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**PROVINCE OF THE EASTERN CAPE  
DEPARTMENT OF ECONOMIC DEVELOPMENT,  
ENVIRONMENTAL AFFAIRS AND TOURISM**

APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION<sup>1</sup>

	(For official use only)
File Reference Number:	
NEAS Reference Number:	
Date Received:	

Application for authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), (the Act) and the Environmental Impact Assessment Regulations, 2010 (the Regulations)

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**PROJECT TITLE**

Proposed Walmer Gqebera Housing Development – erf 11305

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**Kindly note that:**

1. This application form is current as of **1 April 2014**. It is the responsibility of the applicant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
  2. The application must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing.
  3. Where applicable **black out** the boxes that are not applicable in the form.
  4. Incomplete applications **may** be rejected in terms of Regulation 13(2) of GN R. 543 and returned to the applicant for revision and resubmission.
  5. The use of the phrase “not applicable” in the form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application, it may result in the rejection of the application as provided for in the Regulations.
  6. This application must be handed in at the offices of the relevant competent authority as determined by the Act and Regulations.
  7. No faxed or e-mailed applications will be accepted. Only original signed copies will be accepted.
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8. Unless protected by law, all information filled in on this application form will become public information on receipt by the competent authority. Any interested and affected party should and shall be provided with the information contained in this application on request, during any stage of the application process.
9. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
10. Please note that tables 1.1. and 1.2 are mandatory
11. In terms of the NEMA Fee Regulations No 37383 which was gazetted on 28 February 2014, a completed application form must be accompanied by proof of payment of the relevant prescribed application fee. Payment may be made by electronic transfer or deposit into the bank account of the competent authority which is confirmed in 12 below.
12. This serves to confirm the banking details of Eastern Cape Provincial Government as follows:-
  - Account Name: ECPG Department of Economic Development, Environmental Affairs and Tourism
  - Account Number:273021621
  - Type of account: Current Account
  - Branch: King Williams Town
  - Branch Code: 050419
13. Please reference payment as follows:

Name of the region where the application will be submitted as abbreviated below, followed by an indication of the type of application i.e. whether Basic Assessment (BA) or Scoping and EIA (S&EIR) and the name of the Environmental Assessment Consultancy.

  - Alfred NZO-AN
  - Amathole –A
  - Cacadu-C
  - Chris Hani-CH
  - Joe Gqabi-JQ
  - R Tambo-ORT

Example if an application is to be submitted to Alfred Nzo Region and it is a Basic Assessment, the reference should reflect as  
AN/BA/Environmental Consultancy.

**NB!! THE PROOF OF PAYMENT MUST BE ATTACHED TO THE APPLICATION FORM ON SUBMISSION.**

**ALL QUERIES REGARDING THE FEE PAYMENT MUST BE DIRECTED TO THE HEAD OFFICE. A COPY OF THE FEE STRUCTURE IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.**

1. Queries must be addressed to the contact hereunder:

**Departmental Details**

<b>Alfred Nzo Region</b>	<b>Amathole Region</b>	<b>Cacadu Region</b>
<p>Regional Manager: Environmental Affairs Dept of Economic Development, Environmental Affairs &amp; Tourism Private Bag X3513 Kokstad, 4700</p> <p><b>PHYSICAL ADDRESS</b> ERF 206 Magistrate Street Maluti 4740</p> <p>Tel: 039 256/ 0229/0259/0230 Fax: 039 256 /0249/0665</p>	<p>Regional Manager: Environmental Affairs Dept of Economic Development, Environmental Affairs &amp; Tourism Private Bag X9060 East London, 5200</p> <p><b>PHYSICAL ADDRESS</b> Palm Square Business Park Kentia House Beacon Bay, East London</p> <p>Tel:[043]707 4000 Fax:[043] 748 2069/97</p>	<p>Regional Manager: Environmental Affairs Dept of Economic Development, Environmental Affairs &amp; Tourism Private Bag X 5001 Greenacres, 6057</p> <p><b>PHYSICAL ADDRESS</b> Collegiate House, Cnr Belmont Terrace &amp; Castle Hill Central, Port Elizabeth</p> <p>Tel:[041] 508 5800 Fax:[041] 585 1958</p>
<p><b>Chris Hani Region</b> Regional Manager: Environmental Affairs Dept of Economic Development, Environmental Affairs &amp; Tourism P O Box 9636 Queenstown, 5320</p> <p><b>PHYSICAL ADDRESS</b> Komani Office Park Block E Queenstown, 5320</p> <p>Tel: [045]808 4000 Fax:[045]858 8132/5</p>	<p><b>Joe Gqabi Region</b> Regional Manager: Environmental Affairs Dept of Economic Development, Environmental Affairs &amp; Tourism Private Bag X016 Aliwal North, 9750</p> <p><b>PHYSICAL ADDRESS</b> 10 Smith Street Aliwal North, 9750</p> <p>Tel:[051]6332901 Fax:[051]633 3117</p>	<p><b>OR Tambo Region</b> Regional Manager: Environmental Affairs Dept of Economic Development, Environmental Affairs &amp; Tourism Private Bag X5029 Mthatha, 5100</p> <p><b>PHYSICAL ADDRESS</b> 5<sup>th</sup> Floor, Botha Sigcawu Building, Cnr Leeds Road &amp; Owen Street, Mthatha</p> <p>Tel:[047]531 1191 Fax:[047] 531 2887</p>
<p><b>Head Office- Bhisho (General Enquiries)</b> Director: Environmental Impact Management Department of Economic Development Environmental Affairs &amp; Tourism Private Bag X0054 Bhisho 5605</p> <p><b>PHYSICAL ADDRESS</b> Beacon Hill Hockley Close King William's Town 5601 Tel: [043] 605 7094/7000/7151 Fax:[043] 605 7300</p>		

View the Department's website at <http://www.dedea.gov.za/> for the latest version of the documents.

## 2. PROJECT DESCRIPTION

Please provide a **detailed** description of the project.

The project will entail the construction of low cost housing and associated facilities and infrastructure on erf 11305, Walmer, to cater for the overflow of residents currently living in informal settlements in the Walmer Gqebera area. Approximately 1400 residences are proposed, but this number will depend on the environmental and other constraints of the site and layout agreed to with the beneficiaries. The development will connect onto existing bulk services infrastructure in the area.

Does the project form part of any of the Strategic Infrastructure Projects (SIPs) as described in the National Development Plan, 2011? [REDACTED] NO

If YES, please indicate which SIPs are applicable in **Appendix 1**.

Please indicate which sector the project falls under by crossing out the relevant block in the table below:

**Table 1.1 (Mandatory)**

Green economy + “Green” and energy-saving industries		Greenfield transformation to urban or industrial form (including mining)	
Infrastructure – electricity (generation, transmission & distribution)		Biodiversity or sensitive area related activities	
Oil and gas		Mining value chain	
Biofuels		Potential of metal fabrication capital & transport equipment – arising from large public investments	
Nuclear		Boat building	
Basic services (local government) – electricity and electrification		Manufacturing – automotive products and components, and medium and heavy commercial vehicles	
Basic services (local government) – area lighting		Manufacturing – plastics, pharmaceuticals and chemicals	
Infrastructure – transport (ports, rail and road)		Manufacturing – clothing textiles, footwear and leather	
Basic services (local government access roads)		Forestry, paper, pulp and furniture	
Basic services (local government) – public transport		Business process servicing	
Infrastructure – water (bulk and reticulation)		Advanced materials	
Basic services (local government) – sanitation		Aerospace	
Basic services (local government) – waste management		Basic services (local government) - education	
Basic services (local government) water		Basic services (local government) - health	
Agricultural value chain + agro-processing (linked to food security and food pricing imperatives)		Basic services (local government) - housing	X
Infrastructure – information and communication technology		Basic services (local government) security of tenure	

Tourism + strengthening linkages between cultural industries and tourism	Other
Basic services (local government) – public open spaces and recreational facilities	

Provide details on the anticipated socio-economic values associated with the proposed project

**Table 1.2 (Mandatory)**

Anticipated CAPEX value of the project on completion	<b>R174 950 000.00</b>
What is the expected annual income to be generated by or as a result of the project?	<b>N/A</b>
New skilled employment opportunities created in the construction phase of the project	<b>93</b>
New skilled employment opportunities created in the operational phase of the project	<b>None</b>
New un-skilled employment opportunities created in the construction phase of the project	<b>373</b>
New un-skilled employment opportunities created in the operational phase of the project	<b>None</b>
What is the expected value of the employment opportunities during the operational and construction phase?	<b>R51 300 000</b>
What percentage of this value that will accrue to previously disadvantaged individuals?	<b>95%</b>
The expected current value of the employment opportunities during the first 10 years	<b>None</b>
What percentage of this value that will accrue to previously disadvantaged individuals?	<b>N/A</b>

**Table 2**

Does the listed activity/ies applied for form part of a larger project which is not a listed activity itself e.g. a road that is a listed activity that is needed to access a drilling site where the drilling does not constitute a listed activity.		<b>NO</b>
If indicated yes above, please provide a brief description on how the activity/ies relate to the larger project that forms part there of:		

### 3. GENERAL INFORMATION

Project applicant:	NMBM		
Registration no (if any):			
Trading name (if any):			
Responsible position, e.g. Director, CEO, etc.:	Executive Director - Infrastructure and Engineering		
Contact person:	Walter Shaidi		
Physical address:	9th floor, Lilian Diedericks Building, Govan Mbeki Avenue		
Postal address:	PO Box 116		
Postal code:	6000	Cell:	082 520 1477
Telephone:	041 503 7525	Fax:	041 585 2907
E-mail:	<a href="mailto:schaidi@mandelametro.gov.za">schaidi@mandelametro.gov.za</a>	BBBEE status	N/A

Provincial Authority:	DEDEAT		
Contact person:	Mr Andries Struwig		
Postal address:	PO Box X5001, Greenacres		
Postal code:	6057	Cell:	
Telephone:	041 508 5840	Fax:	041 508 5865
E-mail:	andries.struwig@deaet.ecape.gov.za		

Local municipality	NMBM		
Contact person:	Walter Shaidi		
Postal address:	PO Box 116, PE		
Postal code:	6000	Cell:	082 520 1477
Telephone:	041 503 7525	Fax:	041 585 2907
E-mail:	<a href="mailto:schaidi@mandelametro.gov.za">schaidi@mandelametro.gov.za</a>		

In instances where there is more than one local authority involved, please attach a list of those local authorities with their contact details as **Appendix 2**.

Landowner:	NMBM		
Contact person:	Walter Shaidi		
Postal address:	PO Box 116, PE		
Postal code:	6000	Cell:	082 520 1477
Telephone:	041 503 7525	Fax:	041 585 2907
E-mail:	<a href="mailto:schaidi@mandelametro.gov.za">schaidi@mandelametro.gov.za</a>		

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **Appendix 3**. If the applicant is not the owner or person in control of the land, proof of notice to the landowner or person in control of the land on which the activity is to be undertaken must be submitted in **Appendix 3**.

Identified Competent Authority to consider the application:	DEDEAT
Reason(s) in terms of Sec 24C of NEMA 1998 as amended	The project does not meet any of the requirements listed in Section 24C of NEMA and therefore the minister is not the identified competent authority, and the provincial authority (DEDEAT) is identified as such.

#### 4. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

EAP:	Nicola Rump		
Professional affiliation/registration:	CEAPSA		
Contact person (if different from EAP):			
Company:	SRK Consulting		
Physical address:	1a Humewood Road Ground Floor Bay Suites Building, Humeral, PE		
Postal address:	PO Box 21842		
Postal code:	6000	Cell:	082 425 2751
Telephone:	041 509 4800	Fax:	041 509 4850
E-mail:	nrump@srk.co.za		

If an EAP has not been appointed please ensure that an independent EAP is appointed as stipulated by Regulation 16 of GN R.543, dated June 2010, prior to the commencement of the process.

The declaration of independence and the Curriculum Vitae (indicating the experience with environmental impact assessment and the relevant application processes) of the EAP must also be submitted to the Department.

Alternatively, exemption may be applied for from the provisions of this regulation.

