

**IN PROCEEDINGS BEFOR THE MUNCIPAL APPEALS AUTHORITY OF THE NEWCASTLE  
MUNICIPALITY**

**APPEAL NO.: 13/3/3 – 1/8780**

In the appeal of:

**ANSEC PTY LTD**

**APPEALANT**

Against

**Newcastle Municipality**

**RESPONDENT**

In re:

**PORTION 1 OF ERF 8780 NEWCASTLE**

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**ANSWERING MEMORANDUM**

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**TO:**

**THE MUNIICIPAL PLANNING APPEALS AUTHORITY  
REGISTRAR**

**NEWCASTLE MUNICIPALITY**

**37 MURCHISON STREET**

**NEWCASTLE**

Ref: 13/3/3 – 1/8780

**AND TO:**

**THE MUNICIPAL MANAGER**

**NEWCASTLE MUNICIPALITY**


**37 MURCHISON STREET**

Dear Madam / Sir

Please take note that the Newcastle Municipality presents the following:

1. Notice of opposing an appeal
2. Responding memorandum

Signed at Newcastle on this 3<sup>rd</sup> day of March 2023.



.....

Mr. SPHEPHELO CINDI

REGISTRAR: MUNICIPAL APPEALS AUTHORITY

4<sup>TH</sup> FLOOR MUNICIPAL BUILDING

37 MURCHISON STREET

NEWCASTLE

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Ref: 13/3/3 – 1/8780

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**NOTICE OF OPPOSING APPEAL**

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**TO:**

**THE MUNICIPAL PLANNING APPEALS AUTHORITY  
REGISTRAR**

**NEWCASTLE MUNICIPALITY**

**37 MURCHISON STREET**

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Ref: 13/3/3 – 1/8780

**AND TO:**

**THE MUNICIPAL MANAGER**

**NEWCASTLE MUNICIPALITY**

**37 MURCHISON STREET**

Dear Madam / Sir

Please take note that the Newcastle Municipality herewith intends to oppose the appeal lodged by Ansec PTY LTD against our decision dated 25<sup>th</sup> September 2019 to approve Farm Dwellers Inn PTY LTD's application for rezoning from "Special Zone 18" to "Hotel" in order to develop a petrol filling station and ancillary convenience shop.

Take further notice that Newcastle Municipality herewith submits its responding memorandum and answers to the grounds of the appellant.

Signed in NEWCASTLE at this 3<sup>rd</sup> day of May 2023.

A handwritten signature in black ink, consisting of a stylized 'S' or 'N' shape with a loop, positioned above a dotted line.



**IN PROCEEDINGS BEFOR THE MUNCIPAL APPEALS AUTHORITY OF THE NEWCASTLE  
MUNICIPALITY**

**APPEAL NO.: 13/3/3 – 1/8780**

In the appeal of:

**ANSEC PTY LTD**

**APPEALANT**

Against

**Newcastle Municipality**

**RESPONDENT**

*In re:*

**PORTION 1 OF ERF 8780 NEWCASTLE**

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**THE RESPONDENT’S RESPONDING MEMORANDUM IN THE APPEAL BY ANSEC  
PTY LTD AGAINST THE DECISION TO APPROVE THE APPLICATION FOR  
REZONING ON PORTION 1 OF ERF 8780 NEWCASTLE FROM “SPECIAL ZONE 18”  
TO “HOTEL” IN ORDER TO DEVELOP A PETROL FILLING STATION AND  
ANCILLARY CONVINIENCE SHOP**

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**RESPONDING MEMORANDUM TO AN APPEAL SUBMITTED AGAINST DECISION TO APPROVE AN APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT (SPLUMA) REGULATIONS AND BY-LAWS: AMENDMENT OF LAND USE SCHEME BY REZONING PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO "HOTEL" IN ORDER TO DEVELOP A PETROL FILLING STATION AND ANCILLARY CONVINIENCE SHOP. (TP 13/3/3 – 1/8780).**

**1 THE PARTIES AND PROPERTIES**

For the purposes of this responding memorandum to the appeal lodged, the parties and properties concerned shall be referred to as follows:

- a. Farm Dwellers Inn (PTY) LTD shall be referred to as 'the applicant'
- b. Ansec 194 (PTY) LTD shall be referred to 'the objector'
- c. Newcastle Municipality KZ252, shall be referred to as 'the Municipality'
- d. Municipal Planning Tribunal established in terms of 35 of Spluma shall be referred to as 'MPT'
- e. Spatial Planning and Land Use Management Act No.6 of 2013 shall be referred to as Spluma
- f. Spatial Planning and Land Use Management Regulations, shall be referred to as Spluma regs.
- g. Spatial Planning and Land Use Management Bylaw, shall be referred to as 'the Bylaw'
- h. Portion 1 of Erf 8780 Newcastle zoned as 'Special Zone 18' and located at the intersection of Allen Street and HJ Van Eck shall be referred to the subject property;
- i. Remainder of Erf 8780 Newcastle which is owned by Ansec 194 (PTY) LTD shall be referred to as Naledi property
- j. Integrated Development Plan shall be referred to as IDP
- k. Spatial Development Framework shall be referred to as SDF
- l. Municipal Planning Registrar shall be referred to as MPR

## **2. General Overview of the appeal**

It is noted with great concern that the appeal is generally weak in character and technically hallow in content. It reveals poor understanding about fact attributable to the subject property, perhaps, had much emphasis been placed in scrutinising the development plan, the objector could have a better perspective on how the development will operate in the vicinity. However, it is clear from the grounds of appeal that the objector was in haste to construct such an appeal as so to create a façade that suggest that the objections were technically sound.

It therefore submitted to the Municipality's Appeals Authority to dismiss this appeal as it clearly show that there is no substance or rationality to it except for bare speculations, errors committed by the objector during processing of the application and conclude by making absurd recommendations to the MPT.

## **3. DETERMINATION OF THE APPEAL**

This submission is brought before the Appeal Authority in terms of section 51(2) and 30(1) of SPLUMA, Regulations and Bylaws respectively. The Appeal Authority is expected to make a determination of whether it upholds or sets aside the decision of the Municipal Planning Tribunal (MPT) to approve the Rezoning of Portion 1 of Erf 8780 Newcastle from "Special Zone 18" to "Hotel" in order to develop a Petrol Filling Station and ancillary shop as the Newcastle Urban Scheme (as amended) provides.

The appendix is hereby tabled for the ease of reference for the appeal pack which is self-explanatory. The appeal was received on 1 November 2019 from Groenewald Attorneys, representing ANSEC 194 PTY Ltd. The registered owner and applicant of Portion 1 of Erf 8780 Newcastle is Farm Dwellers Inn (Pty) Ltd and is represented by Southey Attorneys Incorporated who in turn, filed a responding memorandum on 6 December 2019. This was communicated with Groenewald Attorneys who in consultation with the applicants, would not object.

The Registrar: Appeals Authority only responded to the applicant on 29 November 2019 citing reasons for the delayed acknowledgement/response which amongst them, was that the Newcastle Municipal Planning Tribunal last sat on 20 September 2019 to date.

Therefore an application for condonation is hereby sought in line with Section 78 of Chapter 6 and Section 2 of Schedule 10 of the Newcastle Spatial Planning and Land Use Management Bylaws.

#### **4. CONDONATION FOR SETTING THE DATE OF THE HEARING LATE**

- 4.1 Section 2(3), Schedule 10 of the Newcastle SPLUMA bylaw states: A person who wants to lodge a responding memorandum must, within 30 days after the memorandum of appeal was served on that person serve the responding memorandum;
- 4.2 The Registrar: Appeals Authority (Committee of Officials) needed to ensure notification of all parties to the appeal;
- 4.3 An issue was that the Newcastle Municipal Planning Tribunal last sat on 20 September 2019 to date; which meant that they could not be notified accordingly;
- 4.4 The Registrar needed to ensure that all processes as specified by legislation will be complied with, without any error or omission;
- 4.5 All the parties were informed of the delay in the appeal process as the institutional arrangements were not yet in place;
- 4.6 An application for condonation of time compliance had to be given to allow the parties enough time for consideration of the matter and ensure that none is prejudiced by the internal municipal systems;

##### **a. The parties may observe the proceedings of the hearing;**

- 4.7 The favourable consideration by the Appeal's Authority for the appeal hearing will ensure that this matter is finally laid to rest in so far as it relates to municipal planning.

#### **5. HISTORICAL EVENTS**

- 5.1 Erf 8780 Newcastle as a mother property measured 5.5ha in extent and zoned as Special Zone 18 to allow for establishment of Nursery and the coffee shop see Annexure A, the original site plan;
- 5.2 Erf 8780 Newcastle was further authorised to establish a Place of Public Assembly through a Special Consent in 2003. This was a conditional approval, see Annexure B.

Furthermore, an application was made to the Municipality to approve access to Erf 8780 Newcastle through HJ VAN Eck 8. This application was granted with strict conditions, such as limiting access on the Aquamarine Drive.

This property was further subdivided into Portion 1 and Remainder of Erf 8780 Newcastle (3.232 ha) in **2008**, see Annexure C, Surveyor General diagram. These two properties were not adjacent to each other. It must also be noted that there were conditions of establishment attached to the subdivisional approval which amongst other placed restriction not to directly access the property from Allen Street/ Volksrust.

Following this subdivision, the owner of the Remainder of Erf 8780 Newcastle initiated rezoning application in **2006** to have the same rezoned from Special Zone 18 to Group and Cluster. This application was approved in the same year.

It is noted that after this approval was granted, another rezoning application was made in **2008** to rezone from Group and Cluster to General Residential III to enable the development of what is commonly known as 'Naledi Flats'. The rezoning application was subsequently approved by the Municipality in **2009**, see Annexure D.

It is worth noting that the rezoning of the adjacent property, where Naledi is located was approved on the basis of what the applicant stated in the motivational memorandum. Such include submission that Naledi will have a security fence amongst the security features

## **6. APPLICATION PROCESS FOR PORTION 1 OF ERF 8789 NEWCASTLE**

- 6.1. **18 December 2018:** Following numerous enquiries about the correct zoning of Erf 1/8780 Newcastle, the applicant lodged an application with the Municipality for rezoning of Erf 1/8780 Newcastle from 'Special Zone 18' to a 'Hotel'.
- 6.2. **9 January 2019:** The application was acknowledged by the Municipality and communication dispatched to the applicant.
- 6.3. **18 January 2019:** The notice about the application was published in the newspaper circulating in the area (Newcastle Advertiser), calling on persons desiring to object to do so within 30 days from the date when the advert appeared in the newspaper. The notice further stated that plans and particulars of the application were available for inspection at the Municipal offices, see Annexure E.
- 6.4. **5 February 2019:** An objection letter was received from A. D. Van Vuuren on a letterhead of 'Ansec' 194 (PTY) LTD & Naledi Body Corporate at which few points were raised against the application, see Annexure F. The letter began

by referring to the notice published and the site layout of the proposed development. The following is the summary of the grounds of objection:

- 6.5. **25 February 2019:** The applicant was advised that 2 objections was received from AD van Vuuren and in terms of schedule 4 item 12(a-b) of the Spluma Bylaw, the applicant was served with the objections and was also advised of his right to respond or waive his response to the objections prior to the application serving before the MPT.
- 6.6. **26 February 2019:** The applicant addressed a letter to the Municipality which sought to responded to all points raised on the objection letter, see Annexure G.
- 6.7. **19 June 2019:** The Municipality, particularly the town planner processing the application needed more clarity on the application, see Annexure H.
- 6.8. **17 July 2019:** The Municipality sent communication to the applicant advising that the planning report served before the MPT and was referred back for reasons stated in Annexure I.
- 6.9. **30 July 2019:** As per Annexure J which states that 'in the spirit of openness and transparency the Municipality was making a final attempt to call in the applicant and the objector for a meeting to deliberate on the application
- 6.10. **31 July 2019:** The applicant addressed a detailed response as appended on Annexure K.
- 6.11. **2 August 2019:** A meeting between the applicant and the objector took place, see the minutes of the meeting appended as Annexure L.
- 6.12. **20 September 2019:** The Town Planning report appended as Annexure M was tabled and discussed by the MPT, the meeting at which the application was approved with conditions.
- 6.13. **25 September 2019:** The record of decision with regards to Spluma application to rezone PTN1 of Erf 8780 Newcastle was sent to the applicant, see Annexure N
- 6.13. **2 October 2019:** The same record of decision dated **25 September 2019** alluded to 5.12 above and in terms of section 57 of the Spluma Bylaw also dispatched to the objector, Ansec 194 (PTY) LTD, at which he was also advised of his right to appeal the decision of the MPT, should the objector be

aggrieved. The Municipality's postal and email address was also stated for lodging purposes.

Consequently an appeal was lodged by Ansec 194 (PTY) LTD and Naledi Body Corporate who recorded his objection during the public participation process. His appeal was lodged with the Registrar within the 30 days regulated in terms of section 58(2) of the Bylaw.

## **7. OVERVIEW OF NEWCASTLE AS A SECONDARY CITY**

7.1. According to STATS SA Community Survey **2016**, Newcastle population is reported to be 398 708 people, a steady increase of approximately 1.75% per year from 363 236 reported during **2011** census.

7.2 The Municipality is already declared a Secondary City according to the KZN Provincial Growth and Development Strategy, see Annexure O and National Integrated Urban Development Framework, see Annexure P.

7.3 Furthermore, the Municipality's Integrated Development Plan has been embracing the following vision over the period of approximately 8 years, By 2035 Newcastle will be an resilient and economically vibrant City which affords its citizens a high quality of life'.

To achieve this vision there are some catalytic projects that the Municipality has identified; such as development of the University School, expansion of the Industrial sector with specific emphasis on manufacturing, development of the Inland Dryport, etc.

Should all of these projects materialise as part of Vision 2035 Development Programme, it will change the face of Newcastle and upscale it to the Inland Metropolitan Municipality.

7.4. The SA Constitution emphasis is placed on the Municipality's responsibility is to create a conducive environment for developers to invest in the town so that local economy can flourish.

## **8. SITE LOCALITY AND ACCESSIBILITY ARRANGEMENT**

8.1. The subject property is zoned as Special Zone 18 and is a mixed use varying from Nursery, lapa, place of public assembly where events and meetings are facilitated. It is also use for lodging purposes and all these use have

gradually been authorised by the Municipality over years through formal applications.

- 8.2. It is located at the intersection of H.J Van Eck Drive and Volksrust Road, North-east of Newcastle urban area. It being at the intersection of Class 2 and Class 3 Roads according to the Traffic and Transportation Study undertaken by the Municipality in recent years is expected to evolve over time, see Annexure Q, Newcastle Traffic and Transportation Study.
- 8.3. The subject property from a City Planning point of view presents itself as a strategic piece of land with prospects of developing to full scale neighbourhood centre futuristically. The emphasis on this point is the maximum potential evident to town planning philosophy which the property possess and the perceived trends of urban modernity.
- 8.4. In fact the property is what can be described as a gateway to Newcastle from the Northeast direction. In the distant future as the town develops and the growth is evident, its ripple effect will overspill on the vacant property located opposite the HJ van Eck. It such future prospect that influenced the Spatial Development Framework to consider this locality as a neighbourhood economic node, see Annexure R extract from the SDF.
- 8.5. Whilst no application is before the Municipality for consideration of the points raised above, it is important to give a City Planning perspective to create an understanding about the maximum use of the property and how such an economic node and not the property per se has been planned to take off in future.

Of course such land use rights for this neighbourhood economic node can only be accorded through a structured statutory process, but the direction has been well thought of and adopted by the Municipality, see Annexure S, Council Minutes for adoption of the IDP and SDF.

## **9. ACCESSIBILITY OF THE SITE**

- 9.1. The subject property is subjected to the dual administrative control with regards to the Road network, HJ van Eck and Volksrust Road. HJ van Eck is a district collector Roads and purely administered by the Municipality, whilst Department of Transport has some limited jurisdiction over Volksrust Road (due to the proximity to the developed settlement).



It is for the same reason as depicted on Annexure T that Department of Transport Provincially previously issued their comments and restricted direct access of the property from Volksrust Road.

- 9.2. These comments were issued when Naledi was subdivided from the subject property and as stated in their letter, that the validity period was 18 months from the date of issue. It is expected of the developer that once the Traffic Impact Assessment has been completed, the same will be submitted to the Dept. of Transport for their consideration with regards to access arrangements.

Nonetheless, the developer has proposed to construct a slip-off lane parallel to Volksrust Road to conveniently allow for ingress to the service station. The slip-off lane will extend from the existing traffic lights towards the development entrance point. Egress from the site will only be provided through the slip-off lane for traffic to merge onto Volksrust Road. Such traffic mitigation has been proposed by the developer through the Traffic count report.

- 9.3. Another ingress and egress point will be on Aquamarine Drive, due to the nature of the proposed development, H.J Van Eck Drive will need to be widened to accommodate the envisaged heavy flow of traffic. The portion of H.J Van Eck Drive between Aquamarine Drive and Volksrust Road in a southerly direction will need to be widened to heavy vehicles exiting the development on H.J Van Eck Drive. As stated on the rezoning approval letter, all infrastructure cost associated with development are for the account of the property applicant.
- 9.4. Furthermore the MPT and Traffic department recommended that the full Traffic Impact Assessment be conducted at the cost of the developer and be submitted prior to lodgement of building plans. The same report will also have to be submitted the Dept. of Transport Provincially for their comments as well. It is pointless to prematurely consult this Dept. when the Traffic Impact Assessment has not been completed.

## **10. GROUNDS APPEAL**

### **10.1 AD PARAGRAPH 1.1-1.4**

- 10.1.1. It is encouraging to note that the objector's its primary place of business in Pretoria, one of the affluent Metropolitan Municipalities in the country. What makes this point worth mentioning is that, given the primary address of business, the assumption is immediately created that the Municipality is

conversing with a developer who understands how the urban population relate to land and property in general.

- 10.1.2 It is our assumption that as a property developer he will have a better perspective of urban dynamics relating to both business and residential properties, particularly as it relates to evolving trends and the best use of property.

## **10.2**

### **AD PARA 1.5**

- 10.2.1. Whilst the Municipality accedes that Naledi is a sectional title property, it dismisses the ownership overstated in the grounds of appeal. Unless if the developers of Naledi property purposely withholds the ownership or trade with a different name other than Ansec 194 (PTY) LTD the Deed's Registry reveals that they only own 45 units within the property. Therefore, it is puzzling to note that the appeal will be constructed and argued based on the factually incorrect information encompassed with the intention to misguide the Appeal's Authority. Such conduct must be condemned by the committee.

- 10.2.2 Moreover, 60 developed units to which Ansec 194 (PTY) LTD are registered are valued at approximately R31 210 000.00 according to the Municipal valuation roll. It is this property valuation that the owners use for the monthly payment of Municipal rates and levies.

- 10.2.3. According to the building plans submitted to the Municipality in 2008 for Naledi, 160 units were approved in which the objector owns a limited number of 46, the other 114 units are registered in different ownership details. It is also not revealed where the objector resides, particularly as the Municipality is attempting to understand

## **10.3**

### **AD 2.3**

- 10.3.1. It is interesting that the objector will mention that the subject site is located in a quiet suburban residential area, yet he does not describe what is meant by the same.

10.3.2. It is excusable for the objector to withhold information that which has been explained extensively in paragraph 8.3 above, where it gave a contextual analysis of where the subject site is located. It follow the course of planning that site located at major intersections naturally evolve quicker than other site due to need to capture the traffic converging at the major roads.

HJ van Eck is an arterial routes connecting west and eastern suburbs. Allen Street/ Volksrust Road is a Provincial Road distributing traffic to the south of Newcastle from N11 (National Road).

Both the subject site and Naledi are immediately bordered by P34 to the west with a road servitude of 30 meters of either side. Mobility through this Road is estimated to be around 13000 vehicles per day. All of these vehicles (from small cars to super link trucks) are passing the subject property and Naledi throughout the day.

10.3.4. The applicant's Traffic Count Report reflects that the passer-by traffic likely to access the subject site is estimated to be approximately 13713 per day and these vehicles comprise of the following:

- Cars
- Mini-bus
- Bus
- Heavy vehicles

10.3.5. Therefore, it is important to disqualify the statement of '*quiet residential suburb*' in so far as it relates to the subject site. Had the site been located towards the west of the suburb, perhaps the statement could hold true, but in this instance it is totally misplaced and used with an intention to give a wrong orientation about the location of the site and to deceive the Appeal's Authority in their decision making process.

## **10.4**

### **AD 3.1**

10.4.1. The Municipality would like to appreciate the respect for law demonstrated by the applicant to ensure that they seek the authorisation of Municipal Planning prior to commencing with development.

It's essential to make this statement owing to recent circumstances where property owners have made it a culture to disobey municipal bylaws and start operating without planning authorisation.

10.42. Therefore, this rezoning application reflects the principles that the Municipality promotes. It is also essential, because it transcends the Municipality's plans in relation to IDP and SDF to tangible development and giving effect to a desirable space economy.

10.4.3. If urban planning was static and not evolving with human behaviour on how they interact with land the whole globe may still be stuck on the *Stone Age* perhaps. But the evolution of planning with times ensures that there is transition from organic settlements to urban land; from secondary town to Metropolitan Municipalities, from Metropolis to City Regions and for City Region give effect to the Globe and its cosmopolite.

## **10.5**

### **AD 4.**

10.5.1. During the advertising stage two objections were recorded by the Municipality.

As per the Municipal time line depicted in paragraph...above about events that unfolded during the process flow, two objections dated the same, 5 February 2019 were recorded on the 7 February 2019. This objection was received by Njabulo Makhoba and Xoliswa Madela, the Municipal employees. The objection stated the following:

- a. The risk of contamination due to underground leaks (referring to new requirements for petrol filling stations near residential buildings);
- b. The damage to existing foundations of top structures in Naledi;
- c. Safety and noise concerns due to 24 hour trading, trucks stopping;
- d. Noise (24 hours trading, trucks stopping/ leaving all hours of the day and night, 24 hour fast food restaurant at centre);
- e. Truck fuelling too close to residential units;
- f. Better understanding as to when the shopping complex excluding the garage will be built, phasing etc;
- g. Better understanding as to what will be developed on the remainder of Portion 1 of Erf 8780 Newcastle.

10.5.2. It is very strange that Naledi with 60 developed units under the directorship of AD van Vuuren would write precisely the same letter as that which was produced by the Body Corporate under the Trustee, R McGuirk. In fact these are not just similar, the content of letter A were copied and pasted

over letter B. Yet these two letters were not entered as a petition into the reward of the Municipality to reflect the common interest which the entities hold see Annexure F.

10.5.3. In this instance we presuppose that these two letters would reflect the concerns of each, yet they are just a revelation that it was a coordinated effort to present the 'same fears' which are unknown to the objectors about the propose development. Such conduct borders on poor business ethics, it cannot be that the two different entities would have same frame of mind with such precision and beyond that present these letters in the same font style, font size, alignment, etc. Such is an abuse of the objector's right recorded to him with responsibility by constitution.

10.5.4. Whilst these objections may be well thought of they have been presented so poorly that it makes them easily dismissible. For instance if (a) above is cited as a risk, all business properties have an association of some risks effect which is always mitigated to minimise that inherent risk and bring it to manageable levels of operation. Therefore, such cannot be structured as an objection.

10.5.5. No evidence on the file could confirm if the objection submitted through the letterhead of Naledi Body Corporate and signed R McGuirk that he had received a mandate to represent the sectional property owners of 1/8780 Newcastle. Such kind of behaviour reveals unsound business tactics which borders on fraud and is punishable by law should it be proven that no mandate existed at the time of lodging an objection. The strength of these misgivings is not weighed on in this section because such a matter was not brought before the attention of the MPT to act on.

10.5.6. In fact a one line response could be issued to these vile objections which have now become the subject of an appeal. The line of response reads as follows:

***'All these points raised as objections are regulated through law'.***

10.5.7. Nonetheless, for the sake of bringing an in-depth understanding to what 'regulation through law' would mean in this instance, the Municipality will educate the objectors about the different legislations applicable to property development in the latter part that deals with grounds of appeal.

10.5.8. Although we are of the firm view that such an appeal could have been avoided if the developer interest is what is described in page 5(1.2-1.3) of the memorandum of appeal. However, his rights are hereby exercised and is for the same reason that the Municipality is filling a responding memorandum.

## 10.6

### AD 5

10.6.1. Paragraph 5 of the memorandum of appeal ends with the objector claiming to have suffered prejudice from the Municipality who refused to postpone the meeting, however, he fails to describe the prejudice.

10.6.2. As reflected above on the historical trail of events that the Municipality having been served with objections, it attempted to call a meeting between the applicant and the objectors. As described in the original email dispatched on **22 July 2019** that the intention was to 'iron out issues raised with regards to the proposed service station', the email to which the objectors did not respond.

10.6.3. The objector only responded once a phone call was put through him to enquire about the email sent by the Municipality on the **22<sup>nd</sup> of July 2019**. It must be noted that such email address was recorded correctly by the Municipality and extracted from his original letter of objection used when he first lodged, see Annexure F

10.6.4. It was during this telephonic conversation between Ms Madela and the objector that he pointed out that the email address used was incorrect and requested that an email be sent to the alternative email address.

10.6.5. At this juncture the applicant who had confirmed his attendance to the meeting was told that the meeting has been postponed due to unavailability of the objector. The postponement which he acceded to.

10.6.6. Therefore, the meeting was rescheduled to 2<sup>nd</sup> of August 2019 for both parties to deliberate on the application and objections, see Annexure J.

10.6.7. When the objector represented by an Attorney, Mr Groenevald in February was served with the response which had been submitted by the

applicant, he requested for postponement of the meeting. It was explained to him that the presence of the applicant is to clarify in person anything which could be unclear about the development and the same verbal presentation will be recorded by the Municipality.

10.6.8. 20 minutes break was afforded to the objector to discuss/consult on the response, which he was seeing for the first time with his client. However, after consultation with his client, the objector insisted on reflecting on the written response presented by the applicant to the Municipality. In this instance, the objector waived his right and failed to use the opportunity available during this period to engage directly with the applicant on the uncertainties about the development which he had raised on the objection letters.

10.6.9. The insistence of the objector to a postponement clouded his judgment in such a way that he could not even articulate the objections submitted and have the same discussed with the applicant if he was unwilling to consider the written response. Therefore, instead of representing the objection and restating their reasons for dismissal of the development, or for that matter making the objections technically sound, it was more important to postpone the meeting.

10.6.10. Such revealed unpreparedness from the side of the objector to have a discussion whatsoever on the proposed development. In the process demonstrated the extent to which he waived his right to engage. The right which now on the balance of scales superseded the prejudice he claims. Nonetheless, this point is advanced on the grounds of appeal.

## **10.7**

### **AD6**

10.7.1. It is further disturbing to note that the objector will go to great extents validating the weak submission of prejudice and fail to explain the same.

10.7.2. It is further alarming to note that the objector eventually studied the reply of the applicant which he was so persistent on and makes no advancement towards the same prior to the MPT considering the Planning Report. All such begs the question about what is meant by suffered prejudice. The objector has been the architect of his

infrastructure situation to have the request declined and the appeal Authority should dismiss his appeal.

10.7.3. Paragraph 6.3 of the appeal is completely untrue, in fact the contrary is the reality and the minutes are such admitted proof. The objector seems to be inflict with himself in that he is finding it difficult to reconcile with the fact that he waived his right and only realised during the aftermath that he misused a good opportunity to advance his argument at the meeting. Such contention may be excused if there is proof that he did not read and understood the purpose of the meeting as reflected on the emails sent to him by Ms Madela.

## **10.8**

### **AD 7**

10.8.1. Citation of only paragraph 7 on the memorandum of appeal has been included to mislead the Appeal's Tribunal. Such expression is designed to create an impression that the MPT was misinformed and consequently could have not been able to arrive at correct decision due to weak submission by the Planning Department. A full City Planning report with all its appendixes which served before the MPT has been admitted as evidence will be discussed in detail pursuant to dismissing the grounds of appeal.

## **11. EARLIER OBJECTIONS ADMITTED AS GROUNDS OF APPEAL**

11.1. It cannot be emphasised enough that such an appeal is based on nothing but speculative gestures and decorated with wild assumptions to rationalise that which cannot find an expression either from a City planning point of view or in law.

### **AD 8.1: Procedural unfairness in withholding the reply**

- 11.1.1. The objector expresses that the reply to the objections raised in the application was received around 26 February 2019 and withheld until 2 August 2019, which was the date of the meeting between the objector and the applicant.
- 11.1.2. The emphasis of this statement being on the word withheld, suggesting that there must have been an intention to purposely withhold such information from the objector for whatever desired outcome. Therefore



an impression that is created on this score, is that the Municipality failed in its duty to uphold the law and do that which could have been decent in so far as it relates to public participation

11.1.3. At the face value, this statement may sound true, until one reads item 11-13 of Schedule 4 of the Spluma Bylaw. These sections outline the process flow specifically from the conclusion of the public participation to referral of the item to either MPT or the authorised planning official, depending on the nature of the application.

11.1.4. Clearly the objector could have not relied on such material to argue his hallow point about the alleged procedural unfairness. It therefore leaves one puzzled as to what line of thinking really was applied in developing this appeal.

Section 12 of the Spluma Bylaw states the following:

(1) *'Municipal Planning registrar must serve:-*

*(a) Copies of all comments received in response to the a notice of an application and;*

*(b) A notice informing the applicant of the applicant's right to respond to the comments and the right to waive the right to respond to the comments,*

*On an applicant within 7 days after closing date for comment;*

*(2) An applicant may within 60 days from the date that the MPR served the comments and accompanying notice on the applicant, lodge a written response to the comments with the MPR;*

*(3) An applicant may in righting waive the right to respond to comments'.*

11.1.5. It can be confirmed that all of the above were complied with and have been admitted as evidence to this responding memorandum. There is no obligation placed on the Municipality to serve the applicant's reply to the objectors. The emphasis is placed on the Applicant serving the registrar or waiving his right should he see no need to respond to the objections. Therefore, the ground of appeal by the objector indicates that he could not reconcile with Municipal Bylaw and makes his plea technically weak and must be dismissed by the Appeals Authority.

9.12.6. The objector seems to be arguing the Promotion of Administrative Justice Act, Act 3 of 2000 (PAJA) and the South African Constitution (Constitution), out of context. Section 33(1) of the Constitution further emphasises that the right to administrative justice must be lawful, reasonable and procedurally fair. It is this same right that the objector

waived during the meeting when he refused to of engage with the applicant at the provided forum provided by the Municipality to task through the development details encompassing the phase 1.

## 11.2

### **AD 8.2: Procedural unfairness for refusal to grant a postponement**

- 11.2.1. The objector is regurgitating the same point as that in 8.1 but slightly shifts the focus to the refusal to grant a postponement. First and foremost, it is important for the objector to note that the facilitation of a meeting between an objector and the applicant is not regulated in the Spluma Bylaw that it must occur prior to making a determination on the application. Such meetings have been undertaken overtime as a good culture and sound planning practice to test the probability to resolve contentious points from each party prior to making determination.
- 11.2.2. Since such meetings are not regulated, there are left at the discretion of the City Planner handling the application to make a judgment on the necessity. In this instance, the planner exercised the same discretion to facilitate discussions between the parties.
- 11.2.3. The applicant indicates the response to the objections was viewed on **2 August 2019** as the meeting commenced, and afforded 20 minutes to consult with his clients. He stated that he (Andre Groenewald) could not consider the reply properly.
- 11.2.4. The Appeals Authority must note that this was not the purpose of the meeting. The purpose of the meeting was to deliberate and engage on the application as it was apparent that the development did not inspect the details before making objections received, and not for further replies. This process is transparent and accordingly promotes PAJA as well as the Constitution.
- 11.2.10. It is of great concern to note that the objector lacked interest to engage with the applicant seated with him in the same room. Not only did such dismissal of the opportunity to engage created an impression of being less prepared for the meeting, but it left the house wondering about the degree of representation mandated to the Attorney. The same content of the letter from the applicant would have been presented by the objector to his objection if he had allowed himself time to articulate the same.

- 11.2.11. Not only was the objector unprepared to engage on the response letter written by the applicant, he could not bring himself to a position where he could expand on his scantily written objections. Needless is to even mention the points in which he alleged to lack better understanding on, i.e for phasing in of the shopping complex.
- 11.2.12. Here was the platform presented to him to be acquainted about the development details, all such was an exercise in futility. This follows two attempts to have the meeting seated and allow for direct communication and engagement between the affected parties.
- 11.2.13. During this meeting the objector could have explored the opportunity to record first hand presentation by the applicant and be able to probe items which he was of the opinion were contentious on his presentation. Such an opportunity could have mitigated his blatant failure to lodge an objection without having first inspected the file at the Municipal offices with an intention to understand what the application/ development entails. It is therefore no wonder that to this end this objector is no wiser based on his grounds of appeal.
- 11.2.14. Therefore the speculative nature of his objection is indicative that the objectors are not driven by a constructive view suggesting that the development may not blend well with the surrounding environment, particularly, Naledi.
- 11.2.15. Their concerns cannot be rationalised in law and from the urban planning perspective. It almost sounds like the objector is emotive and has a complete dislike for the proposed development on 1/8780 Newcastle. So much material has been placed at his disposal to consider and make him wiser, yet nothing would yield, although emphatical in that the MPT's decision must be set aside because if ever in its course such is expressing a vile submission.
- 11.2.16. It is recorded at the Municipality that approximately 55 days after the meeting which was abruptly terminated and prior to tabling the Planning Report before the MPT, there was no additional communication submitted by the objectors, presuming that, they had read the contents of the letter the Municipality supplied at the meeting. To this end no communication was recorded until when the objector was served with the record of MPT decision.

11.2.17. The objector's technical ability to grasp issues at hand and apply relevant case law or legislation is at serious doubt, given that such application was clearly absent during processing of the application and how he handled himself throughout such statutory process.

11.2.18. It is submitted to the committee to dismiss this ground of appeal for its lack of substance.

### 11.3

#### **AD 8.3**

11.3.1. AD 8.3 Procedural unfairness where no public participation was carried out during the MPT and insufficient opportunity for the objector to make submission at the MPT hearing.

11.3.2 Just as when one is seeing something rather worthy of arguing, the excitement is short lived again by inappropriateness by the objector to place his argument with precision and eloquence.

11.3.3. Schedule 4 15.(1) of the Spatial Planning and Land Use Management Regulations and Bylaws reads as follows:

*'If the Municipal Planning Approval Authority is the Municipal Planning Tribunal or the Municipal Council, the Municipal Planning Tribunal must decide whether to hold a public hearing within 21 days from the date that an application for municipal planning approval and accompanying documents were referred to the Chairperson of the Municipal Planning Tribunal.'*

11.3.4 No obligation is placed on the MPT to hold a public hearing as part of its proceedings. These public hearing may be convened by the MPT, if it is of the opinion that the hearing will achieve the following:

*(a) Assist in resolving disputes of fact or of law;*

*(b) Assist the parties to the application to resolve differences of opinion arising from the application or any objections made thereto; or*

*(c) Promote consensus on any aspect of the application.*

*(3) The Municipal Planning Tribunal must hold a public hearing, if necessary, within 60 days from the date that an application for*

*municipal planning approval and accompanying documents were referred to it.*

- 11.3.5. Unless, if the Municipality missed to record some pertinent content submitted by the objector. There is no record what so ever, lodged by the objector with the Municipality which could have persuaded the MPT to hold a public hearing with an intention to seal with the points raised above.
- 11.3.6. The objector not only did he waived rights to consult with the applicant at the meeting, he failed spectacularly to lodge any material which could have gained traction of the MPT's public hearing. There is likelihood that the objector undermined the severity of his actions at the time and in hindsight is regretful and bitter over the missed opportunity.
- 11.3.6. The MPT is not a vehicle to entertain new grounds of objections not lodged during the public participation process. The objector failed to put his objections into context and present them with technical intelligence.
- 11.3.7. Seemingly such failure needed to be upscaled to another level, where he could not talk through the same at the meeting and opted to collapse the meeting because the postponement could not be granted.
- 11.3.8. As if such spectacle of failures were not enough, approximately, 55 days later, after the collapsed meeting there had been no submission, such to be brought to the attention of the MPT for consideration. For this reason the MPR served before the committee a Planning Report which was used as credible material to rely on for decision making process.
- 11.3.9. There is no omission committed by the MPT if it decides not to hold the hearing and simply rely on the Planning Report appended to this responding memorandum to make a determination on the application.
- 11.3.10. The opposite is true though if the objector held an peculiar view that, it would purposely undermine the lower structures of the Municipality with the desire to manipulate those in the higher administrative hierarchy, such as the MPT.
- 11.3.11. The MPT has deleted powers in terms of the Spatial Planning and Land Use Management Regulations and Bylaws. It is the prerogative of the MPT to decide on such matters, which in the instance, it decided not to hold a hearing.

11.3.12. The conclusion that the objector is prejudiced by the MPT's refusal to hold a public view as if it is obligatory, yet it is not, is misguided and has been cited with sole intention to mitigate the comedy of error the objectors committed in their pursuit or lack of.

11.3.13. The MPT on **20 September 2019**, approved the rezoning application for Portion 1 of Erf 8780 Newcastle from "Special Zone 18" to "Hotel" in order to develop a Petrol Filling Station and ancillary shop.

## **11.4**

### **Ad 8.4: Failure to properly take the objector's objections in whole.**

11.4.1 It is unclear from this paragraph whose intellectual capacity is put in serious doubt about matters of town planning by the objector, is it the town planner who prepared the in-depth Planning report or the MPT's ineptness to consider and dismiss the weak objections.

11.4.2 Much to the disappointment of the objector, their attention is drawn to page 6 and 7 of Annexure M, the Planning Report. From this report it is evident that the objections served before the MPT in their true nature.

11.4.3 The MPT having studied these objections was of the view that they be dismissed and the recommendation of the Planning Report to approve the rezoning application be upheld. One is surprised at the extent of imagination demonstrated by the objector that such poorly structured objections could yield anything.

11.4.4 It is hereby recorded after careful consideration of the Planning Report by the MPT, it was of the opinion that the rezoning be authorised. It is also put to the Appeal's Tribunal that the MPT decision be upheld and the appeal be dismissed.

## **11.5**

### **AD 8.5 Risk of contamination**

11.5.1 If the same Planning report was to serve on another MPT it will enjoy the same kind of approval, because it is not the MPT that erred in its course but rather the objector's inability to rationalise their objection.

11.5.2 The department is for the stance that the development cannot and will not harm the neighbouring residential development and the environment at large. The National Environmental Management Act ensures the balance between development and the environment and therefore it is worth noting that the proposed has obtained an environmental authorisation. These were comments made in the planning report over and the response of the applicant on the same ground of objection.

11.5.3 The attention of the Appeals Tribunal is drawn to the closing remarks made Mr P Moodley on the letters dated 9 July 2018. It is stated on this letter that whilst the proposed garage is at the limited scale which does not trigger for the full Environmental Impact Assessment, the applicant's duty to care for the environment is emphasised on section 28 of the NEMA. What is important to note on this statement is that there is a structured process within which 'duty to care' is handled.

Such relates to the Environmental Management Report which will be produced in terms of NEMA to ensure that contamination and other environmental risks are minimised. A qualified Environmental Practitioner specialising on the same is appointed to administer the project and report correctly to the relevant departments prior to occupational certificate being issued.

11.5.4 The applicant goes to great extent explaining the involvement of the reputable company, Shell South Africa. The advantage franchising, is so that quality control can prevail in rolling out and executing the project. Such quality control serve their business interest so that there can be proliferation of their foot print in the Newcastle Municipal area.

## **11.6**

### **AD 8.6: Damage to the existing foundations of the top structure in Naledi**

11.6.1. This ground of appeal is overreaching and has transcended beyond properties to cause total confusion. The estimated distance between the proposed construction where permanent structures will be placed or the bowlers and Naledi flats is approximately 105m.

11.6.2 So it is unclear as why is the objector convinced that this objection could hold when is it structured so poorly. If the soil texture is found to be clay in nature it is common building practise that the same is dug out and imported soil is backfilled and used to help stabilise the ground.

11.6.3 Therefore, it is unclear as to what would cause the damage to the top structures of Naledi when all construction will occur in another property approximately 30 meters away from the flats.

11.6.4 What is even more confusing is that the applicant is mentioning damage to the top structures in the same line as he mentions clay soil. Whilst the geotechnical report has not revealed that the property contains underground boulders which may require blasting that could potentially harm the foundations of the top structures of Naledi.

11.6.5 Shell garage will be designed with underground petroleum tank. In order for this to happen, soil has to be dug out for installation of the tanks, which will be backfilled once tested to be positioned correctly. This whole process is not common sense but is done under strict supervision of a structural engineer who pays lucrative indemnity fees and is affiliated to statutory bodies. Their ethics for trade are strictly monitored and building plans together with Engineer's certificates are not issued should it become evident that structural integrity has been compromised.

11.6.6 It is the same kind of administrative control that the Building Control Officer of the Municipality exercises when foundations, walls and roof inspections are conducted. Such projects are even subject to much scrutiny as they involved different kinds of engineers, from structural to electrical.

11.6.7 Section 4.1 of the National Building Regulations and South African Standards states that any property owner who wishes to bring about construction to the property must submit building plans. The same standard that the Naledi was subjected to, is the same that will be applied to the Shell garage.

## 11.7

### AD 8.7

11.7.1 It is excusable for the objector to raise the concerns about safety and to this score we wish to remind him of the following points which he made in 2006 when they were seeking permission from the Municipality to rezone R/8780 Newcastle to what is commonly known as Naledi:

- Today's society being interested in towards more compact, secure, maintenance-free accommodation



- 24 hour security guard
- Electric fencing
- Remote controlled gate

11.7.2 It therefore follows common cause that the objector has installed these safety measures as alluded to when in pursuit of the rezoning. The objector is creating an impression that the applicant is bring into the area some land use which generally attracts crime, where people will be loitering around praying of the victims. Such is not the reality of what the development is about.

