the Development Parameters as set out by Ndlambe Municipality and ties in with the spatial policies

Accordingly, it is recommended that Ndlambe Municipality favourably considers the application for approval.

P.B. Sulter
Professional Land Surveyor
April 2024

ERF 350 BATHURST – LOCALITY MAP & EXTRACT FROM NDLAMBE MUNICIPALITY ZONING MAP

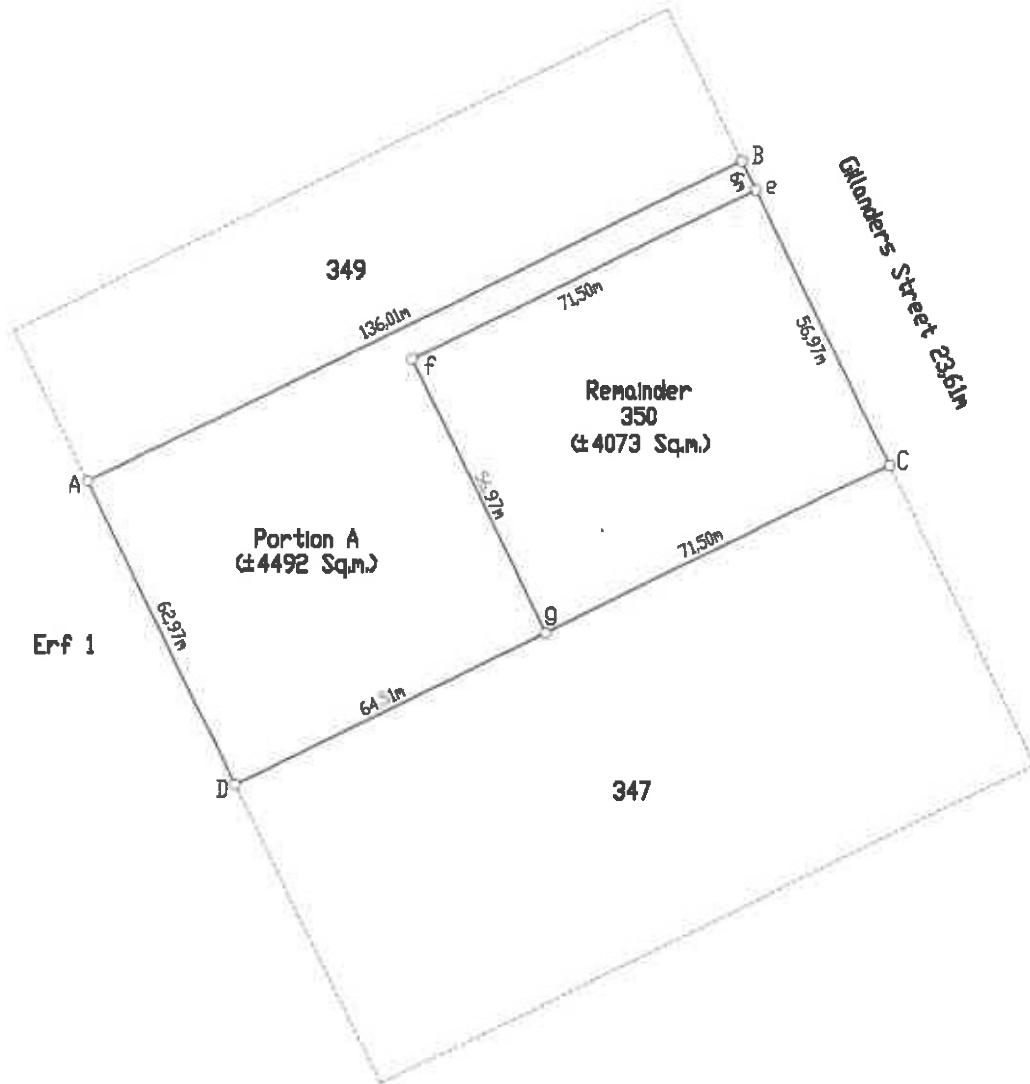


Subdivision Plan
 Showing
 Subdivision of erf 350 Bathurst
 Administrative District of Bathurst
 Province of the Eastern Cape
 Scale: 1/1 000 (©A3)




NOTES:

- 1) The figure ABCD represents erf 350 Bathurst.
- 2) It is proposed to deduct Portion A (figure ABefgD) leaving the Remainder.