## 5. SITE DESCRIPTION

Provide a detailed description of the site involved in the application.

Province	Eastern Cape				
District Municipality	Cacadu				
Local Municipality	Nelson Mandela Bay Municipality				
Ward number(s)	1				
Nearest town(s)	Port Elizabeth				
Farm name(s) and number(s)	Erf 11305				
Portion number(s)					
Coordinates of corner points of study area (if there are more than 7 co-ordinates, please attach a list as <b>Appendix 4</b> )  For linear developments a list of turning points must be attached	Latitude (S) (DDMMSS)		Longitude (E) (DDMMSS)		
	See Appendix 4				

SG 21 Digit Code(s)

(If there are more than 4, please attach a list with the rest of the codes as **Appendix 4**)

C	0	5	9	0	0	3	8	0	0	0	1	1	3	0	5	0	0	0	0
1	2		3		4					5									

Please attach a copy of the title deed(s) and SG diagram(s) to the application as **Appendix 5**.

Are there any other applications for Environmental Authorisation on the same property?	YES	
If YES, please indicate the following:		
Competent Authority	DEDEAT	
Reference Number	ECm1/M/107-04	
Project Name	Walmer Heights Development	
Please provide details of the steps taken to ascertain this information: <b>the applicant confirmed this with the previous landowner. A previous RoD for a housing development on the property was granted in 2006 (see Appendix 6). However this authorisation has subsequently lapsed and a new application is required.</b>		

Please provide copies of Environmental Authorisations obtained for the same property as **Appendix 6**.

## 6. ACTIVITIES TO BE AUTHORISED

For an application for authorisation that involves more than one listed activity that, together, make up one development proposal, all the listed activities pertaining to this application must be indicated.

Detailed description of listed activities associated with the project	
Listed activity as described in GN R.544, 545 and 546	Description of project activity that triggers listed activity – if activities in GN R. 546 are triggered, indicate the triggering criteria as described in the second column of GN R. 543
<b><i>GN R.545 Item (15): Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more, except where such physical alteration takes place for (i) linear development activities, or (ii) agriculture or afforestation.</i></b>	<b><i>The alteration of undeveloped Erf 11305 of 43.7h, for the development of low-cost housing and associated services infrastructure.</i></b>

Please note that any authorisation that may result from this application will only cover activities specifically applied for. Co-ordinate points indicating the location of each listed activity must be provided with the relevant report (ie. either BAR or EIR).

Should any activities in GN R.546 be applied for, please provide a map indicating the triggering area (e.g. critical biodiversity area, World Heritage Site, etc) overlaid by the study area in **Appendix 7**.

A project schedule, indicating the different phases and timelines of the project, must be attached as **Appendix 8**.

## 7. EXEMPTIONS (IF APPLICABLE)

Should the applicant wish to apply for exemption from any provision of the Act as it relates to environmental impact assessment or from any provision of GN R. 543, as allowed by GN R543 (50), details of the exemption application must be provided as **Appendix 9** in the form of a table as shown below.

Regulation number	Regulation description	Reason(s) for exemption	Supporting documentation attached	Notification done i.t.o GN R. 543(51)(3)	
				YES	NO
				YES	NO
				YES	NO
				YES	NO

Please note that any exemptions from the Act or GN R.543 must first be approved in writing by the competent authority **before** the implementation of such exemptions.

Supporting documentation and proof of notification to the landowner or person in control of the land and all potential or registered I&APs as required by Regulation 51 of GN R. 543 must be attached as **Appendix 10**.



## 8. PUBLIC PARTICIPATION

Provide details of the public participation process proposed for the application as required by Regulation 54(2) of GN R. 543, dated June 2010.

The following steps are proposed for public participation:

- Advertising of the project (one newspaper advertisement, placement of on-site posters, and distribution of Background Information Documents to key stakeholders and IAPs)
- Written notification to ward councillor, the Department of Agriculture, Forestry and Fisheries, and the Department of Water Affairs.
- Develop and maintain a register of IAPs, and notify adjacent landowners and potential IAPs;
- Distribute copies of the Executive Summary of the DSR to registered IAPs and make report available at a public venue for comment by IAPs;
- Provide a 40 day comment period for the DSR;
- Compile a Final SR including plan of study for EIA, based on comments received;
- Distribute copies of the Executive Summary of the FSR to registered IAPs and provide a 14 day comment period;
- Prepare an Executive Summary of the Draft EIR & EMPr and distribute to all registered IAPs and Stakeholders;
- Provide a 40 day comment period on the Draft EIR & Draft EMPr;
- Compile a Final EIR, based on comments received;
- Distribute copies of the Executive Summary of the FEIR to registered IAPs and provide a 14 day comment period;
- Notify IAPs of the Record of Decision (RoD) / environmental authorisation.

Should any of the aspect(s) of the Public Participation process be considered unfeasible or unreasonable for this application, please complete Section 9 below.

## 9. DEVIATIONS FROM PUBLIC PARTICIPATION (IF APPLICABLE)

Should the applicant wish to apply for deviations from the public participation process applied for in terms of Regulation 54(5) of GN R. 543, details of the request for deviation must be provided as **Appendix 10** in the form of a table as shown below.

Regulation number	Regulation	Reason for deviation	Proposed deviation
e.g. GN R. 543 Item 54(2)(b)(iii):	<i>The person conducting a public participation process must take into account any guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of the application which is subjected to public participation by giving written notice to— (iii) owners and</i>	<i>The proposed power line stretches over 250 km and it is unfeasible to provide written notification to all land owners and occupiers.</i>	<i>Notices will be placed in all local community newspapers.</i>

	<i>occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</i>		

Note:

- Any deviations from the public participation process must first be agreed upon in writing by the competent authority **before** such deviations may be put into place.
- Should you not request to deviate from any requirements of regulation 54(2) or if the Department has not agreed to any deviation applied for in writing then the applicant or EAP must comply with the full requirements of regulation 54(2).
- Deviation from public participation is only applicable to regulation 54(2) and does not for example apply to the requirement of regulation 10(2) (d) that requires the applicant to publish a notice of the decision taken by the Department in newspapers. An application for exemption must be applied for should the applicant wish to be exempted from the requirements of regulation 10(2) (d).

## 10. OTHER AUTHORISATIONS REQUIRED

LEGISLATION	AUTHORISATION REQUIRED		APPLICATION SUBMITTED	
<b>SEMA</b> s				
National Environmental Management: Air Quality Act		NO		
National Environmental Management: Biodiversity Act		NO		
National Environmental Management: Integrated Coastal Management Act		NO		
National Environmental Management: Protected Areas Act		NO		
National Environmental Management: Waste Act		NO		
<b>National legislation</b>				
Mineral Petroleum Development Resources Act		NO		NO
National Water Act	Possibly			NO
National Heritage Resources Act		NO		NO
National Forest Act	Possibly			NO
Sea Shore Act		NO		NO
Others: Please specify		NO		NO

Please provide proof of submission of applications in **Appendix 12**.

If authorisation is necessary in terms of the National Environmental Management: Waste Act, please contact the Department for guidance on the **Integrated Permitting System**.

## 11. LIST OF APPENDICES

		SUBMITTED	
Appendix 1	Strategic Infrastructure Projects		N/A
Appendix 2	List of Local Municipalities (with contact details)		N/A

Appendix 3	List of land owners (with contact details) and proof of notification of land owners.		NO- the applicant is the landowner
Appendix 4	List of co-ordinates and/or SGIDs	YES	
Appendix 5	Title deed(s) and SG diagram(s)	YES	
Appendix 6	Copies of Environmental Authorisations obtained for the same property	YES	
Appendix 7	Map indicating triggered areas for GN R.546		NO
Appendix 8	Project schedule	YES	
Appendix 9	Details of application for exemption		NO
Appendix 10	Supporting documentation and proof of notification of I&APs for exemption application		NO
Appendix 11	Details of request for deviation		NO
Appendix 12	Proof of submission of additional applications		NO
Appendix 13	Declaration of Applicant	YES	
Appendix 14	Declaration of EAP	YES	

**APPENDIX 1  
STRATEGIC INFRASTRUCTURE PROJECTS**

N/A

**APPENDIX 2 (IF APPLICABLE)  
LIST OF LOCAL MUNICIPALITIES**

N/A

**APPENDIX 3  
LIST OF LAND OWNERS  
PROOF OF NOTIFICATION OF LAND OWNERS**

N/A – the applicant is the landowner

**APPENDIX 4 (IF APPLICABLE)****LIST OF CO-ORDINATES AND/OR SGIDS**

Latitude (S) (DDMMSS)			Longitude (E) (DDMMSS)		
33	59	42.69	25	34	9.21
33	59	45.02	25	34	22.98
33	59	52.52	25	34	33.44
33	59	53.75	25	34	30.98
33	59	56.72	25	34	31.46
34	0	3.50	25	34	19.84
34	0	1.39	25	34	15.70
34	0	2.10	25	34	11.54
34	0	0.03	25	34	11.03
34	0	2.20	25	33	58.14
33	59	58.03	25	33	58.67
33	59	53.31	25	33	49.93

**APPENDIX 5  
TITLE DEED(S) AND SG DIAGRAM(S)**

# Deeds Office Property



WALMER, 11305, 0 (CAPE TOWN)

## GENERAL INFORMATION

**Deeds Office** CAPE TOWN  
**Date Requested** 2014/06/30 10:39  
**Information Source** DEEDS OFFICE  
**Reference** 475764

## PROPERTY INFORMATION

**Property Type** ERF  
**Erf Number** 11305  
**Portion Number** 0  
**Township** WALMER  
**Local Authority** NELSON MANDELA BAY METROPOLITAN MUNICIPALITY  
**Registration Division** PORT ELIZABETH RD  
**Province** EASTERN CAPE  
**Diagram Deed** T27210/2009  
**Extent** 43.7273H  
**Previous Description** -  
**LPI Code** C05900380001130500000

## OWNER INFORMATION

### Owner 1 of 1

**Person Type** GOVERNMENT  
**Name** PROVINCIAL GOVERNMENT-EASTERN CAPE  
**Registration Number**  
**Title Deed** T66351/2013  
**Registration Date** 2013/12/05  
**Purchase Price (R)** 40,000,000  
**Purchase Date** 2013/10/18  
**Share**  
**Microfilm Reference**  
**Multiple Properties** NO  
**Multiple Owners** NO

## ENDORSEMENTS (4)

#	Document	Institution	Amount (R)	Microfilm
1	CONSOLIDATE FROM	TOWN WALMER ,ERF 1947 ,PRTN 0	UNKNOWN	-
2	CONSOLIDATE FROM	TOWN WALMER ,ERF 1961 ,PRTN 0	UNKNOWN	-
3	CONSOLIDATE FROM	TOWN WALMER ,ERF 1960 ,PRTN 0	UNKNOWN	-
4	CONSOLIDATE FROM	TOWN WALMER ,ERF 11303 ,PRTN 0	UNKNOWN	-

## HISTORIC DOCUMENTS (3)

#	Document	Owner	Amount (R)	Microfilm
1	T27210/2009	CAPE ROADS & EXCAVATIONS PTY LTD	CCT	-
2	T27210/2009	PRIVATE ASSET MANAGEMENT PTY LTD	CCT	-
3	T27210/2009	WALMER HEIGHTS DEVELOPMENT PARTNERSHIP	CCT	-

## DISCLAIMER

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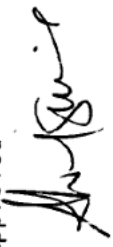
Components

- (1) The figure ABCDr represents REMAINDER ERF 1947 WALMER  
Vide Diagram No. 6328/1949 D/T 1951-281-14001
- (2) The figure ArFGHst represents REMAINDER ERF 1961 WALMER  
Vide Diagram No. 7194/1946 D/T 1856.27.234
- (3) The figure tsvu represents ERF 1960 WALMER  
Vide Diagram No. 7193/1946 D/T 1947. .24002
- (4) The figure uvJKLMNPQ represents ERF 11303 WALMER  
Vide Diagram No. 5698/2006 D/T 2007. .20137

S.G. No.