11.7.3 As described by the applicant, they proposed an upmarket petrol garage with a convenience shop as the phase. The future phases will take off only of the strength and good performance by the garage. Therefore, it is clear that the development will be phased in over time, it is this consideration that the MPT applied when it decided to limit the development to phase I.

11.7.4 The remarks of the objector which describes the 'large influx' is an over exaggeration of events projected in future.

## **11.8**

### **AD 8.8 Noise Levels**

11.8.1 It is completely a misrepresentation of facts to suggest that Naledi will be subjected to new noise level that they are not currently enduring given its location on the Provincial Road.

11.8.2 According to the traffic count undertaken by the applicant approximately 646 trucks currently move through the Volksrust Road to Newcastle as well as outbound. Therefore the generation of noise because of the proposed garage is nothing but a farce simply because the objector cannot bear to see his neighbour's property evolve commercially.

11.8.3 It is also not correct to suggest that the Naledi residents will suffer incessant car lights simply because the garage will be used 24 hours. There is currently a solid common wall, 2m in height separating Naledi and the subject site.

11.8.4 There is also a solid precast wall separating Naledi from the Road servitude, therefore not direct car light can disturb the properties at the ground floor which is the same level that the vehicles will be using.

## 11.9

### AD 8.9 Fuelling point close to residential properties

11.9.1 It is necessary to bring some of the consideration City Planners has when it creates nodes and corridor. This has been extracted from the principles of spatial development framework

- Discourage the phenomenon of urban sprawl and concentrating development within the urban edge;
- Maximise the use of infrastructure by developing the serviced site in the urban areas;
- Encourage mixed use development by promoting diverse land use in close proximity to each other.

11.9.2 Erf 353 Newcastle located at the corner of Murchison and Sutherland is a typical example of where fuelling garage is located in close proximity to residential areas. The site zoned mixed used and permits shops at the bottom and residential on the above floors.

## 11.10

### AD 8.10

11.10.1 The MPT as a delegated authority first considered the application on 11 July 2019 and resolved as follows:

- a) The phasing of the project was unclear to convince the MPT to grant development rights for the entire project. The components of Phase 2 as to whether the development will include a hotel or not were not clarified in the application;
- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum;
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development;

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive;
- e) It is anticipated that such a development will require the municipality and applicant to enter into a service agreement.

11.10.2 It was clear that the MPT was not satisfied with the submitted Planning Report the initial outcome of the MPT will was communicated with the applicant on 17 July 2019 at which the applicant responded as follows:

- a. *'To provide clarity regarding the phasing of the project in terms of granting development rights for the entire project with specific reference to Phase 2 as to whether the development will include a hotel is explained herewith. The plan is to initially build and develop the service station that includes a forecourt, retail shop, car wash and food offerings relevant to the target customer in the area. Once the service station has been operational to establish itself and fuel volumes reach a maturity level (5-years) the project would consider proceeding to Phase 2, consisting of the accommodation building being a hotel. To service as a macro time-line the following table is envisaged;*

No	Detail	Time Frame	Target Date
1	Approval by municipality on the zoning	1 month	25/08/2019
2	Filling station licence process	9 months	01/06/2020
3	Approval of plans and other departments	6 months	01/12/2020
4	Finalisation of funding to build	3 months	01/03/2021
5	Building of service station	6 months	01/09/2021
6	Start of service station operations	1 month	01/10/2021
7	Service station trade and maturity on volumes	5 years	01/10/2026
8	Building & developing hotel	12 months	01/10/2026
9	Start of hotel operations	1 month	01/11/2026

- b. *The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum; According to our records the primary environmental challenge is the storage of dangerous goods (petroleum) below ground, the letter from EDTEA confirms conditions and parameters. In relation to other environmental*

requirements we have factored sufficient time and effort within our timelines as indicated under point a) of this letter;

- c. The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development; On submission of the application the traffic department did make comment and the forms were adjusted in terms of traffic getting access to the site. Furthermore, the study / count that was conducted was based on The South African Trip Generation Manual (SATGM – refer to page 6) and this is used to determine petrol and diesel volumes that the site is capable of pumping for a 20-year projection. The report is to guide the investor on capital investment and level of assets needed for the project and provide potential of performance to the petroleum company. We acknowledge that the service station will provide a service to the traffic passing the site and the traffic patterns can only be predicted by way of a Traffic Impact Assessment study (TIA). As the developers we agree to have a TIA completed before submitting formal plans to approve;
- d. The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive; This will be dealt with in accordance to point c) of this letter, the TIA will focus on ingress and egress on H.J. Van Eck Drive;
- e. It is anticipated that such a development will require the municipality and applicant to enter into a lease and service agreement. As the developers and applicants we have no problem to enter into an appropriate lease and service agreement.
- f. We trust and propose that the content of our response is acceptable to the MPT and we avail ourselves to attend to any further queries that may be required'.

11.10.4 Therefore, it is clear from the above that the MPT exercised its fiducial responsibility in line with the provision of Spluma and when it was unsatisfied with the submission of the town planner, it took caution and did not hasten the decision to approve the rezoning.

11.10.5 It was only after all the points raised in 10.10.2 (a-e) above that the Planning Report was resubmitted to the MPT for final consideration. It was at this juncture that the MPT after satisfying itself with information provided it considered the application to be informative for making determination.

11.10.6 The following conditions were imposed as part of the approval for the rezoning applications with an intention to establish a petrol garage and the convenience centre.

- a) *'This approval is linked to the Site Development Plan for the development of a service station and convenience shop, that accompanied the report to MPT,*
- b) *Further development/phasing on this property shall seek the approval of the municipality;*
- c) *The developer must acquire the long-term lease of Erf 9459 Newcastle in order to access the development from Volksrust Road;*
- d) *The development shall be subject to the municipality's applicable tariffs relating to services;*
- e) *The developer must install water saving systems such as water basin taps with faucet aerator;*
- f) *The developer must produce drawings to show all connection points for both water and sewer prior to making any payments for new connections;*
- g) *Sufficient parking must be catered for, within the property;*
- h) *Parking, ingress, egresses and flow within the property as well as delivery and despatch must be given priority;*
- i) *A slip line is required on Volksrust Road;*
- j) *Merging lanes are required on H.J Van Eck Drive at the cost of the developer;*
- k) *Full Traffic Impact Assessment is needed prior to lodgement of building plans;*
- l) *The portion of H.J Van Eck Drive must be widened from Aquamarine Drive to Volksrust Road;*
- m) *The developer must install additional measures on Volksrust Road to deter right turning onto property;*

- n) Egress on Volksrust Road must be one-way, towards the left leading out of town only;
- o) The developer must submit a detailed Fire Protection Plan in terms of SANS 10400;
- p) All stormwater drainage necessary to deal with stormwater generated on the property and flowing from adjacent properties, the owner/developer shall construct such facilities as are necessary for the control and disposal of stormwater;
- q) A detailed stormwater reticulation plan is to be submitted to the SED: Technical Services before construction;
- r) A bulk waste container must be made available;
- s) Any additional capacity required relating to services (water and sewer) must be covered by the developer at her/his cost;
- t) That this approval shall be subject to review if the municipality is of the opinion that the conditions for which this application is approved has been violated, municipal bylaws flawed, other legislation/s transgressed or any other matter deemed necessary for the purposes of this approval to remain in force'.
- u) The decision of the Newcastle Municipal Planning Tribunal only comes into effect after 30 days of no appeal being lodged against the decision.

11.10.7 It is ridiculous to say the least and we downright dismiss the assertion made by the objector insinuating that the Municipality has no measure in place to ensure that the approval to which this application relates may attract a night club on the premises.

11.10.8 We therefore wish to bring the following to his attention. Land use activities such as night clubs are subjected to more scrutiny from the bylaw enforcement relating to noise level to the onsite consumption of liquor. Such approvals are administered by different authorities with diverse jurisdictional mandates.

11.10.9 Not only did the MPT pronounce on this point but the Town Planning Scheme which is binding on all property owners specifically states that

any land use activity not established at the time of this rezoning will have to be subjected to Municipal authorisation.

11.10.10 Just so the interest of the Municipality is reinforced the MPT concluded by stating that should any of the condition imposed be violated the legislation flouted in the course of construction the Municipality will review its approval.

11.10.11 Therefore the objector to speculate and pronounce on technical issues which are over regulated is nothing but frail expedition designed with an intention to discredit the integrity of the MPT.

11.10.12 The latter of paragraph 8.10.5 is indeed laughable and presents a bizarre culture unheard of within the School of Built Environment. We have alluded to in the earlier sections of this responding memorandum and at the risk regurgitating the same information, we will put the same point differently.

11.10.13 Sensitive projects such as the petrol garages have to obtain at least 3 different types of authorisation from the state prior to commencement with the operation. Such authorisation include the following:

- a. Approval of the rezoning application
- b. Approval of access from the Provincial Road
- c. Approval of Traffic Impact Assessment
- d. Approval of Environmental Impact assessment and the Management Report
- e. Approval of storage of dangerous underground material
- f. Approval of Building Plans, etc

11.10.14 All these approvals are administered by different State departments from the Municipality to Department of Mineral Resources. Such the same to be approved it requires an assembly of different expertise practising in the Built. This requires involvement of economist, town planners, structural engineers, civil engineers, electrical engineers, environmental practitioners, it's a multitude of specialities with experience in the field.

11.10.15 All of the above comes to one significant draw card which the applicant may not operate without. The Certificate of Occupation which must be issued by the Municipality. This certificate is only issue once all the above compliance items have been ticked on the box. If the applicant is unable to produce the same yet insists in occupying the building without the COC, he risks operating in an uninsured building, where his investment can

burn into ashes in less than an hour should disaster strike. Something that an international reputable Company such as Shell cannot not endorse.

11.10.16 It leaves one's mind perplexed that the objector was introduced as someone with residential and commercial interest nationally but fails so spectacularly to understand the culture of the Built which he so much invest on. Something does not tally in this instance. On the other hand it is commendable that the objector failed to present these to the MPT, such would have embarrassed the MPT that the objector scope of imagination understands no parameters.

11.10.17 Having regard for the above, the applicant is welcomed to assembly his own technical team to verify if all trades are safe once construction of the petrol filling station and the convenience centre has been completed. All such expenses must be for his account and liabilities can be claimed from the Municipality' MPT.

## 11.11

### **AD 8.11: Better understanding of what will be developed on REM 1 of Erf 8780**

11.11.1 The MPT has a responsibility to consider the application looking into many aspects surrounding it. Some of these aspects include what is already being presented i.e. application, comments, objections, responses and ancillary matters thereof. In detail this is appended as Annexure C, which outlines the matters to be considered by the MPT when making a recommendation in accordance with the Spatial Planning and Land Use Management Regulations and Bylaws

11.11.2 One of the matters that a Municipal Planning Authority (MPT) must consider when it decides or makes a recommendation on an application for municipal planning approval is *'comments from the relevant departments and comments received in response to the public consultation process'*.

11.11.3 Moreover according to 40 of Spluma the MPT may-

- a) Approve, in whole or in part, or refuse any application referred to it in accordance with this act;



- b) In approval of any application, imposed any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges

11.11.4 It is discouraging to note that having been served with conditions of approval, the objector is unable to interpret the same and did not seek assistance when the issue of interpretation arose. Paragraph a and b of the approval letter states that the first phase to which the application relates is linked to the Site Development Plan for the development of a **service station** and **convenience shop**, that accompanied the report to MPT.

11.11.5 When the MPT first received the Planning report it was unsatisfied and needed to understand how the development will be phased in overtime. Clarification was provided by the applicant in the first phase will develop the shop and the filling station, the proposed Hotel Zoning has been recommended to accommodate the existing lodge on the subject site.

11.11.6 The new Hotel will be considered in future when they apply to amend the approved Site Development Plan approved by the MPT in September 2019. Such new Hotel structure will come with its own lodging volumes and will require the applicant to undertake the detailed Infrastructure Services Report prior to the MPT considering such an application.

11.11.7 This future application will also be advertised for comments and objections. We recommend that when such application comes through and published in the paper, the objector must first inspect the files to understand the application details before exercising his right to object. In so doing he will find better expression for the objections if there will be any.

11.11.8 In this instance MPT exercised its rights and approved the rezoning application in part where it restricted the initial phase to the garage and the shop. Therefore, it is the responsibility of the applicant that when the need arise, he must approach the Municipality before the additional rights can be exercised.

## 11.12

### AD 8.12

11.12.1 The appellant disputes the reason for approval which reads *"This development complies with municipal statutes and is further in line with principles of Spatial Planning and Land Use Management Act"*

11.12.2 This is an assumption on the side of the appellant that there is no documentation relating to the statutes of Municipal Planning, which amongst others include the Spatial Planning and Land Use Management Act no. 16 of 2013, its Regulation and Municipal SPUMA Bylaws which the appellant is aware of. To say that the reason/s is not convincing, extremely vague, complete lack of detail and cryptic is evidently an assumption on the side of the applicant. This matter again would have been resolved should the appellant have visited the Municipal Offices no. 37 Murchison Street, Newcastle.

11.12.3 Section 40 (6) of the Spatial Planning and Land Use Management Act no. 16 of 2013 states "*A Municipal Planning Tribunal must provide reasons for any decision made by it*". The (abstract of) Act (7 of Section 40) also reads as follows:

11.12.4 A Municipal Planning Tribunal may—

- (a) Approve, in whole or in part, or refuse any application referred to it in accordance with this Act;
- (b) In the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges;

11.12.5 Section 42 (1) of the Spatial Planning and Land Use Management Act no. 16 of 2013 states that the considerations a Municipal Planning Tribunal must be guided by when making a decision on an application. These considerations include

- The development principles and consistency with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework as set out in Chapter 2 of the Act and they apply to all organs of state and other authorities responsible for the implementation of legislation regulating the use and development of land.
- Take into account the public interest, the constitutional transformation imperatives and the related duties of the State, the facts and circumstances relevant to the application;
- The respective rights and obligations of all those affected.  
amongst others to name a few.

11.12.6 Schedule 8 of the Newcastle Spatial Planning and Land Use Management Bylaws provides for matters that the MPT must consider when it decides or

makes a recommendation on an application for municipal planning approval

11.12.7 One of the matters that a Municipal Planning Authority (MPT) must consider when it decides or makes a recommendation on an application for municipal planning approval is '*comments from the relevant departments and comments received in response to the public consultation process*'. Section 1 (1) (n) of Schedule 8 also states the consideration of the environment, socio-economic conditions, cultural heritage, existing developments, existing rights to develop land and mineral rights.

11.12.8 Schedule 8 of the Newcastle Spatial Planning and Land Use Management Bylaws is attached as **Annexure V** which outlines all matters for consideration which the appellant may have not had sight.

11.12.9 The Municipal Planning Tribunal gave conditional approval on the application in terms of Section 43 of the Spatial Planning and Land Use Management Act no. 16 of 2013, which also clearly set out the conditions that have to be complied with when undertaking the development.

11.12.10 The applicant expects the legislative reasons to be explained in a decision letter. There is academic background and thought given obtained from the Spatial Planning and Land Use Management Act no. 16 of 2013, Regulations and Bylaws. The appellant could have easily made contact with the Municipal Offices and all the information would have been readily available at disposal. Therefore this ground of appeal is not substantiated and should be dismissed judging by the above stated which is in the legislature.

## **11.13**

### **AD 8.13**

11.13.1 The town planning process encompasses the assurance of uniform development, part of that is careful scrutiny of any development proposal that is submitted. In essence, as the town continues to grow it is worth noting that a Filling Station and Convenience Store is crucial to providing services to the public. The locality of the proposed development is ideal due to the fact that the neighbourhood node in Amajuba Park has become dormant, and thus there is a lack in the provision of comparative

shopping and convenience. The only development of its kind is the one in Barry Hertzog Park.

- 11.13.2 As cited above, due to the town's growth service such as the one proposed are meant to ease the pressure that is on the Central Business District. In light of the above the rejuvenation and introduction of developments such as the proposed are crucial to efficiently provide services to an ever growing population.
- 11.13.3 The Integrated Urban Development Framework states that, describes an optimal situation where "cities" realise their full potential. This is through investments in the economy accompanied by investments in people to enhance their skills and capabilities, and these investments find fertile ground in particular places that are liveable and dynamic. This is referred to as the urban dividend, it is centred on people, the economy and the place the live in.
- 11.13.4 It stresses that settlements need to be more liveable and pleasurable, greater social integration, safety and access to opportunities. Also, it speaks to municipalities having long-term plans, the identification of spatial restructuring zones, nodes for stimulating economic growth, connecting various parts of the city and areas for housing and services that support integrated human settlements informed by the mobility networks and economic nodes.
- 11.13.5 Furthermore, new urban development and infrastructure investments (both brownfield and greenfield) should be focused around mass transit corridors and existing/emerging economic nodes.
- 11.13.6 The proposed development is viable when looking at the potential position the Newcastle town and increase interface with other neighbouring towns through gateways. According to projections in the Net Valuation document read in conjunction with the traffic study, which details the persistence at which vehicle pass by the area, argue the idealness and the feasibility of the proposed.
- 11.13.7 The proposed service station at the intersection of Volksrust and H.J Van Eck Drive is a crucial element to developing Newcastle into city status. This location is perfect for this type of development as it will create an environment where service meets convenience and the needs of the immediate community are met as well as those of travellers making use of Volksrust Road.
- 11.13.8 Significant densification is already happening around Newcastle Town, and along the Volksrust transport link there is Naledi Flats and this

densification is generally formalised, it is complex and unique populations like these that are set to benefit from the proposed development.

11.13.9 The proposed activity in this particular location sets Newcastle on path to becoming a well-functioning city with development occurring on strategic locations.

11.13.10 The proposed activity in this precise area sets Newcastle on course to becoming a properly-functioning metropolis with development occurring on strategic locations.

11.13.11 In light of the above, this ground of objection should be dismissed by the appeals authority.

## 11.14

### AD 8.14

11.14.1 According to the Integrated Urban Development Framework produced by the Department Cooperate Government and Traditional Affaires (COGTA), Newcastle is identified as an outer core settlement. Settlements located within this typology are identified as larger towns that consist of major services; according to the Integrated Urban Development Framework Newcastle was even cited as an example.

11.14.2 According to the Integrated Urban Development Framework and CSIR typologies Newcastle was again cited as a large town or a **regional service centre**, this is characteristic of high populations and high economic activities.

11.14.3 The municipal infrastructure investment framework classification also identifies Newcastle as a secondary or intermediary city. These are identified as larger towns just below a metropolis or capital city in the classification of settlements.

11.14.4 A socio economic that study was conducted by the KZN treasury in 2017/18 identified Newcastle as one of the major urban centres in KZN.

11.14.5 Therefore, as per the research conducted and in the specialised town planning professional opinion; Newcastle is still viewed as a large town/regional service centre.

## 11.15

### AD 8.15 & AD 8.16

"The development will enhance the entrance to Newcastle from the Northern directions by providing convenience shopping not only to travellers but also the residents in the vicinity"

11.15.1 The subject site is at the perfect location where the town essentially starts, so the enunciation that the approval will benefit travellers cannot even be disputed as the route to the CBD passes the subject site when one approaches from Dr Prixley kalsaka Seme municipality. It is important to have this development at such a crucial location, as a big scale development welcoming you to the secondary city that is Newcastle.

11.15.2 Also, having addressed the size of Newcastle and importantly its growth aspirations as contained in the Integrated Development Plan, it is the mandate of this department to ensure that crucial developments and services are planted in strategic locations such as this one. It is also important to note that the ranking of towns and cities in the country are not left to one's own interpretation but are in fact the responsibility of the Provincial Planning Commission in the office of the Premier. As this report has put forward that Newcastle is indeed a **provincial secondary node** along with Msunduzi, Port Shepstone and Richards Bay. Based on this, it would be disservice to the citizens of this town to stifle development efforts in spatially-rational spaces.

11.15.3 It is important to note how the spread of Newcastle West suburbs is not linear. When the approval for the rezoning mentions convenience shopping, one cannot view this in a partial view of Volksrust Road when the spatial structure of Newcastle consists of Berry Hertzog, Amajuba Park and Ncandu Park. The existing shopping areas as put forth by the appellant are indeed far from the residents of Ncandu, berry Hertzog and Amajuba Parks. Again, the mentioning of existing shopping outlets by the appellant as if Newcastle has reached its development niche by having this existing handful is counter-developmental and unreasonable.

#### 11.15.4 "Change in use/effect on rights of enjoyment"

The enhancement of development rights on this property will have a positive impact on the very tenants that the appellant is speaking of. The notion or trend of resisting change is counter-developmental and an abuse of our public participation process especially in instances like

these where the change being proposed will bring positive change to the status quo.

The proposed service station and convenience shop bring crucial amenities even closer to the tenants of this very appellant so "the preservation of the status quo" is incomprehensive.



.....  
S. CINDI

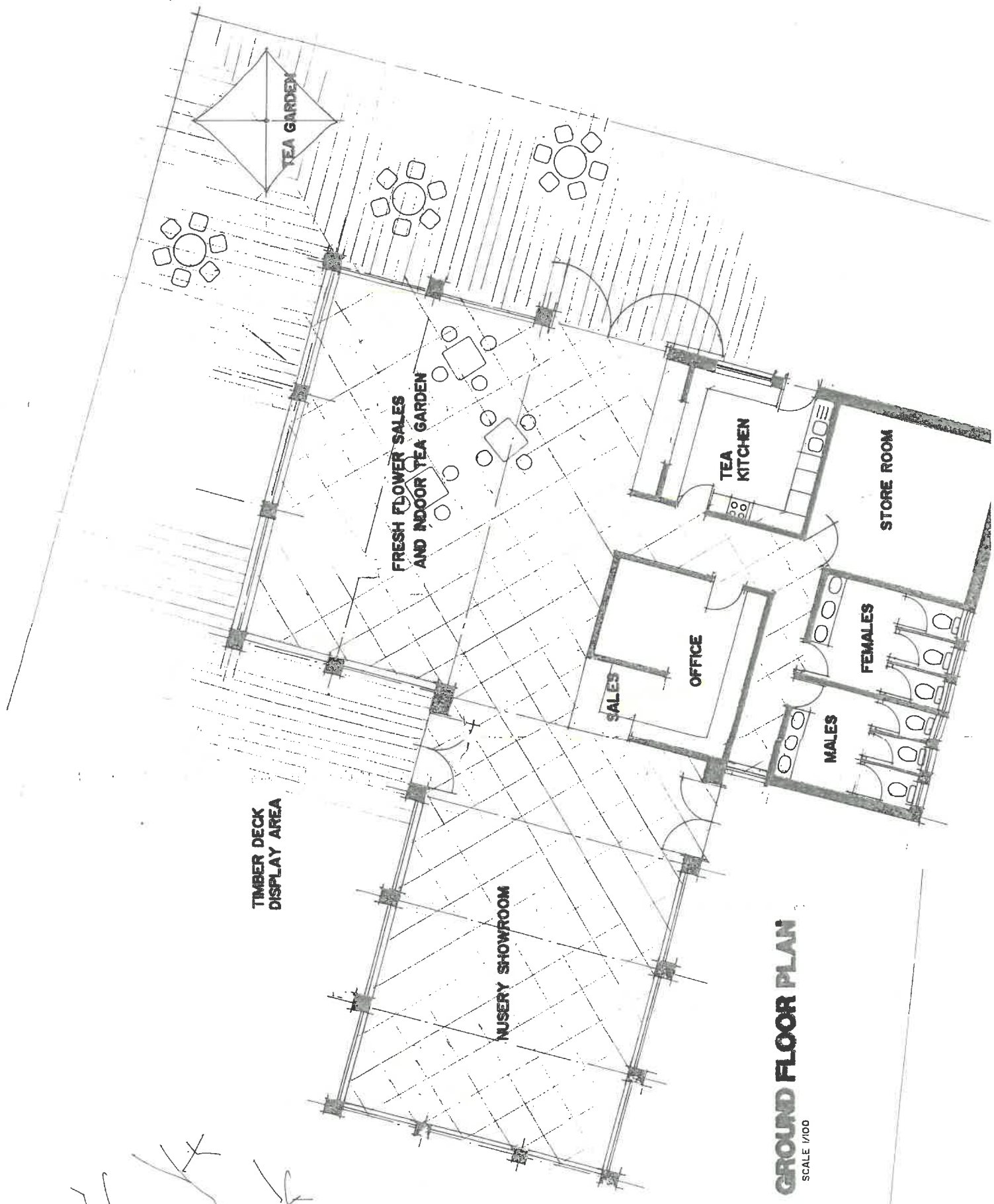
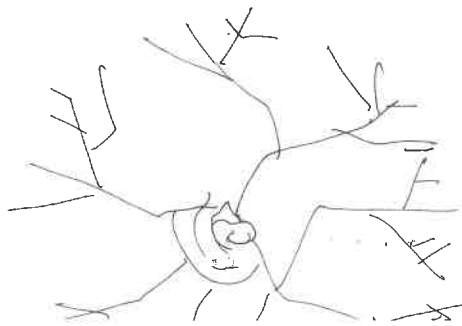
DATE: 3 MAY 2023

Acting Manager: Land Use Management

**Annexure A: Original Site Plan**



6/10/21



**GROUND FLOOR PLAN**  
SCALE 1/100

## **Annexure B: Consent approval**

(16)b

TP 13/3/4/1 - 8780

C.J. Robberts

(034) 317 1270  
Tel. & Fax.

23 April 2003

e.mail address : townplanning@newcastle.gov.za

Maypole (Pty) Ltd  
P.O. Box 765  
NEWCASTLE  
2940

Dear Sir/Madam

***APPLICATION FOR COUNCIL'S SPECIAL CONSENT TO ESTABLISH A PLACE OF PUBLIC ASSEMBLY AND A LAPA : ERF 8780 NEWCASTLE***

Reference is made to your application for Special Consent dated 22 January 2003 with regard to the abovementioned matter. I hereby advise you that, in terms of the delegated powers (Council Resolution 27 May 1997, Item 12 Folio 14), the following Special Consent has been approved:

"Special Consent for the use of erf 8780 Newcastle as a Place of Public Assembly":

- (a) That all development on the property comply with the building plans approved by the Department of Infrastructural Services;
- (b) That sufficient number of toilets be provided for males and females as well as facilities for employees;
- (c) That the applicant provide parking of at least 1 parking space for every 10m<sup>2</sup> of gross floor area;
- (d) That ingress and egress is to be to the satisfaction of the Acting Director : Infrastructural Services (Civil);

(16) a

- (e) No nuisance should be created by way of excessive noise and the consumption of alcohol be confined to the new Hall as indicated on the plan submitted.
- (f) Any condition of this Consent may be altered or new condition added thereto by Council; if it is of the opinion that owing to a change in circumstance or for any other reason, such alteration or addition is necessary or desirable from a Town Planning point of view;
- (g) This Consent does not
  - Absolve any person from complying with Council's bylaws;
  - Bind any Council to issue or to authorise the issue of any license, permit or further Consent;
- (h) That any adjustment to the assessment rates and other tariffs for municipal services necessitated by this Consent, be implemented from 1 May 2003;
- (i) That no advertisement or sign may be erected or displayed on the erf without the Council's prior approval;
- (j) That the applicant's attention be drawn to the contents of Clause 4.9.8 of the Newcastle Town Planning Scheme.

Yours faithfully,



T. BIYELA

**ACTING DIRECTOR: TOWN PLANNING**

C/SC Erf 8780 Nc Approv  
CJR/as

**COPIES TO:**

1. Director : Administration  
Attention: Valuation Section
2. Chief Financial Officer

12 3 APR 2003

Delivered by hand.



**APPLICATION FOR SPECIAL CONSENT TO ESTABLISH A PLACE OF  
PUBLIC ASSEMBLY ON ERF 8780 NEWCASTLE : DEPARTMENT OF TOWN  
PLANNING : (TP) (13/3/4/1-8780) (23 APRIL 2003)**

**1. PARTICULARS**

Erf Number	:	8780 Newcastle
Name and Address of the applicant	:	Maypole (PTY) LTD P.O. Box 765, Newcastle 2940
Name and Address of Registered owner	:	Maypole (PTY) LTD P.O. Box 765, Newcastle 2940
Location	:	See attached sketch plan
Zoning	:	Special Zone 18
Activity applied for	:	Place of Public Assembly
Date of application	:	22 January 2003
Closing date for objections	:	20 February 2003
Objections received	:	3 Objections and were withdrawn by objectors in writing.

**2. COMMENTS**

An application for Special Consent dated 22 January 2003, to establish a Place of Public Assembly on erf 8780, Newcastle, was received from Maypole (Pty) Ltd. The proposed property is zoned as Special Zone 18 and according to Table C Use Zones of the Newcastle Town Planning Scheme the proposed property may be used as a Place of Public Assembly by obtaining Special Consent from Council.

An application for Special Consent to establish a Place of Public Assembly was then circulated to the relevant Municipal Departments for comments and no adverse comments were received. A notice of application was also published on the Local Newspaper i.e. Newcastle Advertiser for objections and/or representation and 3 objections were received from K.G.A. Roux, S.L. van Vuuren and L.D. Koekemoer and withdrawn in writing by the objectors. A notice as regards the application was sent to the property owners residing within a 100m radius of the proposed property and no adverse comments were received.

**3. RECOMMENDED**

That in terms of Clause 4.9 of the Newcastle Town Planning Scheme, Special Consent be granted for the use of erf 8780 Newcastle as a Place of Public Assembly, subject thereto that:

- (a) That all development on the property comply with the building plans approved by the Department of Infrastructural Services;


- (b) That sufficient number of toilets be provided for males and females as well as facilities for employees;
- (c) That the applicant provide parking of at least 1 parking space for every 10m<sup>2</sup> of gross floor area;
- (d) That ingress and egress is to be to the satisfaction of the Acting Director : Infrastructural Services (Civil);
- (e) No nuisance should be created by way of excessive noise and the consumption of alcohol be confined to the new Hall as indicated on the plan submitted.
- (f) Any condition of this Consent may be altered or new condition added thereto by Council; if it is of the opinion that owing to a change in circumstance or for any other reason, such alteration or addition is necessary or desirable from a Town Planning point of view;
- (g) This Consent does not
  - Absolve any person from complying with Council's bylaws;
  - Bind any Council to issue or to authorise the issue of any license, permit or further Consent;
- (h) That any adjustment to the assessment rates and other tariffs for municipal services necessitated by this Consent, be implemented from 1 May 2003;
- (i) That no advertisement or sign may be erected or displayed on the erf without the Council's prior approval;
- (j) That the applicant's attention be drawn to the contents of Clause 4.9.8 of the Newcastle Town Planning Scheme.



.....  
**ACTING DIRECTOR :**  
**TOWN PLANNING**  
**T. BIYELA**

- COPIES TO:**
1. Director : Administration  
Attention: Valuation Section
  2. Chief Financial Officer

[23.11.2003]



AQUAMARINE DRIVE

H J VAN ECK DRIVE

8780

8791 8790 8789 8788 8787 8786 8785 8784 8783 8782 8781

8793 8794 8795 8796 8797

8776 8777 8778 8779

8728 8727 8726 8725 8724

8802 8801

8722 8721 8720

8719 8718 8717 8716

4910 4909 4908 4907 4906 4905 4904 4903 4902 4901 4900

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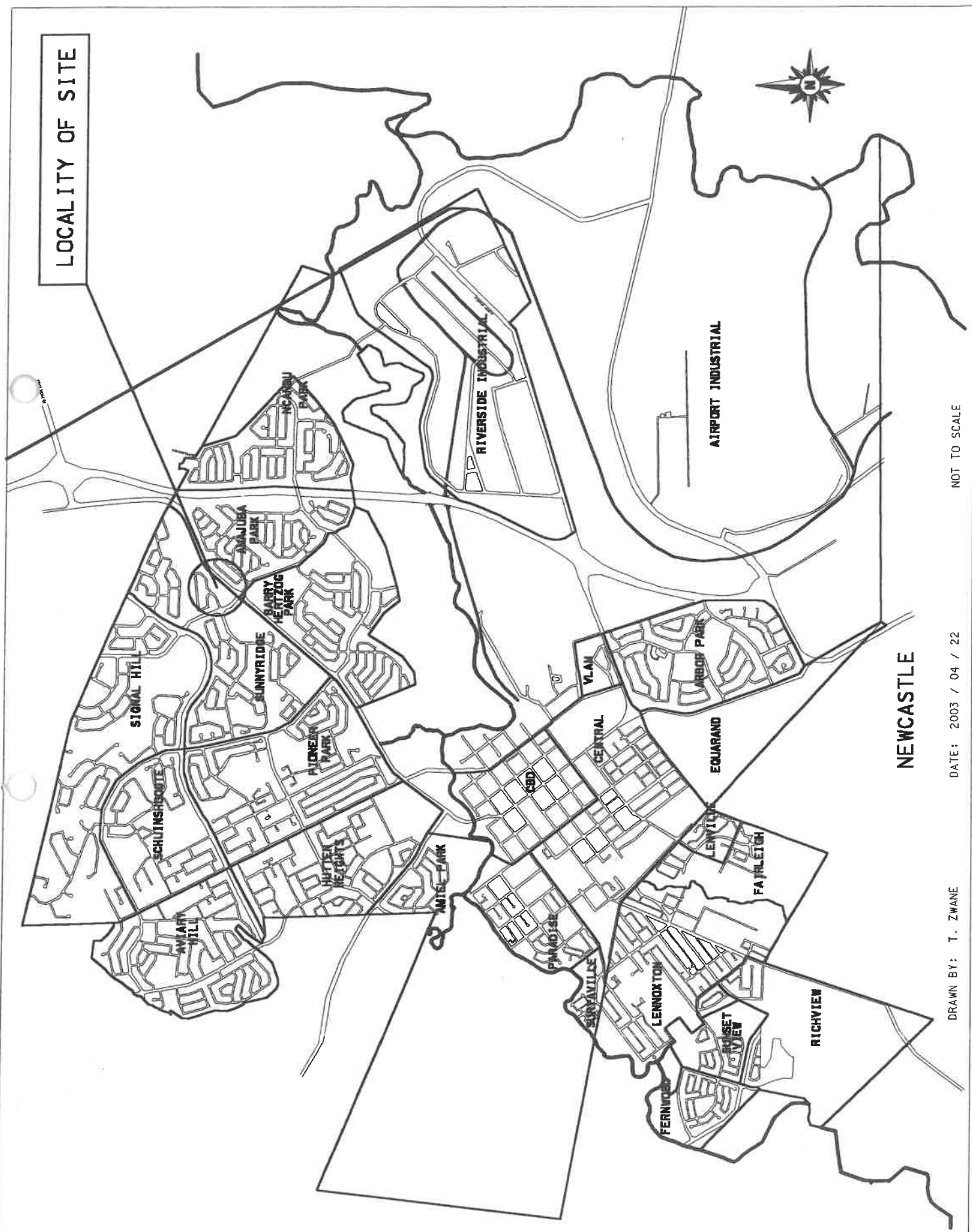
7229

8780

LOCALITY PLAN

15a

LOCALITY OF SITE



NEWCASTLE



### **Annexure C: Surveyor General Diagram**

# SKETCH PLAN

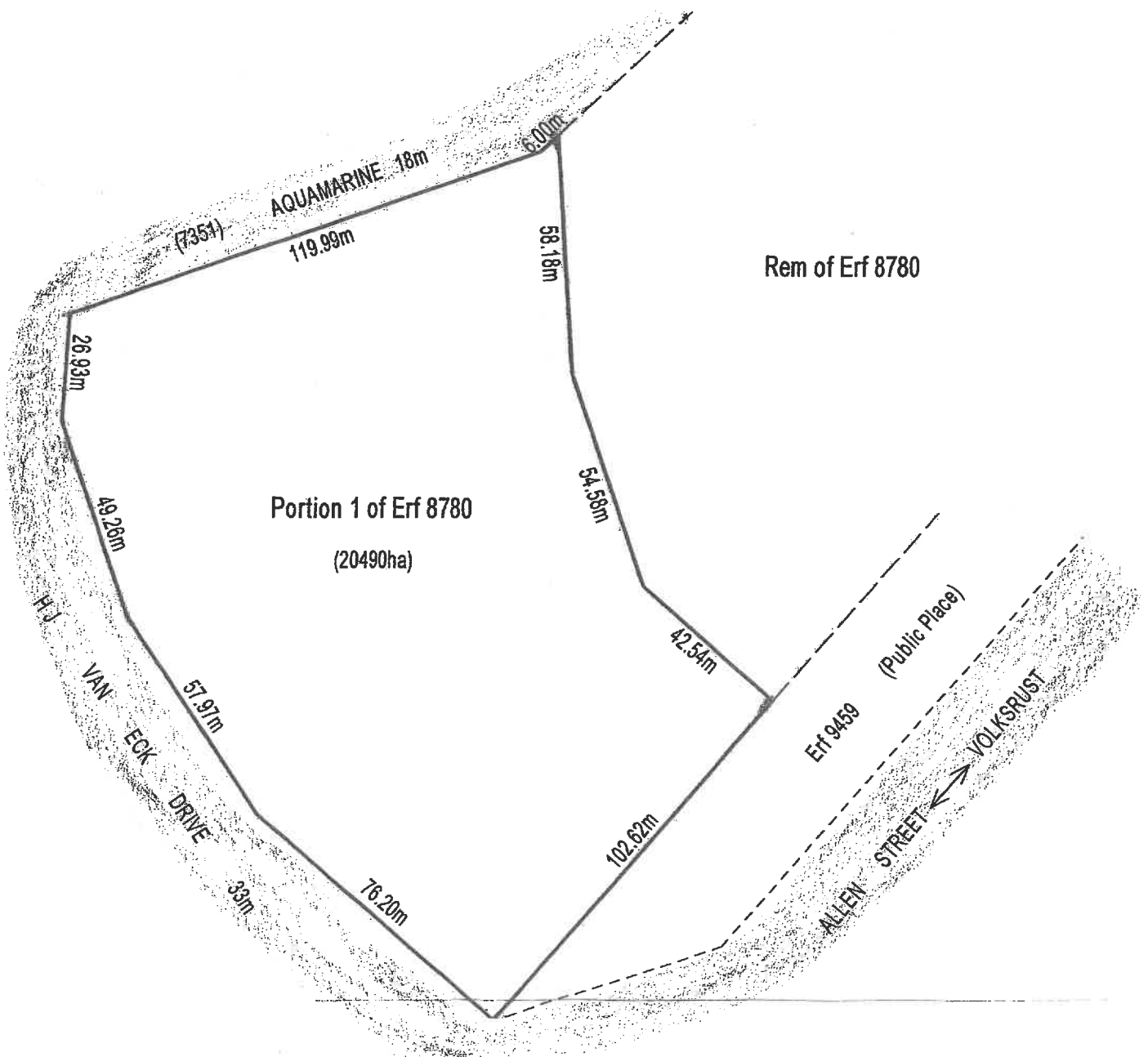
of

Proposed Portion 1 of Erf 8780 Newcastle

Newcastle Municipality

Registration Division - HS Province of Kwazulu - Natal

SCALE 1 : 1500



## **Annexure D: Naledi flats rezoning approval**

(62)j.

**AMENDMENT TO THE NEWCASTLE TOWN PLANNING SCHEME:  
APPLICATION TO REZONE REMAINDER OF ERF 8780 NEWCASTLE FROM  
"GROUP AND CLUSTER HOUSING" TO "GENERAL RESIDENTIAL 3" [TP 13/3-  
8780] 10 JUNE 2009**

**1. EXECUTIVE SUMMARY**

The application in terms of Section 47 *bis* B of the Town Planning Ordinance No.27 of 1949, as amended, to rezone Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3" was received from Newcastle Architectural Technologists cc on behalf of Lorcom 196 (Pty) Ltd on the 03<sup>rd</sup> December 2008.

Remainder of erf 8780 Newcastle is zoned for "Group and Cluster Housing", situated at Aquamarine Drive, Sunny Ridge, a suburb to the West of the Newcastle Central Business District. The site is encircled by developed single residential properties, Pine Junction Conference and Wedding Facility, Educational Facilities (Amajuba FET College, ISCOR Training Centre) as well as Group and Cluster Housing. Currently egress and ingress to this property is obtainable from Aquamarine Drive which is the access collector road from E.H. van Eck Drive that connects suburbs such as Ncandu Park, Amajuba Park, Barry Hertzog Park, Signal Hill and Sunny Ridge. The property is approximately 8km from the Newcastle Central Business District.

This property is currently undeveloped. The development site, Remainder of erf 8780 Newcastle, is of unequal seven sided oblique shape. The topography of the site is of gentle sloping terrain from south to north, with the highest point being to the southern side of the property. The site falls approximately 13 meters from the highest to the lowest point. The site is not subject to any encumbrances that can limit the potential to develop the area as anticipated. There are no servitudes or services traversing the site (see SG Diagram as Annexure B) and there are no restrictive conditions on the Title Deed, which could constrain the intended form of development.

The extent of the Remainder of erf 8780 Newcastle is approximately 3 0232 ha. In terms of the Newcastle Town Planning Scheme properties under the General Residential 3 zone should not be less than 2000m<sup>2</sup> in extent. The subject site is more than the minimum required, for a site to be rezoned to General Residential 3. The property is suitable for establishing housing of a denser nature because it will enhance the amenity of this area. This development will not have a negative impact on the amenity of the area as existing development within a 100m radius of the subject property already exhibits a mixed use character. The proposed housing development is expected to add value in this vicinity. The development will also contribute to provision of diverse housing forms within the Barry Hertzog area.

The change in land use of Remainder of erf 8780 Newcastle will necessarily increase the level of traffic volume in this area, but it will not compromise the general quality

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621i

of the environment. The current infrastructure will be able to cope with any additional demands and this application was supported by Municipal Departments.