Date: February 2024



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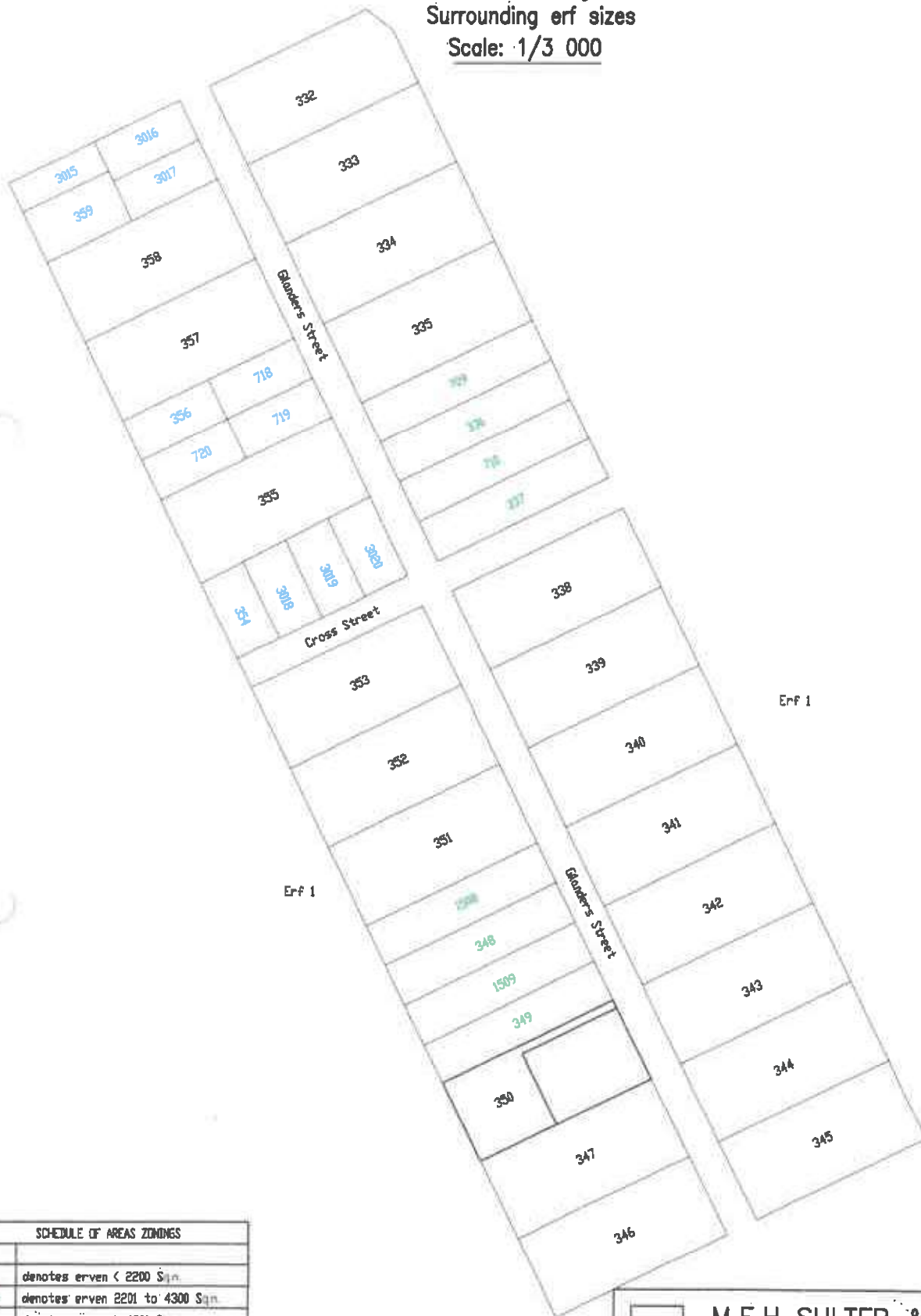
P.B. Sulter
 K. van Niekerk

ASSURVED P.L.S.A.G.C. Dip.Prof.Man.
 F.S.CEDMATICS P.L.S.A.G.C.

ERF 350 BATHURST - LAND USE MAP



Plan showing
Surrounding erf sizes
Scale: 1/3 000



SCHEDULE OF AREAS ZONINGS	
165S	denotes erven < 2200 Sqm.
165M	denotes erven 2201 to 4300 Sqm.
166S	denotes erven > 4301 Sqm.

Date: June 2023



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