226/2009

Approved



for Surveyor-General


2009.01.30

SHEET 1 OF 2 SHEETS

The figure A B C D E F G H J K L M N P Q  
represents 43,7273 Hectares of land being

**ERF 11305 WALMER**

and comprises components (1) to (4) quoted above  
situate in the Nelson Mandela Bay Municipality  
Administrative District of Port Elizabeth  
Province of Eastern Cape  
Compiled in AUGUST 2007, by me,

  
JOHAN MEIRING (PLS 0393)  
Professional Land Surveyor

This diagram is annexed to

No. T 27210/2009

d.d.

i.f.o.

The original diagrams are  
as quoted above.

Registrar of deeds

LPI C0590038

File S/9175/7 V3

S.R. No. Compiled

T.P.

Comp. AO-2AA (3638)  
BO-8CC/Z3 (2075)  
BO-8CC/Z4 (2076)

S.G. No.

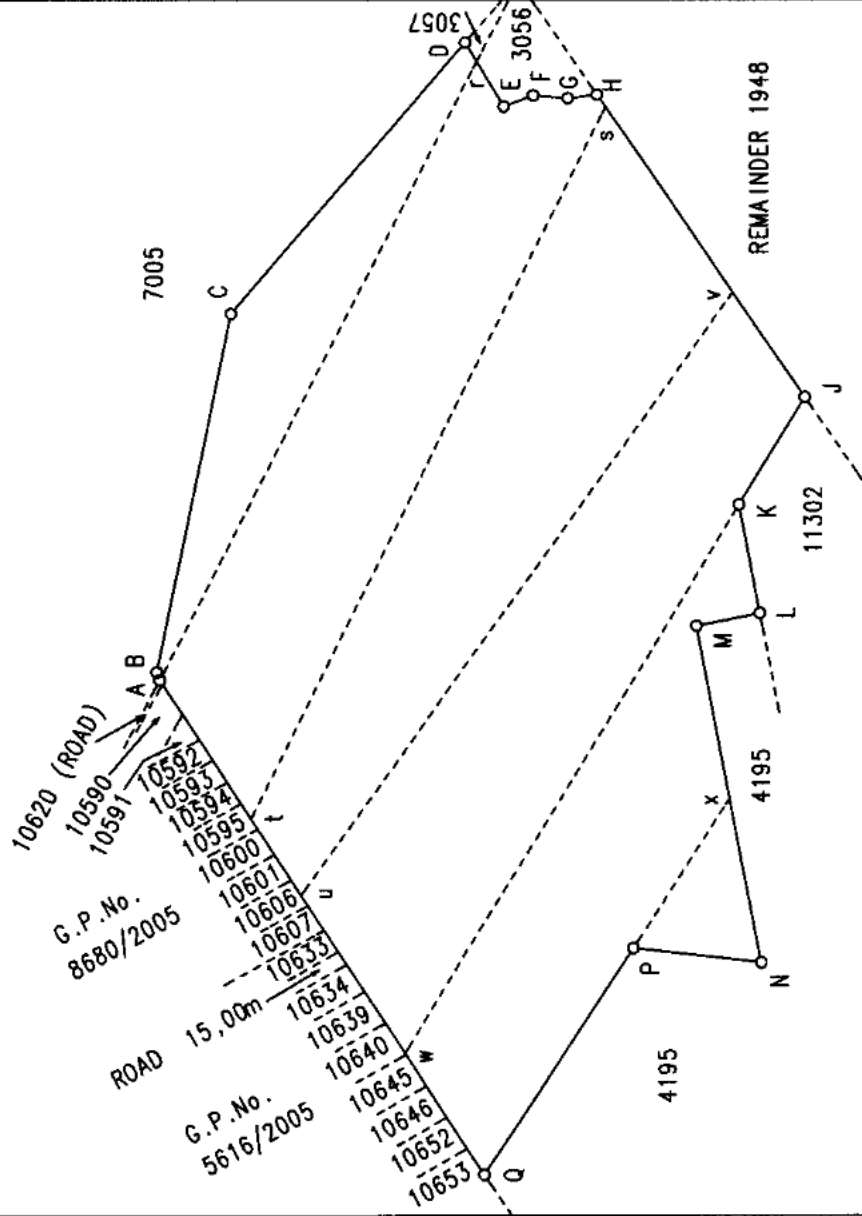
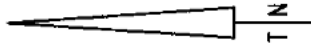
226/2009

Approved

for Surveyor-General

2009.01.30

SHEET 2 OF 2 SHEETS



SCALE 1:7500

**ERF 11305 WALMER**

and comprises components (1) to (4) quoted on Sheet 1  
 situate in the Nelson Mandela Bay Municipality  
 Administrative District of Port Elizabeth  
 Province of Eastern Cape  
 Compiled in AUGUST 2007 , by me .

JOHAN MEIRING (PLS 0393)  
 Professional Land Surveyor

Erf 11305 Walmer



**APPENDIX 6 (IF APPLICABLE)  
COPIES OF ENVIRONMENTAL AUTHORISATIONS OBTAINED ON THE SAME PROPERTY**



## ANNEXURE C

### DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT & TOURISM CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS

Collegiate House, cnr Belmont Terrace & Castle Hill, Central, Port Elizabeth  
Private Bag X 5001, Greenacres 6057

Walmer Heights Development Partnership  
P.O. Box 5003  
Walmer  
6065

Tel: 041 5085815  
Fax: 041 5851958  
Enq: A. Struwig  
Refi: ECm1/M/107-04  
e-mail: [Andries.Struwig@deaeet.ecape.gov.za](mailto:Andries.Struwig@deaeet.ecape.gov.za)

Attention: Mr. C. Lovemore

#### **AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE LISTED ACTIVITIES AS SCHEDULED UNDER SECTION 21 OF THE ACT TO ALLOW FOR THE ESTABLISHMENT OF A RESIDENTIAL ESTATE IN WALMER HEIGHTS**

Refer to your application (reference number ECm1/M/107-04) for authorisation in terms of the Environment Conservation Act, Act 73 of 1989, to undertake listed activities as scheduled under Section 21 of the Act on Erven 1959 & 1960 and the Remainder of Erven 1947, 1961 & 4194, Walmer, within the Nelson Mandela Metropolitan Municipal area in order to facilitate the development of a residential estate thereon.

Authorisation is hereby granted in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989, subject to the conditions contained in the Record of Decision attached as Annexure One.

LEON ELS  
DEPUTY DIRECTOR: WESTERN REGION

DATE: 25 APRIL 2006

## ANNEXURE ONE



### DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT & TOURISM CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS

Collegiate House, cnr Belmont Terrace & Castle Hill, Central, Port Elizabeth  
Private Bag X 5001, Greenacres 6057

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## RECORD OF DECISION

ECm1/M/107-04

### 1. Description of Activity

The project entails a change in land use of Erven 1959 & 1960 and the Remainder of Erven 4194, 1961 & 1947, Walmer, within the Nelson Mandela Metropolitan Municipal area from Agriculture to Special Purposes and the subsequent development of six residential estates thereon.

The following land uses will be provided for within the Special Purposes Zone.

- Residential II for the establishment of 511 units of which 315 will comprise of "Hybrid" units and 196 will comprise of Sectional Title units;
- Transportation Zone for the construction of access and internal roads to service the development; and
- Private Open Space for the establishment of 13 Private Open Space areas to protect sensitive vegetation patches.

Services to the proposed development will be provided by the following means:

- Water will be provided by means of the installation of a 300mm diameter bulk water supply line that will be connected to the existing water reticulation along Victoria Drive.
- Internal sewerage reticulation will be linked to the existing sewer main along Victoria Drive by means of a new 160mm diameter sewer main and a number of sewer pump stations.
- Access will be provided by the extension of Beethoven Drive in Walmer Heights on the north western side of the proposed development and construction of a section of the planned Driftsands Arterial MR 423 that will link up with Victoria Drive towards the south east of the proposed development.
- Electricity will be provided by the municipality from existing infrastructure in Victoria Drive.
- A piped storm-water system that will discharge into a proposed open storm water channel will be installed that in turn will discharge into an existing municipal open storm-water channel.

**DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM**

CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS

A change of land use from Agriculture to any other land use, as well as the provision of bulk water supply; installation of sewage treatment works and related infrastructure and the upgrading/construction of roads are listed activities in terms of items 2c, 1i, 1n and 1d respectively of Schedule 1 to Government Notice R1182 of 5 September 1997 for which authorisation needs to be issued in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989.

**2. Location of Activity**

Erven 1959 and 1960 and the Remainder of Erven 4194, 1961 and 1947, are situated in Walmer, within the Nelson Mandela Metropolitan Municipal area adjacent to the Walmer Heights residential area and between the Arlington Race Course and the Walmer Country Club.

**3. Contact Details of Applicant**

Name: Walmer Heights Development Partnership  
Contact Person: Mr C Lovemore  
Address: P. O. Box 5003  
Walmer  
Port Elizabeth  
6065  
Telephone: 041 368 3466  
Fax: 041 368 5385

**4. Contact Details of Consultant**

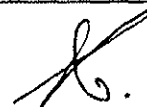
Name: Public Process Consultants cc  
Contact Person: Ms S Wren  
Address: P. O. Box 27688  
Greenacres  
6057  
Telephone: 041 374 8426  
Fax: 041 373 2002

**5. Details of Site Visit**

A site inspection was carried out by Ms M Govender of this office in the company of Ms S Wren, Mr C Lovemore and Mr P Illigner on 7 September 2004.

**6. Decision**

Authorisation is granted subject to the conditions contained in Section 8 of this Record of Decision.



## 7. Duration of Authorisation

- 7.1 The change in land use is to be effected by means of a rezoning in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985, within 12 months of the date of signature of this Record of Decision.
- 7.2 Installation of service infrastructure is to commence within 12 months of the change in land use being effected and to be completed within 12 months of the date of commencement.
- 7.3 The construction of housing units is to commence within 6 months of the completion of installation of services and is to be completed within 36 months of the date of commencement.
- 7.4 Conditions stipulated below are valid in perpetuity.

## 8. Conditions of Authorisation

*Please note that the Department of Economic Affairs, Environment and Tourism may review, delete or amend any of the following conditions in the event of new information coming to light.*

### 8.1 General Conditions

- 8.1.1 This authorisation applies only to the activities as described in Sections 1 & 2 of this Record of Decision. Any other listed activities would be subject to authorisation in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989.
- 8.1.2 This authorisation is subject to the applicants' compliance with all other relevant legislation, notably the National Forest Act, Act 84 of 1998 and the Land Use Planning Ordinance, Ordinance 15 of 1985.
- 8.1.3 The conditions of this authorisation shall form part of any contract entered into between the applicant and any contractor and/or sub-contractors.
- 8.1.4 Should any environmental damage be detected, that in the opinion of DEAE&T is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 8.1.5 In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 8.1.6 DEAE&T must be notified, within 30 days, of any change of ownership/developer. Conditions established in the Record of Decision must be made known to and are binding on the new owner/developer.
- 8.1.7 DEAE&T must be notified of any change of address of the owner/developer.
- 8.1.8 Any changes in the project that could have significant environmental impacts and that would differ from that which is authorised by DEAE&T to be submitted to DEAE&T for approval prior to such changes being effected.
- 8.1.9 This Record of Decision must be made available to any interested and affected parties who have registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Record of Decision is given to any such interested and affected party within a

week of receiving this Record of Decision.

- 8.1.10 The listed activity as described in Section 1 of this Record of Decision and hereby authorised may not commence prior to the lapsing of the appeal period as provided for in Section 10 of this Record of Decision.