The proposed development on Remainder of erf 8780 Newcastle will enhance the general principle of land development that is optimization of existing infrastructural resources above the current needs. It is within this planning framework that this application to rezone Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3" is supported.

## 2. **COMMENTS**

This application was circulated to relevant Municipal Departments for comments and the following were received:

### **A. Technical Services (Civil) Roads and Stormwater**

- ✦ From a roads and stormwater point of view, this department has no objection against the application.

### **B. Technical Services (Electrical Services)**

- ✦ This department has no objection to the rezoning of R/8780 Newcastle from "Group and Cluster" to "General Residential 3".

### **C. Community Services (Environmental Health)**

- ✦ This section has no objection against the application.

### **D. Community Services (Traffic Section)**

- ✦ No comments received at the time of preparing this report.

### **E. uThukela Water**

- ✦ Infrastructural services such as water and sewer are available and will not be affected by this application.
- ✦ Rezoning approved.
- ✦ Seeing that this property was originally zoned as "General Residential 3" no levies are payable.

## 3. **RECOMMENDATIONS**

It is therefore recommended:

62/2h.

- a. That in terms of Section 47 bis B of the Town Planning Ordinance [Ord. No. 27 of 1949, as amended] the Executive Committee in its delegated powers by Council adopt the amendment of the Newcastle Town Planning Scheme by rezoning Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3" as indicated on plans attached;
- b. That this report and plans be submitted to the Head: Department of Local Government and Traditional Affairs as reasons why the proposed amendment is considered to be necessary and desirable;
- c. That if no objections and/or representations are received by the Head: Provincial Planning and Development Commission against this proposal, the Newcastle Town Planning Scheme be amended in terms of Section 47 bis 4 of the Town Planning Ordinance;
- d. That resolution (a) above only takes effect once no action in terms of Section 48 of the Town Planning Ordinance against the adoption is contemplated by the Head: Provincial Planning and Development Commission;
- e. That the development on Remainder of erf 8780 Newcastle should comply with the National Building Regulations requirements Part R of the SABS 0400-1987- Stormwater Disposal;
- f. That adequate provision must be made for the control and disposal of stormwater to the satisfaction of the SED: Technical Services – Roads and Stormwater;
- g. That it should be the responsibility of the applicant to have the restrictive conditions on Remainder of erf 8780 Newcastle removed;
- h. That construction on Remainder of erf 8780 Newcastle will only commence once final approval has been issued by the Department of Local Government and Traditional Affairs.

TP

4.

**PURPOSE**

The purpose of this report is to obtain approval from the Executive Committee to adopt the amendment of the Newcastle Town Planning Scheme by rezoning Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3".

## 5. APPLICATION DETAILS

This rezoning application is prepared in terms of Section 47 *bis* B of the Town Planning Ordinance [Ord. No. 27 of 1949, as amended] to rezone Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3".

### 5.1 PROPOSED TOWN PLANNING CONDITIONS AND CONTROLS

1	2	3	4	5
Use Zone	Scheme Map Notation	Purpose for which building may be erected and used	Purpose for which buildings may be used only with special consent	Purpose for which buildings may not be erected or used for
General Residential 3	Light brown hatch and border.	Duplex Dwelling house Maisonette Residential building Terrace house	Club building Educational Building Laundrette Place of Physical Instruction Place of Public Assembly Shop Special Building *[Institution]	Buildings and other uses not included in columns (3) and (4).

- Maximum Permitted Floor Area Ratio : 0, 50
- Coverage : no limit
- Building Height : 2 Storey
- Building Line : 4m
- Side and Rear Space : 2m
- Parking requirements : Parking accommodation should be provided on the lot to the ratio of at least one covered car space for every dwelling unit and, to accommodate visitors parking, an additional one car space for every two dwelling units or part thereof.

## 6. PROPERTY PARTICULARS

Property description	:	Remainder of Erf 8780 Newcastle
Extent of the Property	:	3. 0232 ha
Existing Zoning	:	Group and Cluster Housing
Proposed Zoning	:	General Residential 3

62 ff.

Name and Address of Applicant : Newcastle Architectural Technologists  
P.O. Box 20151  
Newcastle  
2956

Name and Address of the Registered Owner : Lorncom 196 (PTY) Ltd  
Post Net Suite 86  
Private Bag X 4  
Wierda Park  
Centurion  
0149

Mineral Rights : The mineral rights are reserved in favor of Newcastle Local Council held under Mineral Rights Certificate No. C.M.R. 40/1947: "A 132kva electrical power transmission line is allocated along the southern boundary (Allen Street) of the property. A building restriction space of approximately 15 meters in width (measured from the centre line of the power line) along the power line is to be kept clear of any building which could be damaged in the event of static electricity discharge, the power line snatch and/or pillions falling on."

Restrictive Conditions : None

Date of Application : 03 December 2008

Closing date for objections : 02 May 2009

Expiry of the 56 day period : 27 June 2009

7.

#### **LAND-USE AND ZONING**

Remainder of Erf 8780 Newcastle is zoned for Group and Cluster Housing purposes and the amenity comprises of different zones such as Single Residential, Educational, Group and Cluster Housing as well as Public Open Space. The subject site is currently vacant, and within its 200m radius, it is encircled by developed residential sites, educational facilities, Cluster housing as well as vacant plots. The proposed zoning of this property, General Residential 3, will not have a negative impact in this suburban area. The proposed usage of this property will promote a diverse combination of land uses and enhance the general amenity of this area, Sunny Ridge. Further reference of the land use and zoning plan are attached as Annexure A.



## 8. LOCATIONAL CONTEXT

Remainder of Erf 8780 Newcastle is located at Aquamarine Drive, Sunny Ridge, a residential suburb to the North Western Side of the Newcastle CBD and it is within the area of jurisdiction of the Newcastle Local Municipality KZ252. Currently egress and ingress to this property is obtainable from Aquamarine Drive. The property is approximately 8km from the Newcastle Central Business District. For further reference the locality plan is attached as Annexure A.

## 9. DEVELOPMENT PROPOSAL

In light of the motivation submitted by the applicant, it is anticipated that this rezoning will add value to the surrounding land-usage without compromising the value of the amenity. A site development plan is attached as Annexure B depicting the schedule of areas for the proposed development. This development will consist of a total of 145 units with each unit having a separate carport. Three types of housing units presented as Type A, Type B and Type C. Type A is 53,46m<sup>2</sup> comprising of two bedrooms, an open plan lounge and kitchen and a common bathroom. Type B is 44,62m<sup>2</sup> comprising of one bedroom, an open plan lounge and kitchen and a common bathroom. Type C is 74,90m<sup>2</sup> and comprises of a two bedroom, an open plan lounge and kitchen and a common bathroom. The Guard House and an Open Bulk area will be situated at the entrance of the complex.

The architectural theme for the envisage development will be a modern design and style with a roof that has an eight degree pitch covered with 0.5mm IBR iron roof sheeting, Cliscoe awning type style window frames. The intention of the interior is to create an interesting variation of materials, textures and tones. Interlocking brick pavers will be used at driveways and roads. The proposed developments of the units will be expected to comply in all respect with the standards laid down by the National Building Regulations, published under Section 17(1) and 17(3) (b) of the National Building Regulations Standards Act 103 of 1977, as well as the By-laws of the Newcastle Municipality.

The natural relief of the site lends itself perfectly to intersecting landscape, beautified with features, footpaths, plants, lawn, gardens and flower beds. The existing shrubs, vegetation and the existing trees will be removed from the site. The whole layout will be carried out with the necessary consideration for the privacy of the surrounding residents and area. The residents of the complex will also have the privilege of overlooking the spectacular mountain views due to the utilization of all the buildings facing north. Natural Northern sunlight and fresh mountain breeze will be to the benefit of all residents.

62dd.

10.

### **COMPLIANCE WITH TOWN PLANNING SCHEME CONTROLS**

The proposed rezoning of Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3" is not only prepared in terms of Section 47 *bis* B of the Town Planning Ordinance [Ord. No. 27 of 1949, as amended]. The application was also evaluated using the Newcastle Town Planning Scheme Controls

Proposed Floor Area Ratio : 0, 24  
Proposed Coverage : 21%  
Proposed Building Height : 1& 2 Storey  
Building Line : 4m  
Side and Rear Space : 2m

The development proposal of Remainder of erf 8780 Newcastle is in compliance with the proposed zone, General Residential 3. In view of the afore-mentioned controls it is deemed necessary that the proposed rezoning be supported and adopted.

11.

### **NEED AND DESIRABILITY**

The establishment of this proposed housing development will be conducted in a coordinated and harmonious way to comply with the Newcastle Town Planning Scheme Development Controls. The proposed rezoning is not only ventured into for financial gain to the developer, but also because of the ability to provide needed housing that offers secure environment to the neighbourhood.

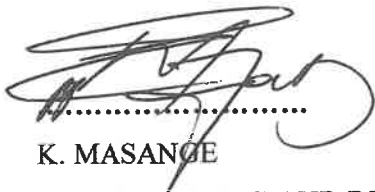
When evaluated in terms of the General Principles in Chapter 1 of the Development Facilitation Act it can be said that the proposed development adheres to the principles as set out in the Act by:

- Optimum use of existing resources
- Discouragement of urban sprawl
- Promotion of the compact city by integration of land use and intensity of built form.
- Promote diverse combination of land uses.
- Promote the availability of residential and employment opportunities in close proximity with each other.

This application has proven that there is a greatest need and desirability for the amendment of the Newcastle Town Planning Scheme by rezoning Remainder of erf 8780 Newcastle from "Group and Cluster Housing" to "General Residential 3". Newcastle is the Industrial Hub of Northern KwaZulu Natal and future planning reflects bigger development of industries and job opportunities. No other serviced land is available for development of affordable housing in this area. The proposed development will answer a great need for more affordable housing in the area and will therefore be viable, feasible and functional.

12. **CONCLUSION**

In conclusion the proposal as put forward by the applicant complies with the Newcastle Town Planning Scheme Development Controls, Town Planning Ordinance and the DFA Principles. It therefore clearly represents an appropriate, necessary and desirable amendment to the prevailing town-planning scheme, and can accordingly be supported.



K. MASANGE

**SED: PLANNING AND DEVELOPMENT  
SERVICES**

.....

CLLR. T.A. MAKHOBHA

**PORTFOLIO COUNCILLOR:  
PLANNING AND DEVELOPMENT**

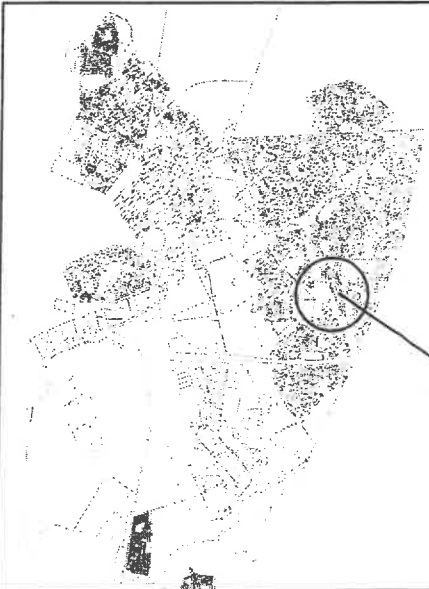
**Annexure A:**

- **Locality and Site Plan**
- **Land -Use Plan**
- **Zoning Plan**
- **Rezoning Plan**



**Title:**  
Land Use plan of  
erf R/8780 Newcastle

Locality of Site



**Legend**

**Streets**

**R-8780**

**LAND\_USE**

- ☐ Vacant
- ☒ Dwelling
- ☐ Nursery
- ☐ POS
- ☒ Service\_Telephone
- ☐ cadastral



Scale 1: 2 500

0 10 20 Meters

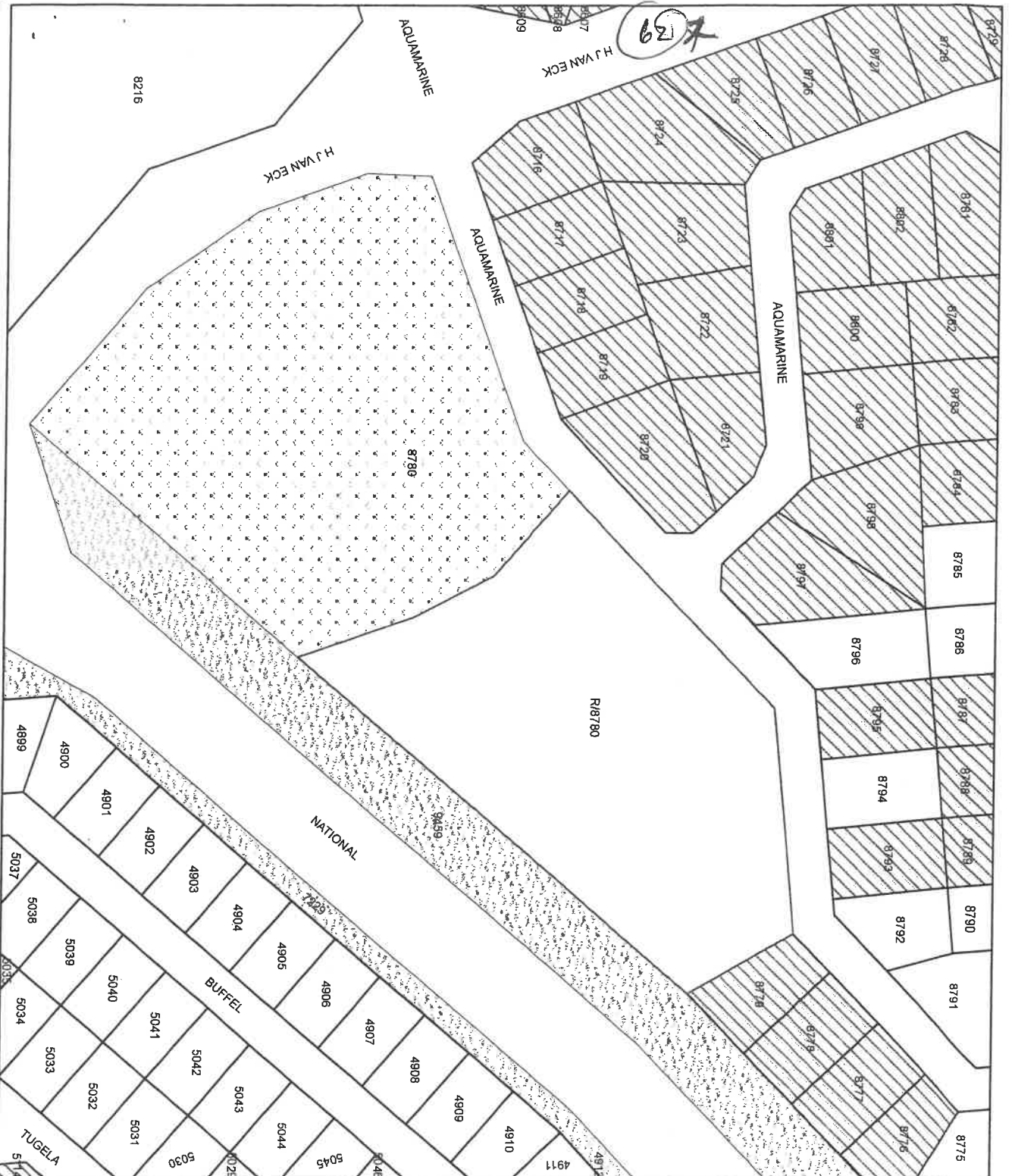
Project No: 2021  
Date: 2020/05/10  
Author: [illegible]



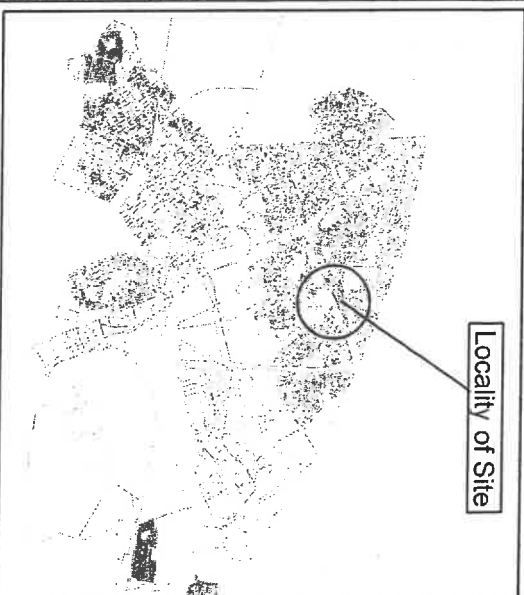
New Castle Local Municipality  
Tel: 021 217 1203  
Fax: 021 217 3818

DIRECTORATE: TOWN PLANNING

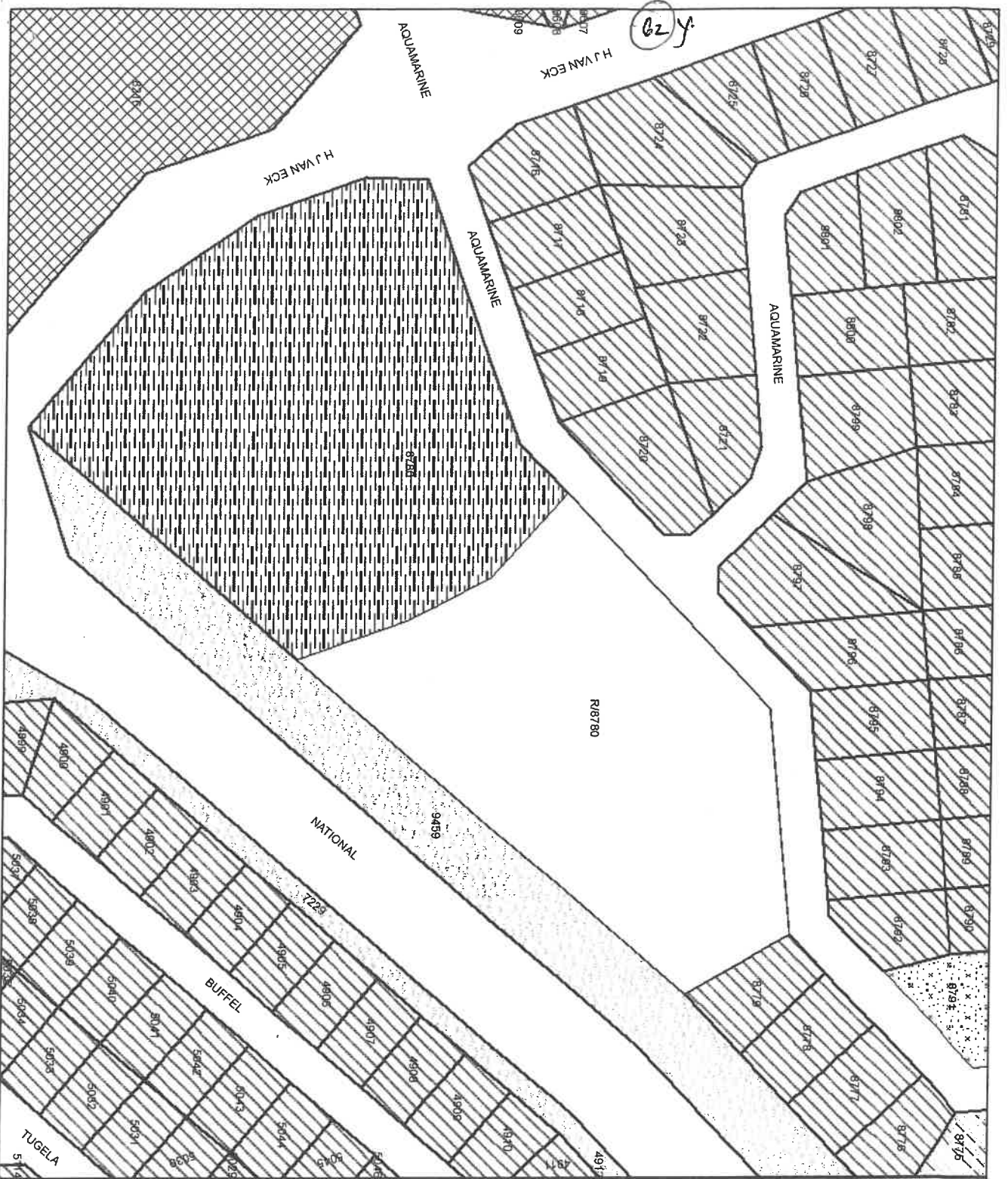
NEWCASTLE LOCAL MUNICIPALITY



# Title: Zoning plan of erf R/8780 Newcastle



Locality of Site



- Legend**
- ☒ Streets
  - ☒ R-8780
  - ZONING**
  - ☒ General Res 3
  - ☒ Public Open Space
  - ☒ Single Res
  - ☒ Special Zone 18
  - ☒ Special Zone 7
  - ☒ Worship
  - ☒ cadastrol
  - Zone**
  - ☒ Group & Cluster



Scale 1:2 500  
0 10 20 Meters

DIRECTORATE: TOWN PLANNING

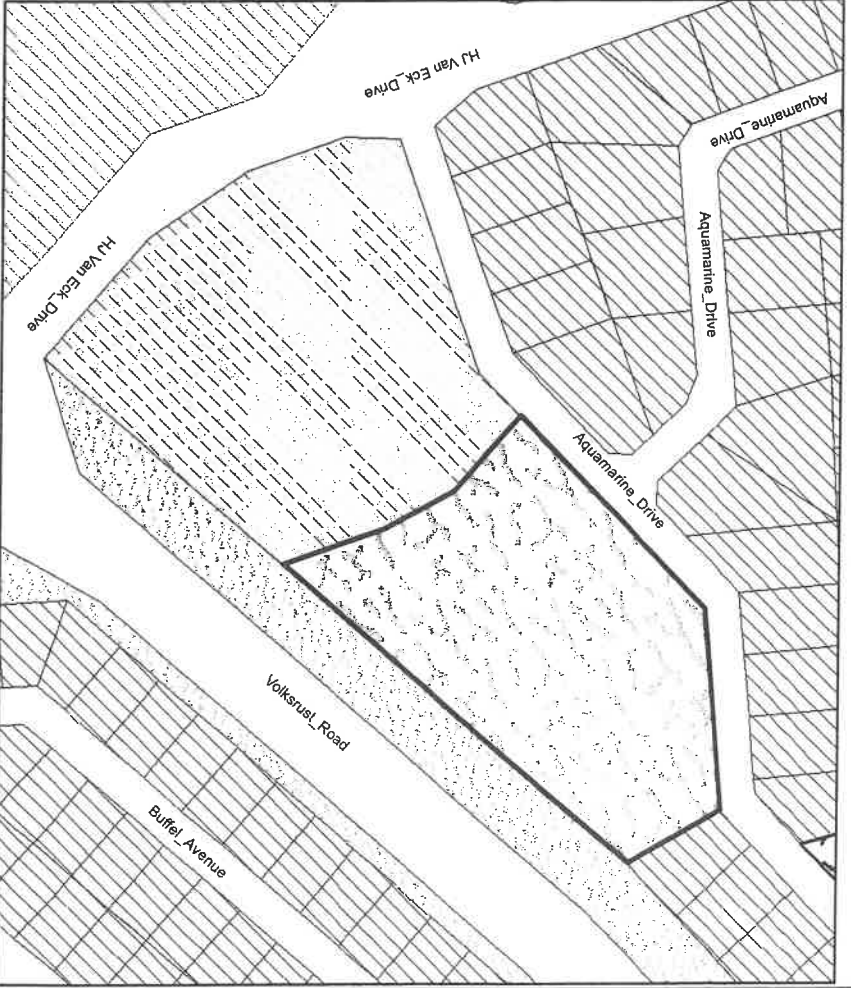
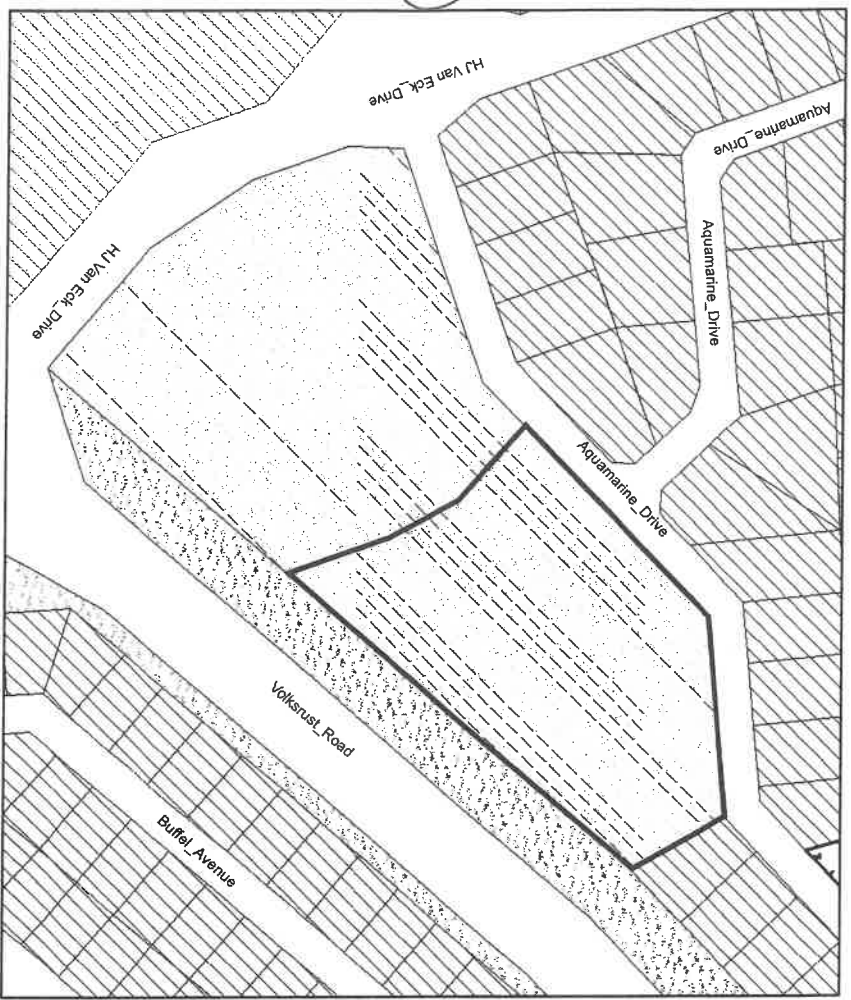
Prepared by: GIS Office	Drawn by:
Checked by:	Reviewed by:
Date: 2009/09/10	Drawing no:



NEWCASTLE LOCAL MUNICIPALITY



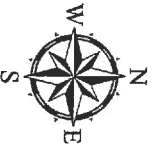
82/X



Existing Zoning erf R/8780

Proposed Zoning erf R/8780

- Legend**
- 8780 Copy
- ☐ <all other values>
- ZONING**
- ☐ Public Open Space
  - ☐ Single Residential
  - ☐ Special Zone 18
  - ☐ Special Zone 7
  - ☐ Worship
  - ☐ Group and Cluster



Scale of Map 1:3 500

**Title:**

**Rezoning map**

**erf R/8780 Newcastle**

Project No: 123456789  
Drawing: W R/8780 A

Drawn by: GIS Office  
Designed by: [Signature]  
Checked by: [Signature]

DATE: 2024/01/10

DIRECTORATE: TOWN PLANNING

NEWCASTLE LOCAL MUNICIPALITY

Streets

**W R/8780 A**



**Annexure B: Site Development Plan and Site Survey Diagram**

605

62 W

ANNEXURE 'A'

**DAVID SONS SURVEY AT THE UNCORRELATED BOUNDARY OF EAT 1710, MUMBAI**

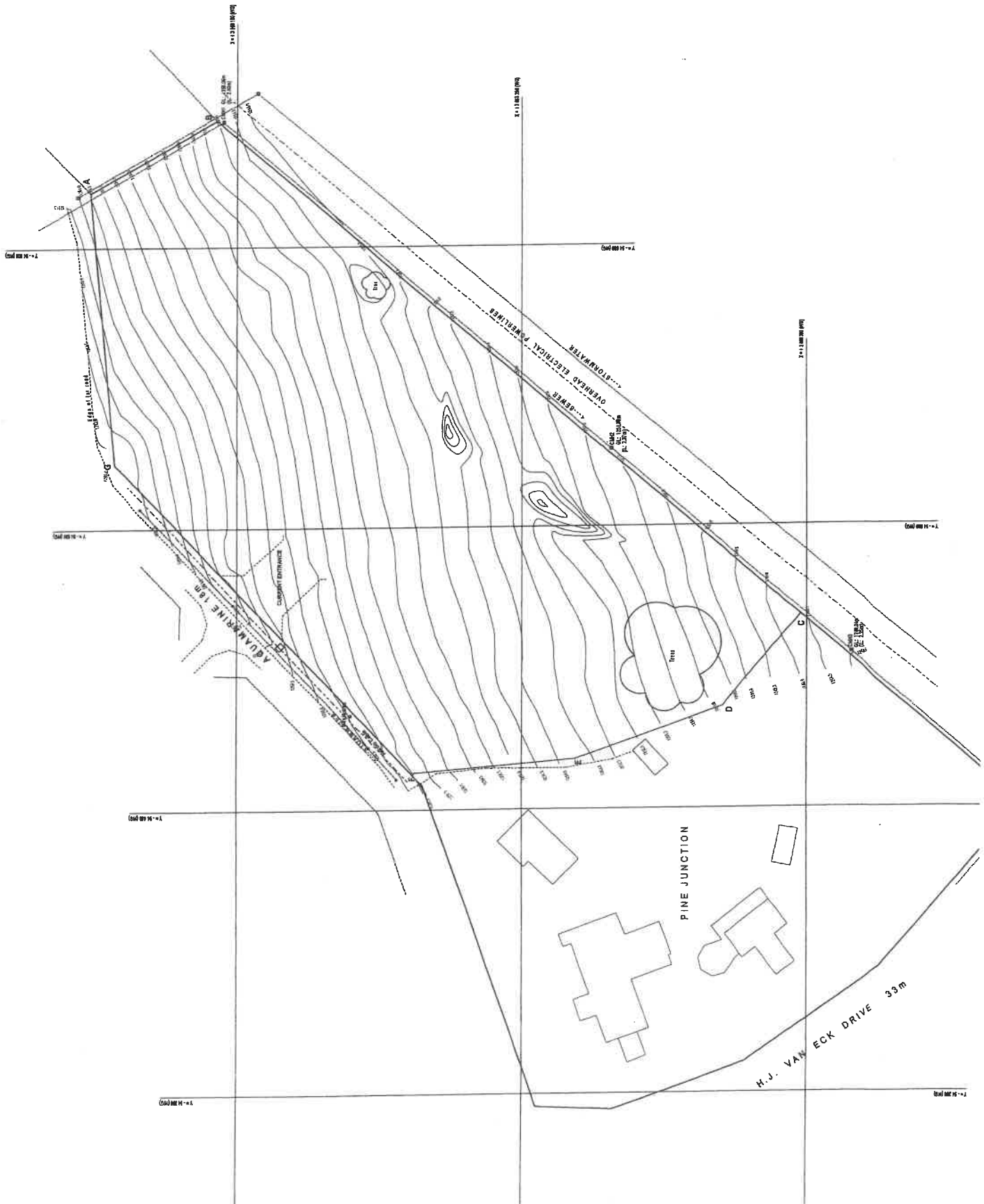
Contour Interval: 0.50 m  
Grid Interval: 100m  
System: WGS 84  
Scale: 1:500

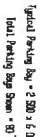
**DATE OF SURVEY**  
AC: 17/07/2017  
DC: 20/07/2017  
OD: 4/08/2017  
DE: 04/08/2017  
EP: 04/08/2017  
EC: 04/08/2017  
GS: 04/08/2017

Note: Dimensions are subject to survey.

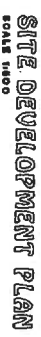
**REPRESENTATIVE**  
M. L. KAPREKASHI ASSOCIATES  
Surveyors  
32, Hill Street, Mumbai  
Tel: (022) 332 5761  
Fax: (022) 332 5761  
Email: mlk@mlkassociates.co.in

Date: August 2017





Total Parking Bags Shown = 80



Note:  
Blocks A to I have  
been approved.

[illegible]

(62) u. s. c. s.

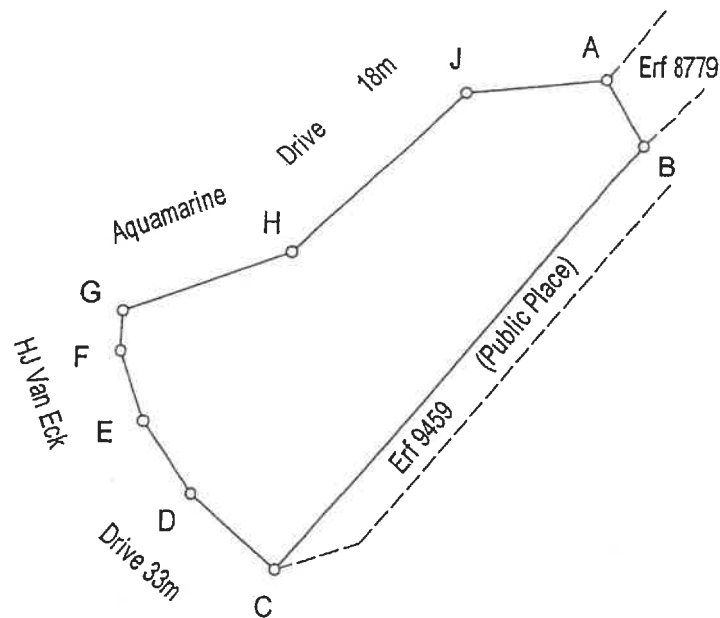
S.G. No.

Approved

for Surveyor-General



Scale 1:5000



The figure  
represents

A B C D E F G H J

5,0722 hectares

of land being

**Erf 8780 Newcastle**

situate in the

**Newcastle Municipality****Registration Division - HS Province of KwaZulu-Natal**

Framed in terms of Section 16 of the Land Survey Act 8 of 1997

in March 2008 by me

*B. Lauterbach*

B. Lauterbach  
Professional Land Surveyor  
Registration Number PLS 1152

This diagram relates to  
No.  
Registrar of Deeds  
Pietermaritzburg

The original diagram is  
S.G. No.  
Transfer No. :

File No. :  
S.R. No. :  
Comp. : HSSP - 227

ANNEXURE "A1"

SUBDIVISIONAL DIAGRAM

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 29° X		
		Constants		± 0,00	+3 000 000,00
AB	58,22	355 27 30	A	-94 412,84	+68 160,90
BC	54,56	340 24 10	B	-94 417,45	+68 218,94
CD	42,49	310 44 50	C	-94 435,75	+68 270,34
DE	102,66	40 43 50	D	-94 467,94	+68 298,07
EF	76,19	130 45 20	E	-94 400,96	+68 375,87
FG	58,00	145 38 00	F	-94 343,24	+68 326,13
GH	49,23	160 36 30	G	-94 310,50	+68 278,26
HJ	26,93	182 23 50	H	-94 294,16	+68 231,82
JK	120,00	250 35 50	J	-94 295,28	+68 204,91
KA	6,03	226 33 40	K	-94 408,46	+68 165,05
DS 2729 Rooipunt 104			Δ	-95 523,26	+76 853,37
DS 2729 North Downs 272			Δ	-95 304,71	+67 501,66

S.G. No.

6  
785/2008

Approved

for Surveyor-General

2008-04-16

Ord. 27 / 1949

Ref. 2006 / 1542

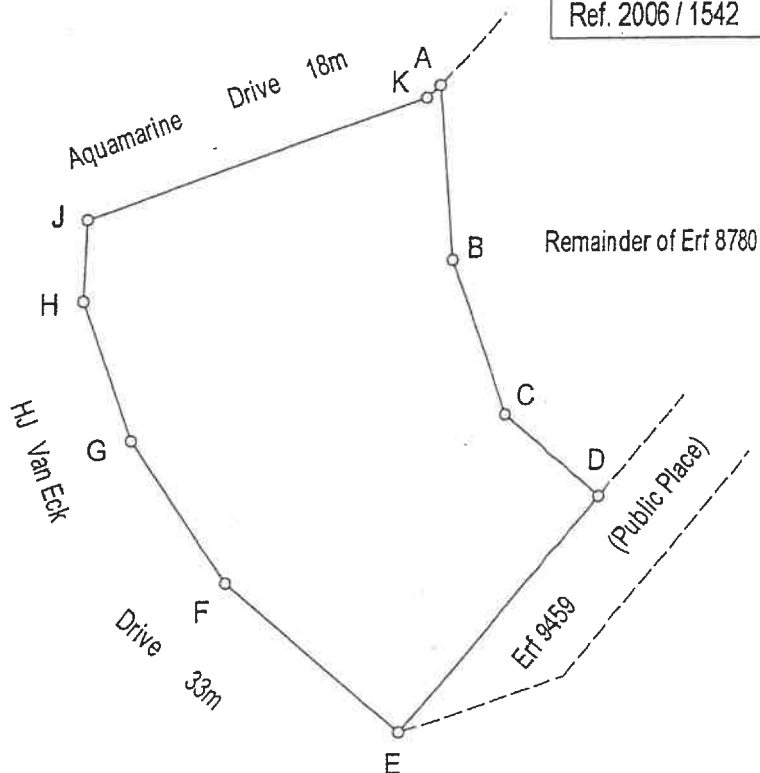
Description of Beacons

A,B,C,D : 16mm iron peg

E,F,G,H,J,K : 12mm iron peg



Scale 1:2500



The figure represents

ABCDEFGHIJK  
2,0496 hectares

of land being

**Portion 1 of Erf 8780 Newcastle**

situate in the

Newcastle Municipality

Registration Division - HS Province of KwaZulu-Natal

Surveyed in August 2005 and March 2008

*B. Lauterbach*

B Lauterbach  
Professional Land Surveyor  
Registration Number PLS 1152

This diagram relates to

The original diagram is

File No. : /148 Vol. 2

No.

S.G. No. 785/2008

S.R. No. :269/2008

Registrar of Deeds

Transfer No. : T29313/1998

Comp. : HSSP - 227

Pietermaritzburg

*D. J. J. J. J.*

62 3

**Annexure C: Copy of a notice where the application was published.**

Municipal Finance Management Act, No 56 of 2003, been tabled to Council at its meeting held on the 23 March 2009.

#### 4. INVITATION TO COMMENT OR MAKE REPRESENTATIONS

The above documents are available for public inspection during office hours at the Amajuba District Municipality offices, B9356 Section 1, Madadeni and will also be discussed by the Amajuba IDP Representative Forum scheduled for 17th April 2009 at 10H00 at Amajuba Emphelandaba Council Chamber in Madadeni. The documents are also available on the municipality's website [www.amajuba.gov.za](http://www.amajuba.gov.za), KwaMakane Thusing Service Centre, Madadeni Library, Osiwini Library and Newcastle Library, as well as at the Dannhauser and Emadlangeni municipal offices. A further IDP Representative Forum will be held at the Amajuba Emphelandaba Council Chamber on 15 May 2009 at 10H00 to discuss the comments received.

The Mayor will be holding public consultation meetings with the community (amakhosi, public organisations, civil society structures, private sector and the general public) and members on the Draft IDP and budget throughout the District Municipality. The dates of these meetings will be confirmed in due course.

Any member of the public wishing to comment or to make representations on the above documents may do so by submitting written comments or representations to the Municipal Manager so as to reach the office not later than 12H00 on Friday, 8th of May 2009. Any persons who cannot write but wishes to make comments may, during office hours, call: Calvin Masondo or Sanele Gumbi on (034) 329 7200, who will assist the person to transcribe any such comments or representations and forward same to the Municipal Manager.

**Dr VJ Mthembu**  
**Municipal Manager**

### Newcastle Municipality

#### Notice No 62 of 2009 Town Planning Scheme

Notice is hereby given in terms of Section 47 bis B(2)(b) of Ordinance No. 27 of 1949, as amended, that the Newcastle Municipality received an application to amend its Town Planning Scheme in the course of preparation as indicated in the schedule below.

A copy of the proposal together with plans is lying open for inspection in the office of the Strategic Executive Director: Planning and Development situated at the western end of Hospital Street, Newcastle and any person who has sufficient interest in the said proposal may lodge written representations of objections with the undersigned on or before 02 May 2009.

**Schedule:** The proposed rezoning of Erf R/8780 (52 Aquamarine Avenue) Newcastle from "Group and Cluster Housing" to "General Residential 3" as depicted on sketch plan W/R/8780

### Newcastle Municipality

#### Kennissgewing Nr 62 van 2009 Stadsbeplanningskema

Hierby word ooreenkomsig artikel 47 bis B(2)(b) van Ordinance No. 27 van 1949, soos gewysig, bekend gemaak dat die Newcastle Munisipaliteit 'n aansoek ontvang het om sy Stadsbeplanningskema wat opgestel word te wysig soos uiteengesit in die ondergaande skedule.

'n Afskrif van die voorstel tesame met die plan lê ter insae in die kantoor van die Strategiese Uitvoerende Direkteur: Beplanning en Ontwikkeling, westelike einde van Hospitaalstraat, Newcastle en enigeen met voldoende belang by vermelde voorstel mag skriftlike beware of verhoë in daardie verband voor of op 02 Mei 2009 by die ondergetekende indien.

**Skedule:** Die voorgestelde hersoneering van Erf R/8780 (Aquamarine Laan 52) Newcastle vanaf "Groep en Meentbehuising" na "Algemene Woon 3" soos aangedui op sketsplan W/R/8780.

**BE Ntanzil - Municipal Manager, Municipal Offices, Private Bag X6621 - Newcastle - 2940**

#### Notice in Terms of Regulation 21 (10) Of The Development Facilitation Act No 67/1995

SIVEST SA (Pty) Ltd, duly appointed representatives of Prime Spot Trading 9 (Pty) Ltd has lodged an application in terms of the Development Facilitation Act for the establishment of a Land Development Area on a portion of the Remainder of Portion 9 of Blauwbosch Laagte No 8892.