## 8.2 Project-Specific Conditions

- 8.2.1 Erven 1959 & 1960 and the Remainder of Erven 4194, 1961 & 1947, Walmer, within the Nelson Mandela Metropolitan Municipal area to be rezoned from Agriculture to Special Purposes in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.
- 8.2.2 The Special Purposes Zone referred to in Condition 8.2.1 to provide for the different uses as described in Section 1 of this Record of Decision and such uses to conform to the site layout plan being Plan no. 04042A13 dated March 2006 by Johan Meiring & Associates submitted to DEAE&T in support of the application.
- 8.2.3 The recommendations made in the Traffic Impact Assessment (as set out in Appendix G of the Final Scoping Report titled "Proposed Hybrid Residential Development (Erf 4194, Erf 1959, Erf 1960, Remainder of Erf 1961, Remainder of Erf 1947) Walmer Heights, Port Elizabeth" compiled by Public Process Consultants dated 24 June 2005 must be implemented and adhered to.
- 8.2.4 The Walmer Country Club must be consulted and an agreement reached regarding the exact position and the type of boundary fence that will divide the proposed development from the said club prior to such boundary fence being constructed.
- 8.2.5 A comprehensive Environmental Management Plan (EMP) to be compiled and submitted to DEAE&T for approval, and implemented for the construction phase of the project. The EMP to include amongst others:
- 8.2.5.1. Applicable conditions as contained in this Record of Decision;
  - 8.2.5.2. General principles of environmental management as applicable to construction activities including environmental best practice, erosion control, minimisation of dust, etc.
  - 8.2.5.3. All recommendations and mitigatory measures contained in the Final Scoping Report titled "Proposed Hybrid Residential Development (Erf 4194, Erf 1959, Erf 1960, Remainder of Erf 1961, Remainder of Erf 1947) Walmer Heights, Port Elizabeth" compiled by Public Process Consultants and dated 24 June 2005;
  - 8.2.5.4. Clear stipulations as to who is responsible and accountable for what actions;
  - 8.2.5.5. A general code of conduct for any contractor carrying out any work on the development site; and
  - 8.2.5.6. Clear stipulations regarding times that construction activities may take place on site.
- 8.2.6 Further to the provisions of Condition 8.2.5.2 the general principles of environmental management are to include amongst others:

**DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM**

**CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS**

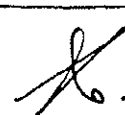
- 8.2.6.1. Measures to minimise dust generation during the construction phase;
  - 8.2.6.2. Any fill material to be used on site (such as for pipeline installation) is to be obtained from a bona fide source. Excess material remaining after construction is to be removed from the site and disposed of at a registered waste disposal facility;
  - 8.2.6.3. Methods of disposal of litter, construction waste and contaminated soil from the construction site;
  - 8.2.6.4. No cement/concrete mixing is to take place on the soil surface. Cement mixers are to be placed on large trays to prevent accidental spills from coming into contact with the soil surface. All concrete spills must be cleaned up and the waste concrete disposed of at a landfill site; and
  - 8.2.6.5. Generators and fuel supply needed during construction must be placed on trays, which contain a suitably absorbent material to soak up any leaks or spills. Once construction is complete all contaminated absorbent material must be removed from site and disposed of at a suitable registered waste disposal site.
- 8.2.7 An independent Environmental Control Officer (ECO) to be appointed for the duration of the construction phase of the project to ensure that the conditions contained in the EMP and this Record of Decision are complied with.
- 8.2.8 No blanket clearing of vegetation to take place on the site. Vegetation only to be cleared to facilitate construction/installation of service infrastructure and the building of individual houses. All vegetation on areas that are not developed immediately, to remain intact until such areas are developed.
- 8.2.9 All areas earmarked for development (inclusive of the installation of service infrastructure and the construction of dwelling units) to be clearly demarcated and all construction activities to be restricted to such demarcated areas.
- 8.2.10 Further to the requirements of Conditions 8.2.8 & 8.2.9 vegetation clearing to occur in a phased manner to reduce the amount of soil exposed to erosion at any given time.
- 8.2.11 All areas earmarked as Private Open Space on the site layout plan (Plan no. 04042A13 by Johan Meiring & Associates, dated March 2006) must be clearly demarcated using chevron tape and markers prior to construction. No disturbance of these areas may occur at any time to facilitate the installation of service infrastructure and/or the construction of any other components of the development.
- 8.2.12 Prior to project implementation of each phase of the development the following to be carried out:
- 8.2.12.1. A once-over survey by the Herpetological Society to locate any tortoises that may occur on site and such tortoises to be removed and relocated to a site to be determined in conjunction with the Environmental Services Business Unit of the NMMM; and
  - 8.2.12.2. A once over botanical survey by a botanical specialist to establish whether any species which are of special concern or protected in terms of the Nature and Environmental Conservation Ordinance, Ordinance 19 of 1974, or protected in terms of the National Forests Act, Act 84 of 1998 occur on the areas of the site earmarked for development.



**DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM**  
**CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS**

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- 8.2.13 Specimens identified in terms of Condition 8.2.12.2 as well as any other indigenous plant specimens which can be relocated are to be rescued in consultation with the above botanical specialist before vegetation clearing takes place. Such specimens are to be appropriately transplanted and included in rehabilitation initiatives, where applicable and practicable.
- 8.2.14 A permit to be obtained from DEAE&T for the removal and/or translocation of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974 prior to vegetation clearing commencing on site.
- 8.2.15 A permit to be obtained from the Department of Water Affairs and Forestry for the removal of any trees protected in terms of the National Forest Act, Act 84 of 1998 prior to vegetation clearing commencing on site.
- 8.2.16 Mature indigenous trees that occur on site (outside of the allocated Private Open Space areas) must be marked out prior to construction and such trees to be retained in situ or transplanted to other areas within the development.
- 8.2.17 Installation of service infrastructure to conform to the General Layout drawn by Demeyer and Associates cc referenced as SD1295/1002 dated August 2004; provided that the provisions of Condition 8.2.11 are adhered to.
- 8.2.18 The removal of topsoil is to be limited to the footprint of the structures and services within the development area. All topsoil removed is to be stockpiled for use in re-vegetation or landscaping projects on site.
- 8.2.19 Where trenches are dug to accommodate service infrastructure, care must be taken to refill the trenches and rehabilitate the disturbed areas immediately after the completion of installation.
- 8.2.20 A water-borne sewage system is to be utilised for the proposed development. Such system is to be linked to the existing municipal water-borne sewage system.
- 8.2.21 An adequate storm water drainage system must be installed on the development site. Storm-water may not be directed, channelled or discharged in such a manner that it could cause flooding or nuisance to adjacent land owners located down-gradient of the proposed development.
- 8.2.22 All construction activities must be limited to normal working hours being from 7:00 to 17:00 on weekdays. No construction is to take place on weekends and public holidays.
- 8.2.23 Subsequent to the completion of each phase of the proposed development disturbed ground must be re-vegetated using the plants removed prior to construction.
- 8.2.24 Further to the provisions of Condition 8.2.23 all common areas on site, including areas within the development footprint, must make use of indigenous vegetation for landscaping purposes. No invasive alien vegetation species are to be allowed on site.
- 8.2.25 A follow-up programme must be instituted whereby exotic plant material which colonises disturbed ground is systematically removed and destroyed prior to it attaining the seed formation stage.
- 8.2.26 Home Owners Associations/Bodies Corporate to be established for each individual component of the proposed development to manage all aspects thereof. Such bodies to draw up Codes of Conduct to be approved by DEAE&T stipulating what is allowed and prohibited on site.





8.2.27 Such Code of Conduct to contain amongst others:

- 8.2.27.1. Relevant conditions of the EMP;
- 8.2.27.2. Measures to ensure the continued preservation of the Private Open Spaces as patches of undisturbed indigenous thicket;
- 8.2.27.3. An alien vegetation control programme for the removal of alien vegetation in a controlled and phased manner, including rehabilitation of areas that have been degraded through such invasion;
- 8.2.27.4. Natural vegetation management on undeveloped areas inclusive of a fire management plan; and
- 8.2.27.5. Environmental management rules for the operational phase of the project.

8.2.28 Prospective buyers are to be informed of the fact that the Private Open Spaces within the development have been created to perform an important conservation function and that the indigenous vegetation occurring thereon is therefore protected.

8.2.29 A management plan to be compiled to the satisfaction of DEAE&T and implemented by the various Homeowners Associations/Bodies Corporate for the management of the Private Open Spaces contained within the development.

#### **9. Key Factors That Led to Decision**

- A number of alternative land-uses for the site have been considered. The preferred use of the land for residential purposes is acceptable given the close proximity of existing residential developments and service infrastructure in the area.
- In general, the environment at the proposed development site has been transformed and is no longer in a pristine state. There are however, some patches of intact indigenous vegetation that are worth conserving. The development layout has been modified to incorporate these areas as Private Open Space.
- Provided the above conditions are adhered to and the development is carried out with due environmental care as provided for in such conditions, its impact on the environment should be acceptable.



**DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM**  
CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS

**Appeal**

Written appeal against the decision may be lodged, in terms of Section 35(3) of the Environment Conservation Act, Act 73 of 1989, with the MEC for Economic Affairs, Environment and Tourism within 30 days from date of issue. The address to which such appeals must be submitted is:

Attention: The Chief Director: Environmental Affairs  
Department of Economic Affairs, Environment and Tourism  
Private Bag X0054  
Pretoria  
00015

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

  
.....  
**GIES STRUWIG**  
ASSISTANT DIRECTOR (EIM)

25 April 2006  
.....  
DATE

  
.....  
**M. ELS**  
DEPUTY DIRECTOR: WESTERN REGION

25 April 2006  
.....  
DATE



Province of the  
**EASTERN CAPE**  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
& ENVIRONMENTAL AFFAIRS

P/Bag X5001, Greenacres  
South Africa, 6057  
Phone: +27 (41) 5085800  
Fax: +27 (41) 5851958  
E-mail: [Andries.Struwig@deaet.ecape.gov.za](mailto:Andries.Struwig@deaet.ecape.gov.za)

Ref: ECm1/M/107-04  
Enq: A. Struwig

Walmer Heights Development Partnership  
P.O. Box 5003  
Walmer  
6065

Attention: Mr. C. Lovemore

**AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT CONSERVATION ACT,  
ACT 73 OF 1989, TO UNDERTAKE LISTED ACTIVITIES AS SCHEDULED UNDER SECTION 21  
OF THE ACT TO ALLOW FOR THE ESTABLISHMENT OF A RESIDENTIAL ESTATE IN WALMER  
HEIGHTS**

Refer to the letters from Metroplan dated 8 March 2007 and 19 September 2007 respectively requesting certain amendments to the Record of Decision (reference ECm1/M/107-04) issued on 25 April 2006.

**1. AMENDMENT OF RECORD OF DECISION**

You are hereby informed that the following sections of the Record of Decision issued on 25 April 2006 have been amended as contained in Amendment Notice #1 attached as Annexure One to this letter:

Section 1: Description of Activity

Section 7: Duration of Authorisation

Section 8: Conditions of Authorisation:

- ❖ Amendment of the following conditions:
  - Condition 8.2.2.

**2. NOTIFICATION OF INTERESTED AND AFFECTED PARTIES AND THE PUBLIC**

All Interested and Affected Parties that registered during the Environmental Assessment process to be informed that an Amendment Notice to the Record of Decision has been issued.

S.A.H



This letter and attached Amendment Notice #1 must be attached to the Record of Decision issued on 25 April 2006 and must be read in conjunction therewith.



**ALBERT MFENYANA**  
**CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**

DATE: 02/11/07



PROVINCE OF THE  
EASTERN CAPE

Private Bag X5001, Greenacres, Port Elizabeth  
South Africa, 6057  
Phone: 041 5085854  
Fax: 041 5851958  
E-mail: [andries.struwig@deast.ecape.gov.za](mailto:andries.struwig@deast.ecape.gov.za)

DEPARTMENT OF ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL AFFAIRS

**ANNEXURE 1**  
**AMENDMENT NOTICE #1 TO RECORD OF DECISION**  
**ECm1/M/107-04**

**1. Description of Activity**

The project entails a change in land use of Erven 1959 & 1960 and the Remainder of Erven 4194, 1961 & 1947, Walmer, within the Nelson Mandela Bay Municipal area from Agriculture to Special Purposes and the subsequent development of six residential estates thereon.

The following land uses will be provided for within the Special Purposes Zone.

- Four Residential II zones for the establishment of units at the following densities:
  - Zone A: 16 units/ha;
  - Zone B: 16 units/ha
  - Zone C: 16 units/ha; and
  - Zone D: 30 units/ha.
- Transportation Zone for the construction of access and internal roads to service the development; and
- Private Open Space for the establishment of 13 Private Open Space areas to, amongst others, protect sensitive vegetation patches.