The development will consist of a Shopping Mall.

The application will be considered at a tribunal hearing to be held at The Osiwini Community Hall on the 28th June 2009 at 10h00 and the prehearing conference will be held at the same venue on 4th May 2009 at 10h00.

Any person having an interest in the application is further informed that they may attend an inspection in loco of the land development area which will be conducted by the Tribunal on 25th June 2009 at 14h00.

Copies of the DFA Application are available at the office of the designated officer or at the office of SIVEST SA (Pty) Ltd, at 4 Pencarrow Crescent, La Lucia Ridge Office Estate, Umhlanga Rocks, 4320.

Any person having an interest should please note:

1. You may within a period of 21 days from the date of the first publication of this notice, provide the designated officer with your written objections or representation; or

2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal on the date mentioned above.

Any written representation or objection must be delivered to the designated officer at the address set out below, within the said period of 21 days.

The Designated Officer  
Attention: Ms L F Russell  
c/o Department of Local Government and Traditional Affairs  
Room 14  
2nd Floor Southern Life Plaza  
271 Church Street  
Pietermaritzburg  
3201

You may contact the Designated Officer if you have any queries on telephone no. (033) 3556421 or fax no. (033) 3556537 or email [lynn.russel@kznlgta.gov.za](mailto:lynn.russel@kznlgta.gov.za).

ARRIVE ALIVE

#### Lesaziso Somphakathi Somthetho 21(10) Wemithetho Yokukhuthaza Intuthuko Ngokulandela Umthetho Wokukhuthaza Intuthuko Ka-1995 Umthetho 67 Ka 1995

SIVEST SA (Pty) Ltd, egameni lika Prime Sport Trading 9 (Pty) Ltd ufake isicelo ngokulandela umthetho wokukhuthaza intuthuko mayelana nokumiswa kwendawo yokuthuthukiswa.

Remainder of Portion 9 of Blauwbosch Laagte No. 8892

Ukuthuthukisa kubabandakanya ukwakhiwa kwe-Shopping Mall:

Isicelo siyocutshungulwa eNkundleni yokulandela izicelo eyohlala eholo lomphakathi Osiwini ngomhla 26 June 2009 ngo-10h00 futhi umhlango wokundulela uyoba endaweni efanayo ngomhla 4 May 2009 ngo-10h00.

Noma ngubani onentshisekelo kule sicelo uyaziswa ukuthi angabakhona ekubhweni kwalandawo ngomhla 25 June 2009 ngo 14h00.

Amakhophi esicelo ayatholakala ethovisi lesiphathimandla noma emahhovisini akwa-SIVEST SA (Pty) Ltd, ku 4 Pencarrow Crescent, La Lucia Ridge Office Estate, Umhlanga Rocks, 4320.

Yinoma yimuphi umuntu onentshisekelo mayelana nesicelo kumele aqaphele lokhu:

1. Ezinsukwini ezingu-21 lesi saizo sokuqala simenyazelwe, unganikeza isiphathimandla esiqokhiwe isikhalo noma umbono wakho obhalwe phansi; noma

2. Uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, kumele ube khona mathupha noma umelwe ummeli eNkundleni ngosuku olubalulwe ngerhla.

Noma yisiphi isikhalo, noma umbono obhalwe phansi kumele uhlanyelwe kwisiphathimandla esiqokhiwe ngamphambili kwezinsuku ezingu 21.

The Designated Officer  
Attention: Ms LF Russell  
c/o Department of Local Government and Traditional Affairs  
Room 14  
2nd Floor Southern Life Plaza  
271 Church Street  
PIETERMARITZBURG  
3201

Futhi ungathintana nesiphathimandla lapha: Inombolo yocingo (033 355 6421), Inombolo yesikhathi-amezi (033) 355 6637, Email [lynn.russel@kznlgta.gov.za](mailto:lynn.russel@kznlgta.gov.za)

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**Annexure D: Applicant's motivation to rezone R/8780 Newcastle from "Group and Cluster" to  
"General Residential 3"**



To: Strategic Executive Director  
Planning and Development Services, Town Planning Section



**MOTIVATIONAL REPORT  
IN RESPECT OF THE  
REZONING OF LOT R / 8780,  
AQUAMARINE DRIVE,  
SUNNYRIDGE, NEWCASTLE,  
FROM “GROUP AND  
CLUSTER” TO “GENERAL  
RESIDENTIAL 3”.**

Attached you will find a thorough motivational report in respect to the rezoning of Lot R/8780, Aquamarine Drive, suburb of Sunnyridge, Newcastle zoned "Group and Cluster" to "General Residential 3".

	A	NAME	DATE	SIGN
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ANNALS OF THE

# **MOTIVATIONAL REPORT IN RESPECT TO THE REZONING OF LOT R/8780, AQUAMARINE DRIVE, (EXTENSION 37), SUNNYRIDGE, NEWCASTLE. FROM “GROUP AND CLUSTER HOUSING” TO “GENERAL RESIDENTIAL 3”.**

## **1. PURPOSE**

The purpose of this report is to obtain permission from the Local Council to rezone Lot R/8780, Aquamarine Drive, (Extension 37), Sunnyridge, Newcastle, from “Group and Cluster Housing” to “General Residential 3”. This is done in terms of Section **47bis B** of the Town Planning Ordinance (Ord. No. 27 of 1949 as amended).

## **2. THE PROPERTY**

In this regard refer to the detailed site survey plan prepared by S. E. Lauterbach & Associates (Professional Land Surveyors) in August 2007, attached as Annexure “A” in this report. The figure ABCDEFG represents Lot R/8780 in extent 3, 0226 (Three Comma Zero Two Two Six) Hectares.

Annexure “A1” the General Plan of Lot 8780 and Annexure “A2” the approved Sub-Divisional Diagram of Portion 1 of Lot 8780 are attached to this report showing the sub division of Lot 8780 for the establishment of Lot R/ 8780 and Portion 1 of Lot 8780.

### **2.1 Name of Registered Owner**

Lorcom 196 (Pty) Ltd  
Post Net Suite 86  
Private Bag X4  
Wierda Park  
Centurion  
0149

Tel: +27(0)12 653 8080  
Fax: +27(0)12 653 8049

### **2.3 Site and Location**

In this regard refer to the site and locality plan attached as Annexure “B” where the locality of the site can be seen. Lot R/8780 (Extension 37) is situated approximately 2 km’s to the north of Newcastle’s CBD, in the suburb of Sunnyridge.

### **2.4 Property Description**

The property is of gentle terrain falling from south to north. The land use plan attached as Annexure “C” is showing the development of the surrounding area. There are no existing buildings on the site. The two large indigenous trees will be removed from the site prior to any construction.

## 2.5 Existing Land Use

The existing land use of Lot R/8780 is "Vacant".

## 2.6 Existing Zoning

The existing zoning of Lot R/8780 is zoned "Group and Cluster Housing" as can be seen in Annexure "D" attached to this report.

## 3. REQUIREMENTS

This application is done in terms of section **47bis B** of the Town Planning Ordinance (Ord. No. 27 of 1949, as amended).

## 4. THE DEVELOPMENT OF THE SITE

The development site, Lot R/8780, is of an unequal seven sided oblique shape, Annexure "E" the proposed Site Development Plan indicates more site details, dimensions, orientation, layout of the proposed site.

### 4.1 The Proposed Site

The development site, Lot R/8780 was rezoned from "Special Zone 18" to "Group and Cluster" and approved by Council and the certificate of Rezoning was issued on the 28<sup>th</sup> May 2008. Building plans were submitted for Maisonette Buildings (as part of Group and Cluster Housing) consisting of 75 units and were approved on 3<sup>rd</sup> November 2008. The site is currently vacant and no construction has commenced to date.

### 4.2 Physical Character

The topography of the site is of gentle falling terrain from south to north with the highest point being to the southern side of the property. The site falls approximately 13 meters from the highest to the lowest point and is suitable for executive landscaping, garden features, lawn and a communal playground, etc.

### 4.3 Site Encumbrance

The site is not subject to any imposed encumbrances that would impede the potential to develop the area as anticipated. There are no servitudes or service traversing the site and there are no restrictive conditions of title, which could constrain the intended form of nature of development.

The mineral rights are reserved in favour of the Newcastle Local Council held under the Mineral Rights Certificate No. C.M.R. 40/1947:-

*"A 132kva electrical power transmission line is allocated along the southern boundary (Allen Street) of the property. A building restriction space of approximately 15 meters in width (measured from the centre line of the power line) along the power line is to be kept clear of any building which could be damaged in the event of static electricity discharge, the power line snatch and/or pillars falling on."*

Subject to the following condition imposed by the Premier of KwaZulu-Natal in terms of Ordinance 27 of 1949, as amended, namely:-

*"No building or structure whatsoever, other than a fence, hedge or wall which does rise higher than 2.1 meters above the surface of the land on which it stands, shall be erected on the land within a distance of 15 meters measured from the road reserve boundary of the Main Road 654".*

## 5. EXISTING ZONING AND USE OF SITE

### 5.1 The existing zoning as in the terms of the Newcastle Town Planning Scheme:

**Table C: Use zones (Existing Zone)**

(1)	(2)	(3)	(4)	(5)
USE ZONE	SCHEME MAP NOTATION	PURPOSE WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSE WHICH BUILDINGS MAY BE ERECTED AND USED WITH SPECIAL CONSENT OF COUNCIL ONLY	PURPOSE FOR WHICH BUILDINGS MAY NOT BE ERECTED OR USED
Group & Cluster Housing	Yellow labeled G with dark brown border	Cluster Housing, Group Housing, Duplex (as part of Group and Cluster Housing), Terrace House (as part of Group and Cluster Housing), Maisonette (as part of Group and Cluster Housing)	Club Building, Dwelling House, Educational Building, Launderette (as part of Group and Cluster Housing), Place of Physical Instruction (as part of Group and Cluster Housing), Place of Public Assembly, Shop (as part of Group and Cluster Housing).	Buildings and other uses not included in columns (3) and (4)

### 5.2 Definitions of buildings specified in columns 3 and 4 of the Use Zone Table C which is applicable:

**Cluster Housing:** means two or more attached and/or detached dwelling units standing within boundaries of a cluster housing site, each dwelling unit having direct access to a private open area and having access to common land.

**Group Housing:** means a group of two or more attached and/or detached dwelling units standing within boundaries of a group housing site, each dwelling unit standing on a separate dwelling unit lot.

500 (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

**Duplex:** means a dwelling unit in a building, each such unit consisting of a ground floor and one upper floor connected internally and each such unit having a separate entrance as well as a direct access to a private open area.

**Terrace House:** means a dwelling unit in a building comprising two or more dwelling units all on the ground and each having a separate entrance and direct access to a private open area.

**Maisonette:** means a two storey building consisting of two dwelling units placed one above the other, each having a separate entrance, directly from the ground.

**Club Building:** means a building used for meetings or gatherings of service clubs or other similar non-profitable organizations, as well as youth organizations and shall include relative activities.

**Dwelling House:** means a freestanding single dwelling unit used for the permanent accommodation of a single family and having the general outward appearance of a house accommodating a single family, together with such outbuildings as defined in clause 1.2 of this scheme. {1986-11-25: TP13/3/3/245}

**Educational Building:** means a building used as a crèche, nursery school, school, college, university, technical institute, academy, monastery, public library, art gallery, museum or for other similar institutions or cultural purposes, and include ancillary buildings such as hostels.

**Launderette:** means a building used for the purpose of washing and drying clothing and household fabrics, where the machines are electrically operated and quietly running and of the type which the process each customer's articles individually and which may be operated by the customer. The washing media used shall not be cause harmful effluent to be discharged into the sewerage system.

**Place of Public Assembly:** means a building used for public gatherings and uses such as a theatre, cinema, concert hall, skating ring, commercial exhibition hall, fun fair or a building used for social meetings, religious purposes or indoor recreation.

**Shop:** means a building used for the retail trade and includes a hairdresser, the sale of liquor, the sale and consumption of food and drink and the sale of vehicles including ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include a hotel or service station.

5.3 **Table D of the Newcastle Town Planning Scheme determines the development controls for a Lot in any specific zone. The development control for "Group and Cluster Housing" in Table D read as follows:**

(1) USE ZONE	(2) MAXIMUM PERMITTED FLOOR AREA RATIO: COVERAGE: BUILDING HEIGHT:	(3) ADDITIONAL PROVISIONS	(4) SCHEME MAP NOTATION
Group & Cluster Housing	{0,40} : no limit : 3		Yellow labeled G with dark brown border

520  
(82) L.

## 6. SURROUNDING ZONING AND LAND USAGE

Refer to Annexure "C" showing the land use plan and Annexure "D" showing the zoning plan, as can be seen the surrounding zoning uses within a hundred meter radius of the study sites are predominantly zoned "Single Residential" with one "General Residential 3", one "Special Zone 18" and "Public Open Spaces" and are been used for those purposes. There are also a few vacant properties in the surrounding area.

## 7. DEVELOPMENT PROPOSAL

### 7.1 The Development concept

Reference is made to Annexure "E" showing the Site Development Plan and the proposed schedule of areas for the proposed development. Note that this development will consist of a total of 145 units with each unit having a separate carport.

There are three (3) types of Units;

Type A: Comprises of two bedrooms, an open plan lounge and kitchen and a common bathroom.  
Total living area per unit = 53,46m<sup>2</sup>

Type B: Comprises of a one bedroom, an open plan lounge and kitchen and a common bathroom.  
Total living area per unit = 44,62m<sup>2</sup>

Type C: Comprises of a two bedroom, an open plan lounge and kitchen and a common bathroom.  
Total living area including attached carport per unit = 74,90m<sup>2</sup>

The Guard House and an Open Bulk Refuse area are also situated at the entrance of the complex.

### 7.2 Architectural Theme

The architectural theme for the envisaged development will be a modern design and style with a roof that has an eight degree pitch covered with 0.5mm IBR iron roof sheeting, Cliscoe awning type style window frames and a feature of an aluminum sliding door at the living area will also be used to all units.

The exterior walls will be of rough bag wash plaster with smooth plaster bands around the window frames. The intention of the interior is to create an interesting variation of materials, textures and tones. Interlocking brick pavers will be used at driveways and roads.

### 7.3 Building Standards

The proposed developments of the units will be expected to comply in all respect with the standards laid down by the National Building Regulations, published under section 17(1) & 17(3)(b) of the National Building Regulations Standards Act 103 of 1977, as well as the Bye-laws of the Newcastle Local Authority.

#### 7.4 Landscaping Concept

Refer to the Site Development Plan, attached as Annexure "E" on which the layout can be seen. The natural relief of the site lends itself perfectly to intersecting landscaping, beautified with features, footpaths, plants, lawn, gardens, and flower beds. The existing shrubs, vegetation and the existing trees will be removed of the site. The whole layout will be carried out with the necessary consideration for the privacy of the surrounding residents and area.

Residents of the complex will also have the privilege of overlooking the spectacular mountain views due to the utilization of all the buildings facing north. Natural northern sunlight and fresh mountain breeze will be to the benefit of all residents.

#### 7.5 Need and Desirability

This type of development will be of affordable housing, of late Newcastle has a real need for this type of accommodation due to the good growth of the town and mainly with the ongoing expansions and job creations predominately from Arcelor Mittal, the locality of the site is in the closest vicinity to Arcelor Mittal in relation to other residential complexes.

Another new issue is the high interest rate and new home owners are now struggling with their bond repayments therefore in today's changed life style more people are interested towards more compact, secure, maintenance free accommodation. This complex will have a 24 security guard with electric fencing and a remote control gate at the entrance of the complex. This should reduce the crime and make this complex secure and livable to the residents.

A Body Corporate will manage the gardening and maintenance at the complex. It also ensures that the exterior as a whole presents a unity that is pleasing to eye of visitors and residents of the complex at all times.

It is envisage that this type of development will be mainly for the young married couples, singles on a budget, people looking for accommodation closer to town from townships, it is envisage that this complex will not generate any disturbance, noise, pollution due to the strict rules to be laid down by the Body Corporate.

The proposed development will not have any detrimental impact on the residents from a social and environmental perspective.

#### 8. TOWN PLANNING ISSUES

The establishment of the proposed development scheme will be conducted in a co-ordinate and harmonious way to comply with the Town Planning Scheme and Regulations.

The regulations relating to health and safety are expected to be adhered to in all respects by the developers of the property. Plans will be submitted and have to be in accordance with the requirements of the Local Building Inspectorate and National Building Regulations.

## 9. PROPOSED ZONES

### 9.1 Table C: Use Zones (Proposed Zone)

(1) USE ZONE	(2) SCHEME MAP NOTATION	(3) PURPOSE WHICH BUILDINGS MAY BE ERECTED AND USED	(4) PURPOSE WHICH BUILDINGS MAY BE ERECTED AND USED WITH SPECIAL CONSENT OF COUNCIL ONLY	(5) PURPOSE FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED OR USED
General Residential 3	Light Brown hatch and border	Duplex, Dwelling House, Maisonette, Residential Building, Terrace House.	Club Building, Educational Building, Launderette, Place of Physical Instruction, Place of Public Assembly, Shop, Special Building *[Institute]	Buildings and other uses not included in columns (3) and (4)

### 9.2 Table D: Development Controls (Proposed Zone)

(1) USE ZONE	(2) MAXIMUM PERMITTED FLOOR AREA RATIO: COVERAGE: BUILDING HEIGHT:	(3) ADDITIONAL PROVISIONS	(4) SCHEME MAP NOTATION
General Residential 3	0,50 : no limit : 2	Common open space or private open area shall be provided to the ratio of at least 75m <sup>2</sup> for each dwelling unit on the lot, provided that in a case of a hotel or boarding house, common open space shall be provided to the ratio of at least 25m <sup>2</sup> for each bedroom therein	Light Brown hatch and border

### 9.3 Summary of Development Controls for the Zone:

Building Lines : 4 meters for street front – Aquamarine Drive  
 Building Lines : 2 meters for side and rear spaces  
 Guest Parking : 80 parking bays, (7 more than the required parking)



**9.4 Density Factors for Lot R/8780, Newcastle will be as follows:**

Lot Area	:	30 232,00m <sup>2</sup>
Coverage	:	21%
F. A. R.	:	0,24
Free space per unit	:	138,35m <sup>2</sup>
Building height	:	Single and Double

**10. TRAFFIC IMPACT ASSEMENT**

**10.1 Scope**

The development site is well situated in relation to the main road network of Newcastle. It is situated in the close proximity some 1,2km away from the intersection of the old Volksrust Road (Allen Street) with the N11. Allen Street is the main entry road to the CBD of Newcastle from the north. The site is therefore well located in relation to foreign and local vehicular traffic of Newcastle.

**10.2 Internal Traffic**

The entrance gates to the complex will be setback from the boundary allowing for vehicles not to unnecessarily obstruct the traffic flow on Aquamarine Drive. Sufficient sight distance will be available for vehicular traffic to and from and within the proposed development.

**10.2 Site access**

Ingress and Egress to the proposed development will be from Aquamarine Drive.

**10.2 Conclusion of Traffic**

The proposed development once completed, will increase vehicular traffic in Aquamarine Drive, during peak hours and normal hours. Considering the fact that Lot 8780, the initial site was originally earmarked for high density residential use, no upgrading or improvements to the major road network should be necessary.

**11. INFRASTRUCTURAL SERVICES AND SERVICE AGREEMENTS**

**11.1 Sewerage Disposal**

This service does exist and should accommodate the proposed development, the approval will be by uThukela Water, Operations & Technical services Department.

**11.2 Storm Water**

All storm water and surface water will flow naturally to the lowest end of the site. Most surface water will disperse into gardens and lawn areas. At the south western side of the boundary an open unlined storm water drain will be laid with storm water catch pits. The final connection will be an underground pipe connected to the municipal storm water line.

SLH (b2)h

The storm water disposal and connection will be to a Professional Civil Engineer or any other approved competent person/s design and specifications. All work will be carried out directly under their supervision and control.

### 11.3 Water Supply

This main water supply line is situated on the boundary of the property with Aquamarine Drive.

### 11.4 Electricity Supply

At present a 500kva Mini-Sub has been installed for the approved Group and Cluster Housing complex consisting of 75 Units. The additional power required will now be another 500kva Mini-Sub (725amps/phase) @ 400 Volts. This should be to the satisfaction of the Electrical Department.

### 11.5 Solid Waste Disposal

An Open Bulk Refuse measuring approximately 38,00m<sup>2</sup> will be positioned at the entrance of the complex.

## 12. SERVICE AGREEMENTS

Final service agreements will be drawn up between the relevant Local Authority and the Registered Owner of the property if and where necessary.


## 13. PUBLIC PARTICIPATION

The notices pertaining to this rezoning application will be published in the Newcastle Advertiser under the Public Notices section and in the Government Gazette in due time.

## 14. CONCLUSION

For the Developers / Owner's of Lot R/8780 to be able to develop the Residential Buildings, under the "General Residential 3" use zone, it is of importance to the town of Newcastle to rezone the property to the relevant zone and also to make the provisions and amendments that are necessary to the Newcastle Town Planning Clauses and Scheme Maps.

To conclude to this rezoning motivation is to request that the Newcastle Local Council rezone Lot R/8780 from "Group and Cluster Housing" to "General Residential 3".

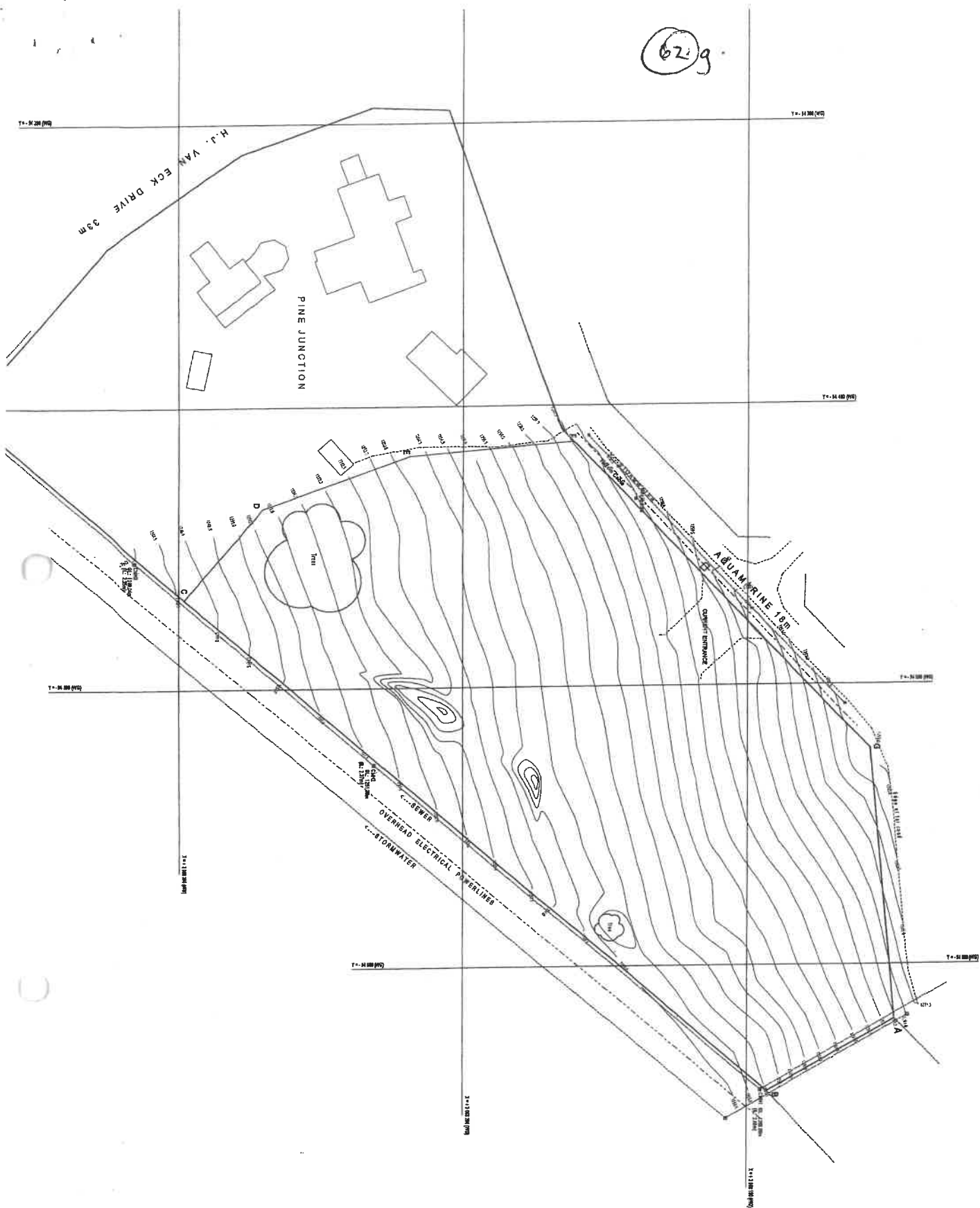
  
.....  
**R. R. Nanan (Pr. Arch. T)**



Newcastle Architectural Technologists cc  
P. O. Box 20151  
Newcastle  
2956

Tel / Fax: +27(0)34 315 2972  
Email: natcc@telkomsa.net

629



**Detail Site Survey of the proposed remediator of ERI 0700 Newsmilla**

Contour Interval: 0.50 m

Grid interval: 100m

System: MG:

Scale 1: 500



**Note:** Dimensions are subject to survey

**THE PLYMOUTH**

BC: 270.92m  
CO: 42.54m  
DE: 54.68m  
EF: 53.18m  
FG: 151.11m  
GA: 98.94m

**Released by:**

**S.E. LAUTERBACH & ASSOCIATES**  
Professional Land Surveyors  
32 Aylm St. 2nd, New Canaan  
Tel: 034 312 5791  
Fax: 034 312 5418  
Email: [se@lauterbach.co.za](mailto:se@lauterbach.co.za)

Date: August 2007

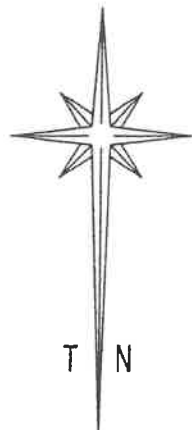
# Annexure A

sc(S) (2) f

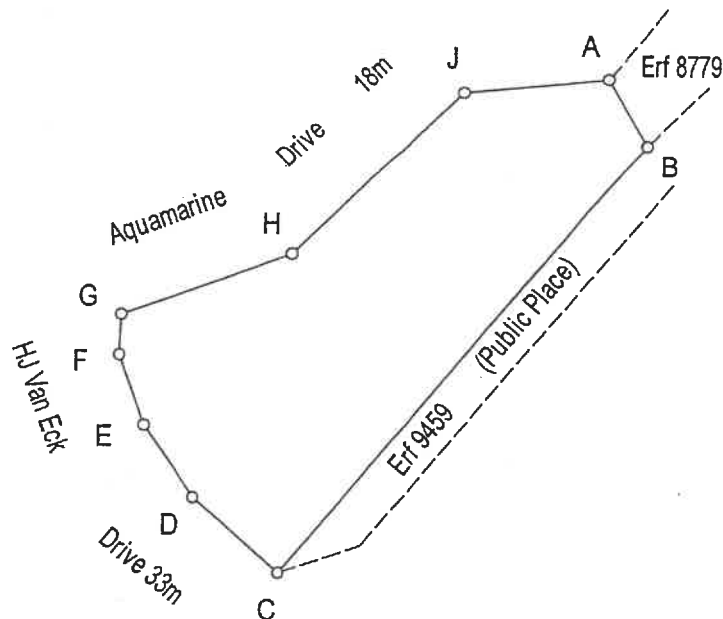
S.G. No.

Approved

for Surveyor-General



Scale 1:5000



The figure  
represents

ABCDEFGHIJ

5,0722 hectares

of land being

**Erf 8780 Newcastle**

situate in the

**Newcastle Municipality**

**Registration Division - HS**

**Province of KwaZulu-Natal**

Framed in terms of Section 16 of the Land Survey Act 8 of 1997  
in March 2008 by me

*Blauterbach*

B Lauterbach  
Professional Land Surveyor  
Registration Number PLS 1152

This diagram relates to  
No.  
Registrar of Deeds  
Pietermaritzburg


The original diagram is  
S.G. No.  
Transfer No. :

File No. :  
S.R. No. :  
Comp. : HSSP - 227

ANNEXURE "A1"

## SUBDIVISIONAL DIAGRAM

51 (1) (2) e.

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 29° X		S.G. No.
		Constants		± 0,00 +3 000 000,00	6 789/2008
AB	58,22	355 27 30	A	-94 412,84 +68 160,90	Approved  for Surveyor-General 2008 -04- 16
BC	54,56	340 24 10	B	-94 417,45 +68 218,94	
CD	42,49	310 44 50	C	-94 435,75 +68 270,34	
DE	102,66	40 43 50	D	-94 467,94 +68 298,07	
EF	76,19	130 45 20	E	-94 400,96 +68 375,87	
FG	58,00	145 38 00	F	-94 343,24 +68 326,13	
GH	49,23	160 36 30	G	-94 310,50 +68 278,26	
HJ	26,93	182 23 50	H	-94 294,16 +68 231,82	
JK	120,00	250 35 50	J	-94 295,28 +68 204,91	
KA	6,03	226 33 40	K	-94 408,46 +68 165,05	
DS 2729 Rooipunt 104		△		-95 523,26 +76 853,37	
DS 2729 North Downs 272		△		-95 304,71 +67 501,66	

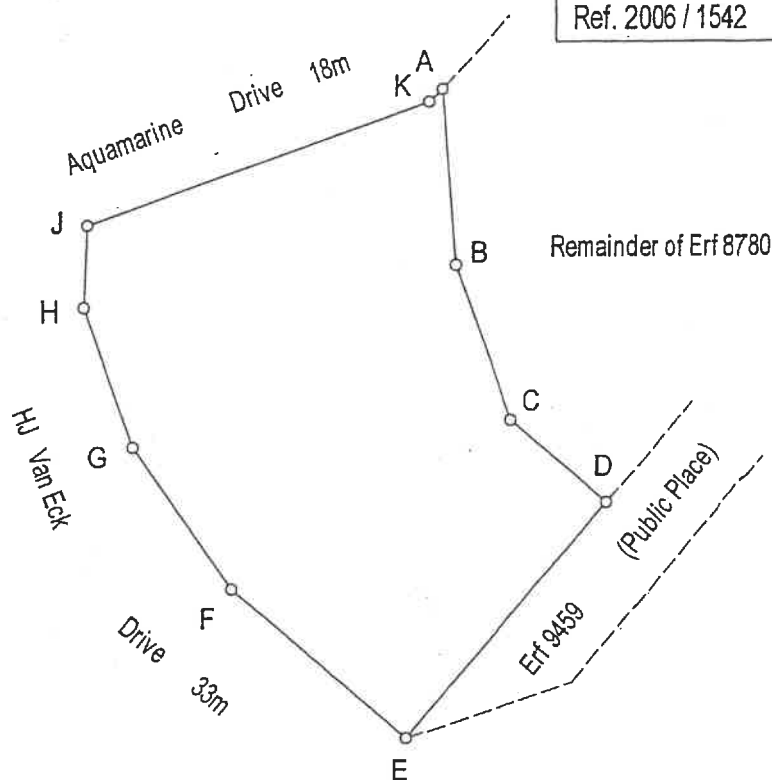
Description of Beacons

A,B,C,D : 16mm iron peg

E,F,G,H,J,K : 12mm iron peg



Scale 1:2500

The figure  
representsA B C D E F G H J K  
2,0496 hectares

of land being

**Portion 1 of Erf 8780 Newcastle**

situate in the

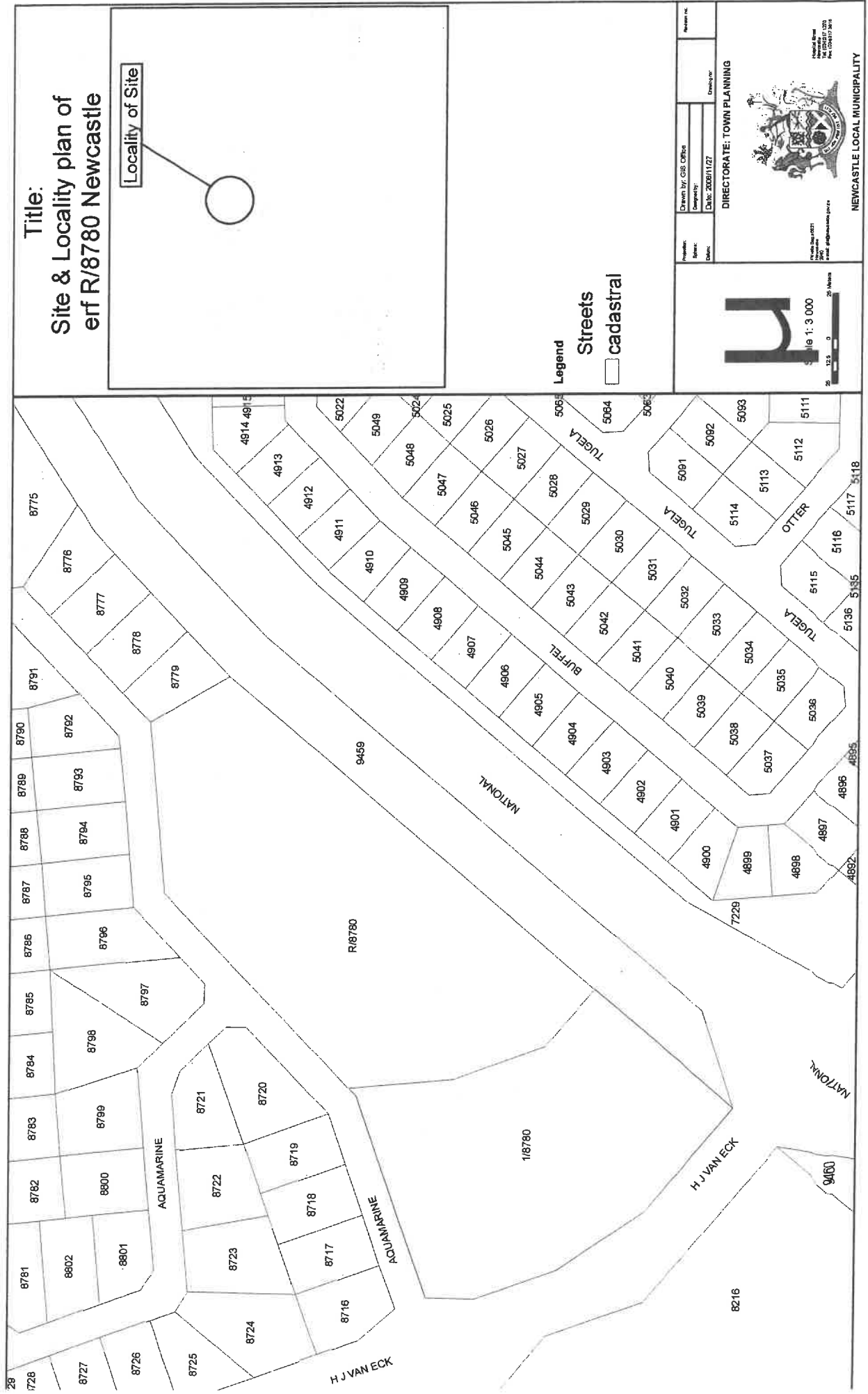
**Newcastle Municipality****Registration Division - HS Province of KwaZulu-Natal**

Surveyed in August 2005 and March 2008

B Lauterbach  
Professional Land Surveyor  
Registration Number PLS 1152

This diagram relates to No. Registrar of Deeds Pietermaritzburg	The original diagram is S.G. No. 785/2008 Transfer No. : T29313/1998	File No. : /148 Vol. 2 S.R. No. : 269/2008 Comp. : HSSP - 227
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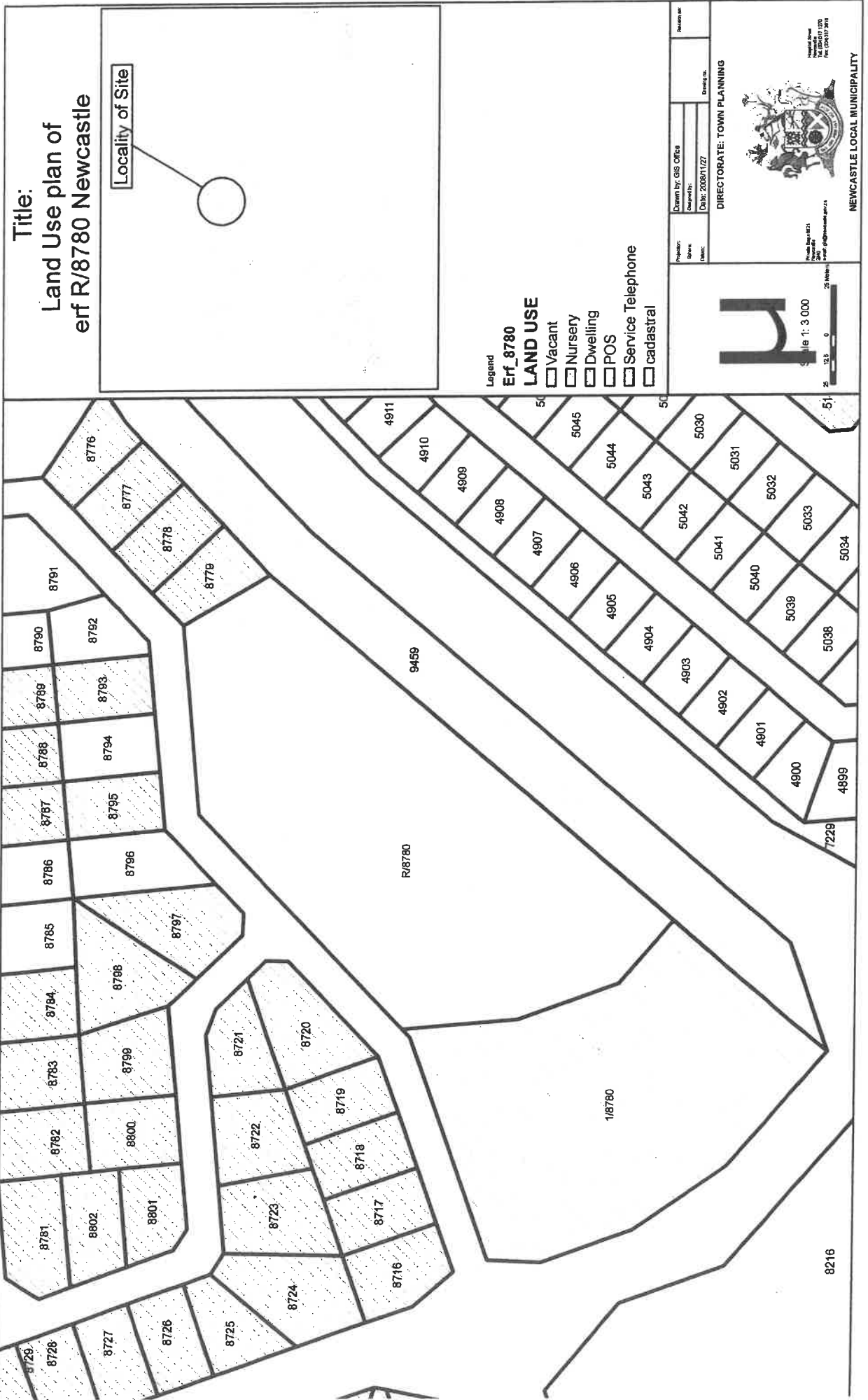
A. Lauterbach



50 (1) (2) d.

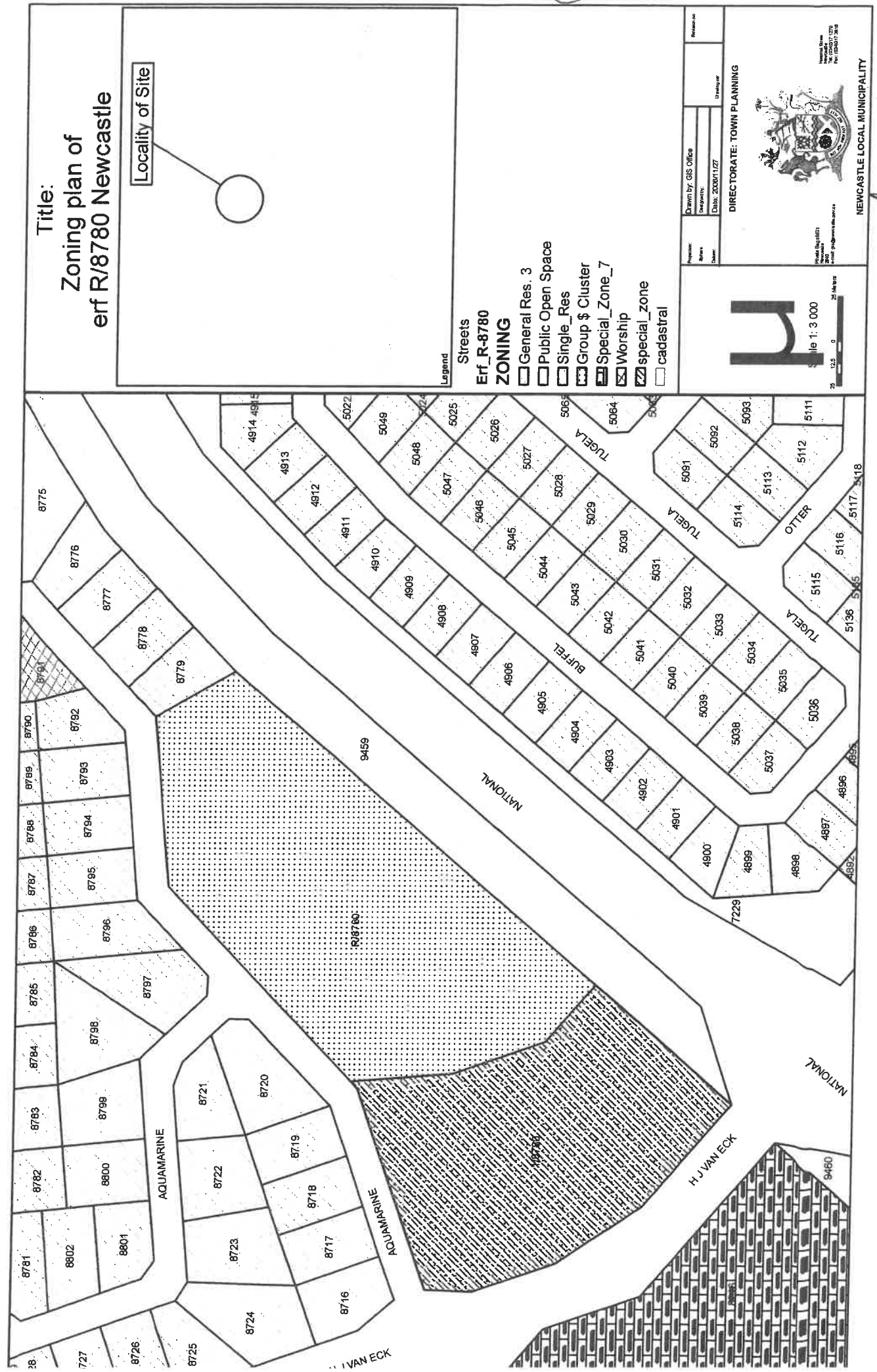
ANNEXURE B

500 (62)C



ANNEXURE C

626



ANNEXURE A





**Note:**  
Blocks A to I have  
been approved.

Total Price of Development:	10,171,950
Price of Lot R-6780	\$0.232/100'
Price Per Acre Basis:	0.24
Downsizing:	21%
Price Spots per Acre	138,450

[illegible]

**PROSPECT**

**THE DRAWING IS  
COMPUTER GENERATED**

**IN 10 SECONDS**

**PROPOSED GENERAL RESIDENTIAL H.L.  
ON LOT 10/270, ANNAKERRIE DRIVE,  
BUNNIBURY, NEWCASTLE.**

**T08 L0800 196 (P77) LTD.  
FOUR EIGHT SEVEN SIX  
PRIVATE SALE 14  
WEDD 2/8/81  
01471**

DATE	10/10/1999
TIME	10:00
NAME	JOHN J. HARRIS
ADDRESS	10000 100TH AVE
CITY	FLORHAM PARK, NJ
STATE	NJ
ZIP	07001
PHONE	908 408 1000
FAX	
E-MAIL	JOHN.HARRIS@FLORHAM.PK.NJ
WEB	
COMMENTS	

[illegible]

**Annexure E: Newcastle adviser Notice**

# AUCTIONS / LEGALS / TENDERS / NOTICES

## DUNDEE AUCTION

THURSDAY 24 JANUARY 2019 | 10:00 at Auction Grounds

### ON OFFER:-

- 200 Wearers & Feeders
- 200 Store & Trades
- 50 Slaughter Cattle (C Grade)
- 70 Damara Type Sheep

20 PIGS  
70 SHEEP  
30 INDIGENOUS  
GOATS  
450 CATTLE

- 2004 MAZDA DRIFTER 4X4 TDI (DOUBLE CAB WITH CANOPY)

ENQUIRIES: PIETER VAN ZYL 082 459 0668 / BROOKIE BROCKHAM 084 429 3091

WYAND LENS 082 329 0227 / ENRICO WILLIAMS 078 937 0923

Auctioneer: Mark Hobbs 082 908 8755

BKB Leuwild East, KZN : 034 218 1261/5

CONDITIONS OF SALE: All goods will be sold at the reserve price and the right is reserved to bid later on behalf of the owner or auctioneer unless otherwise stated. The regulations of the Consumer Protection Act 2008 is applicable to all transactions. See rules of auction, terms and conditions at [www.bkb.co.za](http://www.bkb.co.za)



## ESTATE NOTICE

In the Estate of the Late: XOLANI PROTUS MPISANA, Identity Number: 7103215561080, Date of Birth: 1971-03-21, Date of Death: 2016-10-08, Estate Number: 004941/2017/PMB.

The First and Final Liquidation and Distribution Account will be for inspection at Newcastle Magistrate Court and the office of the Master of the High Court, Pietermaritzburg for a period of 21 (Twenty one) days from date of publication 18<sup>th</sup> JANUARY 2019, DATED AT NEWCASTLE THIS DAY 10 OF JANUARY 2019.

D.S. Gumbi Attorneys,  
53 Harding Street  
Trident Building  
Office No. 8  
P.O. Box 772  
Newcastle  
2940  
Tel: 034 312 1589  
Fax: 034 312 1489  
Email: [gumbiattorneys@gmail.com](mailto:gumbiattorneys@gmail.com)  
REF: GUMBI/KMO/EST/17

CN000923SF 8X2

## NOTICE TO CREDITORS IN DECEASED ESTATE

DECEASED ESTATE NO: 80122015/PMB.

In the Estate of the Late: EDMUND MDUDUZI KHUMALO, Identity Number: 7310216271087 of 7 WIND SWAELTJE AVENUE, NEWCASTLE, KWAZULU-NATAL, born 21 OCTOBER 1973 and who died on 26 OCTOBER 2015.

Pursuant to Section 28(1) of the Administration of Estate Act No. 66 of 1965, all persons having claims against the above Estate are hereby called upon to lodge their claims with undersigned within 30 days from date of Publication hereof 16 JANUARY 2019.

DATED AT NEWCASTLE ON THE 8 JANUARY 2019

D.S. Gumbi Attorneys,  
53 Harding Street  
Trident Building  
Office No. 8  
P.O. Box 772  
Newcastle  
2940  
REF: GUMBI/PMK/EST/19

CN000923SF 8X2

## APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO. 16 OF 2013, REGULATIONS AND BYLAWS: APPLICATION FOR REZONING NEWCASTLE TOWN PLANNING SCHEME:

Notice is hereby given that an application has been lodged with the Newcastle Municipality for amendment of the Town Planning Scheme by rezoning of land.

1. Rezoning of Portion 1 of erf 8780 of Newcastle from Special Zone 18 to Hotel

Physical Address: 52 Aquamarine Road, Newcastle, KZN.

Any person desiring to object to this application may do so no later than thirty (30) days from the 17 January 2019, by lodging in writing, setting out the grounds of objection, with the Municipal Manager or address below.

Plans and particulars relating to this application may be inspected at Newcastle Municipality Town Block, Development Planning & Humans Settlements (Town Planning, 4<sup>th</sup> floor) no. 37 Murchison Street, Newcastle, 2940 between 07:30 to 16:00 weekdays.

Enquiries and correspondence can also be directed to:

Xoliswa Madela  
034 328 7600

[Xoliswa.Madela@newcastle.gov.za](mailto:Xoliswa.Madela@newcastle.gov.za) or [townplanning@newcastle.gov.za](mailto:townplanning@newcastle.gov.za)



CN000923SF

## APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO. 16 OF 2013, REGULATIONS AND BYLAWS

Notice is hereby given that the Newcastle Municipality is considering an application for the following:

1. Proposed subdivision of the Remainder of the farm Chiveston No 6742 to form Portion 6 and Remainder of the farm Chiveston No 6742 (Reg Div HS).
2. Proposed consolidation of Portion 6 of the farm Chiveston No 6742 and Portion 7 and 9 of the farm Macalman No 4254 to form the farm lower No 18791 (Reg Div HS).
3. Proposed development outside the scheme in terms of a actively defined in Schedule 3, being a mining operation, namely the reinstatement of a coal siding at Ngagane.

The farms are situated 8 km south of the town Newcastle.

Documentation relating to the proposed development is available for inspection between 07:30 to 16:00 Monday to Friday at the Municipal Offices, Development Planning & Humans Settlements (Town Planning Directorate, 4<sup>th</sup> floor) No. 37 Murchison Street, Newcastle, for a period not less than 30 days from 18<sup>th</sup> January to 18<sup>th</sup> February 2019.

Any person having sufficient interest herein may lodge written objections or representations relating

**Annexure F: Objection letter/s from A.D Van Vuuren and Naledi Body Corporate**

# ANSEC 194 (PTY) LTD

Ansec 194 (Pty) Ltd Reg No 2010/0050352/07  
Post Net Suite 86, Private Bag X 4, Wierda Park, Centurion 0149  
Lebombo Place Building B, 38 Lebombo Street, Ashlea Gardens, Pretoria, 0081  
Tel (012) 653 8080 Fax (012) 653 8049

2019-02-05

NEWCASTLE MUNICIPALITY  
DEVELOPMENT PLANNING & SETTLEMENTS  
TOWN PLANNING DEPARTMENT  
4<sup>TH</sup> FLOOR, NO. 37 MURCHISON STREET  
NEWCASTLE  
2940

**RE: OBJECTION TO AN APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE FROM SPECIAL ZONE 18 TO HOTEL**

We refer to the abovementioned application submitted by Champ Group, Newcastle and advertised on 18 January 2019 in the Newcastle Advertiser page 22, as well as attached site layout received from their town planners stipulating the layout of a shopping centre and petrol / service station.


We hereby object to the application and rezoning for erven 8780 portion 1, Newcastle.

Ansec 194 Pty Ltd the registered owner of **60 units** in the sectional title development known as Naledi, build on a remainder of erf 8780 adjoining the property (Portion 1 of Erf 8780), object based on

- The risk of contamination (underground leakages etc., take note of new requirements for petrol stations this close to residential buildings.
- The damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay)
- Safety concerns ( 24 hour trading at garage/truck stop, large influx of people specifically late at night raising safety concerns for residents)
- Noise ( 24 hour trading, trucks stopping/leaving all hours of the day and night, 24 hour fast food restaurants at centre)
- Truck fuelling point to close to residential units
- Better understanding as to when the shopping complex excluding the garage will be build, phasing etc.?
- Better understanding as to what will be developed on remainder of Portion 1 of Erf 8780

Please acknowledge our objection.

Yours faithfully



A.D. van Vuuren  
(Director)

# Naledi Body Corporate

Registration no: 000251/10  
Aquamarine Drive, Newcastle, 2940  
Post net Suite 86, Private Bag x 4, Wierda Park 0149

2019-02-05

NEWCASTLE MUNICIPALITY  
DEVELOPMENT PLANNING & SETTLEMENTS  
TOWN PLANNING DEPARTMENT  
4<sup>TH</sup> FLOOR, NO. 37 MURCHISON STREET  
NEWCASTLE  
2940

**RE: OBJECTION TO AN APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE FROM SPECIAL ZONE 18 TO HOTEL**

We refer to the abovementioned application submitted by Champ Group, Newcastle and advertised on 18 January 2019 in the Newcastle Advertiser page 22, as well as attached site layout received from their town planners stipulating the layout of a shopping centre and petrol / service station.

We hereby object to the application and rezoning for erven 8780 portion 1, Newcastle.

Naledi Body Corporate manages 160 units (whole complex) in the sectional title development known as Naledi, build on a remainder of erf 8780 adjoining the property (Portion 1 of Erf 8780), object based on

- The risk of contamination (underground leakages etc., take note of new requirements for petrol stations this close to residential buildings.
- The damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay)
- Safety concerns ( 24 hour trading at garage/truck stop, large influx of people specifically late at night raising safety concerns for residents)
- Noise ( 24 hour trading, trucks stopping/leaving all hours of the day and night, 24 hour fast food restaurants at centre)
- Truck fuelling point to close to residential units
- Better understanding as to when the shopping complex excluding the garage will be build, phasing etc.?
- Better understanding as to what will be developed on remainder of Portion 1 of Erf 8780

Please acknowledge our objection.

Yours faithfully

  
\_\_\_\_\_  
Rory McGuirk  
Trustee

**Annexure G: Response from the applicant to the objection**

**NEWCASTLE LOCAL MUNICIPALITY**  
**TOWN PLANNING, DEVELOPMENT PLANNING**  
**AND HUMAN SETTLEMENTS**

FARM DWELLERS INN (PTY) LTD  
(2008/001070/07)  
CELL: 082 923 0078  
52 AQUAMARINE AVENUE  
NEWCASTLE, KWAZULU-NATAL  
E-MAIL: [johan@champ.co.za](mailto:johan@champ.co.za) (JOHAN PIETERS)

**PORTION 1 OF ERF 8780 NEWCASTLE (EXTENSION 37) REGISTRATION DIVISIONS HS, PROVINCE OF KWAZULU-NATAL IN EXTENT 2.0496 (TWO COMMA ZERO FOUR NINE SIX) HECTARES: H.J. VAN ECK DRIVE SCHUINSHOOGTE NEWCASTLE, PROVINCE OF KWAZULU-NATAL, REZONING TO FUEL SERVICE STATION.**

**DATE: 26/02/2019**

---

***RESPONSE TO THE OBJECTION FROM ANSEC 194 (PTY)LTD IN RESPECT OF THE APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE FROM SPECIAL ZONE 18 TO HOTEL.***

---

**INTRODUCTION**

1.

We hereby respond by way of a formal appeal to the objection lodged by ANSEC 194 Pty Ltd on our application rezoning of portion 1 of erf 8780 of Newcastle from Special Zone 18 to Hotel.

2.

From that which will follow hereunder, it will become apparent the Objection is without foundation and should be disregarded in its entirety.



3.

**RESPONSE TO THE LETTER OF ANSEC 194 Pty Ltd (Dated 5<sup>th</sup> February 2019)**

**Ad Point 1:**

4.

Letter has heading as reference "RE: OBJECTION TO AN APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE FROM SPECIAL ZONE 18 TO HOTEL".

**Ad Point 2:**

5.

Each statement of objection listed in the letter is hereby dealt with individually to explain and provide relevant information to argue against the points of objection:

**Ad Point 3:**

6.

First point in the Letter states "•*The risk of contamination (underground leakages etc., take note of new requirements for petrol stations this close to residential buildings.*"

6.1. The site would be required to adhere to the National Environmental Management Act No. 107 of 1998 of South Africa (NEMA). This has stringent regulations that deal in great detail regarding the storage of below ground dangerous goods such as liquid petroleum products, and the storage of such products require amongst a host of minimum requirements appropriate to tanks, specifications, safety measures and the like.

6.2. NEMA ensures the risk of contamination is minimised as a much as possible and installation of the below ground tanks is conducted by approved professionals associated with NEMA and who are approved professionals that fall under NEMA.

6.3. The franchisor to the envisaged petrol filling station being Shell South Africa is an International leading brand and with their involvement on the development it can be assured that adherence to all safety regulations will be strictly enforced and Shell will also play an intricate role with regard to the below ground tanks and ensure qualified professionals are appointed to be responsible for the complete installation.

**Ad Point 4:**

7.

Second point in the Letter states "•*The damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay)*"

7.1. No damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay) will happen as the applicant will be required to submit detailed plans to the municipality for approval and no such approval will allow this to happen.

7.2. The applicant has absolutely no plans and or intentions to damage the existing foundations of top structures in Naledi. Construction contractor that will be appointed will be from a proven professional source and this will be a priority within the Bill of Quantities to ensure no damage to exiting foundations of top structures will be done.

**Ad Point 5:**

8.

Third point in the Letter states “ • *Safety concerns ( 24 hour trading at garage/truck stop, large influx of people specifically late at night raising safety concerns for residents)*”

8.1. The development is NOT a truck stop and the property will not be a locality that will have a large influx of people specifically late at night that would raise safety concerns.

8.2. Operational safety is a priority with regard to a first class petroleum filling station in terms of the branding with Shell as the franchisor at the property. The facility will be managed in a responsible manner and there will always be the presence of a manager on duty, especially between the hours of 10pm to 7am daily.

8.3. It is a well known fact that a quality petroleum filling station actually provides a venue of safety for residents in the locality as the site has high definition quality extensive CCTV cameras that enable accurate tracking of all activities on the property, and should there be an incident there is conclusive proof by way of CCTV footage.

8.4. This statement is rather the opposite of what the petroleum filling station is able to provide, there will be essential and retail offerings that currently are not available in the area and residents will be able to shop at the filling station for services and products that currently are not available, it must be emphasized that the property is going to be a quality destination and will be managed as one should be.

**Ad Point 6:**

9.

Fourth point in the Letter states “ • *Noise ( 24 hour trading, trucks stopping/leaving all hours of the day and night, 24 hour fast food restaurants at centre)*”.

9.1. It is planned that the site will be managed in an appropriate manner in line with a residential type petroleum filling station. Noise and disturbance during late hours will NOT occur and the management of the facility will ensure that this is enforced 24/7.

9.2. The petroleum filling station is NOT a truck stop that is associated with huge trucks making excessive noise, as stated in point 8.1. previously the facility will be well managed and patronage of customers will be controlled to ensure no noise will occur that will have any affect on the residents to the area.

**Ad Point 7:**

10.

Fifth point in the Letter states “ • *Truck fuelling point to close to residential units*”.

10.1. We interpret that this is meant to say that Truck fuelling point is too close to residential units. The development of the petroleum filling station will need to adhere to NEMA and local regulations and the approvals will not allow the property to have the fuelling point too close to residential units. Our previous statements refer to this and the development will be required to get conclusive approval from the relevant authorities to the development.

**Ad Point 8:**

11.

Sixth & Seventh point in the Letter states "• *Better understanding as to when the shopping complex excluding the garage will be build, phasing etc.?*"

and

"• *Better understanding as to what will be developed on remainder of Portion 1 of Erf 8780*".

11.1. Applicants plan is to initially develop and build the petroleum filling station (forecourt) with the retail offering being the branded Shell shop and a franchise retail food take-away outlet. Shopping complex and other top structures is only going to be considered two years after the filling station has been in operation. This is in the plans as it will depend entirely on the performance of the petroleum filling station and the patronage profile will the development be in a position to determine specifics that relate to a possible shopping complex or the like.

**SUMMARY**

12.

The letter of objection received from ANSEC 194 Pty Ltd does not in any objective way show that the proposed petroleum filling station site is going to have any effect whatsoever on the residential development known as Naledi being the 60 sectional title units. In fact, the onset of a quality filling station with the brands as listed in our response is seen as an enhancing facility to the area and will be there to offer retail services and products that enhance the quality of living standards for residents to the locality.

**Signed at Newcastle on this 26<sup>th</sup> day of February 2019.**



**(sgd.) JOHAN PIETERS**

**FARM DWELLERS INN (PTY) LTD  
(2008/001070/07)  
CELL: 082 923 0078  
52 AQUAMARINE AVENUE  
NEWCASTLE, KWAZULU-NATAL**

**Annexure H: Letter from the Town Planner requesting clarity**

## **Xoliswa Madela**

---

**From:** Xoliswa Madela  
**Sent:** 19 June 2019 02:02 PM  
**To:** 'Johan Pieters'  
**Cc:** Ntsiki Khathide  
**Subject:** Proposed petrol filling station on Portion 1 of Erf 8780 Newcastle

Morning

As you know as per my site inspection on Friday 14<sup>th</sup> June that the intention is to submit to MPT for June. I need clarity on the following points in order to complete my submission.

- Does the two new access points mean there will be a total of four entrance/exit points on this property?
- The proposal submitted mentions phase 2 of the development to include a hotel, which you disputed in verbal communication with me, I need clarity on this point.
- The phasing of the development, what is the anticipated time-frames for the four shops and restaurants that are meant to be phase 2 of the project.
- Confirmation of the demolition of the existing platform / slab to make way for the development of the convenience shop.

Your prompt response on this will assist me greatly. Thank you

Ms Xoliswa N. Madela  
Town Planner

**Annexure I: 1<sup>st</sup> MPT referral communication**



# NEWCASTLE KWAZULU NATAL

My Verw: TP 13/3/3 – 1/8780  
My Ref:

Munisipaliteit: Privaatsak X6621  
Municipality: Private Bag X6621  
Newcastle  
2940

Navrae: X. Madela  
Enquiries:

Tel (034) 328 7600  
Fax (034) 312 1570

Email address: [Xoliswa.Madela@newcastle.gov.za](mailto:Xoliswa.Madela@newcastle.gov.za)

17 July 2019

Farm Dwellers Inn (PTY) LTD  
52 Aquamarine Drive  
Newcastle  
2940

Dear Sirs

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE  
MANAGEMENT ACT REGULATIONS AND BYLAWS: APPLICATION FOR THE  
REZONING OF PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18"  
TO "HOTEL" IN ORDER TO ESTABLISH A SERVICE STATION AND ANCILLARY  
CONVINIENCE SHOP. NO. 52 AQUAMARINE DRIVE, SCHUINSHOOGTE.**

Reference is made to the Municipal Planning Tribunal (MPT) that sat on the 11<sup>th</sup> of July 2019 and the subsequent meeting that was held with yourself as the developer, the registered planner and the Director: Town Planning on the 16<sup>th</sup> of July 2019 regarding the same.

The MPT on the 11<sup>th</sup> of July resolved to refer your application for the rezoning of Portion 1 of Erf 8780 Newcastle back for review, based on the following;

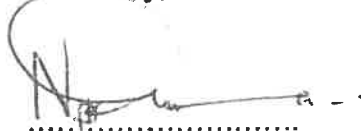
- a) The phasing of the project was unclear to convince the MPT to grant development rights for the entire project. The components of Phase 2 as to whether the development will include a hotel or not were not clarified in the application;
- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum;
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development;

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive;
- e) It is anticipated that such a development will require the municipality and applicant to enter into a service agreement.

You are therefore required to respond to the municipality with regards to these concerns before end of July 2019 in order to allow your application to be served on the MPT in August 2019.

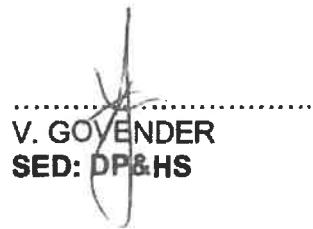
Your cooperation and patience in this regard will be appreciated.

Issued By;



.....  
**N.P. KHATHIDE**  
**DIRECTOR: TOWN PLANNING**

Endorsed By;



.....  
**V. GOVENDER**  
**SED: DP&HS**



## **Annexure J: Meeting invite**

## Xoliswa Madela

---

**From:** Xoliswa Madela  
**Sent:** 22 July 2019 09:28 AM  
**To:** 'Johan Pieters'; Christo Van Der Vyver; 'aglaw@telkomsa.net'  
**Cc:** Sphephelo Cindi  
**Subject:** Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear All

A meeting with the applicant and the objector is required in order to iron out the issues raised with regards to the proposed service station. This emanates from the outcome of the Municipal Planning Tribunal that sat on 11 July 2019. Please confirm if you can avail yourselves on the latter parts of this week for a meeting so I can confirm it with the Director: Town Planning.

The meeting is proposed as follows:

Dates: Thursday 25<sup>th</sup> July or Friday 26<sup>th</sup> July

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Ms Xoliswa N. Madela  
Town Planner

## Xoliswa Madela

---

**From:** Xoliswa Madela  
**Sent:** 30 July 2019 10:25 AM  
**To:** 'Johan Pieters'; 'Christo Van Der Vyver'; 'aglaw@telkomsa.net'; 'aglaw2@telkomsa.net'  
**Cc:** Sphephelo Cindi; Ntsiki Khathide  
**Subject:** RE: Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear All

In the spirit of openness and transparency and in accordance with the SPLUMA By-Law, this directorate calls on a final attempt to a meeting between the developer and the objector of the application on the subject line.

The meeting is proposed as follows:

Dates: Friday 2<sup>nd</sup> August 2019

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Regards  
X. Madela

**From:** Xoliswa Madela  
**Sent:** 22 July 2019 09:28 AM  
**To:** 'Johan Pieters'; Christo Van Der Vyver; 'aglaw@telkomsa.net'  
**Cc:** Sphephelo Cindi  
**Subject:** Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear All

A meeting with the applicant and the objector is required in order to iron out the issues raised with regards to the proposed service station. This emanates from the outcome of the Municipal Planning Tribunal that sat on 11 July 2019. Please confirm if you can avail yourselves on the latter parts of this week for a meeting so I can confirm it with the Director: Town Planning.

The meeting is proposed as follows:

Dates: Thursday 25<sup>th</sup> July or Friday 26<sup>th</sup> July

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Ms Xoliswa N. Madela  
Town Planner

## Xoliswa Madela

---

**From:** Johan Pieters <johan@champ.co.za>  
**Sent:** 30 July 2019 10:51 AM  
**To:** Xoliswa Madela  
**Cc:** Christo Van Der Vyver; Sphephelo Cindi; Ntsiki Khathide  
**Subject:** Re: Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear Team,

We accepted the last meeting request and was informed by the Newcastle Municipality that the meeting can not take place due to non-response from the objector.

We hereby confirm that we will be attending the meeting on the 2nd of August 2019.

Thank you

Johan



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**JOHAN PIETERS**  
DIRECTOR

+27 82 923 0078  
[www.champ.co.za](http://www.champ.co.za)

c/o, Allen St & H J Van Eck  
Signal Hill, Newcastle, 2940

**CHAMP GROUP**

On Tue, Jul 30, 2019 at 10:27 AM Xoliswa Madela <[Xoliswa.Madela@newcastle.gov.za](mailto:Xoliswa.Madela@newcastle.gov.za)> wrote:

Dear All

In the spirit of openness and transparency and in accordance with the SPLUMA By-Law, this directorate calls on a final attempt to a meeting between the developer and the objector of the application on the subject line.

The meeting is proposed as follows:

Dates: Friday 2<sup>nd</sup> August 2019

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Regards

X. Madela

**From:** Xoliswa Madela  
**Sent:** 22 July 2019 09:28 AM  
**To:** 'Johan Pieters'; Christo Van Der Vyver; '[aglaw@telkomsa.net](mailto:aglaw@telkomsa.net)'  
**Cc:** Sphephelo Cindi  
**Subject:** Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear All

A meeting with the applicant and the objector is required in order to iron out the issues raised with regards to the proposed service station. This emanates from the outcome of the Municipal Planning Tribunal that sat on 11 July 2019. Please confirm if you can avail yourselves on the latter parts of this week for a meeting so I can confirm it with the Director: Town Planning.

The meeting is proposed as follows:

Dates: Thursday 25<sup>th</sup> July or Friday 26<sup>th</sup> July

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Ms Xoliswa N. Madela

Town Planner

## Xoliswa Madela

---

**From:** Andre Groenewald <aglaw2@telkomsa.net>  
**Sent:** 01 August 2019 09:55 AM  
**To:** Xoliswa Madela  
**Subject:** RE: Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear Ms Madela

I refer to your letter of 30 July 2019.

I, acting on behalf of client Naledi, confirm that I can make myself available for the meeting at 10 am tomorrow, Friday 2 August 2019, at your offices.

Regards

Andre Groenewald  
Groenewald Attorneys

**From:** Xoliswa Madela <Xoliswa.Madela@newcastle.gov.za>  
**Sent:** 30 July 2019 10:25 AM  
**To:** Johan Pieters <johan@champ.co.za>; Christo Van Der Vyver <christo@champ.co.za>; aglaw@telkomsa.net; aglaw2@telkomsa.net  
**Cc:** Sphephelo Cindi <Sphephelo.cindi@newcastle.gov.za>; Ntsiki Khathide <Ntsiki.Khathide@newcastle.gov.za>  
**Subject:** RE: Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear All

In the spirit of openness and transparency and in accordance with the SPLUMA By-Law, this directorate calls on a final attempt to a meeting between the developer and the objector of the application on the subject line.

The meeting is proposed as follows:

Dates: Friday 2<sup>nd</sup> August 2019

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Regards  
X. Madela

**From:** Xoliswa Madela  
**Sent:** 22 July 2019 09:28 AM  
**To:** 'Johan Pieters'; Christo Van Der Vyver; 'aglaw@telkomsa.net'  
**Cc:** Sphephelo Cindi  
**Subject:** Proposed filling station on Portion 1 of Erf 8780 Newcastle

Dear All

A meeting with the applicant and the objector is required in order to iron out the issues raised with regards to the proposed service station. This emanates from the outcome of the Municipal Planning Tribunal that sat on 11 July

2019. Please confirm if you can avail yourselves on the latter parts of this week for a meeting so I can confirm it with the Director: Town Planning.

The meeting is proposed as follows:

Dates: Thursday 25<sup>th</sup> July or Friday 26<sup>th</sup> July

Time: 10:00

Venue: Town Planning Boardroom, B402 (Municipal Building, 4<sup>th</sup> Floor)

Address: 37 Murchison Street, Newcastle

We await your response on the above proposal.

Ms Xoliswa N. Madela

Town Planner

**Annexure K: Detailed response from the applicant**





52 Aquamarine Street, Newcastle,  
(p/a The Pines Wedding & Conference Village)

Email: info@champ.co.za  
Tell: 034 318 1888  
Fax: 086 630 1246

Postnet Suite no 8  
Private Bag X6603  
Newcastle  
2940

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31 July 2019

The Director Town Planning  
NP Khathide  
Newcastle Municipality  
Private Bag X 6621  
Newcastle  
2940

Dear Me Khathide

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT  
REGULATIONS AND BYLAWS: APPLICATION FOR THE REZONING OF PORTION 1 OF ERF  
8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO HOTEL" IN ORDER TO ESTABLISH A  
SERVICE STATION AND ANCILLARY CONVINIENCE SHOP. NO. 52 AQUAMARINE DRIVE,  
SCHUINSHOOGTE.**

In response to the Municipal Planning Tribunal (MPT) letter dated 17th July 2019 we respond on the points raised, as follows:

- a) To provide clarity regarding the phasing of the project in terms of granting development rights for the entire project with specific reference to Phase 2 as to whether the development will include a hotel is explained herewith. The plan is to initially build and develop the service station that includes a forecourt, retail shop, car wash and food offerings relevant to the target customer in the area. Once the service station has been operational to establish itself and fuel volumes reach a maturity level (5-years) the project would consider proceeding to Phase 2, consisting of the accommodation building being a hotel. To service as a macro time-line the following table is envisaged;



THE PINES

Farm Dwellers Inn





52 Aquamarine Street, Newcastle,  
(p/a The Pines Wedding & Conference Village)

Email: info@champ.co.za  
Tell: 034 318 1888  
Fax: 086 630 1246

Postnet Suite no 8  
Private Bag X6603  
Newcastle  
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No	Detail	Time Frame	Target Date
1	Approval by municipality on the zoning	1 month	25/08/2019
2	Filling station licence process	9 months	01/06/2020
3	Approval of plans and other departments	6 months	01/12/2020
4	Finalisation of funding to build	3 months	01/03/2021
5	Building of service station	6 months	01/09/2021
6	Start of service station operations	1 month	01/10/2021
7	Service station trade and maturity on volumes	5 years	01/10/2026
8	Building & developing hotel	12 months	01/10/2026
9	Start of hotel operations	1 month	01/11/2026

- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum; According to our records the primary environmental challenge is the storage of dangerous goods (petroleum) below ground, the letter from EDTEA confirms conditions and parameters. In relation to other environmental requirements we have factored sufficient time and effort within our timelines as indicated under point a) of this letter.
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development; On submission of the application the traffic department did make comment and the forms were adjusted in terms of traffic getting access to the site. Furthermore, the study / count that was conducted was based on The South African Trip Generation Manual (SATGM – refer to page 6) and this is used to determine petrol and diesel volumes that the site is capable of pumping for a 20-year projection. The report is to guide the investor on capital investment and level of assets needed for the project and provide potential of performance to the petroleum company. We acknowledge that the service station will provide a service to the traffic passing the site and the traffic patterns can only be predicted by way of a Traffic Impact Assessment study (TIA). As the developers we agree to have a TIA completed before submitting formal plans to approve.



Farm Dwellers Inn



52 Aquamarine Street, Newcastle,  
(p/a The Pines Wedding & Conference Village)

Email: [info@champ.co.za](mailto:info@champ.co.za)  
Tell: 034 318 1888  
Fax: 086 630 1246

Postnet Suite no 8  
Private Bag X6603  
Newcastle  
2940

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THE PINES  
WEDDING

Farm Dwellers Inn

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive; This will be dealt with in accordance to point c) of this letter, the TIA will focus on ingress and egress on H.J. Van Eck Drive.
- e) It is anticipated that such a development will require the municipality and applicant to enter into a lease and service agreement. As the developers and applicants we have no problem to enter into an appropriate lease and service agreement.

We trust and propose that the content of our response is acceptable to the MPT and we avail ourselves to attend to any further queries that may be required.

Yours Sincerely

  
.....  
**JOHAN PIETERS**  
**DIRECTOR : FARM DWELLERS INN (PTY) LTD**



**Annexure L: 02 August 2019 meeting minutes**



## MINUTES OF MEETING

## 1. Document Information

Meeting Name	:	1/8780 Objection Meeting	
Meeting Date	:	02 August 2019	
Chairperson	:	S. Cindi	
Script	:	X. Madela	
Start Time	:	10h05	End Time : 11h00

## 2. Distribution List

Present Members	Designation
X. Madela	Town Planner
S. Cindi	Senior Technical Planner
A. Groenewald	Attorney (Objector)
J. Pieters	Property owner (Applicant / Developer)

## 3. Record of Proceedings

Item	Subject/Description	Responsible
1.	<b>Agenda</b> No formal agenda, as the meeting was set to discuss one item.	S. Cindi
2.	<b>Apologies</b> • None	
3	<b>1/8780 Application</b> 3.1. The purpose of the meeting was to discuss the objection lodged in relation to the application to develop a service station on Portion 1 of Erf 8780 Newcastle. This meeting was part of the resolutions of the MPT on 11 July 2019. It was however, explained that public participation as stipulated in the Bylaw, was undertaken. 3.2. Documents relating to this application such as the objection and the response thereof, were circulated to all present at the meeting. 3.3. A. Groenewald pointed out that he had not been exposed to the response to objections that was being circulated and since he was representing the interests of Naledi Flats (the original objector), a postponement is sought. 3.4. This request was denied by the municipality, with the alternative being the granting of a 20 minute break for A. Groenewald to relay the response to	X. Madela  X. Madela  A. Groenewald  S. Cindi

## MINUTES OF MEETING



	<p>objections to his client (Naledi Flats)</p> <p>3.5. After the 20 minute break, the meeting resumed. A. Groenewald gave feedback from his client which is that they object to the continuation of the meeting and feel prejudiced by the municipality by not communicating the response to objection.</p> <p>3.6. It was further emphasised that the objections as submitted on 05 February 2019 still stand.</p> <p>3.7. The developer reiterated emphasised, based on their response to objections, that the proposed development will not cause any disturbance to the surroundings.</p>	<p>A.Groenewald</p> <p>A.Groenewald</p> <p>J. Pieters</p>
4	<p><b>Way Forward</b></p> <p>4.1. The minutes of this meeting will be made available to all present and further communicate the way forward with regards to this application.</p>	<p>X. Madela</p>
5	<p><b>Closure</b></p> <p>The meeting was declared closed at 11:00</p>	<p>S. Cindi</p>

## **Annexure M: MPT Report**

**RESUBMISSION OF AN APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT REGULATIONS AND BYLAWS: APPLICATION FOR AMENDMENT OF LAND USE SCHEME BY REZONING PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO "HOTEL" IN ORDER TO DEVELOP A PETROL FILLING STATION AND ANCILLARY CONVENIENCE SHOP. (TP 13/3/3 – 1/8780) – AUGUST 2019.**

**SECTION 1:**

**1. EXECUTIVE SUMMARY**

An application in terms of the Newcastle Municipality Spatial Planning and Land Use Management (Act 16 of 2013) Regulations and Bylaws was received from Silver King Investment CC, the development right holder.

The purpose of this application is for the following:

- Rezoning of Portion 1 of Erf 8780 Newcastle from "Special Zone 18" to "Hotel" in order to develop a Petrol Filling Station and ancillary shop.

The applicant wishes to obtain the approval from the Municipal Planning Tribunal of Newcastle Municipality to rezone the subject portion for the purposes of developing a petrol filling station. Volksrust Road stands to benefit from this proposed service station as an activity that will enhance the livelihood that has been seen to develop along the corridor.

In accordance with the Spatial Planning and Land Use Management Regulations and Bylaws, this application was circulated to all relevant municipal departments for their comments and not all departments commented on the application. The public participation process was fully undertaken as a compulsory requirement of the bylaws. The application was placed in the Local Press (Newcastle Advertiser) on the 8<sup>th</sup> of February 2019, a notice circulated to all property owners within a 100m radius of the subject portion and a notice of the application was also displayed on the property for a period of thirty days from the date of publication as required by the Spatial Planning and Land Use Management Regulations and Bylaws. One objection was received from the neighbouring property (this objection is elaborate on further in Section 2 of this report).

This application is being perceived as having the potential to greatly enhance the convenience associated with commuting via Volksrust Road and the overall aesthetics if this crucial amenity is provided along this road with provincial relevance.

This application first served on the Municipal Planning Tribunal on 11 July 2019 where the outcome was to refer the application back for review as certain key aspects of the application were not sufficient to convince the MPT of the decision. This resubmission aims to address those uncertainties and convince the MPT of the merits of this application and the need for this development in our growing town.

From a Town Planning perspective, the application to rezone Portion 1 of Erf 8780 Newcastle from "Special Zone 18" to "Hotel" in order to develop a Petrol Filling Station and shop is supported, subject to the conditions contained in this report.



## 2. PURPOSE

This report is aimed at obtaining the Municipal Planning Tribunal's decision on the application to rezone Portion 1 of Erf 8780 Newcastle in order to establish a petrol station and a convenience shop.

## 3. RECOMMENDATIONS

It is recommended:

- a) The Newcastle Municipal Planning Tribunal in its delegated powers by Council and in terms of the Spatial Planning and Land Use Management (Act No 16 of 2013) Regulations and Bylaws resolve to:
  - Rezone Portion 1 of Erf 8780 Newcastle from "Special Zone 18" To "Hotel" as the Newcastle Land Use Scheme (as amended) provides.

Based on the following reasons;

- I. The application ensures the provision of a crucial service;
  - II. The location is strategic and ideal for a service station;
  - III. The development will enhance the entrance to Newcastle;
  - IV. The notion of permeability between Newcastle and neighbouring town / province will be enhanced.
- b) The following conditions shall be applicable to the proposed development:
    - I. This approval is linked to the submitted Site Development Plan for the development of a service station and convenience shop,
    - II. Further development/phasing on this property shall seek the approval of the municipality;
    - III. The developer must acquire the long-term lease of Erf 9459 Newcastle in order to access the development from Volksrust Road;
    - IV. The development shall be subject to the municipality's applicable tariffs relating to services;
    - V. The developer must install water saving systems such as water basin taps with faucet aerator;
    - VI. The developer must produce drawings to show all connection points for both water and sewer prior to making any payments for new connections;
    - VII. Sufficient parking must be catered for, within the property;
    - VIII. Parking, ingress, egresses and flow within the property as well as delivery and despatch must be given priority;
    - IX. A slip line is required on Volksrust Road;
    - X. Merging lanes are required on H.J Van Eck Drive at the cost of the developer;
    - XI. Full Traffic Impact Assessment is needed prior to lodgement of building plans;

- XII. The portion of H.J Van Eck Drive must be widened from Aquamarine Drive to Volksrust Road;
- XIII. The developer must install additional measures on Volksrust Road to deter right turning onto property;
- XIV. Egress on Volksrust Road must be one-way, towards the left leading out of town only;
- XV. The developer must submit a detailed Fire Protection Plan in terms of SANS 10400;
- XVI. All stormwater drainage necessary to deal with stormwater generated on the property and flowing from adjacent properties, the owner/developer shall construct such facilities as are necessary for the control and disposal of stormwater;
- XVII. A detailed stormwater reticulation plan is to be submitted to the SED: Technical Services before construction;
- XVIII. A bulk waste container must be made available;
- XIX. Any additional capacity required relating to services (water and sewer) must be covered by the developer at her/his cost;
- XX. That this approval shall be subject to review if the municipality is of the opinion that the conditions for which this application is approved has been violated, municipal bylaws flawed, other legislation/s transgressed or any other matter deemed necessary for the purposes of this approval to remain in force;
- XXI. Any party aggrieved by the decision of the Newcastle Municipal Planning Tribunal be informed of their right to appeal with the municipality within 30 days of being notified of the decision.

## SECTION 2

### 4. REPORT

#### 4.1 Application Background

An application in terms of the Newcastle Municipality Spatial Planning and Land Use Management (Act 16 of 2013) Regulations and Bylaws was received from Silver King Investment CC, the development right holder.

The subject property is already endowed with modern developments for suburban living, a wedding hall and a pub are operational on the site and it has over the years, become a prime location for events and social gatherings. The location of the property along Volksrust Road also contributes to the suitability of the proposed development.

The application seeks the approval of the Municipal Planning Tribunal to rezone a portion of Portion 1 of Erf 8780 Newcastle from "Special Zone 18" To "Hotel" in order to establish a petrol filling station accompanied by a convenience shop.

#### **4.4.2. Response to Objection**

In accordance with Section 54 of the Newcastle Spatial Planning and Land Use Management Bylaw, the applicant was granted the chance to respond to the objection posed to the application, the applicant responded to the department and the applicant reemphasized that the proposed development is in good standing due to the following:

- The risk of contamination will be minimal due to NEMA conditions that the development will have to adhere to.
- The damage to existing foundations will also not be factor as building plans are subject to the approval of the municipality
- Safety and noise concerns will be minimised by ensuring that the development not operating as a truck stop that would cause an influx of people at night but rather a safe establishment will all-round security presence.
- The phasing of the project was explained by the applicant as one that will determined by the performance of the service station. The ancillary shops will follow based on how well the service station performs.