Services to the proposed development will be provided by the following means:

- Water will be provided by means of the installation of a 300mm diameter bulk water supply line that will be connected to the existing water reticulation along Victoria Drive.
- Internal sewerage reticulation will be linked to the existing sewer main along Victoria Drive by means of a new 160mm diameter sewer main and a number of sewer pump stations.
- Access will be provided by the extension of Beethoven Drive in Walmer Heights on the north western side of the proposed development and construction of a section of the planned Driftsands Arterial MR 423 that will link up with Victoria Drive towards the south east of the proposed development.
- Electricity will be provided by the municipality from existing infrastructure in Victoria Drive.
- A piped storm-water system that will discharge into a proposed open storm water channel will be installed that in turn will discharge into an existing municipal open storm-water channel.

A change of land use from Agriculture to any other land use, as well as the provision of bulk water supply; installation of sewage treatment works and related infrastructure and the upgrading/construction of roads are listed activities in terms of items 2c, 1i, 1n and 1d respectively of Schedule 1 to Government Notice R1182 of 5 September 1997 for which

S.A.H

**DEPARTMENT OF ECONOMIC DEVELOPMENT & ENVIRONMENTAL AFFAIRS**  
**CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS**

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authorisation needs to be issued in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989.

**7. Duration of Authorisation**

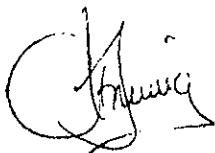
- 7.1. Installation of service infrastructure is to commence within 12 months of the date of issue of this Amendment Notice and to be completed within 12 months of the date of commencement.
- 7.2. The construction of housing units is to commence within 6 months of the completion of installation of services and is to be completed within 36 months of the date of commencement.
- 7.3. Conditions stipulated below are valid in perpetuity.

**8. Conditions of Authorisation**

*Please note that the Department of Economic Development & Environmental Affairs may review, delete or amend any of the following conditions in the event of new information coming to light.*

**Condition 8.2.2**

The Special Purposes Zone referred to in Condition 8.2.1 to provide for the different uses as described in Section 1 of this Record of Decision. In this regard a final site layout plan to be submitted to DEDEA for endorsement prior to any construction commencing on the site.



**A. STRUWIG**  
**ASSISTANT DIRECTOR: EIM**  
DATE: 1 November 2007



**A. MFENYANA**  
**CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**  
DATE: 02/11/07

APPLICATION FOR CHANGE IN USE OF LAND

1  
**ANNEXURE A**

(PLACE A CROSS IN APPROPRIATE BLOCKS)

1.  **REZONING TO SUBDIVISIONAL AREA** in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), hereinafter referred to as the Ordinance, as required in Section 22(1)(a) of the Ordinance.
2.  **REZONING** in terms of Section 17 of the Ordinance **WHICH DOES NOT COMPRISE A REZONING TO SUBDIVISIONAL AREA**
3.  **ZONING, SUBDIVISION AND USE OF LAND FOR INDUSTRIAL PURPOSES** in terms of Section 2 of the Physical Planning Act, 1967 (Act 88 of 1967).
4.  **PERMIT** in terms of Regulation 2 of the COASTAL REGULATIONS promulgated in terms of the Environment Conservation Act, 1892 (Act 100 of 1982), (Government Notice R.2587 dated 12 December 1986) WHEN AN APPLICATION IN TERMS OF ORDINANCE 15 OF 1985 IS ALSO REQUIRED.

TO BE ADDRESSED TO:  
THE DIRECTOR: ADMINISTRATION  
P.O.BOX 116  
PORT ELIZABETH  
6000

ERF NUMBER AND ALLOTMENT AREA:      REMAINDER ERF 4194  
ERF 1959, ERF 1960,  
REMAINDER ERF 1961 AND  
REMAINDER ERF 1947  
WALMER

APPLICANT:                                      JOHAN MEIRING

POSTAL ADDRESS:                                P.O.BOX 28369  
SUNRIDGE PARK  
PORT ELIZABETH  
6008

REGISTERED OWNER (S):                      WALMER HEIGHTS  
DEVELOPMENT PARTNERSHIP

POSTAL ADDRESS:                                C/O JOHAN MEIRING  
P.O.BOX 28369  
SUNRIDGE PARK  
6008

1. PERSONAL PARTICULARS OF APPLICANT

1.1 Name of person/company to whom/which correspondence should be addressed:

Address: JOHAN MEIRING  
P.O.BOX 28369  
SUNRIDGE PARK

Postal Code: 6008

Ref. No: 32-035(JM42/04)

Tel. No: 3605159

Dialing Code: 041

1.2 Is the applicant the only registered owner of the property concerned? YES  NO

- If not, attach 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 and if the land

1.3 Name(s) of registered owner(s): **WALMER HEIGHSTS DEVELOPMENT PARTNERSHIP**

2. DETAILS OF LAND UNIT

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

REMAINDER ERF 4194	Surface Area: <u>±</u> 8,0000 HECTARES
ERF 1959	Surface Area: 10,7391 HECTARES
ERF 1960	Surface Area: 10,7391 HECTARES
REMAINDER ERF 1961	Surface Area: 10,0081 HECTARES
REMAINDER ERF 1947	Surface Area: 3,9749 HECTARES
WALMER	

Number and date of title deed:

2.2 What is the present zoning of the land unit?

**UNDETERMINED**

2.3 Proposed zoning: **SPECIAL PURPOSES**

2.4 Are any departures applicable to the land unit in terms of Section 15 of the Ordinance?

YES  NO

If so, give full explanation



**WHEREAS**

the said

**ARLINGTON SANDPITS CC**  
No CK 86/00841/23

is the registered owner of:-

1. **ERF 4193 WALMER**, in the Administrative District of **PORT ELIZABETH**

**HELD BY** Deed of Transfer No T. 73198/93.

2. **REMAINDER OF ERF 1958 WALMER**, in the Administrative District of **PORT ELIZABETH**

**HELD BY** Deed of Transfer No T.7182/1983

**WHICH** properties have now been consolidated into the land hereinafter described.

**NOW THEREFORE** in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town, do hereby certify that the said

**ARLINGTON SANDPITS CC**  
No CK 86/00841/23

or its Assigns

is the registered owner of -

**ERF 4194 WALMER**, in the Administrative District of **PORT ELIZABETH**

**EXTENT: 10,8398 (Ten Comma Eight Three Nine Eight) hectares**

**AS WILL APPEAR** from Diagram No S G No. 4185-91 annexed.

1. **AS REGARDS** that portion of land represented by the figure HkG on Diagram no 4185-91

1. **SUBJECT** to the conditions referred to in Deed of Transfer No T.15436/1955.

2. **ENTITLED** to the following conditions contained in Deed of Transfer No T.15436/1955, namely:

"Entitled to the benefit of a road servitude 62,97 metres wide over certain piece of freehold land, situate in the Division of Port Elizabeth, being the remaining extent of ERF 6F part of the farm "Welbedacht" measuring as per such remainder Twenty-four comma six eight three (24,6873) Hectares, held by James Coplen Langford Vigne as to one-half share by Deed of Transfer in his favour, No 12189 dated 30th August 1944, and by Petrus Johannes Anema as to the remaining one-half share by Certificate of Registered Title in his favour, No 11431 dated 29th May 1948, which road is indicated on the Diagram No 960/53 annexed to the said Deed of Transfer No 15436 dated 20th september, 1955 by the brown line marked x-y as the centre line of the said road."

3. **SUBJECT** to the conditions referred to in Deed of Transfer No T.23310/1965.

4. **SUBJECT** to the conditions referred to in Deed of Transfer No T.23311/1965.

5. **SUBJECT** to the following conditions contained in Deed of Transfer No T.23311/1965 imposed by the Divisional Council of Port Elizabeth as Controlling Authority under the provisions of Section 11(6) of Act No 21 of 1940 against E 2678 of which the within property forms part, namely:

- (a) The land may not be subdivided without the written approval of the Controlling Authority as defined in Act 21 of 1940.
  - (b) Not more than one dwelling house together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land except with the written approval of the Controlling Authority as defined in Act 21 of 1940.
  - (c) The Land shall be used for residential and Agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940.
  - (d) No building or any structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the Glendore Divisional Road without the written approval of the Controlling Authority as defined in Act 21 of 1940.
6. **SUBJECT** to the following conditions contained in Deed of Transfer No T.5293/1960 imposed by the Administrator of the Province of the Cape of Good Hope against Erf 560 of which the within property forms portion, namely:
- 1. Not more than one dwelling house, together with such outbuildings as are ordinarily requires to be used in connection therewith, shall be erected on the land except with the approval of the Local Authority.
  - 2. The land shall be used for residential and Agricultural purposes only and no new store or place of business or industry may be opened or conducted on the land without the written approval of the Local Authority.

3. No building or any structure whatsoever shall be erected within a distance of 23,61 metres of any boundary line of the property without the written approval of the Local Authority.

7. **SUBJECT** to the servitude endorsement dated 27th June 1983 on Certificate of Consolidated Title No T.5062/1972, reading as follows:-

"Remainder

By Deed of Transfer T.23250/83 dated this day in respect of Erf 3988 meas 1,4982 Ha the Remainder of the within property meas 54,8582 Ha held hereunder is subject to a servitude right of way eight (8) metres wide as will appear from Servitude Diag No 5960/82 annexed to the abovementioned Deed of Transfer whereon the line A B represents the southern boundary of servitude right of way over the remainder in favour of the abovementioned property.

As will more fully appear from said Deed of Transfer."

8. **SUBJECT** to the endorsement dated 27th June 1983 on Certificate of Consolidated Title No T.5062/1972, reading as follows:

**REMAINDER**

By Deed of Transfer No T.23250/1983 the following conditions are imposed by the Administrator of the Province of the Cape of Good Hope in terms of Section 9 of Ordinance No 33 of 1934 against the Remainder of Erf 3635 Walmer when approving the subdivision of the said Erf, namely:

(a) The owner of this erf shall, without compensation, be obliged to allow gas mains, electricity-, telephone- and television cables and/or wires and main/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven to be conveyed

across this erf, and surface installations such as mini-substation, meter kiosks and service pillars to be installed thereon if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

- (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority."

**B. SUBJECT** to the conditions referred to in Deed of Transfer No T.59/1929.

**II. AS REGARDS** that portion of land represented by the figure ABCDEFKJ on Diagram no 4185-91

**SUBJECT** to the conditions referred to in Deeds of Transfer Nos T.7634/1915

**AND THAT** by virtue of these presents the said

**ARLINGTON SANDPITS CC**  
**No CK 86/00841/23**

or its Assigns now are, and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

**IN WITNESS** whereof, I, the said Registrar, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

**THUS DONE and EXECUTED** at the Office of the Registrar of Deeds at Cape Town on this 17 day of September in the Year One Thousand Nine Hundred and Ninety-Three (1993)

  
**REGISTRAR OF DEEDS**

Pagden's Stollings  
18 Castle Hill  
Central  
PORT ELIZABETH  
6001

**FEE**  
R. 400,00

Prepared by n

*[Signature]*  
CONVEYANCING  
DE KOCK V

REGISTERED DEEDS DEPARTMENT  
PORT ELIZABETH

T000060896 /

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

PETRUS JOHANNES CILLIÉ

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said ap  
being duly authorised thereto by a Power of Attorney which said Power of A  
was signed at PORT ELIZABETH on 1 June 2006 granted to him by

**JOHN CORDINGLEY WHITE**  
Identity Number 230220 5024 08 4  
Married out of community of property

**DATA / CAPTU**  
22 AUG 2006  
OL

And the appearer declared that his said principal had, on 7 June 2004, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**PRIVATE ASSET MANAGEMENT (PROPRIETARY) LIMITED**  
**No. 2002/004257/07**

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

ERF 1960 WALMER in the Nelson Mandela Metropolitan Municipality,  
Division of Port Elizabeth, Province of the Eastern Cape;

IN EXTENT 10,7391 (TEN COMMA SEVEN THREE NINE ONE) HECTARES

FIRST TRANSFERRED by Deed of Partition Transfer No. T 24002/1947 with  
Diagram No. 7193/46 relating thereto and held by Deed of Transfer No.  
T21074/1967.