#### **4.4.3. Town Planning Perspective**

The department stands aligned with development that seeks to take Newcastle to greater heights and this development is one such that proposes a node of crucial services in one property. The applicant is wanting to develop an aesthetically pleasant node at the entrance of the town, this service station and shop will cater for the neighbourhood and especially the traffic that enters and leaves Newcastle using Volksrust Road.

The department is for the stance that the development cannot and will not harm the neighbouring residential development and the environment at large. The National Environmental Management Act ensures the balance between development and the environment and therefore it is worth noting that the proposed has obtained an environmental authorisation.

#### **4.5. First Municipal Planning Tribunal submission**

The MPT on its meeting dated 11 July 2019 referred this application for review based on the following reasons;

- a) The phasing of the project was unclear to convince the MPT to grant development rights for the entire project. The components of Phase 2 as to whether the development will include a hotel or not were not clarified in the application and on the Site Development Plan;
- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property as a whole but mainly focused on the minimum threshold for the sale of petroleum;
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development;

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive;
- e) It is anticipated that such a development will require the municipality and applicant to enter into a service agreement.

This outcome of the MPT were discussed with the developer/applicant at a meeting that took place on the 16<sup>th</sup> of July 2019. The applicant responded to each of the queries of the MPT in a letter dated 31 July 2019, see Annexure G of this report.

The applicant emphasised, in this letter that the next phase of the project will mainly be determined by the success of this first phase and it is projected to be implementable in year 2026.

Furthermore, an objection meeting was called between the applicant and the objector and it took place on 2<sup>nd</sup> August 2019. The meeting concluded with the objector's representative claiming to be prejudiced due to the fact that they had not been exposed to the original response to objections as posed by the applicant. The minutes of this meeting are annexed on this report as Annexure H.

#### **4.6. Location context and access arrangements**

The subject site lies at the intersection of H.J Van Eck Drive and Volksrust Road, the strategic location that serves as a welcome to the town. The property has the potential to develop into a space that promotes permeability of Newcastle with regards to its neighbouring town. The proposed service station will be accessible from Volksrust Road, using a slip line that extends from the traffic lights towards the development entrance point. Egress on Volksrust Road will only be one-way leading out of town in order to limit traffic congestion.

Another ingress and egress point will be on Aquamarine Drive, due to the nature of the proposed development, H.J Van Eck Drive will need to be widened to accommodate the envisaged heavy flow of traffic. The portion of H.J Van Eck Drive between Aquamarine Drive and Volksrust Road in a southerly direction will need to be widened to heavy vehicles exiting the development on H.J Van Eck Drive.

#### **4.7. Surroundings uses and compatibility of the proposed use**

Within the property that is envisaged to host this development there is an existing place of public assembly in a form of a hall. There is an additional place of assembly in a form of a pub. Ample land for outdoor entertainment is found on the property.

On to the surrounding properties, the Remainder of Erf 8780 Newcastle consists of a large-scale residential development. The overall tone of the surroundings remain predominantly residential.

#### **4.8. Growth Prospect**

The development of this scale in this area seeks to enhance the notion of nodal developments in strategically located areas thus being able to bring urban amenities to the community.

There is a strong concept of city living in this application in a sense that it proposes strong amenities presence within very close proximity to residential and a provincial transport route.

In terms of desirability, the proposed rezoning will make way for an increased development rights on the subject property, which is located in one of the key strategic areas of Newcastle. It is therefore deemed desirable that this application be viewed in favour of the applicant, seeing that it stands to contribute to the much anticipated notion of development.

Furthermore, the proposed rezoning is desired in a sense that it will create a mixed-use character to the area. The physicality of the area at large will be enhanced by the development on this property, in terms of development standards.

## 5.0. ZONING AND LAND USE OF THE SITE

### 5.1. Current Zoning: Special Zone 18

Zone	Free Entry Uses	Consent Uses	FAR, Coverage and Height
Special Zone 18	Private Office Building, restricted to an estate agent's office. Guest House	Professional Office Building Shop, restricted to a restaurant	0,45 : 45 : 2

### 5.2. Proposed Zoning: Hotel

<b>STATEMENT OF INTENT</b>		This zone provides for a preservation and use of land for a licensed hotel, which may include accommodation, public lounge, bar, restaurant and recreational facilities
<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>FREE ENTRY USES</b>	<b>FORMAL AUTHORITY USES</b>	<b>SPECIAL CONSENT USES</b>
<input type="checkbox"/> Boarding house <input type="checkbox"/> Guest house <input type="checkbox"/> Hotel <input type="checkbox"/> Lodge	<input type="checkbox"/> Club building <input type="checkbox"/> Educational building <input type="checkbox"/> Laundrette <input type="checkbox"/> Multi-unit development <input type="checkbox"/> Professional office <input type="checkbox"/> Place of instruction <input type="checkbox"/> Place of physical instruction <input type="checkbox"/> Place of assembly <input type="checkbox"/> Residential building <input type="checkbox"/> Restaurant <input type="checkbox"/> Service station <input type="checkbox"/> Shop	<input type="checkbox"/> Building and land uses not included in columns 1 to 3.
<b>ADDITIONAL CONTROLS:</b> Service station and a shop are allowed by special consent as part of a hotel. Common open space shall be provided to the ration of at least 25m <sup>2</sup> for each bedroom therein.		<b>SCHEME MAP NOTATION</b> Fill: Gold R 238, G 201, B 000 Border: Blue R 000, G128, B255

## **6 COMPLIANCE WITH HIERARCHY OF LAWS**

The proposal in terms of the Spatial Planning and Land Use Management Act Regulation and Bylaws: rezoning of Portion 1 of Erf 8780 Newcastle from "Special Zone 18" to "Hotel" is in line with the following principles as spelt out hereunder.

### **6.1. Newcastle Integrated Development Plan**

This proposal speaks to the very notion of integrated development. Establishing crucial amenities in spaces where people live and interact is a major key to providing citizens with a high quality of life.

### **6.2. Newcastle Spatial Development Framework**

The Newcastle Municipality has identified corridor movement as an essential part of inclusive development. Volksrust Road is critical to promoting permeability of Newcastle with its neighbouring town and therefore this development will have over-arching impacts that go beyond benefiting the immediate properties.

The development will be contained within the urban edge, thus optimizing the use of existing infrastructure to benefit the communities and travellers.

### **6.3. The Newcastle Municipality Spatial Planning and Land Use Management (Act No. 16 of 2013) regulations and By-laws**

This application is undertaken in terms of Schedule of the Newcastle Municipality Spatial Planning and Land Use By-laws.

- Stakeholder consultation included the following:
- Circulation of application to various internal and external departments;
- Publishing of a public notice in the local newspaper for 30 days;
- Distribution of notices by the applicant to owners within 100m distance from the subject site; and
- Displaying of notice on the street frontages of the subject site for the 30 days stipulated period.

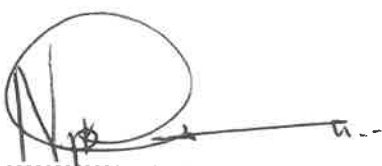
## **7. CONCLUSION**

The proposed service station at the intersection of Volksrust and H.J Van Eck Drive is a crucial element to developing Newcastle into city status. This location is ideal for this type of development as it will create an environment where service meets convenience and the needs of the immediate community are met as well as those of travellers making use of Volksrust Road.

The proposed robustness of activity in this particular location sets Newcastle on path to becoming a well-functioning city with development occurring on strategic location. The presence of those amenities in that strategic location thus informs how well the movement of people interacts with that amenity.

## ANNEXURES

Annexure A - Locality Map  
 Annexure B - Site Development Plan  
 Annexure C - Title deed  
 Annexure D – Objection  
 Annexure E - Response to Objection  
 Annexure F – Letter to Applicant, Outcome of the MPT  
 Annexure G – Response from applicant  
 Annexure H - Minutes of Objection meeting  
 Annexure I – Traffic Study  
 Annexure J - Departments Comments  
 Annexure K - Registered Planer's Certificate



.....  
**N.P KHATHIDE**

**DATE:**

**DIRECTOR: TOWN PLANNING**

<b>Author</b>	: Xoliswa Madela
<b>Designation</b>	: Junior Town Planner: LUM
<b>Directorate</b>	: Town Planning

### Annexure A - Locality Map



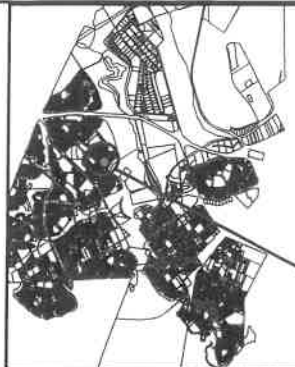
**Title:**  
**Site & Locality Plan:**  
 Newcastle  
 Sunnyridge  
 Erf No: 8780  
 Area: 5,072 Ha  
 Street Address: 52 Aquamarine Drive  
 Zoning: Special zone 18

### Legend

— Water Line

— Sewer Line

Newcastle Cadastral



Locality of site

Scale 1:4000



DIRECTORATE: TOWN PLANNING

NEWCASTLE LOCAL MUNICIPALITY



**Title:**  
**Site & Locality Plan:**  
 Newcastle  
 Sunnyridge  
 Erf No: 8780  
 Area: 5,072 Ha  
 Street Address: 52 Aquamarine Drive  
 Zoning: Special zone 18

### Legend

Newcastle Cadastral	
ZONING	
Gen Res 3	
Public Open Space	
Single Res	
Special Zone 18	
Special Zone 7	
Worship	



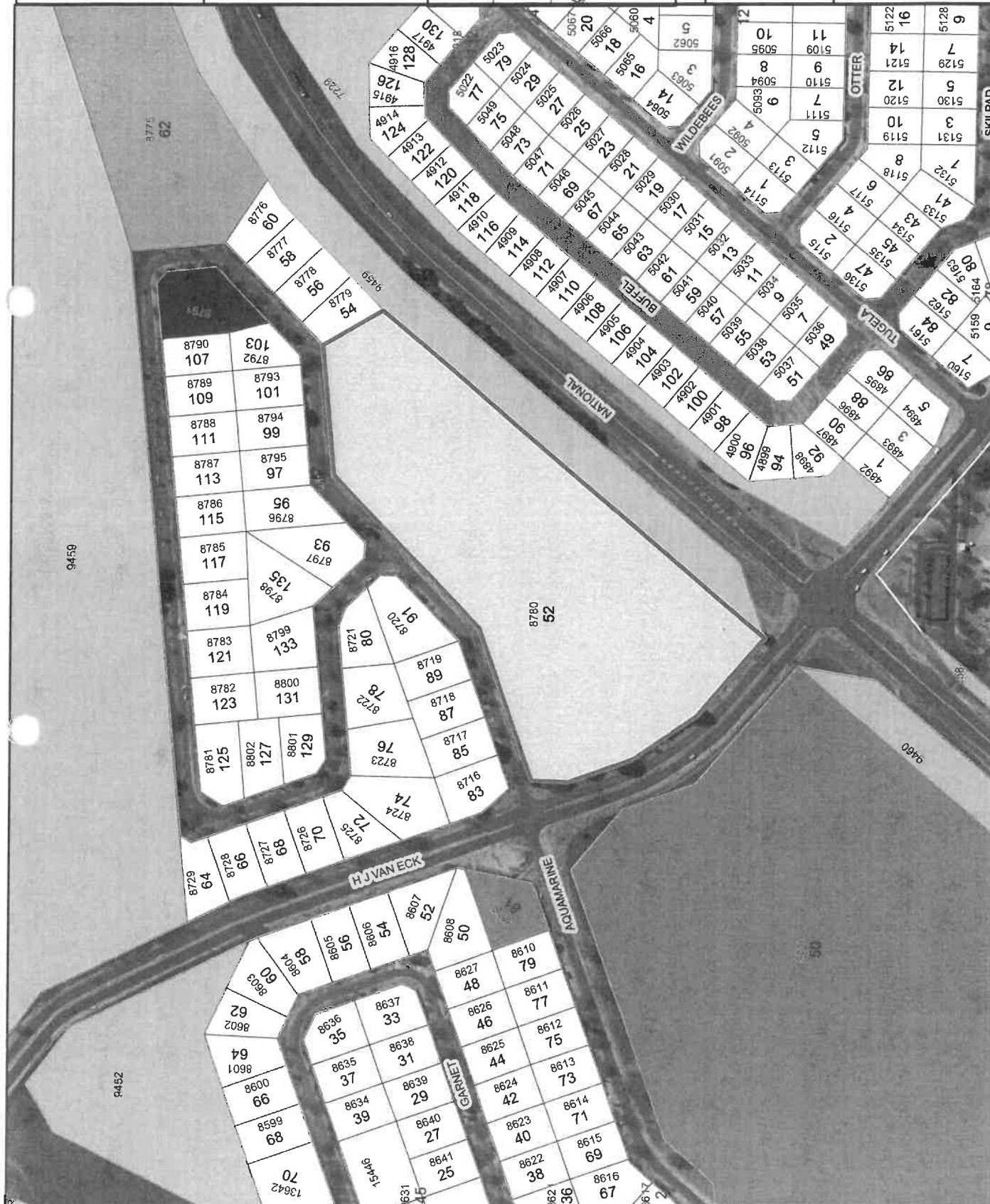
Scale 1:4000

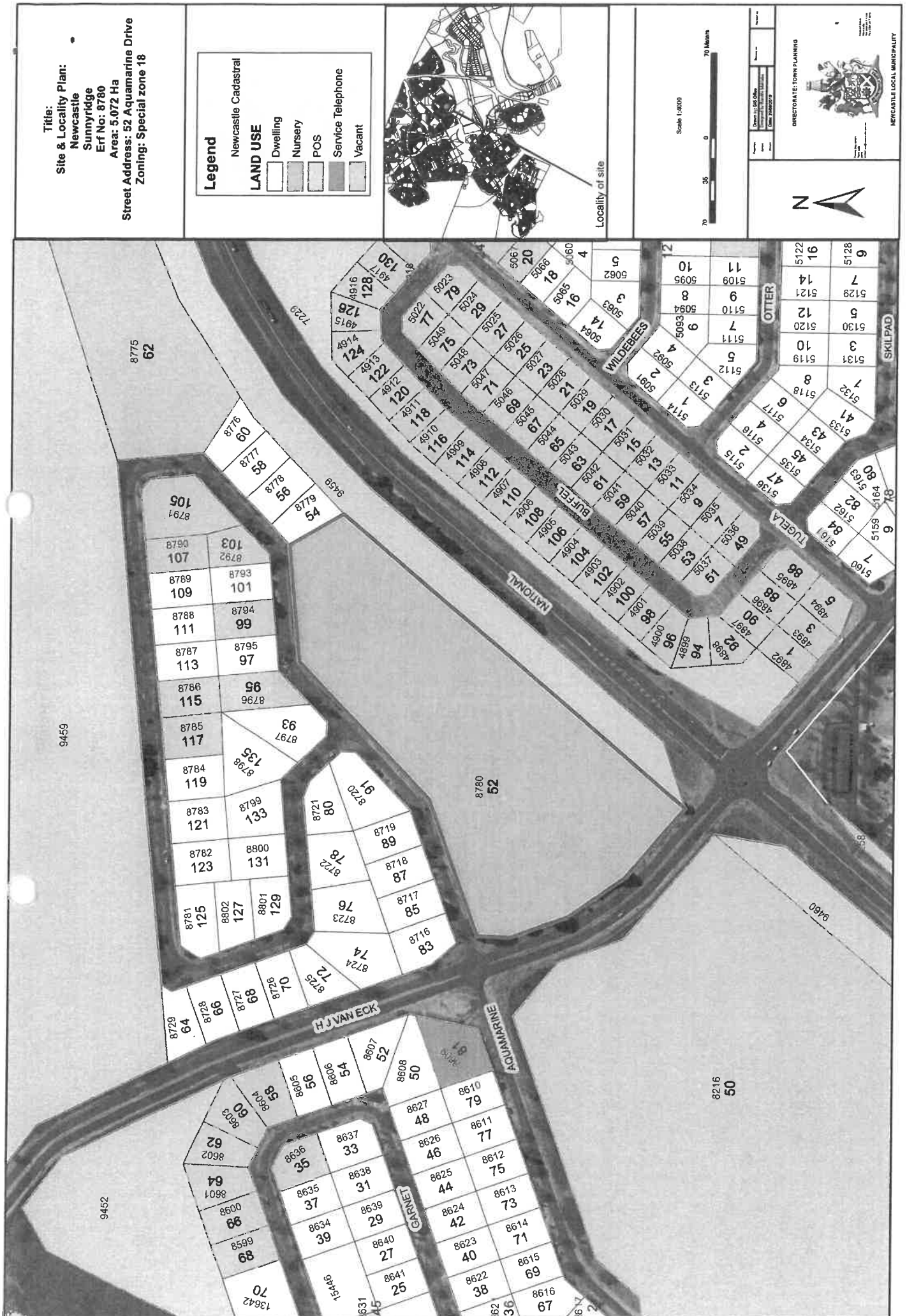


DIRECTORATE: TOWN PLANNING



NEWCASTLE LOCAL MUNICIPALITY





Annexure B - Site Development Plan



PORTION 1 OF Ef 8780

### SITE SIZES:

NEW DEVELOPMENT LAND SIZE	7 087.90m2
REMAINDER OF LAND	13 385.10m2
TOTAL SITE	20 483.00m2
PERCENTAGE OF SPACE USED	34.00%

NUMBER OF PARKING BAYS 102

TOTAL LETTABLE SPACE	/ 743.200m <sup>2</sup>
POSSIBLE FIRST FLOOR	744.50m <sup>2</sup>

Erf 9459 (PUBLIC PLACE)

Diagram illustrating a road layout. A road labeled "HJ VAN ECK DRIVE" is shown, with a width of 33m indicated. The road is flanked by dashed lines labeled "Edge of Tor".

SCALE: 1:250

AREAS IN m2		
GROUND FLOOR		
SHELL SERVICE STATION		308.30
SHOP NO 01		66.78
SHOP NO 02		46.48
SHOP NO 03		59.10
SHOP NO 04		56.67
SHOP NO 05		56.67
CONSERGE		21.20
PUBLIC TOILETS		23.00
MANAGEMENT OFFICE		32.15
STORE ROOM		13.89
OTHER		
TOTAL LETTABLE SPACE		743.20m2

**IMPORTANT NOTES:**

THIS LAYOUT MAY BE CHANGED AT ANY TIME AT THE DISCRETION OF BOTH THE LOCAL COUNCIL OR THE CLIENT - THE PALMS SHOPPING CENTRE

PLEASE NOTE THAT WHEREVER STRUCTURAL CHANGES ARE MADE TO A BUILDING THE ADDITION OF MEZZANINE LEVELS, CHANGES OF ROOF STRUCTURE OR CUTTING INTO SLABS, BOTH ENGINEER DRAWINGS AND CERTIFICATE WILL BE REQUIRED.

THIS CONCEPT WILL NOT BE HELD RESPONSIBLE FOR THESE FEES OR ANY EXPENSES INCURRED RELATING TO STRUCTURAL CHANGES TO THIS CENTRE DESIGN CONCEPT ARE NOT QUALIFIED TO MAKE STRUCTURAL DECISIONS OR CHANGES TO A BUILDING.



**designconcept**  
PO Box 28500 Lyndhurst 2108  
Telephone: 011-962 2026  
E-mail: roger@designconcept.co.za

**PRIMARY CLIENT:**

**THE PINES SHOPPING CENTRE**

**COMPANY CLIENT:**

NAME NO / STORE LOCATION / ADDRESS

PORTION 1 OF E/18760, NEWCASTLE  
FORNER AQUAMARINE DRIVE AND HJ VAN BECK  
DRIVE, NEWCASTLE, KWAZULU NATAL

NEW TIME

## SKETCH PLAN 4 NEW ENVELOPE

NEW BALANCE ENVELOPE BY JCHAM PETERS ON 04/10/2018

FILE: 1280	CODE: TP-SKETCH PLAN 4
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TE: 06/10/2018	GRUPO: ADOPTER INDUST
----------------	-----------------------

SK 4 PREVIOUS: COLLEGE

11/17/2000	4-2000
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# Detail Survey Plan

for

## Proposed Filling Station

### CADAstral DESCRIPTION

Portion 1 of Erf 8780 Newcastle  
Corner of Allen Street and HJ Van Eck Drive  
Diagram No: SG No. 786/2008

### LOCALITY

Newcastle Local Municipality (KZ 252)  
Amajuba District Municipality (DC 25)  
Province of KwaZulu-Natal

### LEGEND

System WG29 (Ellipsoid: WGS 84)

Contour Interval = 0.25m

Road

Structures

Electricity

Fences

Sewer

Water

Stormwater

### PREPARED BY:

NN Land Survey Office

Professional Land Surveyors

55 Paterson Street, Newcastle, 2940

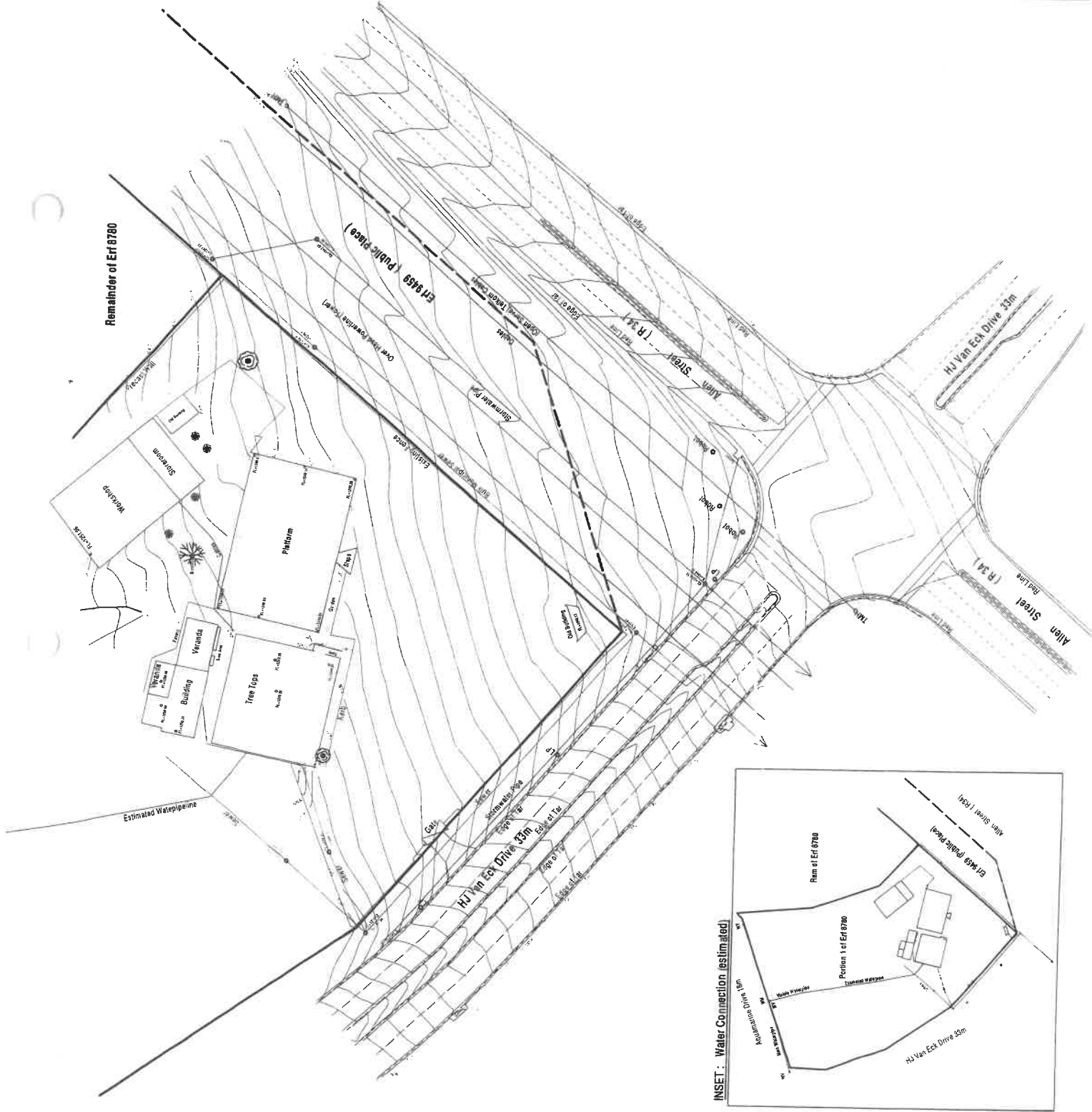
Tel: 034 312 5762

Email: bl@nnsurveys.co.za

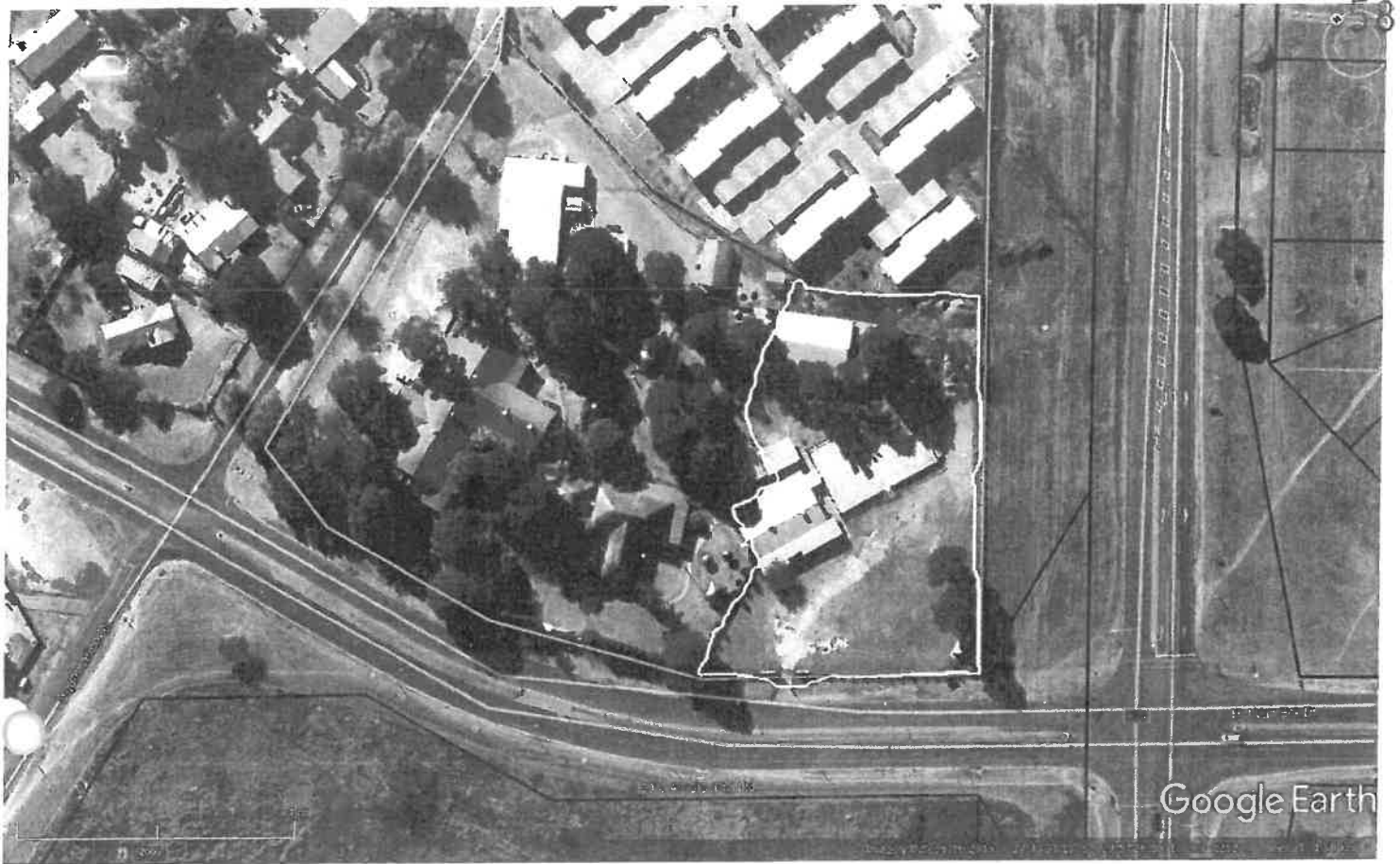


Scale 1:500  
(Sheet size A2)

Date: September 201  
Plan Ref: N-8780-1.v



INSET: Water Connection (estimated)



Annexure C - Title deed



## Annexure 3 : Land Owner's Consent

### AGREEMENT BETWEEN PARTIES

This agreement is between:

**Silver King Investments (Pty) Ltd**  
 Registration Number: 2016/228461/07  
 43 Voortrekker Street Newcastle, KwaZulu-Natal, 2940  
 Contact is Nazir Ahmed Akram - 082 859 1205  
 (hereinafter known as the "Seller")  
 and  
**Farm Dweller's Inn (Pty) Ltd**  
 Registration Number: 2008/001070/07  
 52 Aquamarine Ave Newcastle, KwaZulu-Natal, 2940  
 Contact is Johan Pieters - 082 923 0078 or 0343181888  
 (hereinafter known as the "Purchaser")

This agreement between parties is to ensure clarity regarding the property located at 52 Aquamarine Ave Newcastle, KwaZulu-Natal (hereinafter known as the "Property") and that the Seller and the Purchaser has entered into a contract of sale of the said property. Owing to expected and unexpected time delays associated with the raising of finance and transfer of the said Property the Purchaser has to attend to numerous regulatory requirements to enable the property to be licensed as a filling station under the National Department of Energy in terms of the Petroleum Product Amendment Act, Act 23 of 2003 (PPA). Therefore, the parties agree to the following:

1. The Purchaser will be proceeding with an exemption for an Environmental Impact Assessment (EIA) and both parties will co-ordinate regarding signatories to the process, the Purchaser to pay for the exemption EIA and associated fees
2. The Purchaser will be proceeding with a rezoning and or a special consent of the said property and such application is required to be applied to at the local Municipality in Newcastle, the aim is to ensure the said Property has zoning for the development of a filling station, costs and associated fees incurred regarding the zoning will be paid by the Purchaser.
3. Depending on the status of the sale of the said Property, the parties will need to address specific entities regarding the application for site license to the National Department of Energy as this requires that the property owner at the time of application MUST be the applicant for the site license. In terms of costs and associated fees for the entire process for the fuel licenses it is agreed that the Purchaser will pay for such costs.
4. The zoning and petroleum licenses require a process of public participation and this includes the placement of adverts (publications – legal section) and the parties agree that costs associated with the placement of adverts will be paid by the Purchaser.
5. All parties to this agreement confirm that any further matters associated with the regulatory requirements as defined within this agreement must be raised in writing and signed by both parties indicating their respective agreement thereto

SIGNED BY THE SELLER AT Newcastle on this 2 day of May  
 2018  
 AS WITNESS:

1. [Signature]  
 SELLER

SIGNED BY PURCHASER AT Newcastle on this 3 day of May  
 2018  
 AS WITNESS:

1. [Signature]  
 PURCHASER

## Annexure 4 : Title Deeds & Diagram

DBM ATTORNEYS INC.  
DBM OFFICE PARK  
CORNER OF MEMEL RD AND ALLEN ST  
NEWCASTLE 2940

Prepared by me

  
CONVEYANCER  
ALISIA PEENS

EES		
APPLICANT	PROPERTY	AMOUNT
GREEN TREE TOP TRADING PROPRIETARY LIMITED	10000000	198000
REGISTERED		
REGISTERED		
REGISTERED		
REGISTERED		
REGISTERED		

2017-03 13

### DEED OF TRANSFER

T 006372/2017

BE IT HEREBY MADE KNOWN THAT

CHRISTOPHER OF 1010

appeared before me, REGISTRAR OF DEEDS at PIETERMARITZBURG, the said  
appearer being duly authorised thereto by a Power of Attorney which said Power of  
Attorney was signed at NEWCASTLE on 25 JANUARY 2017 granted to him by

**GREEN TREE TOP TRADING PROPRIETARY LIMITED**  
Registration Number 2005/013150/07

GhestConvey : \$ 9,5 0

Page 2

And the appearer declared that his said principal had, on 9 December 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid did, by virtue of these presents, cede and transfer to and on behalf of

**SILVER KING INVESTMENTS (PTY) LTD**  
Registration Number 2016/228461/07

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

**PORTION 1 OF ERF 8780 NEWCASTLE (EXTENSION 37)**  
**REGISTRATION DIVISION HS,**  
**PROVINCE OF KWAZULU-NATAL**

**IN EXTENT 2.0496 (TWO COMMA ZERO FOUR NINE SIX) Hectares**

**FIRST registered and still held by Certificate of Registered Title T 15439/2009**  
**with Diagram SG 786/2008 annexed thereto**

**THIS PROPERTY IS TRANSFERRED:**

A. Subject to the terms and conditions of the original Government Grant 4732 in so far as still in force and applicable

B. Erf 8780 Newcastle of which the above property is a portion is subject to the following conditions imposed at the instance of the Administrator of the Natal in terms of Ordinance 27 of 1949 (as amended), as created in Deed of Transfer T 29313/1989 namely:

1. Die plaaslike owerheid het die bevoegdheid om sonder vergoeding elektriese drade en/of watertoevoerpype oor of onder die lot langs enige grens daarvan as 'n padfront en wel binne 'n afstand van 2 meter van sodanige grens aan te lê en in stand te hou en het redelike toegang daartoe vir die doel van instandhouding, verwydering of uitbreiding. Instandhouding sluit in die snoei, sny of ander behandeling van bome sodat bemoeëling met die elektriese drade voorkom word.

Die regte wat ingevolge hierdie voorwaarde verleen word, kan deur enige plaaslike owerheid of ander liggaam of persoon wat wettiglik gemagtig is om elektriese krag of water tot voordeel van die inwoners van die dorp te voorsien, uitgeoefen word.

Indien die eienaar van die lot veronreg word deur die onredelike uitoefening van hierdie regte, het hy die reg om na die Administrateur te appelleer wie se beslissing bindend is.

2. Die plaaslike owerheid het die bevoegdheid om sonder vergoeding vuilroë en riole oor of onder die lot langs enige ander grens daarvan, as padfront en wel binne 'n afstand van 2 meter van sodanige grens aan te lê en in stand te hou en hy geniet redelike toegang daartoe vir die doeleindes van instandhouding, verwydering of uitbreiding, en die eienaar van die lot is sonder vergoeding verplig om toe te laat dat die rotering en dreinerings van enige ander lot of straat langs sodanige vuilroë en riole afgevoer word met dien verstande dat as die eienaar van die lot deur

*GhostConvey 13.9.5.6*

Page 3

- 3 Die eienaar van die lot is verplig om sonder vergoeding sodanige aflaaiing van materiaal of uitgraving op die grond toe te laat as wat in verband met die vorming van 'n straat en weens verskille in die vlak tussen die lot en die straat deur die plaaslike bestuur nodig geag word ten einde 'n veilige en behoorlike helling aan die uitgraving en opvulling wat by die grens van die lot begin, te verskaf, tensy hy verkies om vir sy eie rekening 'n keermuur tot bevrediging van die plaaslike owerheid te bou.
- 4 Waar daar twee of meer lots of dele daarvan behoudens dergelike voorwaardes wat op aandrang van die Administrateur opgelê is, gekonsolideer word, is sodanige voorwaardes op die gekonsolideerde gebied as geheel van toepassing
- D Subject to the following condition imposed by the Administrator of KwaZulu-Natal in terms of Ordinance 27 of 1949 (as amended), as created in Deed of Transfer T 15439/2009, namely:
- "No building or structure whatsoever, other than a fence, hedge or wall which does not rise higher than 2,1 metres above the surface of the land on which it stands, shall be erected on the land within a distance of 15 metres measured from the road reserve boundary of Main Road 654."

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

**GREEN TREE TOP TRADING PROPRIETARY LIMITED**  
Registration Number 2005/013150/07

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

**SILVER KING INVESTMENTS (PTY) LTD**  
Registration Number 2016/228461/07

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 R7 000 000,00 (SEVEN MILLION 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 PIETERMARITZBURG on 2017-03 13

In my presence

REGISTRAR OF DEEDS

GhosiConrey 15.9.3.6

#### Annexure D – Objection

# ANSEC 194 (PTY) LTD

Ansec 194 (Pty) Ltd Reg No 2010/0050352/07  
Post Net Suite 86, Private Bag X 4, Wierda Park, Centurion 0149  
Lebombo Place Building B, 38 Lebombo Street, Ashlea Gardens, Pretoria, 0081  
Tel (012) 653 8080 Fax (012) 653 8049

2019-02-05

NEWCASTLE MUNICIPALITY  
DEVELOPMENT PLANNING & SETTLEMENTS  
TOWN PLANNING DEPARTMENT  
4<sup>TH</sup> FLOOR, NO. 37 MURCHISON STREET  
NEWCASTLE  
2940

**RE: OBJECTION TO AN APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE FROM SPECIAL ZONE 18 TO HOTEL**

We refer to the abovementioned application submitted by Champ Group, Newcastle and advertised on 18 January 2019 in the Newcastle Advertiser page 22, as well as attached site layout received from their town planners stipulating the layout of a shopping centre and petrol / service station.

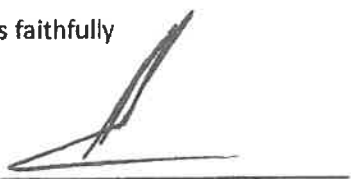
We hereby object to the application and rezoning for erven 8780 portion 1, Newcastle.

Ansec 194 Pty Ltd the registered owner of **60 units** in the sectional title development known as Naledi, build on a remainder of erf 8780 adjoining the property (Portion 1 of Erf 8780), object based on

- The risk of contamination (underground leakages etc., take note of new requirements for petrol stations this close to residential buildings.
- The damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay)
- Safety concerns ( 24 hour trading at garage/truck stop, large influx of people specifically late at night raising safety concerns for residents)
- Noise ( 24 hour trading, trucks stopping/leaving all hours of the day and night, 24 hour fast food restaurants at centre)
- Truck fuelling point to close to residential units
- Better understanding as to when the shopping complex excluding the garage will be build, phasing etc.?
- Better understanding as to what will be developed on remainder of Portion 1 of Erf 8780

Please acknowledge our objection.

Yours faithfully



A.D. van Vuuren  
(Director)

## Annexure E - Response to Objection

**NEWCASTLE LOCAL MUNICIPALITY**  
**TOWN PLANNING, DEVELOPMENT PLANNING**  
**AND HUMAN SETTLEMENTS**

FARM DWELLERS INN (PTY) LTD  
(2008/001070/07)  
CELL: 082 923 0078  
52 AQUAMARINE AVENUE  
NEWCASTLE, KWAZULU-NATAL  
E-MAIL: [jonan@chamilo.co.za](mailto:jonan@chamilo.co.za) (JOHAN PIETERS)

PORTION 1 OF ERF 8780 NEWCASTLE (EXTENSION 37) REGISTRATION  
DIVISIONS HS, PROVINCE OF KWAZULU-NATAL IN EXTENT 2.0496 (TWO  
COMMA ZERO FOUR NINE SIX) HECTARES: H.J. VAN ECK DRIVE  
SCHUINSHOOGTE NEWCASTLE, PROVINCE OF KWAZULU-NATAL,  
REZONING TO FUEL SERVICE STATION

DATE: 26/02/2019

---

**RESPONSE TO THE OBJECTION FROM ANSEC 194 (PTY)LTD IN RESPECT OF  
THE APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE  
FROM SPECIAL ZONE 18 TO HOTEL.**

---

**INTRODUCTION**

1.

We hereby respond by way of a formal appeal to the objection lodged by ANSEC 194 Pty Ltd on our application rezoning of portion 1 of erf 8780 of Newcastle from Special Zone 18 to Hotel.

2.

From that which will follow hereunder, it will become apparent the Objection is without foundation and should be disregarded in its entirety.



3.

**RESPONSE TO THE LETTER OF ANSEC 194 Pty Ltd (Dated 5<sup>th</sup> February 2019)**

**Ad Point 1:**

4.

Letter has heading as reference "RE: OBJECTION TO AN APPLICATION FOR REZONING OF PORTION 1 OF ERF 8780 OF NEWCASTLE FROM SPECIAL ZONE 18 TO HOTEL".

**Ad Point 2:**

5.

Each statement of objection listed in the letter is hereby dealt with individually to explain and provide relevant information to argue against the points of objection:

**Ad Point 3:**

6.

First point in the Letter states "•*The risk of contamination (underground leakages etc., take note of new requirements for petrol stations this close to residential buildings.*"

6.1. The site would be required to adhere to the National Environmental Management Act No. 107 of 1998 of South Africa (NEMA). This has stringent regulations that deal in great detail regarding the storage of below ground dangerous goods such as liquid petroleum products, and the storage of such products require amongst a host of minimum requirements appropriate to tanks, specifications, safety measures and the like.

6.2. NEMA ensures the risk of contamination is minimised as a much as possible and installation of the below ground tanks is conducted by approved professionals associated with NEMA and who are approved professionals that fall under NEMA.

6.3. The franchisor to the envisaged petrol filling station being Shell South Africa is an International leading brand and with their involvement on the development it can be assured that adherence to all safety regulations will be strictly enforced and Shell will also play an intricate role with regard to the below ground tanks and ensure qualified professionals are appointed to be responsible for the complete installation.

**Ad Point 4:**

7.

Second point in the Letter states "•*The damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay)*"

7.1. No damage to existing foundations of top structures in Naledi (Backfill and compaction, pylons in foundations if applicable- heavy clay) will happen as the applicant will be required to submit detailed plans to the municipality for approval and no such approval will allow this to happen.

7.2. The applicant has absolutely no plans and or intentions to damage the existing foundations of top structures in Naledi. Construction contractor that will be appointed will be from a proven professional source and this will be a priority within the Bill of Quantities to ensure no damage to exiting foundations of top structures will be done.

**Ad Point 5:**

8.

Third point in the Letter states “• *Safety concerns ( 24 hour trading at garage/truck stop, large influx of people specifically late at night raising safety concerns for residents)*”

8.1. The development is NOT a truck stop and the property will not be a locality that will have a large influx of people specifically late at night that would raise safety concerns.

8.2. Operational safety is a priority with regard to a first class petroleum filling station in terms of the branding with Shell as the franchisor at the property. The facility will be managed in a responsible manner and there will always be the presence of a manager on duty, especially between the hours of 10pm to 7am daily.

8.3. It is a well known fact that a quality petroleum filling station actually provides a venue of safety for residents in the locality as the site has high definition quality extensive CCTV cameras that enable accurate tracking of all activities on the property, and should there be an incident there is conclusive proof by way of CCTV footage.

8.4. This statement is rather the opposite of what the petroleum filling station is able to provide, there will be essential and retail offerings that currently are not available in the area and residents will be able to shop at the filling station for services and products that currently are not available, it must be emphasized that the property is going to be a quality destination and will be managed as one should be.

**Ad Point 6:**

9.

Fourth point in the Letter states “• *Noise ( 24 hour trading, trucks stopping/leaving all hours of the day and night, 24 hour fast food restaurants at centre)*”.

9.1. It is planned that the site will be managed in an appropriate manner in line with a residential type petroleum filling station. Noise and disturbance during late hours will NOT occur and the management of the facility will ensure that this is enforced 24/7.

9.2. The petroleum filling station is NOT a truck stop that is associated with huge trucks making excessive noise, as stated in point 8.1. previously the facility will be well managed and patronage of customers will be controlled to ensure no noise will occur that will have any affect on the residents to the area.

**Ad Point 7:**

10.

Fifth point in the Letter states “ • *Truck fuelling point to close to residential units*”.

10.1. We interpret that this is meant to say that Truck fuelling point is too close to residential units. The development of the petroleum filling station will need to adhere to NEMA and local regulations and the approvals will not allow the property to have the fuelling point too close to residential units. Our previous statements refer to this and the development will be required to get conclusive approval from the relevant authorities to the development.

**Ad Point 8:**

11.

Sixth & Seventh point in the Letter states "• *Better understanding as to when the shopping complex excluding the garage will be build, phasing etc.?*"

and

"• *Better understanding as to what will be developed on remainder of Portion 1 of Erf 8780*".

11.1. Applicants plan is to initially develop and build the petroleum filling station (forecourt) with the retail offering being the branded Shell shop and a franchise retail food take-away outlet. Shopping complex and other top structures is only going to be considered two years after the filling station has been in operation. This is in the plans as it will depend entirely on the performance of the petroleum filling station and the patronage profile will the development be in a position to determine specifics that relate to a possible shopping complex or the like.

**SUMMARY**

12.

The letter of objection received from ANSEC 194 Pty Ltd does not in any objective way show that the proposed petroleum filling station site is going to have any effect whatsoever on the residential development known as Naledi being the 60 sectional title units. In fact, the onset of a quality filling station with the brands as listed in our response is seen as an enhancing facility to the area and will be there to offer retail services and products that enhance the quality of living standards for residents to the locality.

**Signed at Newcastle on this 26<sup>th</sup> day of  
February 2019.**

**FARM DWELLERS INN (PTY) LTD  
(2008/001070/07)  
CELL: 082 923 0078  
52 AQUAMARINE AVENUE  
NEWCASTLE, KWAZULU-NATAL**

(sgd.) JOHAN PIETERS

Annexure F – Letter to Applicant, Outcome of the MPT

# NEWCASTLE KWAZULU NATAL

My Verw: TP 13/3/3 – 1/8780  
My Ref:

Munisipaliteit: Privaatsak X6621  
Municipality: Private Bag X6621  
Newcastle  
2940

Navrae: X. Madela  
Enquiries:

Tel (034) 328 7600  
Fax (034) 312 1570

Email address:

17 July 2019

Farm Dwellers Inn (PTY) LTD  
52 Aquamarine Drive  
Newcastle  
2940

Dear Sirs

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE  
MANAGEMENT ACT REGULATIONS AND BYLAWS: APPLICATION FOR THE  
REZONING OF PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18"  
TO "HOTEL" IN ORDER TO ESTABLISH A SERVICE STATION AND ANCILLARY  
CONVINIENCE SHOP. NO. 52 AQUAMARINE DRIVE, SCHUINSHOOGTE.**

Reference is made to the Municipal Planning Tribunal (MPT) that sat on the 11<sup>th</sup> of July 2019 and the subsequent meeting that was held with yourself as the developer, the registered planner and the Director: Town Planning on the 16<sup>th</sup> of July 2019 regarding the same.

The MPT on the 11<sup>th</sup> of July resolved to refer your application for the rezoning of Portion 1 of Erf 8780 Newcastle back for review, based on the following;

- a) The phasing of the project was unclear to convince the MPT to grant development rights for the entire project. The components of Phase 2 as to whether the development will include a hotel or not were not clarified in the application;
- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum;
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development;

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive;
- e) It is anticipated that such a development will require the municipality and applicant to enter into a service agreement.

You are therefore required to respond to the municipality with regards to these concerns before end of July 2019 in order to allow your application to be served on the MPT in August 2019.

Your cooperation and patience in this regard will be appreciated.

Issued By;



.....  
**N.P. KHATHIDE**  
**DIRECTOR: TOWN PLANNING**

Endorsed By;



.....  
**V. GOVENDER**  
**SED: DP&HS**

Annexure G – Response from applicant



52 Aquamarine Street Newcastle.  
(opposite The Pines Wedding & Conference Village)

Email: info@schamp.co.za  
Toll: 034 318 1885  
Fax: 086 630 1246

Postnet Suite no 6  
Private Bag X6603  
Newcastle  
2940

31 July 2019

**The Director Town Planning**  
**NP Khathide**  
**Newcastle Municipality**  
**Private Bag X 6621**  
**Newcastle**  
**2940**

Dear Mr Khathide

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT**  
**REGULATIONS AND BYLAWS: APPLICATION FOR THE REZONING OF PORTION 1 OF 294**  
**8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO HOTEL" IN ORDER TO ESTABLISH A**  
**SERVICE STATION AND ANCILLARY CONVENIENCE SHOP. NO. 52 AQUAMARINE DRIVE,**  
**SCHUINSHOOGTE.**

In response to the Municipal Planning Tribunal (MPT) letter dated 17th July 2019 we respond on the points raised, as follows:

- a) To provide clarity regarding the phasing of the project in terms of granting development rights for the entire project with specific reference to Phase 2 as to whether the development will include a hotel is explained herewith. The plan is to initially build and develop the service station that includes a forecourt, retail shop, car wash and food offerings relevant to the target customer in the area. Once the service station has been operational to establish itself and fuel volumes reach a maturity level (5-years) the project would consider proceeding to Phase 2, consisting of the accommodation building being a hotel. To service as a macro time-line the following table is envisaged;



THE PINES

Farm Dwellers Inn





# NEWCASTLE KWAZULU NATAL

My Verw: TP 13/3/3 – 1/8780  
My Ref:

Munisipaliteit: Privaatsak X6621  
Municipality: Private Bag X6621  
Newcastle  
2940

Navrae: X. Madela  
Enquiries:

Tel (034) 328 7600  
Fax (034) 312 1570

Email address:

17 July 2019

Farm Dwellers Inn (PTY) LTD  
52 Aquamarine Drive  
Newcastle  
2940

Dear Sirs

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE  
MANAGEMENT ACT REGULATIONS AND BYLAWS: APPLICATION FOR THE  
REZONING OF PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18"  
TO "HOTEL" IN ORDER TO ESTABLISH A SERVICE STATION AND ANCILLARY  
CONVINIENCE SHOP. NO. 52 AQUAMARINE DRIVE, SCHUINSHOOGTE.**

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The MPT on the 11<sup>th</sup> of July resolved to refer your application for the rezoning of Portion 1 of Erf 8780 Newcastle back for review, based on the following;

- a) The phasing of the project was unclear to convince the MPT to grant development rights for the entire project. The components of Phase 2 as to whether the development will include a hotel or not were not clarified in the application;
- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum;
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development;

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive;
- e) It is anticipated that such a development will require the municipality and applicant to enter into a service agreement.

You are therefore required to respond to the municipality with regards to these concerns before end of July 2019 in order to allow your application to be served on the MPT in August 2019.

Your cooperation and patience in this regard will be appreciated.

Issued By;



.....  
**N.P. KHATHIDE**  
**DIRECTOR: TOWN PLANNING**

Endorsed By;



.....  
**V. GOVENDER**  
**SED: DP&HS**

Annexure G – Response from applicant



52 Aquamarine Street Newcastle,  
apra The Pines Wedding & Conference Village

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Teli: 034 318 1888  
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Postnet Suite no 6  
Private Bag X6603  
Newcastle  
2940

31 July 2019

**The Director Town Planning  
NP Khathide  
Newcastle Municipality  
Private Bag X 6621  
Newcastle  
2940**

Dear Me Khathide

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT  
REGULATIONS AND BYLAWS: APPLICATION FOR THE REZONING OF PORTION 1 OF ERF  
8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO HOTEL" IN ORDER TO ESTABLISH A  
SERVICE STATION AND ANCILLARY CONVINIENCE SHOP. NO. 52 AQUAMARINE DRIVE,  
SCHUINSHOOGTE.**

In response to the Municipal Planning Tribunal (MPT) letter dated 17th July 2019 we  
respond on the points raised, as follows:

- a) To provide clarity regarding the phasing of the project in terms of granting development rights for the entire project with specific reference to Phase 2 as to whether the development will include a hotel is explained herewith. The plan is to initially build and develop the service station that includes a forecourt, retail shop, car wash and food offerings relevant to the target customer in the area. Once the service station has been operational to establish itself and fuel volumes reach a maturity level (5-years) the project would consider proceeding to Phase 2, consisting of the accommodation building being a hotel. To service as a macro time-line the following table is envisaged;



THE PINES

Farm Dwellers Inn

2940

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Inspire Greatness**

No	Detail	Time Frame	Target Date
1	Approval by municipality on the zoning	1 month	25/08/2019
2	Filling station licence process	9 months	01/06/2020
3	Approval of plans and other departments	6 months	01/12/2020
4	Finalisation of funding to build	3 months	01/03/2021
5	Building of service station	6 months	01/09/2021
6	Start of service station operations	1 month	01/10/2021
7	Service station trade and maturity on volumes	5 years	01/10/2026
8	Building & developing hotel	12 months	01/10/2026
9	Start of hotel operations	1 month	01/11/2026

- b) The letter from EDTEA did not take into account the mixed-use character that is now being proposed on the subject property but mainly focused on the minimum threshold for the sale of petroleum; According to our records the primary environmental challenge is the storage of dangerous goods (petroleum) below ground, the letter from EDTEA confirms conditions and parameters. In relation to other environmental requirements we have factored sufficient time and effort within our timelines as indicated under point a) of this letter.
- c) The traffic study / count that was conducted did not conclusively state the extent the traffic pattern will be impacted by this development; On submission of the application the traffic department did make comment and the forms were adjusted in terms of traffic getting access to the site. Furthermore, the study / count that was conducted was based on The South African Trip Generation Manual (SATGM – refer to page 6) and this is used to determine petrol and diesel volumes that the site is capable of pumping for a 20-year projection. The report is to guide the investor on capital investment and level of assets needed for the project and provide potential of performance to the petroleum company. We acknowledge that the service station will provide a service to the traffic passing the site and the traffic patterns can only be predicted by way of a Traffic Impact Assessment study (TIA). As the developers we agree to have a TIA completed before submitting formal plans to approve.



52 Aquamarine Street, Newcastle,  
(p/a The Pines Wedding & Conference Village)

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Fax: 086 630 1246

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Private Bag X6603  
Newcastle  
2940

77  
Connecting With  
People To Share  
Experiences And  
Inspire Greatness



THE PINES  
Wedding &

Farm Dwellers Inn

- d) The proposed new point of ingress and egress on H.J Van Eck Drive is in very close proximity to an access point that already exists along H.J Van Eck Drive; This will be dealt with in accordance to point c) of this letter, the TIA will focus on ingress and egress on H.J. Van Eck Drive.
- e) It is anticipated that such a development will require the municipality and applicant to enter into a lease and service agreement. As the developers and applicants we have no problem to enter into an appropriate lease and service agreement.

We trust and propose that the content of our response is acceptable to the MPT and we avail ourselves to attend to any further queries that may be required.

Yours Sincerely

  
.....  
**JOHAN PIETERS**  
**DIRECTOR : FARM DWELLERS INN (PTY) LTD**



Annexure H - Minutes of Objection meeting



# ATTENDANCE REGISTER

**Name of meeting: 1/8780 Objection meeting**

**Date:** 02 August 2019 **Venue:** TP Boardroom

[illegible]



## MINUTES OF MEETING



## MINUTES OF MEETING

## 1. Document Information

Meeting Name	:	1/8780 Objection Meeting	
Meeting Date	:	02 August 2019	
Chairperson	:	S. Cindi	
Script	:	X. Madela	
Start Time	:	10h05	End Time : 11h00

## 2. Distribution List

Present Members	Designation
X. Madela	Town Planner
S. Cindi	Senior Technical Planner
A. Groenewald	Attorney (Objector)
J. Pieters	Property owner (Applicant / Developer)

## 3. Record of Proceedings

Item	Subject/Description	Responsible
1.	<b>Agenda</b> No formal agenda, as the meeting was set to discuss one item.	S. Cindi
2.	<b>Apologies</b> • None	
3	<b>1/8780 Application</b> 3.1. The purpose of the meeting was to discuss the objection lodged in relation to the application to develop a service station on Portion 1 of Erf 8780 Newcastle. This meeting was part of the resolutions of the MPT on 11 July 2019. It was however, explained that public participation as stipulated in the Bylaw, was undertaken. 3.2. Documents relating to this application such as the objection and the response thereof, were circulated to all present at the meeting. 3.3. A. Groenewald pointed out that he had not been exposed to the response to objections that was being circulated and since he was representing the interests of Naledi Flats (the original objector), a postponement was sought. 3.4. This request was denied by the municipality, with the alternative being the granting of a 20 minute break for A. Groenewald to relay the response to	X. Madela  X. Madela  A. Groenewald  S. Cindi



*MINUTES OF MEETING*

	<p>objections to his client (Naledi Flats)</p> <p>3.5. After the 20 minute break, the meeting resumed. A. Groenewald gave feedback from his client which is that they object to the continuation of the meeting and feel prejudiced by the municipality by not communicating the response to objection.</p> <p>3.6. It was further emphasised that the objections as submitted on 05 February 2019 still stand.</p> <p>3.7. The developer reiterated emphasised, based on their response to objections, that the proposed development will not cause any disturbance to the surroundings.</p>	<p>A. Groenewald</p> <p>A. Groenewald</p> <p>J. Pieters</p>
4	<p><b>Way Forward</b></p> <p>4.1. The minutes of this meeting will be made available to all present and further communicate the way forward with regards to this application.</p>	<p>X. Madela</p>
5	<p><b>Closure</b></p> <p>The meeting was declared closed at 11:00</p>	<p>S. Cindi</p>

## Annexure I – Traffic study

# Newcastle Match Unicus Traffic Count Report-Draft

28<sup>th</sup> January 2018

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*[Handwritten signature]*

## Contents

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## 1. Introduction

Bala Research were appointed by Icon Business Solutions to undertake a traffic count for the Proposed Petrol Filling Station to be located on corner of Allen Street and HJ Van Eck Drive, Newcastle, KwaZulu-Natal.

### Location Coordinates

27°43'30.96"S

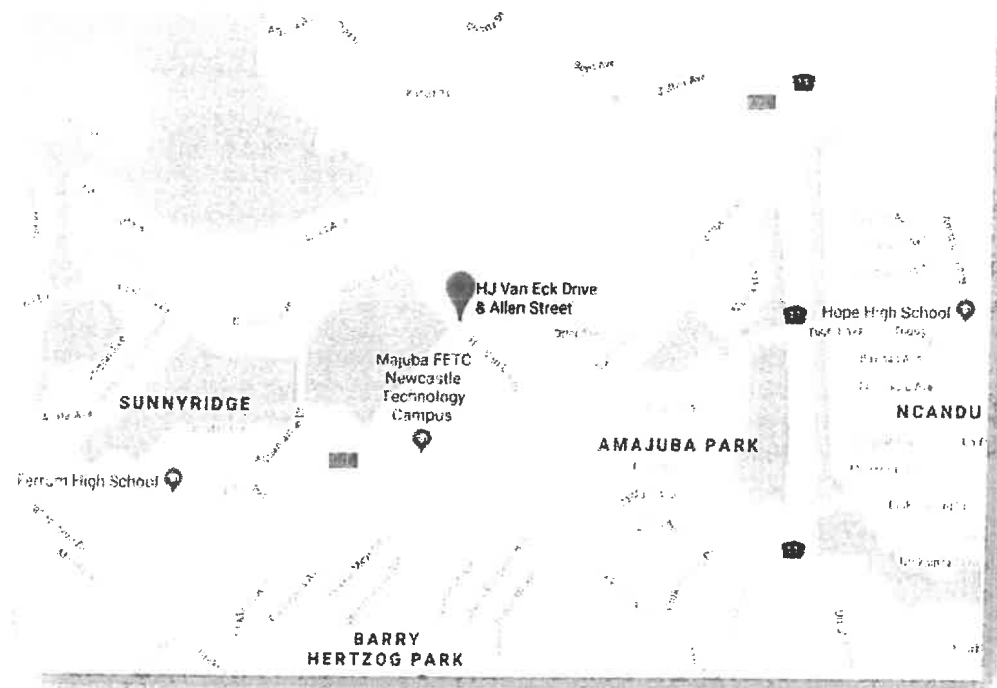
29°57'26.26"E

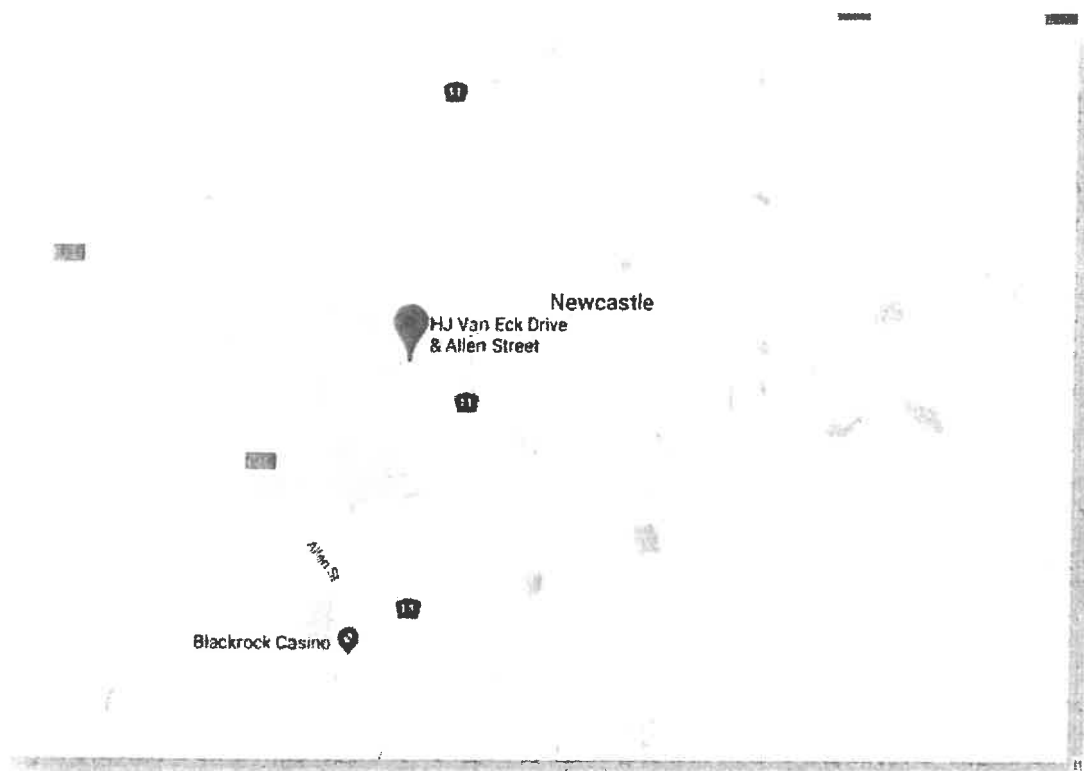
The purpose of the report is to determine if the proposed site is feasible for the development and operation of such a Service Station Facility, from a traffic volume perspective. Traffic count data accumulated by Bala Research has been factored into this study in accordance to petroleum sector statistics and literage projections.

## 2. Site Location, Map & Photos

The property is located in Newcastle, Kwa Zulu Natal

### 2.1. Map location

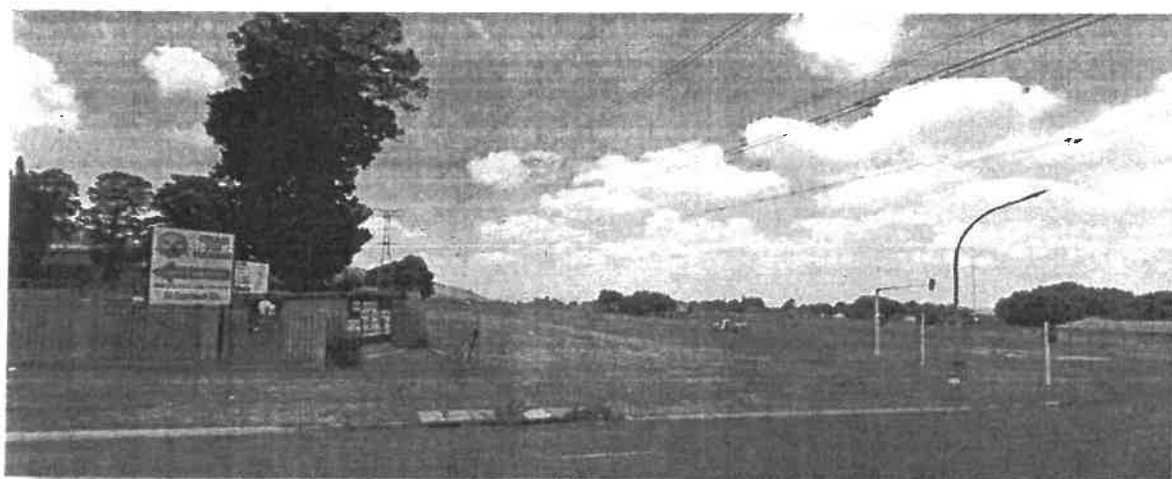
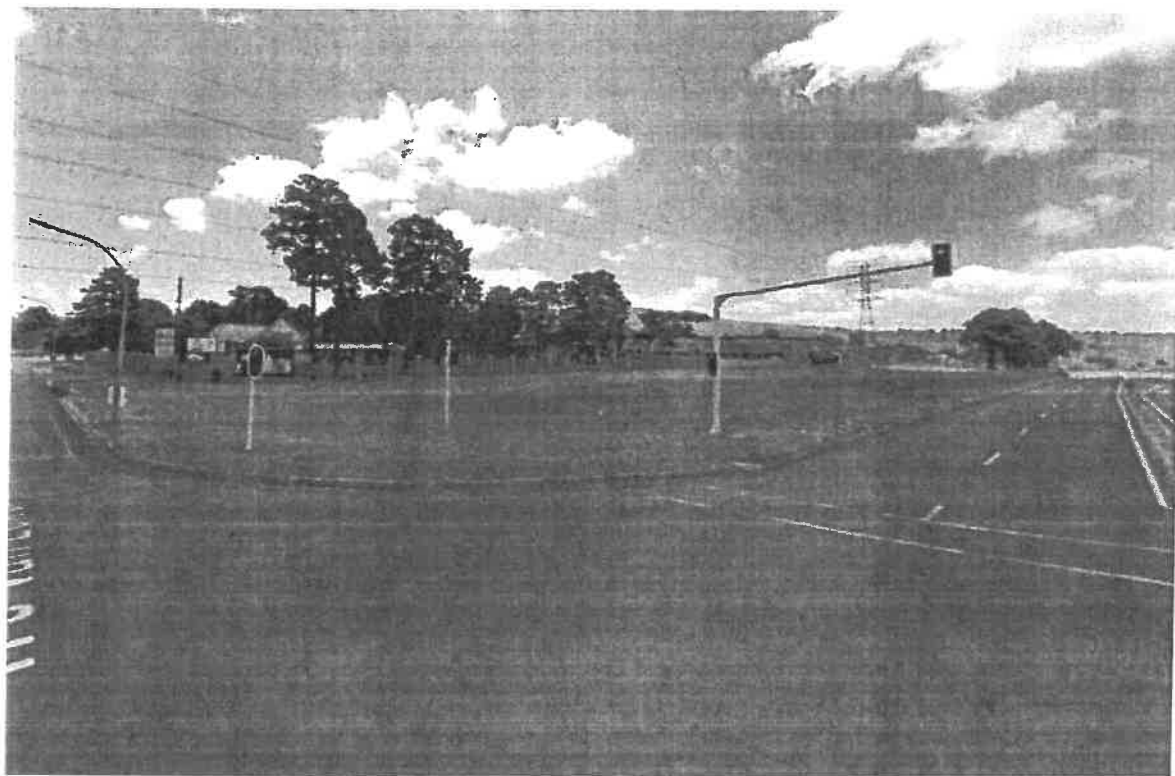




## 2.2. Site Photos



Handwritten signature or initials.



Newcastle - Match Unicis

A handwritten signature or mark, possibly a stylized 'S' or 'X', located at the bottom center of the page.



### 3. Traffic Count Calculations

DATE TRAFFIC COUNT UNDERTAKEN Thursday 18<sup>th</sup> January 2018

Based on the volumes the Average Daily Traffic (ADT) exposed to the site is approximately  $\pm 13'712$  vehicles per day broken down as follows:

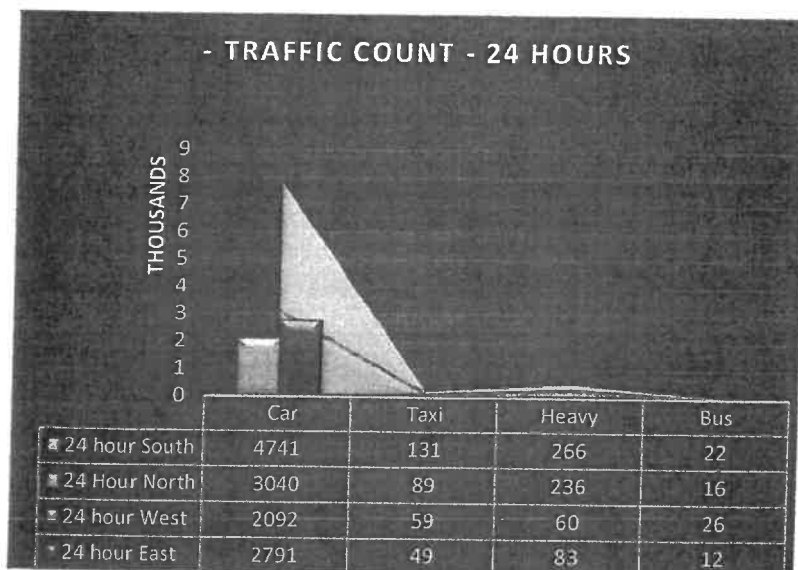
Northbound  $\pm 3'380$  vehicles / day

Southbound  $\pm 5'160$  vehicles / day

Eastbound:  $\pm 2'935$  vehicles / day

Westbound:  $\pm 2'237$  vehicles / day

Total:  $\pm 13'712$  average vehicles / day



#### 3.1. Empirical Formula

The following empirical formula (Analytical details) is used by the fuel industry to calculate the expected average litres of fuel sales in a month.

$$\text{Litres per month (L)} = (\text{Vehicles per day passing the site (ADT)} \times (\text{Percentage vehicles of pass-by traffic turning into the site (p)}) \times (\text{Average fill per vehicle (F)}) \times (\text{Average full normal trading days in a month (D)})$$

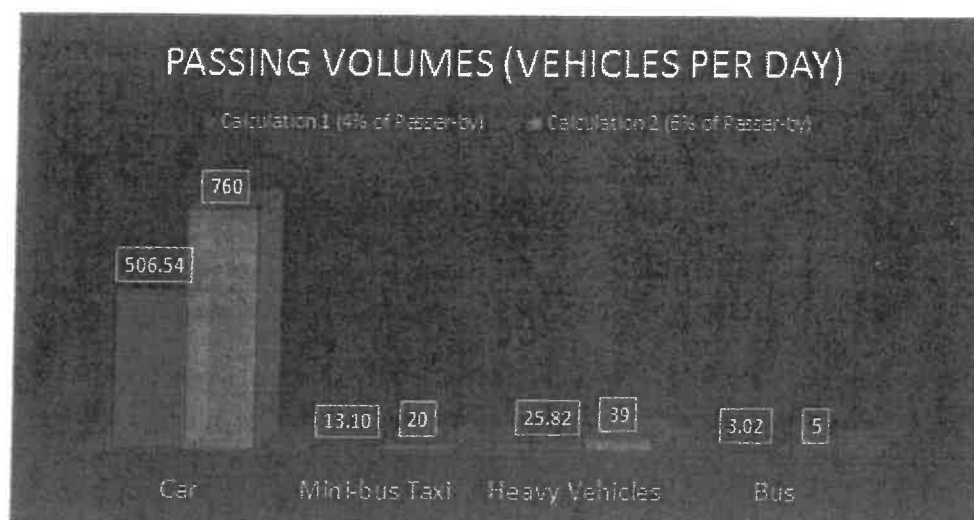
It has been established that there is a relationship between the fuel sales and the sales through the convenience store. The fuel and convenience store form the basis to determine whether a site is feasible or not. In order to determine the feasibility of a site, a number of assumptions need to be made in the calculation of the potential return on investment. These variables are discussed in **Sections 4.1.1 to 4.1.3** below.

### 3.2. Percentage Vehicles of Pass-By Traffic Turning into the Site

The South African Trip Generation Manual (SATGM) was referenced to determine the percentage of Passer-by traffic that would access the proposed filling Station. It is common cause that the South African Trip Generation Rates Manual undertaken in 1992 relied on small samples. As a cautionary note, however, it was emphasized that the rates contained in SATGRM should be regarded as guidelines and the Traffic Engineer is responsible to assess the situation based on local or prevailing circumstances and to decide on appropriate design values. With reference to the South African Trip Generation Manual, the recommended peak daily vehicle trip generation rate for a filling station is 4% of passing traffic, this study reviews at 4% and also at 6%.

**Table 1 shows differentiation between the 4% to the 6% potential**

		Calculation 1 (4% of Passer-by)	Calculation 2 (6% of Passer-by)
	Passing Volumes (vehicles per day)	Volume Accessing Site per Day	Volume Accessing Site per Day
Car	12 664	507	760
Mini-bus Taxi	328	13	20
Heavy Vehicles	646	26	39
Bus	76	3	5
Total	13 712	548	823



### 3.3. Average Fill

The average fill at a site varies depending on the type of traffic that the site is exposed to. Higher average fill rates are generally encountered for sites exposed mainly to transient traffic, while lower average fill rates are generally encountered for sites exposed to local or residential traffic. The proposed site will cater for transient traffic, local residents and businesses travelling along the intersection between Allen Street and H J Van Eck Drive. The 24-hr traffic counts provided sufficient information on the breakdown of proportion of trips made by each mode or type of vehicle. In order to arrive at an estimation of the average fill per vehicle for the proposed site, information from existing relevant sites was sourced. Based on the surveys of available facilities as well as statistical data sourced from petroleum companies, the following assumptions have been made;

- Traffic count undertaken was for 16 hours (4am-8pm), vehicles counted has a 20% add on amount to measure a full 24-hour calculation
- Cars proportionate Petrol/Diesel usage is approx. 30% are diesel engines, the remaining 70% run on petrol.
- It is assumed that all buses and heavy vehicles run on diesel.
- Mini-bus taxis function on petrol.
- The average fill rate per vehicle is set at 30 litres / vehicle for light vehicles and mini-bus taxis.
- Based on the length of the road link and location of the opposed filling station relative to neighboring urban areas, the average fill for Buses /Heavy Vehicles is estimated at 50 litres / vehicle.

The anticipated volume of traffic is broken down per mode of transport as shown for Calculation A and B in **Tables 2 and 3** respectively. The calculation of the petrol and diesel contribution for is also represented.

**Table 2: Calculation A (4% of Passer-by) - Anticipated Volumes at Proposed Filling Station per Day**

		Petrol (70%)		Diesel (30%)	
		Petrol (70%) Vehicles/day	Petrol (70%) Litres/day	Diesel (30%) Vehicles/day	Diesel (30%) Litres/day
Car	507	355	10 637	152	4 559
Mini-bus Taxi	13	13	393	0	0
Heavy Vehicles	26	0	0	26	1 291
Bus	3	0	0	3	151
<b>TOTAL</b>	<b>548</b>		<b>11 031</b>		<b>6 001</b>

### 3.4. Full Trading Days in a Month

The definition of full normal trading days in a month is the number of typical weekday sales in a month. A typical weekday is a Tuesday, Wednesday or a Thursday during a week with no holidays or public holidays. If there was no variation in the traffic, there would have been 30.5 (365/12) full normal trading days in a month. However, in reality weekends tend to be considerably quieter than weekdays and these traffic patterns have an impact on the number of trading days per month. For purposes of this analysis it is assumed only **30.4 trading days per month** as weekends will be as busy.

### 3.5. Expected Monthly Sales - Litres

The estimated fuel sales for Calculations A and B are calculated in **Tables 4 & 5** respectively. A general guideline is used when estimating fuel sales for future years. Upon the first two years of operation a filling station's fuel sales reach a high percentage of the full potential but only during the third year is the full (100%) potential reached.

**Table 4: Scenario A (4% of Passer-by) Anticipated Monthly Sales**

PERIOD		POTENTIAL GROWTH		ESTIMATED LITRES		TOTAL
	Year	% of Potential	Growth Rate	Petrol	Diesel	Litres/Month
1	2018	80%	2%	268 263	145 952	414 214
2	2019	95%	2%	324 933	176 784	501 717
3	2020	100%	2%	348 876	189 810	538 686
4	2021	100%	2%	355853	193 606	549 459
5	2022	100%	2%	362970	197 478	560 449
6	2023	100%	2%	370230	201 428	571 658
7	2024	100%	1.5%	375783	204 449	580 233
8	2025	100%	1.5%	381420	207 516	588 936
9	2026	100%	1.5%	387141	210 629	597 770
10	2027	100%	1.5%	392948	213 788	606 737
11	2028	100%	1.5%	398843	216 995	615 838
12	2029	100%	1.5%	404825	220 250	625 075
13	2030	100%	1.5%	410898	223 554	634 451
14	2031	100%	1.5%	417061	226 907	643 968
15	2032	100%	1.5%	423317	230 311	653 628
16	2033	100%	1.5%	429667	233 765	663 432
17	2034	100%	1.5%	436112	237 272	673 384
18	2035	100%	1.5%	442653	240 831	683 484
19	2036	100%	1.5%	449293	244 443	693 737
20	2037	100%	1.5%	456033	248 110	704 143

**Table 5: Scenario A (6% of Passer-by) Anticipated Monthly Sales**

PERIOD		POTENTIAL GROWTH		ESTIMATED LITRES		TOTAL
	Year	% of Potential	Growth Rate	Petrol	Diesel	Litres/Month
1	2018	80%	2%	398 092	218 927	617 019
2	2019	95%	2%	482 189	265 176	747 365
3	2020	100%	2%	517 719	284 715	802 433
4	2021	100%	2%	528073	290 409	818 482
5	2022	100%	2%	538634	296 217	834 852
6	2023	100%	2%	549407	302 142	851 549
7	2024	100%	1.5%	557648	306 674	864 322
8	2025	100%	1.5%	566013	311 274	877 287
9	2026	100%	1.5%	574503	315 943	890 446
10	2027	100%	1.5%	583121	320 682	903 803
11	2028	100%	1.5%	591867	325 492	917 360
12	2029	100%	1.5%	600745	330 375	931 120
13	2030	100%	1.5%	609757	335 330	945 087
14	2031	100%	1.5%	618903	340 360	959 263
15	2032	100%	1.5%	628187	345 466	973 652
16	2033	100%	1.5%	637609	350 648	988 257
17	2034	100%	1.5%	647173	355 908	1 003 081
18	2035	100%	1.5%	656881	361 246	1 018 127
19	2036	100%	1.5%	666734	366 665	1 033 399
20	2037	100%	1.5%	676735	372 165	1 048 900

**Graphs**

#### 4. Summary

This report serves to assess the feasibility of the Proposed Inchanga Filling Station Site, based on the potential anticipated monthly sales, as well as the location of the site. There were two possible scenarios considered in the assessment, to take into provide both a conservative and an optimistic approach in terms of forecasting monthly sales.

**Scenario A** assumed that 4% of passer-by traffic would access the filling station. On a scale ranging through VERY POOR, POOR, AVERAGE, GOOD and VERY GOOD, the site can be described as **GOOD** based on the volumes of through traffic currently travelling along the roads.

**Scenario B** assumed that 6% of passer-by traffic would access the filling station. Based on this analysis the site will be described as **VERY GOOD**.