SUBJECT to such conditions as are referred to in Deed of Transfer No T7634/1915.

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

**JOHN CORDINGLEY WHITE, Married as aforesaid**

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

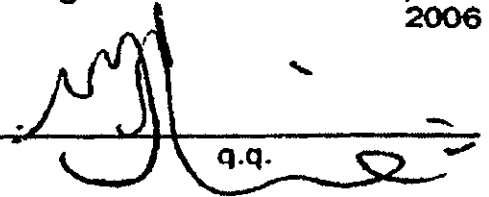
**PRIVATE ASSET MANAGEMENT (PROPRIETARY) LIMITED**  
**No. 2002/004257/07**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R925 161,00 (NINE HUNDRED AND TWENTY FIVE THOUSAND ONE HUNDRED AND SIXTY ONE RAND).

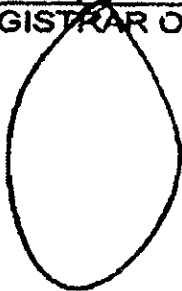


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town  
on - 8 AUG 2006 2006

  
q.q.

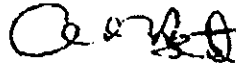
In my presence

~~\_\_\_\_\_~~  
REGISTRAR OF DEEDS  


FOR INFORMATION ONLY

**RUSHMERE NOACH ATTORNEYS**  
21 Chapel Street  
Central  
Port Elizabeth  
6001

Prepared by me



**CONVEYANCE**  
Bertrand A R I

**FEE**

R 200,00

**DATA / CAPTURE**

17 JAN 2006

MURIE L

060110150/2006  
T

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney was signed at Muldersdrift on 31 January 2005 granted to him by

- GAIL QUINTIN PECK**  
Identity Number 460706 0050 08 3  
Unmarried as to a 1/12 share

and duly authorised thereto by a Power of Attorney signed at Muldersdrift on 31 January 2005 granted to him by

- BRIAN WILLIAM BULLEN**  
Identity Number 500619 5067 00 6  
Married out of community of property as to a 1/12 share

and duly authorised thereto by a Power of Attorney signed at Brits on 31 January 2005 granted to him by

3. **ROGER HARTLEY BULLEN**  
Identity Number 550107 5131 08 8  
Unmarried as to a 1/12 share

And duly assisted thereto by a Power of Attorney signed at PORT ELIZABETH on 27 January 2005 granted to him by

- 4 **RUBY ALICE SHAW** (formerly Salters, formerly White, formerly Rider)  
Identity Number 100804 0001 002  
Unmarried as to a 1/2 share

And duly authorised thereto by a Power of Attorney signed at Addo on 31 January 2005 granted to him by

5. **THE TRUSTEES of the Trust created in the Estate of the late BERTRAM JAMES JOB** . No MT 116911981  
As to a 1/4 share

And the appearer declared that his said principals had, on 3 September 2004, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **CAPE ROADS AND EXCAVATIONS (PROPRIETARY) LIMITED**  
Registration Number : 1961/001276/07  
And
2. **PRIVATE ASSET MANAGEMENT (PROPRIETARY) LIMITED**  
Registration Number : 2002/004257/07

Trading as **THE WALMER HEIGHTS DEVELOPMENT PARTNERSHIP**,

Or their Assigns . in full and free property

**REMAINDER ERF 1947 WALMER  
IN THE NELSON MANDELA METROPOLITAN MUNICIPALITY  
DIVISION OF PORT ELIZABETH  
PROVINCE OF THE EASTERN CAPE;**

**IN EXTENT 3,9749 (THREE COMMA NINE SEVEN FOUR NINE )  
HECTARES**

**FIRST TRANSFERRED by Deed of Transfer No. T 14001/1951 with  
Diagram SG No. 6328/1949 relating thereto and held by Deeds of  
Transfer Nos. T15248/1992, T18428/1968, T4292/1963 and T26408/1969.**

- A. **SUBJECT to the conditions referred to in Deed of Transfer  
No. T14001/1951**

*A*

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

1. GAIL QUINTIN PECK, Unmarried
2. BRIAN WILLIAM BULLEN, Married as aforesaid
3. ROGER HARTLEY BULLEN, Unmarried
4. RUBY ALICE SHAW Unmarried
5. THE TRUSTEES OF THE TRUST created in the Estate of the Late BERTRAM JAMES JOB Trust, No. 1169/1981

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

**THE WALMER HEIGHTS DEVELOPMENT PARTNERSHIP**

Or their Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R100 000,00 (ONE HUNDRED THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Capetown on

8 DECEMBER 200

*C. J. J. J.*

q.q.

In my presence

*[Signature]*  
REGISTRAR OF DEEDS

A

RUSHMERE NOACH ATTORNEYS  
21 Chapel Street  
Central  
Port Elizabeth  
6001

Prepared by n

**FEE**  
R. 400.00

  
CONVEYANCE  
Parker I

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

**T** 000112142 / 2004

MARK TREVOR SCHÄFER *Trar*

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said  
appearer being duly authorised thereto by a Power of Attorney which said Power  
of Attorney was signed at PORT ELIZABETH on 7 September 2004 granted to  
him by

The Trustees for the time being of  
**HOLDEN PARKER TRUST**  
No. 2148/1997

**DATA CAPTURE**  
24 NOV 2004  
CLIVER ?  
**DATA / VERVAL**  
08 DEC 2004  
SINDERS

And the appearer declared that his said principal had, on 6 August 2004, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

1. **CAPE ROADS AND EXCAVATIONS (PROPRIETARY) LIMITED**  
Registration Number 1961/001276/07

and

2. **PRIVATE ASSET MANAGEMENT (PROPRIETARY) LIMITED**  
Registration Number 2002/004257/07

Trading in partnership as **THE WALMER HEIGHTS DEVELOPMENT PARTNERSHIP**

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

REMAINDER ERF 1961 WALMER  
IN THE NELSON MANDELA METROPOLITAN MUNICIPALITY  
DIVISION OF PORT ELIZABETH  
PROVINCE OF THE EASTERN CAPE;

IN EXTENT 10,0081 (TEN COMMA ZERO ZERO EIGHT ONE)  
HECTARES

FIRST TRANSFERRED by Deed of Transfer No. T234 on 22 July 1856  
with substituted Diagram No. 7194/1946 annexed thereto and held by  
Deed of Transfer No. T13771/1998.

- A. **SUBJECT** to such conditions as are referred to in Deed of Transfer No. T7634/1915.

P

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

**THE TRUSTEES FOR THE TIME BEING OF HOLDEN PARKER  
TRUST NO. 2148/1997**

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

1. **CAPE ROADS AND EXCAVATIONS (PROPRIETARY) LIMITED  
REGISTRATION NUMBER 1961/001276/07**
- And
2. **PRIVATE ASSET MANAGEMENT (PROPRIETARY) LIMITED  
REGISTRATION NUMBER 2002/004257/07**

**TRADING IN PARTNERSHIP AS THE WALMER HEIGHTS  
DEVELOPMENT PARTNERSHIP**

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R880 000,00 (EIGHT HUNDRED AND EIGHTY THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on *15 November* 200*7*

In my presence



REGISTRAR OF DEEDS



*W. J. J. J.*

P

Property	Owner	Deeds/Document	LPI Enquiry	Interdict	Accusment Request	Transfers	Bulk Properties	User Admin	Errors	
<b>Property Enquiry Details</b>										

**Property enquiry results for "WALMER" in the Deeds Registry at "CAPE TOWN "**

**Property detail:**

Deeds registry	CAPE TOWN
Property type	ERF
Township	WALMER
Erf number	1959
Portion	0
Province	EASTERN CAPE
Registration division/Administrative district	PORT ELIZABETH RD
Local authority	PORT ELIZABETH MUN
Previous description	-
Diagram deed number	T24001/1947
Extent	10.7391 H
LPI Code	C05900380000195900000

**Title Deeds detail:**

Document	Registration date	Purchase date	Amount	Microfilm reference	Document copy?
T36263/1969	19691229	-	-	-	Not available

**Owners detail:**

Document	Full name	Identity Number	Share	Person Enquiry?
T36263/1969	CAPE ROADS & EXCAVATIONS PTY LTD	196100127607	-	Yes

**Endorsements / Encumbrances:**

No data found for this query!



**History:**

No data found for this query!

[Back to top of page](#)

Requested by **A0009408** with user reference **None** on: Tuesday, 31 October 2006 08:36

DeedsWeb Version 4.0.0

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#### 3.4.4 Additional provisions

(a) In addition to the private outdoor space or the combined open space, as the case may be, a service yard of an adequate area and screened by a wall from the view of anyone else than the occupant(s) of the dwelling unit concerned, shall be provided to the satisfaction of the council.

(b) Despite the zero street building line, a street building line of 2m may be required to ensure safe traffic circulation or for other reasons such as development in the area, and a driveway shall have an adequate area to allow comfortably for the parking of a large motor car thereon.

(c) Despite the zero side building line, adequate side building lines may be required for fire-fighting purposes, and a 3m side building line shall apply where a residential zone II abuts on another zone.

(d) Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.

(e) No group housing site may have an area greater than 2ha, and no group housing site shall abut on another group housing site.

### 3.6 RESIDENTIAL ZONE IV

#### 3.6.1 Colour notation: orange

*Primary use:* flats

**Flats** means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in these zones where flats are permissible, fewer than three dwelling units shall also be permissible, whether or not with the special consent of the council, in a building approved for other purposes than for flats.

*Consent uses:* dwelling-house, group house, town house, public housing, professional usage.

**Dwelling-house** means a detached building containing only one dwelling unit.

**Dwelling unit** means a self-contained interlocking group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

**Group house** means a dwelling unit which forms part of a group housing scheme.

**Group housing** means a group of separate and/or linked dwelling units planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way, of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided.

**Group housing site** means one or more land units on which a group housing scheme has been or is to be erected.

**Town house** means a dwelling unit which forms part of a town housing scheme.

**Town housing** means a row or group of linked and/or attached dwelling units planned, designed and built as a harmonious architectural entity, of which every dwelling unit has a ground floor, such dwelling units may be cadastrally subdivided.

**Town housing site** means one or more land units on which a town housing scheme has been or is to be erected.

**Public housing** means dwelling units which are erected with funds voted by a State department or the Provisional Administration or a council.

**Professional usage** means such type of use as is normally and reasonably associated with professional people such as doctors, dentists, architects, engineers and town planners, where the rendering of a service, as against the carrying on of a business, is one of the distinguishing factors.

### 3.6.2 Land use restrictions

*Floor factor:* at most 1.0

*Coverage:* at most 40%

*Setback:* at least 6.5m

*Height:* at most four storeys

*Street building line:* at least 8m

*Side building line:* at least 4m or half the height of the building, whichever is the greater, subject to regulation 3.6.3(a)

*Parking:* at least 1.25 parking bays per flat; 25%, or more, if so required by the Council, of the required, number of parking bays shall be provided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the Council for the exclusive use of visitors.

### 3.6.3 Notwithstanding regulation 3.6.2 –

(a) the council may approve the erection of an outbuilding which exceeds a side building line, subject to –

- (i) compliance with the street building line;
- (ii) such outbuilding not exceeding a height of one storey

(iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the side boundary concerned, and

(iv) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a courtyard, and

(b) the following additional parking requirement shall be applicable with regard to professional usage in this zone: three parking bays per professional person, of which at least two parking bays per professional person shall be reserved for patients or clients. These parking bays shall be clearly indicated and tarred or paved to the satisfaction of the council.

## 3.22 OPEN SPACE ZONE II

### 3.22.1 Colour notation: dark green outline

*Primary use:* private open space

**Private open space** means any land which has been set aside in this scheme for utilisation primarily as a private site for sports, play, rest or recreational facilities or as an ornamental garden or a pleasure garden and includes public land which is or will be leased on a long term basis and a cemetery, whether public or private.

*Consent uses:* none

3.22.3 No structure shall be erected or use practiced except such as is compatible with "private open space", as defined.

3.22.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967), shall *mutatis mutandis* apply as additional land use restrictions in this zone.

### **3.25 TRANSPORT ZONE II**

3.25.1 *Colour notation:* light brown

*Primary use:* public road

**Public road** means any road or street for public use or any land intended for such purposes.

*Consent uses:* none

3.25.2 No structure shall be erected or used practiced except such as in compatible with "public road", as defined.

### **3.28 SPECIAL ZONE**

3.28.1 *Colour notation:* blue-green

*Primary use:* special usage

**Special usage** means a use which is such, or in respect of which the land use restrictions are such, that it is not catered for in these regulations, and which is set out in detail, and in respect of which the land use parameters are set out in detail, by means of conditions of approval or by means or conditions applicable to the special zone, and includes a conservation usage.

*Consent uses:* conservation usage

**Conservation usage** means any use of a building or site or part thereof which, in the opinion of the council or, on appeal or objection, the Administrator, whose decision shall be final, is worthy of preservation.

3.28.2 If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a special zone on the zoning map. Every such portion of land which has been zoned as such and in respect of which the land use restrictions differ from those of other land which has been zoned as such shall be given a separate number on the zoning map. A special zone may consist of different portions of land, provided the land use restrictions are the same. Each special zone in respect of which the land use restrictions differ from those of other special zones shall be given a separate number (from 1 onwards), and each number with the accompanying land use restrictions shall be described as a separate special zone in an annexure to these scheme regulations.

2.5 Are there any developments (buildings, ect.) on the land unit?  YES  NO

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

2.6 Are the present zonings being utilized?  YES  NO

If not, how is the land being utilized? VACANT

2.7 Which uses and/or buildings adjoin the land and what is the condition of such building?

- GOLF COURSE NORTHERN PORTION
- RESIDENTIAL DEVELOPMENT - NORTH WEST
- ARLINGTON RACE COURSE - WESTERN
- DRIFTSANDS - SOUTH EASTERN

3. DETAILS OF APPLICATION

3.1 Describe the development in detail:

**SPECIAL PURPOSES TO ALLOW A SECURE RESIDENTIAL DEVELOPMENT COMPRISING VARIOUS NODES OF DIFFERENT DENSITIES. THE DETAIL DESIGN AND LAYOUT OF INTERNAL NODES WILL BE FINALIZED AT A FUTURE STAGE.**

3.2 Does the proposal involve the entire land unit?  YES  NO

If not, indicate the size of that portion of the land unit which is not involved and what it is being used for?

3.3 Will the proposed zoning give rise to more families or persons residing on the land unit than is presumably the case; if so how many more? YES

± 650 DWELLINGS

3.4 If the application will lead to the establishment of a business or industry on the land unit, indicate - **NOT APPLICABLE**

3.4.1 the type of business or industry envisaged:

3.4.2 the number of employees to be taken into service on the land unit:

3.4.3 the extent of the service - indicate the furthest places which will normally be traded with:

4. **RESTRICTING FACTORS**

4.1 Are there any restrictions in the title deed in respect of the land unit, which may have effect on this application and which should be lifted in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967)?  YES  NO

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

If so, furnish details:

4.3 Is any portion of the land unit in a flood-plain of a river under 1 in 50 years flood-line or subject to any floods?  YES  NO

If so, furnish details (also refer to Section 169A of the Water Act, 1956 (Act 54 of 1956):

4.4 Are there any physical restrictions (such as steep slopes, unstable soil formations, swamps, ect) which could affect the development?  YES  NO  
If so, furnish details and state how the problem can be solved:

4.5 Are there any other restrictions of which your are aware, but which were not mentioned above?  YES  NO

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

YES	<del>NO</del>
-----	---------------

If so, furnish details:

5. **POSSIBLE REFERRAL TO OTHER BODIES**

- 5.1 Does the application fall within the area described in a guide plan approved in terms of Section 6A of the Physical Planning Act, 1967 (Act 88 of 1967)?

<del>YES</del>	NO
----------------	----

**NELSON MANDELA METROPOLITAN TOWN PLANNING SCHEME**

If so, is the application consistent with the guide plan proposals?

Supply reasons for answer: **PROPOSED USE IN ACCORDANCE WITH TOWN PLANNING SCHEME.**

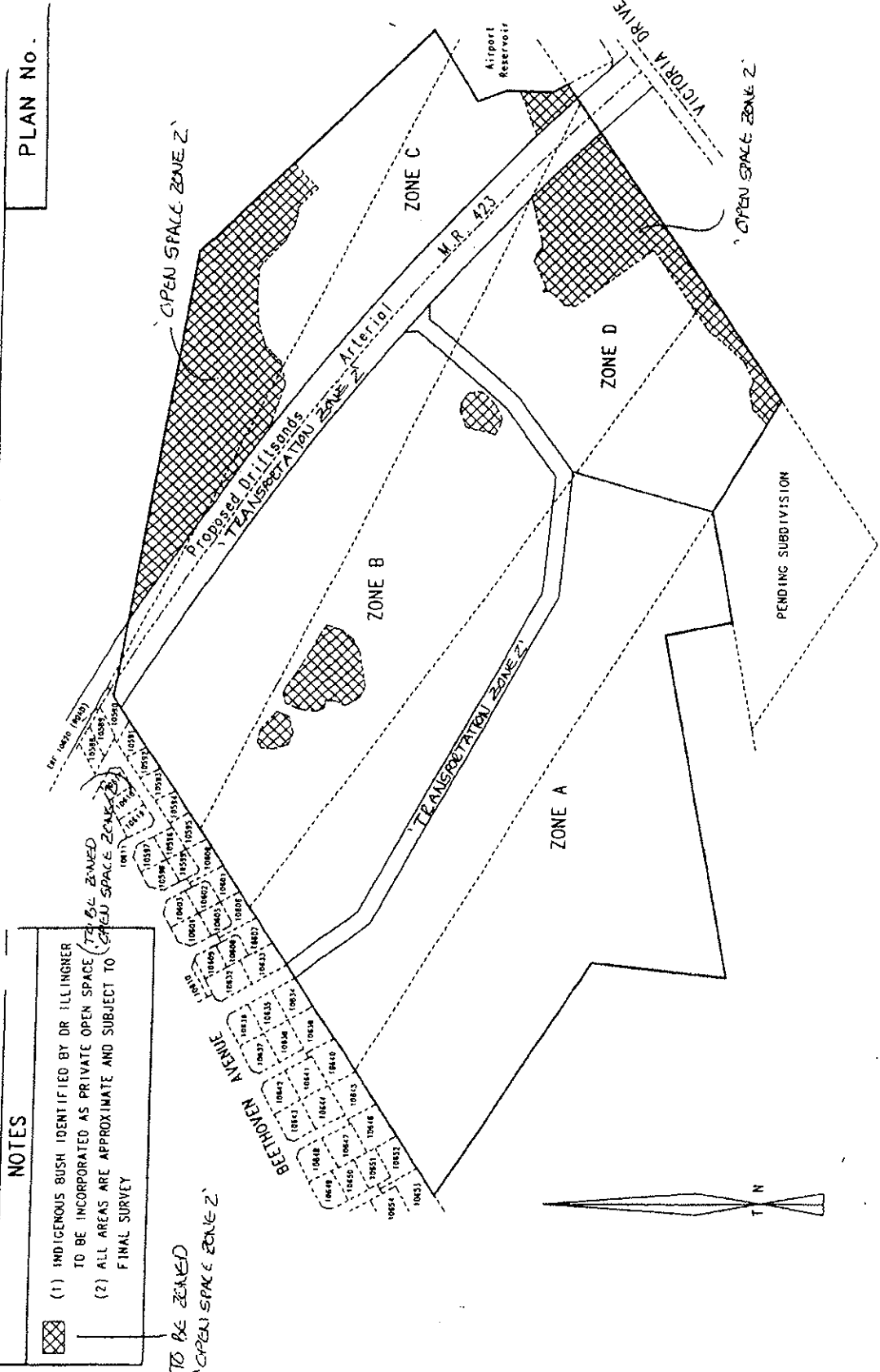
- 5.2 Is the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), applicable to the application?

YES	<del>NO</del>
-----	---------------

- 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 lake area reserved in terms of Lake Areas Development Act, 1975 (Act 39 of 1975), or a nature reserve reserved in terms of the nature reserve reserved in terms of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), or a national park reserved in terms of the National Parks Act, 1976 (Act 57 of 1976)?

YES	<del>NO</del>
-----	---------------

PLAN No.



**NOTES**

(1) INDIGENOUS BUSH IDENTIFIED BY DR ILLINGNER TO BE INCORPORATED AS PRIVATE OPEN SPACE TO BE ZONED 'OPEN SPACE ZONE Z'

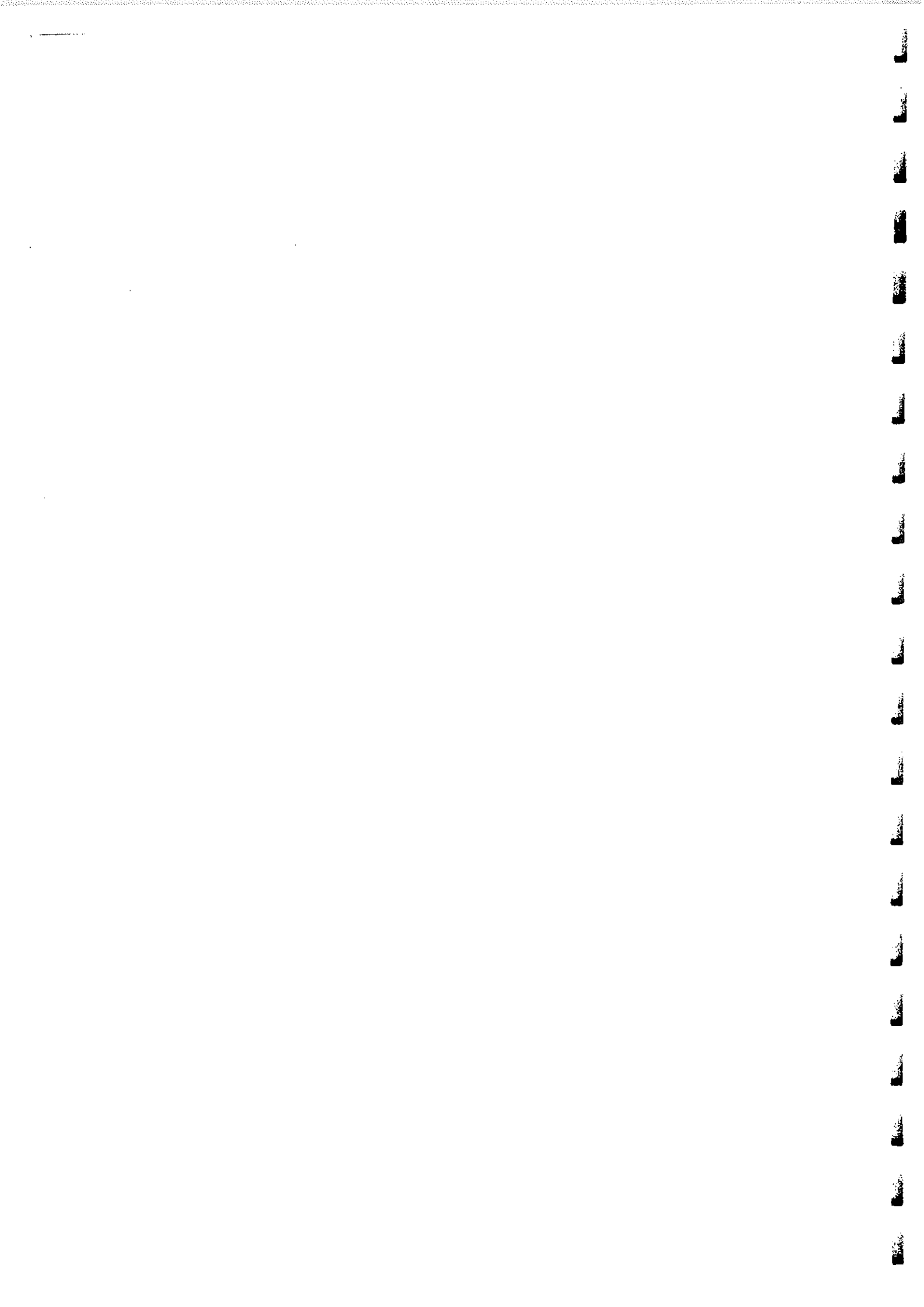
(2) ALL AREAS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY

TO BE ZONED 'OPEN SPACE ZONE Z'

FILE	35-035	DATE	2006/08/14	DELT	J.M.	SCALE	1/4000
<p>PROPOSED REZONING</p> <p>ERVEN REM 1947, 1959, 1960, REM 1961 AND REM 4194 WALMER</p>							
<p>LAND SURVEYORS</p> <p>JOHAN MEIRING &amp; ASS.</p>							
<p>LANDMETERS</p> <p>TOWNSHIP PLANNERS</p> <p>DORPSCHEID BEPLANNERS</p> <p>SECTIONAL TITLE PRAKTYK</p> <p>DEELTITEL PRAKTYK</p> <p>ENGINEERING SURVEYS</p> <p>INGENIEURS OPMETTINGS</p>							
<p>18 VIOLET AVENUE</p> <p>SUMMIT PARK</p> <p>PORT ELIZABETH</p> <p>TEL : (041) 3605159</p> <p>FAX : (041) 3607653</p> <p>P.O. BOX 26369</p> <p>PORT ELIZABETH</p> <p>6008</p>							

SITE	ZONE A	ZONE B	ZONE C	ZONE D
ZONING	RES2 (HYBRID/ST) TRANSPORTATION PRIVATE OPEN SPACE	RES2 (HYBRID/ST) TRANSPORTATION PRIVATE OPEN SPACE	RES2 (HYBRID/ST) TRANSPORTATION PRIVATE OPEN SPACE	RES2 (HYBRID/ST) TRANSPORTATION PRIVATE OPEN SPACE
DENSITY	16/Ha	16/Ha	16/Ha	30/Ha
AREA	13.16 Ha	13.5 Ha	6.95 Ha	6.5 Ha

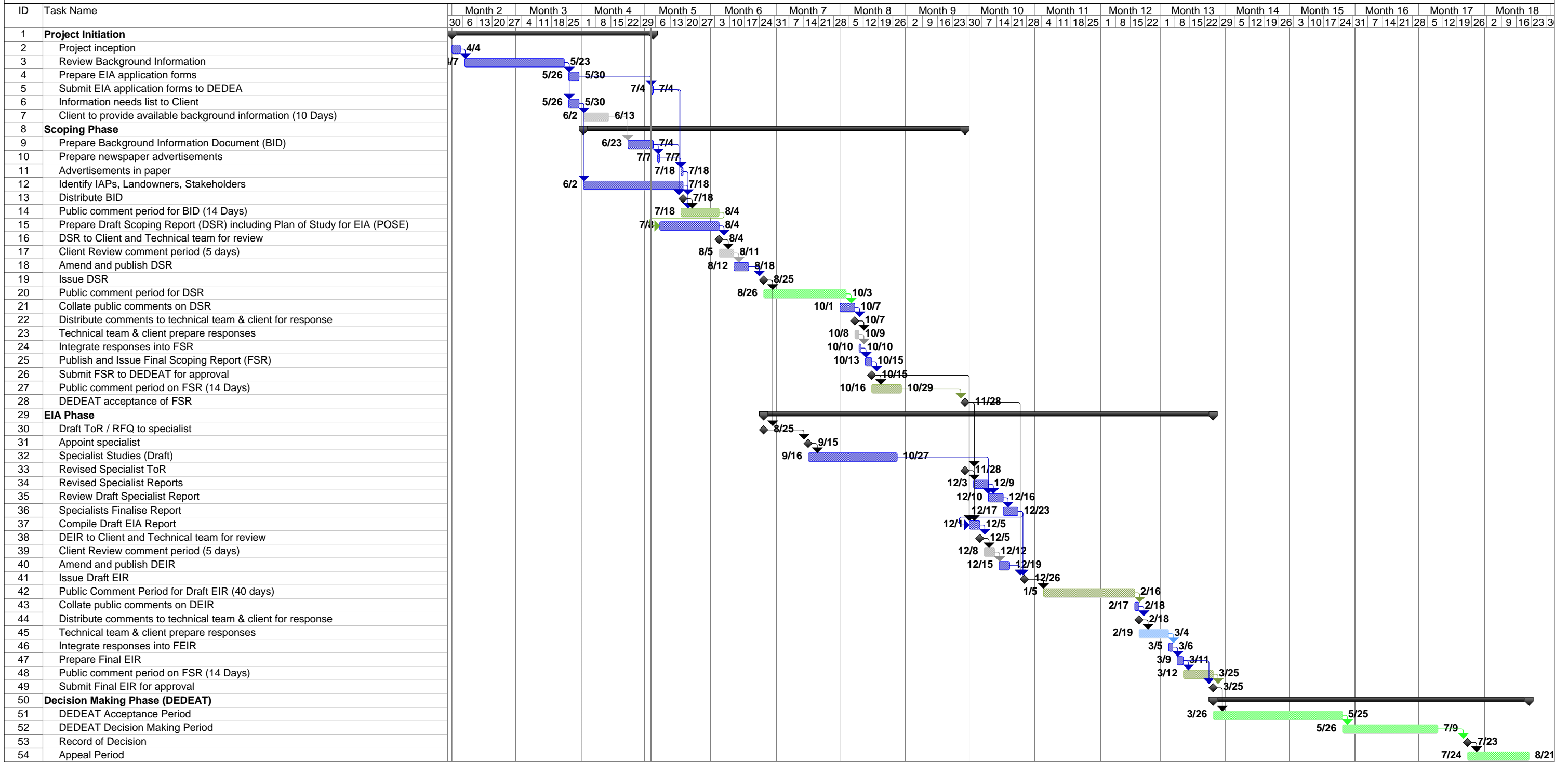




**APPENDIX 7 (IF APPLICABLE)  
MAP INDICATING TRIGGERING AREAS FOR GN R.546**

N/A – GN R.546 is not triggered

**APPENDIX 8  
PROJECT SCHEDULE**



Task	Roller Up Progress	Inactive Task	Manual Summary Rollup	Deadline
Milestone	Split	Inactive Milestone	Manual Summary	
Summary	External Tasks	Inactive Summary	Start-only	
Roller Up Task	Project Summary	Manual Task	Finish-only	
Roller Up Milestone	Group By Summary	Duration-only	Progress	

Typical EIA Process  
Fri 7/4/14

**APPENDIX 9 (IF APPLICABLE)  
DETAILS OF EXEMPTION APPLICATION (PLEASE UTILISE DEDEAT'S EXEMPTION TEMPLATE)**

N/A

**APPENDIX 10 (IF APPLICABLE)  
DETAILS OF REQUEST FOR DEVIATION FROM PUBLIC PARTICIPATION**

N/A

**APPENDIX 11 (IF APPLICABLE)  
PROOF OF SUBMISSION OF ASSOCIATED APPLICATIONS**

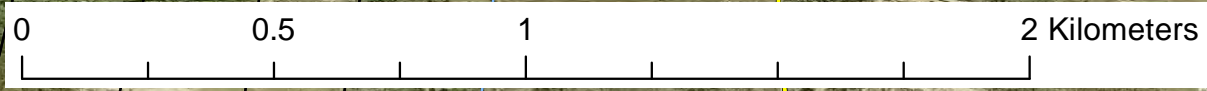
No associated applications have yet been submitted – if other applications (eg WULAs) are required, copies of these applications will be submitted with the DSR

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**APPENDIX 12**

12.1 A3 SIZE LOCALITY MAP

12.3 OTHER



Scale:	1:15 000	A3
Projection:	TM	Datum:
		HH94
Central Meridian/Zone:	Lo25	
Date:	04/07/2014	Compiled by:
	VERJ	
Project No:	475764	Fig No:
	001	

**APPENDIX 13  
DECLARATION OF THE APPLICANT**

I, Dr W. SHAIQI declare that I -

- am, or represent<sup>2</sup>, the applicant in this application;
- have appointed / will appoint (delete that which is not applicable) an environmental assessment practitioner to act as the independent environmental assessment practitioner for this application / will obtain exemption from the requirement to obtain an environmental assessment practitioner<sup>3</sup>;
- will provide the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- will be responsible for the costs incurred in complying with the Regulations, including but not limited to –
  - costs incurred in connection with the appointment of the environmental assessment practitioner or any person contracted by the environmental assessment practitioner;
  - costs incurred in respect of the undertaking of any process required in terms of the Regulations;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the Regulations;
  - costs in respect of specialist reviews, if the competent authority decides to recover costs; and
  - the provision of security to ensure compliance with conditions attached to an environmental authorisation, should it be required by the competent authority;
- will ensure that the environmental assessment practitioner is competent to comply with the requirements of the Regulations and will take reasonable steps to verify that the EAP
  - know the Act and the regulations, and how they apply to the proposed development
  - know any applicable guidelines
  - perform the work objectively, even if the findings do not favour the applicant
  - disclose all information which is important to the application and the proposed development
  - have expertise in conducting environmental impact assessments
  - complies with the Regulations
- will inform all registered interested and affected parties of any suspension of the application as well as of any decisions taken by the competent authority in this regard;
- am responsible for complying with the conditions of any environmental authorisation issued by the competent authority;
- hereby indemnify the Government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action which the applicant or environmental assessment practitioner is responsible for in terms of these Regulations;
- will not hold the competent authority responsible for any costs that may be incurred by the applicant in proceeding with an activity prior to obtaining an environmental authorisation or prior to an appeal being decided in terms of these Regulations;
- will perform all other obligations as expected from an applicant in terms of the Regulations;
- all the particulars furnished by me in this form are true and correct; and
- I realise that a false declaration is an offence in terms of regulation 71 and is punishable in terms of section 24F of the Act.



<sup>2</sup> If this is signed on behalf of the applicant, proof of such authority from the applicant must be attached.

<sup>3</sup> If exemption is obtained from appointing an EAP, the responsibilities of an EAP will automatically apply to the person conducting the environmental impact assessment in terms of the Regulations.



Signature<sup>4</sup> of the applicant<sup>5</sup> / ~~Signature on behalf of the applicant:~~

NMBM

Name of company (if applicable):

04/07/14

Date:



Signature of the Commissioner of Oaths:

4/7/14

Date:

Designation:

Official stamp (below)

**BERNARD MATTHEW JUDE HUTTON**  
COMMISSIONER OF OATHS  
P.O. BOX 7, PORT ELIZABETH 6000  
MANAGER SUPPORT SERVICES  
NELSON MANDELA METROPOLITAN MUNICIPALITY  
EX-OFFICIO FOR R.S.A.

<sup>4</sup> Only original signatures will be accepted. No scanned, copied or faxed signatures will be accepted.

<sup>5</sup> If the applicant is a juristic person, a signature on behalf of the applicant is required as well as proof of such authority. An EAP may not sign on behalf of an applicant.



**APPENDIX 14  
DECLARATION OF THE EAP**

Nicola Rump

I, \_\_\_\_\_, declare that –

General declaration:

- I act as the independent environmental practitioner in this application
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will take into account, to the extent possible, the matters listed in regulation 8 of the Regulations when preparing the application and any report relating to the application;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- I will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- I will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;
- I will keep a register of all interested and affected parties that participated in a public participation process; and
- I will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not
- all the particulars furnished by me in this form are true and correct;
- will perform all other obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I realise that a false declaration is an offence in terms of regulation 71 of the Regulations and is punishable in terms of section 24F of the Act.

**Disclosure of Vested Interest** (delete whichever is not applicable)

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;
- ~~I have a vested interest in the proposed activity proceeding, such vested interest being:~~

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*[Handwritten Signature]*

Signature of the environmental assessment practitioner:

*SRK Consulting*

Name of company:

Date:

*4-1-07-2014*

*[Handwritten Signature]*  
*71970266*  
*CS1*  
*W.J. FRANCES*

Signature of the Commissioner of Oaths:

*2014-07-04*

Date:

*CONSTABLE*

Designation:

Official stamp (below)