## 5. Traffic Count Sheets

SITE: INTERSECTION OF ALLEN STREET AND H J VAN ECK DRIVE

DATE: 16 HOUR COUNT ON THURSDAY 18 JANUARY 2018

UNITS: CLASSIFIED

APPROACH FROM	NAME	NORTH ALLEN STREET															TOTAL
		LEFT TURN					STRAIGHT					RIGHT TURN					
		C	T	H	B	TOTAL	C	T	H	B	TOTAL	C	T	H	B	TOTAL	
04:00 - 04:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:15 - 04:30	0	0	0	0	0	1	0	0	0	1	1	0	0	0	1	2	2
04:30 - 04:45	2	0	0	0	2	1	1	1	1	4	0	0	0	0	0	6	6
04:45 - 05:00	0	0	0	0	0	5	0	6	0	11	1	0	0	0	1	12	12
05:00 - 05:15	2	0	0	0	2	17	1	3	2	23	1	0	0	0	1	26	26
05:15 - 05:30	1	0	0	0	1	6	0	0	0	6	1	0	0	0	1	8	8
05:30 - 05:45	2	0	0	0	2	7	0	2	0	9	1	0	0	0	1	12	12
05:45 - 06:00	2	0	0	0	2	4	0	1	0	5	4	0	0	0	4	11	11
06:00 - 06:15	1	0	0	0	1	12	0	1	0	13	0	0	0	0	0	14	14
06:15 - 06:30	4	0	0	0	4	10	1	1	0	12	2	0	0	0	2	18	18
06:30 - 06:45	1	0	0	0	1	12	0	5	0	17	0	0	0	0	0	18	18
06:45 - 07:00	11	0	0	1	12	14	1	0	0	15	8	0	0	0	8	35	35
07:00 - 07:15	8	0	0	0	8	26	0	1	0	27	14	0	0	0	14	49	49
07:15 - 07:30	8	0	1	0	9	32	1	2	0	35	5	0	0	0	5	49	49
07:30 - 07:45	4	0	0	0	4	27	1	2	0	30	3	0	0	0	3	37	37
07:45 - 08:00	4	0	0	0	4	36	2	3	0	41	0	0	1	0	1	46	46
08:00 - 08:15	4	0	0	0	4	39	1	2	0	42	3	0	2	0	5	51	51
08:15 - 08:30	6	0	0	0	6	25	1	1	0	27	5	0	0	0	5	38	38
08:30 - 08:45	6	0	0	0	6	35	0	2	0	37	5	0	3	0	8	51	51
08:45 - 09:00	2	0	0	0	2	32	1	4	1	38	2	0	0	0	2	42	42
09:00 - 09:15	4	0	1	0	5	29	1	5	0	35	4	0	2	0	6	46	46
09:15 - 09:30	1	0	0	0	1	27	2	0	0	29	1	0	0	0	1	31	31
09:30 - 09:45	0	0	0	0	0	14	0	0	0	14	11	0	1	0	12	26	26
09:45 - 10:00	5	0	0	0	5	10	1	0	0	11	8	0	0	0	8	24	24
10:00 - 10:15	3	0	0	0	3	13	1	2	0	16	6	0	0	0	6	25	25
10:15 - 10:30	0	0	1	0	1	23	1	0	0	24	0	0	1	0	1	26	26
10:30 - 10:45	5	0	0	0	5	30	3	0	1	34	2	0	1	0	3	42	42
10:45 - 11:00	4	0	0	0	4	25	1	4	0	30	4	0	1	0	5	39	39
11:00 - 11:15	2	0	0	0	2	29	5	2	0	36	3	0	2	0	5	43	43
11:15 - 11:30	1	0	0	0	1	31	1	2	0	34	1	0	2	0	3	38	38
11:30 - 11:45	1	0	0	0	1	27	1	2	0	30	0	0	1	0	1	32	32
11:45 - 12:00	2	0	0	0	2	30	0	1	1	32	1	0	0	0	1	35	35
12:00 - 12:15	1	0	0	0	1	33	1	4	1	39	3	0	0	0	3	43	43
12:15 - 12:30	4	0	0	0	4	26	3	2	0	31	4	0	2	0	6	41	41
12:30 - 12:45	2	0	1	0	3	39	0	3	0	42	6	0	1	0	7	52	52
12:45 - 13:00	6	0	2	0	8	35	2	2	1	40	3	0	4	0	7	55	55
13:00 - 13:15	4	0	0	0	4	27	2	1	0	30	11	0	0	0	11	45	45
13:15 - 13:30	6	2	0	0	8	31	3	6	0	40	5	0	2	0	7	55	55
13:30 - 13:45	2	0	1	0	3	19	0	4	0	23	5	0	1	0	6	32	32
13:45 - 14:00	5	0	0	0	5	40	3	6	0	49	6	0	1	0	7	61	61
14:00 - 14:15	3	1	1	0	5	38	2	3	0	43	7	0	0	0	7	55	55
14:15 - 14:30	5	0	1	0	6	32	0	2	0	34	8	0	1	0	9	49	49
14:30 - 14:45	7	0	0	0	7	30	0	2	0	32	5	0	0	0	5	44	44
14:45 - 15:00	11	0	0	0	11	42	0	2	0	44	5	0	0	0	5	60	60
15:00 - 15:15	4	0	0	0	4	33	2	5	0	40	3	0	0	0	3	47	47
15:15 - 15:30	2	0	1	0	3	34	2	2	0	38	5	0	0	0	5	46	46
15:30 - 15:45	2	0	0	0	2	34	0	4	1	39	13	0	2	0	15	56	56
15:45 - 16:00	3	0	1	0	4	45	3	4	1	53	7	0	0	0	7	64	64
16:00 - 16:15	12	0	1	0	13	61	3	0	0	64	14	0	1	0	15	92	92
16:15 - 16:30	30	1	0	0	31	146	2	1	0	149	37	0	2	0	39	219	219
16:30 - 16:45	14	0	0	0	14	129	2	6	0	137	32	0	0	0	32	183	183
16:45 - 17:00	12	0	0	0	12	66	0	1	1	68	31	0	2	0	33	113	113
17:00 - 17:15	13	0	0	0	13	58	1	2	0	61	6	0	0	0	6	80	80
17:15 - 17:30	7	0	0	0	7	34	2	2	1	39	9	0	0	0	9	55	55
17:30 - 17:45	8	0	0	0	8	36	1	5	0	42	12	0	0	0	12	62	62
17:45 - 18:00	6	0	0	0	6	37	0	3	0	40	10	0	0	0	10	56	56
18:00 - 18:15	3	0	0	0	3	22	0	0	0	22	4	0	0	0	4	29	29
18:15 - 18:30	3	0	0	0	3	26	4	3	0	33	4	0	0	0	4	40	40
18:30 - 18:45	4	0	0	0	4	21	1	3	0	25	6	0	0	0	6	35	35
18:45 - 19:00	6	1	1	0	8	15	2	3	0	20	4	0	0	0	4	32	32
19:00 - 19:15	3	0	0	0	3	15	0	3	0	18	2	0	0	0	2	23	23
19:15 - 19:30	1	0	0	0	1	11	0	5	0	16	3	0	0	0	3	20	20
19:30 - 19:45	4	0	0	0	4	16	0	0	0	16	1	0	0	0	1	21	21
19:45 - 20:00	4	0	0	0	4	10	0	4	0	14	2	0	0	0	2	20	20
TOTAL	293	6	13	1	312	1870	69	148	12	2099	370	0	36	0	406	2817	

## TRAFFIC SURVEY

CLIENT:

SITE: INTERSECTION OF ALLEN STREET AND H J VAN ECK DRIVE

DATE: 16 HOUR COUNT ON THURSDAY 18 JANUARY 2018

UNITS: CLASSIFIED

APPROACH FROM NAME MOVEMENT TIME	SOUTH ALLEN STREET															TOTAL ALL MOVEMENTS
	LEFT TURN					STRAIGHT					RIGHT TURN					
	C	T	H	B	TOTAL	C	T	H	B	TOTAL	C	T	H	B	TOTAL	
04:00 - 04:15	0	0	0	0	0	4	0	1	0	5	1	0	0	0	1	6
04:15 - 04:30	0	0	0	0	0	9	0	1	0	10	2	0	0	0	2	12
04:30 - 04:45	0	0	0	0	0	10	0	0	0	10	3	0	0	0	3	13
04:45 - 05:00	1	0	0	0	1	11	0	1	0	12	2	0	0	0	2	15
05:00 - 05:15	0	0	0	0	0	15	0	4	0	19	2	0	0	1	3	22
05:15 - 05:30	0	0	0	0	0	22	0	0	0	22	3	0	0	0	3	25
05:30 - 05:45	3	0	0	0	3	28	1	1	0	30	2	0	0	0	2	35
05:45 - 06:00	1	0	0	0	1	51	0	3	0	54	10	1	0	0	11	66
06:00 - 06:15	1	1	0	0	2	108	1	1	1	111	11	1	0	0	12	125
06:15 - 06:30	3	0	0	0	3	61	0	5	1	67	16	0	0	0	16	86
06:30 - 06:45	1	0	0	0	1	52	2	2	0	56	18	1	0	0	19	76
06:45 - 07:00	3	0	0	1	4	82	1	2	0	85	33	0	0	0	33	122
07:00 - 07:15	4	1	0	0	5	106	2	2	0	110	49	3	0	1	53	168
07:15 - 07:30	9	1	0	0	10	67	0	8	1	74	58	1	0	1	60	144
07:30 - 07:45	11	0	0	0	11	43	1	2	0	46	32	0	0	0	32	89
07:45 - 08:00	5	0	0	0	5	30	0	2	2	34	13	0	0	0	13	52
08:00 - 08:15	10	0	0	0	10	27	0	5	2	34	15	1	0	0	16	60
08:15 - 08:30	10	0	0	0	10	38	2	2	0	42	23	1	0	0	24	76
08:30 - 08:45	6	0	0	0	6	35	1	7	0	43	12	0	0	0	12	61
08:45 - 09:00	5	0	0	0	5	51	4	3	1	59	16	1	2	0	19	83
09:00 - 09:15	5	0	1	0	6	27	2	6	0	35	8	1	1	0	10	51
09:15 - 09:30	5	0	0	0	5	18	2	4	0	24	5	0	0	0	5	34
09:30 - 09:45	4	0	1	0	5	31	2	4	0	37	7	0	1	0	8	50
09:45 - 10:00	15	0	1	0	16	37	0	6	0	43	15	0	0	0	15	74
10:00 - 10:15	7	0	1	0	8	33	2	8	0	43	17	0	0	0	17	68
10:15 - 10:30	9	0	2	0	11	25	1	7	0	33	11	0	0	0	11	55
10:30 - 10:45	9	0	1	0	10	20	0	2	0	22	10	0	0	0	10	42
10:45 - 11:00	7	0	0	0	7	23	1	6	0	30	9	0	0	0	9	46
11:00 - 11:15	7	1	0	0	8	28	0	4	0	32	15	0	1	1	17	57
11:15 - 11:30	8	0	0	0	8	36	2	3	0	41	11	0	0	0	11	60
11:30 - 11:45	4	0	0	0	4	17	1	1	0	19	21	0	0	0	21	44
11:45 - 12:00	3	0	0	0	3	33	3	4	0	40	28	0	0	0	28	71
12:00 - 12:15	5	0	0	0	5	19	1	2	0	22	11	1	0	0	12	39
12:15 - 12:30	1	0	1	0	2	8	1	0	0	7	12	0	0	0	12	21
12:30 - 12:45	4	0	0	0	4	8	0	3	0	11	11	0	0	0	11	26
12:45 - 13:00	1	0	0	0	1	11	0	0	0	11	7	0	1	0	8	20
13:00 - 13:15	6	0	1	0	7	30	2	9	0	41	17	2	1	0	20	68
13:15 - 13:30	10	0	0	0	10	37	1	4	0	42	28	1	0	0	29	81
13:30 - 13:45	13	0	0	0	13	28	0	2	0	30	22	1	0	0	23	66
13:45 - 14:00	9	0	0	0	9	20	2	2	0	24	22	0	1	1	24	57
14:00 - 14:15	8	0	0	1	9	22	1	2	0	25	25	2	2	0	29	63
14:15 - 14:30	6	0	0	0	6	35	3	1	0	39	38	3	0	0	41	86
14:30 - 14:45	14	0	0	0	14	22	0	0	1	23	21	0	0	0	21	58
14:45 - 15:00	19	0	0	0	19	39	3	1	0	43	33	1	0	0	34	96
15:00 - 15:15	11	0	0	0	11	20	2	1	0	23	31	0	0	0	31	65
15:15 - 15:30	16	0	0	0	16	26	1	2	0	29	24	3	0	0	27	72
15:30 - 15:45	8	2	0	0	10	29	3	4	0	36	32	0	1	0	33	79
15:45 - 16:00	9	0	0	0	9	33	2	4	0	39	26	0	0	1	27	75
16:00 - 16:15	12	0	0	0	12	30	1	2	0	33	50	3	2	0	55	100
16:15 - 16:30	23	0	1	0	24	27	0	2	0	29	64	1	1	0	66	119
16:30 - 16:45	17	0	0	0	17	36	4	2	0	42	57	0	0	0	57	116
16:45 - 17:00	26	0	0	0	26	28	3	8	0	39	67	1	0	0	68	133
17:00 - 17:15	19	0	0	0	19	34	1	3	0	38	56	2	0	0	58	115
17:15 - 17:30	22	0	0	0	22	33	0	4	0	37	77	0	1	0	78	137
17:30 - 17:45	15	0	0	0	15	27	1	2	0	30	54	1	0	0	55	100
17:45 - 18:00	16	0	1	0	17	6	1	4	0	11	54	0	0	0	54	82
18:00 - 18:15	8	0	0	0	8	16	0	2	0	18	49	1	0	0	50	76
18:15 - 18:30	16	0	0	0	16	11	1	3	0	15	31	0	1	0	32	63
18:30 - 18:45	12	0	0	0	12	10	0	7	0	17	27	0	0	0	27	56
18:45 - 19:00	10	0	0	0	10	13	1	2	0	16	28	1	0	0	29	55
19:00 - 19:15	9	0	0	0	9	8	0	3	1	12	25	0	0	0	25	46
19:15 - 19:30	8	0	0	0	8	6	1	3	0	10	26	1	0	0	27	45
19:30 - 19:45	10	0	0	0	10	10	0	4	0	14	30	0	0	0	30	54
19:45 - 20:00	5	0	0	0	5	6	0	2	0	8	30	0	0	0	30	43
TOTAL	524	6	11	2	543	1864	67	195	10	2136	1663	36	16	6	1621	4300



## TRAFFIC SURVEY

CLIENT:

SITE:

INTERSECTION OF ALLEN STREET AND H J VAN ECK DRIVE

DATE:

16 HOUR COUNT ON THURSDAY 18 JANUARY 2018

UNITS:

CLASSIFIED

APPROACH FROM NAME MOVEMENT TIME	EAST H J VAN ECK DRIVE															TOTAL ALL MOVEMENTS
	LEFT TURN					STRAIGHT					RIGHT TURN					
	C	T	H	B	TOTAL	C	T	H	B	TOTAL	C	T	H	B	TOTAL	
04:00 - 04:15	2	0	0	0	2	2	0	0	0	2	5	0	0	0	5	9
04:15 - 04:30	3	0	0	0	3	2	0	0	0	2	2	0	0	0	2	7
04:30 - 04:45	4	0	0	0	4	1	0	0	0	1	4	0	0	0	4	9
04:45 - 05:00	3	0	0	0	3	1	0	0	0	1	1	0	0	0	1	5
05:00 - 05:15	3	0	0	0	3	4	0	0	0	4	2	0	0	0	2	9
05:15 - 05:30	3	0	0	0	3	1	0	0	0	1	6	0	0	0	6	10
05:30 - 05:45	5	0	0	0	5	4	0	0	0	4	4	0	0	0	4	13
05:45 - 06:00	11	0	0	0	11	1	0	0	0	1	10	0	1	0	11	23
06:00 - 06:15	8	0	0	1	9	4	0	0	0	4	22	0	0	0	22	35
06:15 - 06:30	8	1	0	0	9	6	0	0	0	6	16	1	0	0	17	32
06:30 - 06:45	30	1	1	1	33	8	1	0	0	9	14	0	0	0	14	56
06:45 - 07:00	49	3	0	0	52	29	3	0	0	32	19	0	0	0	19	103
07:00 - 07:15	66	2	1	0	69	34	1	0	0	35	21	0	0	0	21	125
07:15 - 07:30	61	0	0	0	61	24	3	0	0	27	10	0	0	0	10	98
07:30 - 07:45	35	1	0	1	37	17	0	0	0	17	4	0	0	0	4	56
07:45 - 08:00	33	0	0	0	33	11	1	0	0	12	5	0	0	0	5	50
08:00 - 08:15	25	0	0	0	25	5	0	0	0	5	2	0	0	0	2	32
08:15 - 08:30	19	0	0	0	19	6	0	0	0	6	2	0	0	0	2	27
08:30 - 08:45	25	0	1	0	26	11	0	1	0	12	5	0	0	0	5	43
08:45 - 09:00	24	0	1	0	25	3	0	0	0	3	5	0	0	0	5	33
09:00 - 09:15	22	0	1	0	23	25	0	2	0	27	4	0	1	0	5	55
09:15 - 09:30	16	0	1	0	17	15	0	0	0	15	1	0	0	0	1	33
09:30 - 09:45	3	0	1	0	4	20	0	3	0	23	0	0	0	0	0	27
09:45 - 10:00	4	0	1	0	5	45	0	6	1	52	0	0	0	0	0	57
10:00 - 10:15	9	1	1	0	11	14	1	0	1	16	1	0	4	0	5	32
10:15 - 10:30	13	0	1	0	14	2	0	7	0	9	1	0	0	0	1	24
10:30 - 10:45	21	0	0	0	21	5	0	1	0	6	0	0	2	0	2	29
10:45 - 11:00	11	0	0	0	11	8	0	1	0	9	1	0	2	0	3	23
11:00 - 11:15	12	0	3	0	15	4	0	0	0	4	2	0	0	0	2	21
11:15 - 11:30	18	0	1	0	19	9	0	0	0	9	0	0	0	0	0	28
11:30 - 11:45	15	0	0	0	15	2	0	0	0	2	1	0	0	0	1	18
11:45 - 12:00	12	0	0	0	12	7	0	1	0	8	0	1	0	0	1	21
12:00 - 12:15	21	0	0	0	21	8	0	0	0	8	2	0	0	0	2	31
12:15 - 12:30	16	0	0	0	16	3	0	0	0	3	0	0	0	0	0	19
12:30 - 12:45	15	0	0	0	15	5	0	0	0	5	3	0	0	0	3	23
12:45 - 13:00	13	0	0	1	14	6	0	0	0	6	0	0	0	0	0	20
13:00 - 13:15	28	0	0	0	28	16	0	3	0	19	0	0	0	0	0	47
13:15 - 13:30	19	0	0	0	19	16	0	0	0	16	2	0	0	0	2	37
13:30 - 13:45	20	0	1	0	21	11	0	0	0	11	1	0	0	0	1	33
13:45 - 14:00	22	0	0	0	22	22	0	0	0	22	1	0	0	0	1	45
14:00 - 14:15	19	0	1	0	20	10	1	0	0	11	1	0	0	1	2	33
14:15 - 14:30	20	1	4	0	25	9	1	0	0	10	0	0	0	0	0	35
14:30 - 14:45	32	1	1	1	35	16	2	0	1	19	1	0	0	0	1	55
14:45 - 15:00	44	0	0	0	44	12	0	0	0	12	0	0	0	0	0	56
15:00 - 15:15	15	0	0	0	15	20	0	0	0	20	3	0	0	1	4	39
15:15 - 15:30	22	0	0	0	22	20	0	0	0	20	3	0	1	0	4	46
15:30 - 15:45	18	0	0	0	18	10	0	0	0	10	2	0	0	0	2	30
15:45 - 16:00	33	0	0	0	33	9	0	0	0	9	2	0	0	0	2	44
16:00 - 16:15	43	0	0	0	43	17	0	2	0	19	4	0	0	0	4	66
16:15 - 16:30	33	1	1	0	35	26	0	0	0	26	5	0	1	0	6	67
16:30 - 16:45	24	0	0	0	24	28	0	4	0	32	5	0	0	0	5	61
16:45 - 17:00	12	0	0	0	12	11	3	0	0	14	2	0	0	0	2	28
17:00 - 17:15	24	0	0	0	24	29	2	0	0	31	2	0	0	0	2	57
17:15 - 17:30	25	0	0	0	25	21	3	0	0	24	5	0	0	0	5	54
17:30 - 17:45	18	0	0	0	18	29	2	0	0	31	0	0	0	0	0	49
17:45 - 18:00	9	0	0	0	9	17	3	0	0	20	5	0	0	0	5	34
18:00 - 18:15	20	0	0	0	20	20	0	0	0	20	0	0	2	0	2	42
18:15 - 18:30	10	0	0	0	10	17	0	0	0	17	2	0	0	0	2	29
18:30 - 18:45	21	0	0	0	21	15	0	0	0	15	0	0	0	0	0	36
18:45 - 19:00	23	0	0	0	23	11	0	0	0	11	1	0	0	0	1	35
19:00 - 19:15	15	0	0	0	15	7	0	0	0	7	1	0	0	0	1	23
19:15 - 19:30	36	0	0	0	36	22	0	0	0	22	1	0	1	0	2	60
19:30 - 19:45	23	0	0	0	23	14	0	0	0	14	0	0	0	0	0	37
19:45 - 20:00	15	0	0	0	15	14	0	0	0	14	0	0	1	0	1	30
TOTAL	1281	12	22	5	1320	821	27	31	3	882	224	2	16	2	244	2446

## TRAFFIC SURVEY

CLIENT:

SITE: INTERSECTION OF ALLEN STREET AND H J VAN ECK DRIVE

DATE: 16 HOUR COUNT ON THURSDAY 18 JANUARY 2018

UNITS: CLASSIFIED

APPROACH FROM NAME MOVEMENT TIME	WEST H J VAN ECK DRIVE															TOTAL ALL MOVEMENTS
	LEFT TURN					STRAIGHT					RIGHT TURN					
	C	T	H	B	TOTAL	C	T	H	B	TOTAL	C	T	H	B	TOTAL	
04:00 - 04:15	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
04:15 - 04:30	1	0	0	0	1	0	0	0	0	0	2	0	0	0	0	3
04:30 - 04:45	2	0	0	0	2	2	0	0	0	2	1	0	0	0	1	5
04:45 - 05:00	1	0	0	0	1	2	0	0	0	2	0	0	0	0	0	3
05:00 - 05:15	7	0	0	0	7	6	0	0	0	6	2	0	0	0	2	15
05:15 - 05:30	3	0	0	0	3	1	0	0	0	1	5	0	0	0	5	9
05:30 - 05:45	3	0	0	0	3	1	0	0	1	2	2	0	0	0	2	7
05:45 - 06:00	13	0	0	0	13	5	0	0	0	5	4	0	0	1	5	23
06:00 - 06:15	30	0	0	0	30	18	1	0	0	19	4	0	0	0	4	53
06:15 - 06:30	21	0	0	0	21	25	1	0	3	29	6	0	0	0	6	56
06:30 - 06:45	19	0	0	0	19	45	2	0	0	47	22	0	0	1	23	89
06:45 - 07:00	40	0	0	0	40	46	3	0	1	50	33	1	0	0	34	124
07:00 - 07:15	32	0	0	0	32	56	5	1	3	65	29	1	0	1	31	128
07:15 - 07:30	23	0	0	0	23	49	6	1	1	57	35	1	0	0	36	116
07:30 - 07:45	4	0	0	0	4	20	3	0	1	24	20	0	0	1	21	49
07:45 - 08:00	5	0	0	0	5	14	3	0	0	17	13	0	0	0	13	35
08:00 - 08:15	2	0	0	0	2	15	2	0	1	18	7	0	0	0	7	27
08:15 - 08:30	0	0	0	0	0	10	1	0	0	11	13	0	0	0	13	24
08:30 - 08:45	5	0	4	0	9	9	2	1	0	12	10	0	0	0	10	31
08:45 - 09:00	3	0	0	0	3	7	1	1	0	9	16	0	0	0	16	28
09:00 - 09:15	19	0	0	0	19	6	0	0	0	6	1	0	0	0	1	26
09:15 - 09:30	19	0	0	0	19	11	0	0	0	11	1	0	2	0	3	33
09:30 - 09:45	10	0	0	0	10	2	0	0	0	2	1	0	0	0	1	13
09:45 - 10:00	19	0	1	0	20	5	0	0	0	5	4	0	0	0	4	29
10:00 - 10:15	10	0	2	0	12	4	0	0	0	4	2	0	0	0	2	18
10:15 - 10:30	2	0	0	0	2	3	0	0	0	3	4	0	0	0	4	9
10:30 - 10:45	3	0	1	0	4	6	0	1	0	7	7	0	0	0	7	18
10:45 - 11:00	4	0	1	0	5	7	0	0	0	7	4	0	1	0	5	17
11:00 - 11:15	2	0	2	0	4	7	1	0	0	8	11	0	0	0	11	23
11:15 - 11:30	3	0	3	0	6	7	2	0	0	9	10	0	0	0	10	25
11:30 - 11:45	1	0	0	0	1	4	2	0	0	6	8	0	2	0	10	17
11:45 - 12:00	1	0	0	0	1	18	2	0	0	20	4	0	0	0	4	25
12:00 - 12:15	3	0	0	0	3	17	1	1	0	19	5	0	0	0	5	27
12:15 - 12:30	1	0	1	0	2	5	1	0	0	6	10	0	0	0	10	18
12:30 - 12:45	4	0	0	0	4	12	0	1	0	13	9	0	0	0	9	26
12:45 - 13:00	3	0	0	0	3	15	0	0	0	15	12	0	0	0	12	30
13:00 - 13:15	2	0	1	0	3	9	0	0	0	9	7	0	1	0	8	20
13:15 - 13:30	3	0	2	0	5	8	0	0	0	8	12	0	1	0	13	26
13:30 - 13:45	1	0	1	0	2	13	0	0	0	13	15	0	2	0	17	32
13:45 - 14:00	3	0	1	0	4	7	1	0	0	8	13	0	0	0	13	25
14:00 - 14:15	6	0	1	0	7	8	0	0	0	8	18	0	0	0	18	33
14:15 - 14:30	5	0	0	0	5	28	1	0	0	29	22	0	0	1	23	57
14:30 - 14:45	2	0	0	0	2	3	0	0	0	3	4	0	0	0	4	9
14:45 - 15:00	1	0	0	0	1	3	0	0	0	3	10	0	0	0	10	14
15:00 - 15:15	2	0	1	0	3	15	1	0	0	16	14	0	0	0	14	33
15:15 - 15:30	2	0	1	0	3	8	0	0	0	8	8	1	0	1	10	21
15:30 - 15:45	2	0	0	0	2	6	0	0	0	6	6	1	0	1	8	16
15:45 - 16:00	2	0	1	0	3	9	0	0	0	9	10	0	1	1	12	24
16:00 - 16:15	7	0	0	0	7	8	0	0	0	8	4	0	0	0	4	19
16:15 - 16:30	3	0	1	0	4	10	0	0	0	10	20	0	0	2	22	36
16:30 - 16:45	6	0	0	0	6	14	0	1	1	16	9	0	2	0	11	33
16:45 - 17:00	2	0	0	0	2	13	1	0	0	14	12	0	0	0	12	28
17:00 - 17:15	4	0	1	0	5	11	0	0	0	11	5	0	1	0	6	22
17:15 - 17:30	2	0	0	0	2	21	0	0	0	21	7	0	1	0	8	31
17:30 - 17:45	6	0	0	0	6	17	0	0	0	17	9	0	0	0	9	32
17:45 - 18:00	2	0	0	0	2	21	1	1	0	23	6	0	0	0	6	31
18:00 - 18:15	2	0	0	0	2	20	0	0	0	20	5	0	0	0	5	27
18:15 - 18:30	3	0	0	0	3	12	0	0	0	12	5	0	0	0	5	20
18:30 - 18:45	1	0	0	0	1	14	0	0	0	14	7	0	0	0	7	22
18:45 - 19:00	5	0	0	0	5	8	0	0	0	8	6	0	0	0	6	19
19:00 - 19:15	0	0	0	0	0	9	0	0	0	9	5	0	0	0	5	14
19:15 - 19:30	0	0	0	0	0	10	0	0	0	10	1	0	0	0	1	11
19:30 - 19:45	0	0	0	0	0	8	0	0	0	8	2	0	0	0	2	10
19:45 - 20:00	1	0	0	0	1	13	0	1	0	14	4	0	0	0	4	19
TOTAL	394	0	28	0	420	788	44	18	12	862	563	5	14	10	592	1864

## Summary of all four directional traffic counts - 24 hour calculations

Detail	C	T	H	B	TOTAL
North - All Intersections	2 533	74	197	13	2 817
South - All Intersections	3 951	109	222	18	4 300
East - All Intersections	2 326	41	69	10	2 446
West - All Intersections	1 743	49	50	22	1 864
<b>TOTAL</b>	<b>10 553</b>	<b>273</b>	<b>538</b>	<b>63</b>	<b>11 427</b>
ADD 20% TO 24 HOURS	2 111	55	108	13	2 285
<b>TOTAL 24 HOUR</b>	<b>12 664</b>	<b>328</b>	<b>646</b>	<b>76</b>	<b>13 712</b>

**SITE: FOUR WAY COUNT ON ALLEN ST & HJ VAN ECK DR**  
**DATE: 16 HOUR COUNT ON THURSDAY 18 JAN 2018**

	Car	Taxi	Heavy	Bus	TOTAL
North	2533	74	197	13	<b>2817</b>
24 Hour North	3040	89	236	16	3380
South	3951	109	222	18	<b>4300</b>
24 hour South	4741	131	266	22	5160
East	2326	41	69	10	<b>2446</b>
24 hour East	2791	49	83	12	2935
West	1743	49	50	22	<b>1864</b>
24 hour West	2092	59	60	26	2237
Total	<b>7781</b>	<b>220</b>	<b>503</b>	<b>37</b>	<b>8540</b>
24 hour Total	12664	328	646	76	13712

Annexure J – Departments Comments



## DEPARTMENTAL COMMENTS

**Property Description:** Portion 1 OF ERF 8780 NEWCASTLE (EXTENSION 37) REGISTRATION DIVISIONS HS, PROVINCE OF KWAZULU-NATAL in Extent 2.0496 (TWO COMMA ZERO FOUR NINE SIX) Hectares: H.J. VAN ECK DRIVE SCHUINSHOOGTE NEWCASTLE, Province of KwaZulu-Natal

**Proposal Details:** Rezoning of the Property from its current zoning of Special Zone 18 to Petroleum Filling Station as the main/core land use with supporting land use being General Business.

**Commenting Department:** MECHANICAL DEPARTMENT

Comments (Ensure that your comments are clear and detailed:

Same as for Electrical Dept.

Signature : Upe

Full Name & Surname : Nichelle Sumner

Date of comment : 26 November 2018

Departmental Stamp:

NEWCASTLE MUNICIPALITY  
ELECTRICAL/MECHANICAL SERVICES  
FIELD XLSH  
NEWCASTLE 2940

Signed by the Applicant:

*[Handwritten signature]*



# NEWCASTLE MUNICIPALITY

## KWAZULU-NATAL

My Ref : 13/3/4/1  
My Verw :  
Inkomba :

Enquiries :  
Navrae : P. Marais  
Imibuzo :

Private Bag : X 6621  
Privaatsak : Newcastle  
Isikhwama Seposi : 2940

Tel : 034 - 3284701  
Fax : 034 - 3284746  
E-mail :

06 December 2018

Mr John Pieters  
Shell Downstream South Africa (Pty) Ltd  
E-mail: johan@champ.co.za  
NEWCASTLE  
2940

Dear Sir

**RE: RE-ZONING APPLICATION, PORTION 1 OF ERF 8780 NEWCASTLE (EXTENSION 37) REGISTRATION DIVISION HS, PROVINCE OF KWAZULU-NATAL IN EXTENT 2.0496 (TWO COMMA ZERO FOUR NINE SIX) HECTARES: H.J. VAN ECK DRIVE SCHINSHOOGTE NEWCASTLE, PROVINCE OF KWA-ZULU NATAL, REZONING TO FUEL SERVICE STATION**

The above matter refers.

**Comments: Fire**

Application supported

When rezoning is approved and plans submitted for approval, please ensure to submit a detailed fire protection plan in terms of SANS 10400.

**Comments: Traffic**

1. A slip line is required on Allen Street entrance
2. Merging lane/s are required on HJ van Eck Drive
3. Traffic calming measures must be implemented on the approach side on HJ van Eck
4. Developer to install additional measures on Allen Street to deter right turning onto property
5. An in-loco inspection for the layout is recommended.

The developer must ensure that the level of service on the approach and egress to and from the property, respectively must be of such a nature that it mitigates traffic delays on the adjacent roadway.

**Comments: Waste**

No objections provided:

1. Adequate storage space is available for waste container, General -Waste
2. Access to Waste Vehicles to the container
3. Arrangements be made for the disposal of hazardous material in required.

**Comments: Health**  
Application supported.

**Comments: Security**  
Supported on condition that Applicant comply with the Legislation and by-laws concerning fuel stations.

  
**P MARAIS**  
**CHIEF SECURITY SERVICES**







## NEWCASTLE MUNICIPALITY NATAL

My Ref : IS 11/2/10/1

Newcastle Municipality  
Private Bag X6621  
NEWCASTLE, 2940

Enquiries : X.G. Sithole

Tel : (034) 328 7600

Fax : (034) 317 4026

E-Mail : [xolani.sithole@newcastle.gov.za](mailto:xolani.sithole@newcastle.gov.za)

11 December 2018

No. 52 Aquamarine Avenue  
Newcastle  
2940


Your Ref : Portion 1 of Erf 8780  
Received : November 2018  
From : Mr. J. Pieters

Dear Sir

**RE: PORTION 1 OF ERF 8780 NEWCASTLE (EXTENSION 37) REGISTRATION  
DIVISIONS HS. PROVINCE OF KWAZULU-NATAL IN EXTENT 2.0496 (TWO  
COMMA ZERO FOUR NINE SIX) HECTARES: H.J. VAN ECK DRIVE,  
SCHUINSHOOGTE NEWCASTLE, PROVINCE OF KWAZULU-NATAL.  
REZONING TO FUEL SERVICE STATION.**

With reference to the above we wish to convey that;

- Infrastructural water and sewer services are available and will not be affected by the proposed rezoning.
- The Developer to install water saving system only, such as water basin taps with faucet aerator, etc.
- The developer to produce the drawings that will show all the connection points for both water and sewer before any payments for new connections is done to the municipality.
- Application is supported subject to the above.

  
.....  
T.H. NDLOVU  
ACTING DIRECTOR:  
WATER SERVICES



## NEWCASTLE MUNICIPALITY NATAL

My Ref : TS 13/3/3-8780/1

Newcastle Municipality  
Private Bag X6621  
NEWCASTLE, 2940

Enquiries : Malibongwe Nsele

Tel : (034) 328 7935

E-Mail : Malibongwe.Nsele@newcastle.gov.za

11 December 2018

Farm Dwellers Inn (Pty) Ltd  
52 Aquamarine Avenue  
Newcastle  
2940  
E-mail: johan@champ.co.za

Dear Sir,

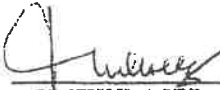
### REZONING APPLICATION: FUEL FILLING STATION: ERF 8780 PORTION 1

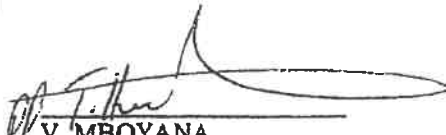
Your application dated 20 November 2018 has reference.

From a Roads and Stormwater point of view, any stormwater drainage necessary to deal with stormwater, generated on the property or flowing from the adjacent properties. The owner/developer shall construct such facilities as are necessary for the control and disposal of stormwater.

A detailed stormwater reticulation plan is to be submitted to this department for approval before construction.

Yours faithfully

  
J. H. THULASEE  
MANAGER:  
ROADS AND STORMWATER

  
V. MBOYANA  
DIRECTOR: CIVILS  
TECHNICAL SERVICES

MN/ms  
Fuel Filling Station



Department :  
Economic Development, Tourism and  
Environmental Affairs

**PROVINCE OF KWAZULU-NATAL**

Enquiries:  
Imibuzo : N. Mabaso  
Navrae :

Telephone: 034 328 0300  
Ucingo :  
Telefoon :

P. o. Box : 170  
sikhwama Seposi : Newcastle  
Privaat Sak : 2940

Reference:  
Inkomba : Q25/18/32  
Verwysing:

Fax :  
Feksi : 0867788367  
Faks :

Date :  
Usuku : 09/07/2018  
Datum :

Farm Dwellers Inn Pty Ltd  
Postnet Suite 8  
Private Bag x6603  
Newcastle  
2940

Attention: Mr. Johannes Pieters  
E-mail: [johan@champ.co.za](mailto:johan@champ.co.za)

Dear Sir

**RE: Q25/18/32: Proposed development of a Filling Station on ERF 8780, Newcastle.**

1. This letter serves to respond to a query received by the Environmental section of the Department of Economic Development, Tourism and Environmental Affairs (hereinafter referred to as "the Department") on the 26 June 2018.
2. The query is to determine if the proposed filling station on ERF 8780 with "special" zoning, will require an environmental authorisation.
3. The proposed filling station will be located at the corner of Allen Street and H J Van Eck Drive with a storage capacity of 1 x 36 000m<sup>3</sup> and 2 x 20 000m<sup>3</sup> and a developmental footprint of 4000m<sup>2</sup>.
4. Based on the information provided, the Department is of the opinion that storing 76 000m<sup>3</sup> of dangerous goods within the proposed developmental area does not trigger any activities listed in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as promulgated in terms of Section 24 (2) of the National Environmental Management Act. Act 107 of 1998 and thus an environmental authorisation will not be required.
5. Nevertheless, you are reminded of Section 28 of the National Environmental Management Act 107 of 1998 regarding the duty of care and remediation of any environmental damage that may occur during the lifetime of the proposed project.

Yours faithfully

P. Moodley  
Control Environmental Officer: Environmental Impact Assessment  
Amajuba District


Annexure K – Registered Planner's Certificate

**REGISTERED PLANNER'S CERTIFICATE**

**RESUBMISSION: APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT REGULATIONS AND BYLAWS: APPLICATION FOR AMENDMENT OF LAND USE SCHEME BY REZONING PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO "HOTEL" IN ORDER TO DEVELOP A PETROL FILLING STATION AND ANCILLARY CONVENIENCE SHOP. (TP 13/3/3 – 1/8780) – AUGUST 2019.**

I S.D Cindi, certify that the proposed rezoning of Portion 1 of 8780 Newcastle from "Special Zone 18" to "Hotel" as the Newcastle Urban Scheme (as amended) provides, has been evaluated by me in terms of the Spatial Planning and Land Use Management Regulations and Spatial Planning and Land Use Management Bylaws, (No.16 of 2013), and is supported for reasons stated in the report.

I understand that if it is subsequently discovered that the application was defective, I will be criminally liable and may be charged for misconduct in terms of Section 88(1) of the Act.

  
 Date: 2/09/2019

SACPLAN Reg. Number: B/8187/2012

**S. CINDI  
 ACTING MANAGER: LAND USE MANAGEMENT**

**Annexure N: Record/s of Decision**



# NEWCASTLE KWAZULU NATAL

**My Verw:** TP 13/3/3 – 1/8780  
**My Ref:**

**Navrae:** X. Madela  
**Enquiries:**

**Tel (034) 328 7600**  
**Fax (034) 312 1570**

**Munisipaliteit: Privaatsak X6621**  
**Municipality: Private Bag X6621**  
**Newcastle**  
**2940**

Email address: [Xoliswa.Madela@newcastle.gov.za](mailto:Xoliswa.Madela@newcastle.gov.za)

25 September 2019

Ansec 194 (PTY) LTD  
Post net Suite 86  
Private Bag X4  
Wierda Park  
Centurion  
0149

Dear Sir

**RECORD OF DECISION ON AN APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT REGULATIONS AND BYLAWS: APPLICATION FOR AMENDMENT OF LAND USE SCHEME BY REZONING PORTION 1 OF ERF 8780 NEWCASTLE FROM "SPECIAL ZONE 18" TO "HOTEL" IN ORDER TO DEVELOP A PETROL FILLING STATION AND ANCILLARY CONVENIENCE SHOP.**

With reference to the above, I hereby wish to notify you that the Municipal Planning Tribunal held on 20 September 2019, resolved to approve the application for Rezoning of Portion 1 of Erf 8780 Newcastle from "Special Zone 18" to "Hotel" in order to develop a Petrol Filling Station and ancillary shop.

1. The Municipal Planning Tribunal had considered, amongst others, the following aspects as the grounds for approval:
  - a) This development complies with municipal statutes and is further in line with principles of Spatial Planning and Land Use Management Act;
  - b) The application essentially responds to the need and viability established through an academic process of the market viability report;
  - c) The location is strategic and ideal for a service station together with a convenience shop because it embodies the planning phenomenon prominent in the affluent cities in South Africa;

- d) The development will enhance the entrance to Newcastle from the Northern directions by providing convenience shopping not only to travelers, but also the residence in the vicinity;
- 2. In accordance with the Bylaws and Regulations, the application is approved subject to the following conditions:
  - a) This approval is linked to the Site Development Plan: TP Sketch Plan 5 (**Phase 1**) for the development of a service station and convenience shop;
  - b) Further amendments or additions to Phase 1 as reflected on the site development plan will require consultation and/or approval by the Newcastle Municipality in future;
  - c) The developer must acquire the long-term lease over Erf 9459 Newcastle or register a servitude in order to access the development from Volksrust Road. Such future agreement must be submitted to the Municipality as part of the building plans for approval;
  - d) The development shall be subject to the municipality's applicable tariffs relating to infrastructure services;
  - e) The developer must install water saving systems such as water basin taps with faucet aerator;
  - f) The developer must produce drawings to show all connection points for both water and sewer prior to making any payments for new connections;
  - g) Sufficient parking to which this approval relates must be catered for within the property. No offsite parking will be permitted without prior approval by the Municipality;
  - h) Ingress, egresses as well as pedestrian and vehicular movement within the property must be given priority and clearly demarcated on the building plans on submission. Such movement network include delivery and dispatch of goods to the premises;
  - i) The applicant is obligated to submit a full Traffic Impact Assessment, through which all traffic and transportation related matters will be determined and regulated by way of a formal Agreement between different Authorities and applicant. Such information is required prior to lodgment of building plans;
  - j) However, an initial assessment revealed that the following is essential:
    - a. Slip-off line is required on Volksrust Road;
    - b. Merging lanes are required on H.J Van Eck Drive;
    - c. The portion of H.J Van Eck Drive must be widened from Aquamarine Drive to Volksrust Road;
    - d. Geometrical design measures or structural barrier consideration on Volksrust Road be reviewed with an intention to restrict the right turning vehicles from the North of Volksrust onto the property;



- e. Your attention is further drawn to the fact that only vehicles exiting the property via Volksrust Road may turn left and prohibited from going south towards the town centre.

And such all configuration be for the cost of the developer.

- k) The developer must submit a detailed Fire Protection Plan in terms of SANS 10400;
- l) All stormwater drainage necessary to deal with stormwater generated on the property and flowing from adjacent properties, is the responsibility of the owner/developer to construct such facilities as are necessary for the control and disposal of stormwater;
- m) A detailed stormwater reticulation plan must be submitted to the Municipality: Strategic Executive Director: Technical Services prior to construction on site;
- n) Any additional capacity required relating to services (water and sewer) must be covered by the developer at her/his cost;
- o) A bulk waste container must be made available on site;
- p) That this approval shall be subject to review if the municipality is of the opinion that the conditions for which this application is approved has been violated, municipal bylaws flawed, other legislation/s transgressed or any other matter deemed necessary for the purposes of this approval to remain in force.
3. Should you feel aggrieved by the decision of the Newcastle Municipal Planning Tribunal, please be informed of their right to appeal with the municipality within 30 days of being notified of the decision. The appeal and/or memorandum of appeal must be served to:

The Municipal Appeals Authority Registrar      and  
Newcastle Municipality  
Murchison Street  
Private Bag X6621  
Newcastle  
2940  
[Sphephelo.cindi@newcastle.gov.za](mailto:Sphephelo.cindi@newcastle.gov.za)  
Cc: [Sandra.Tshabalala@newcastle.gov.za](mailto:Sandra.Tshabalala@newcastle.gov.za)


Silver King Investment CC  
52 Aquamarine Drive  
Newcastle  
2940  
[info@champ.co.za](mailto:info@champ.co.za)

Issued By;



N.P. KHATHIDE  
DIRECTOR: TOWN PLANNING

Endorsed By;



V. GOVENDER  
SED: DEVELOPMENT  
PLANNING & HUMAN  
SETTLEMENTS

**Annexure O: KZN Provincial Growth and Development Strategy**

The various nodes and their broad intended function and possible interventions are described in the table below.

Figure 24: Intervention Nodes and Broad Intended Function

Intervention Node	Broad Intended Function
<b>Primary Node</b>	Only eThekweni is classified as a Primary Node within the provincial context as an urban centre with very high existing economic growth and the potential for expansion thereof. Provides service to the national and provincial economy.
<b>Secondary Nodes</b>	Richards Bay, Msunduzi, Newcastle and Port Shepstone have been identified as provincial Secondary Nodes and thus urban centres with good existing economic development and the potential for growth and services to the regional economy.
<b>Tertiary Nodes</b>	These nodes are mainly centres, which should provide service to the sub-regional economy, and community needs and is represented by the following towns such as Pongola, Vryheid, Ulundi, Dundee, Ladysmith, Estcourt, Howick, KwaDukuza, Ixopo, Scottburgh, Hibberdene, Kokstad, and Margate.
<b>Quaternary Nodes</b>	These nodes are mainly centres which should provide service to the local economy and community needs and is represented by 31 towns, such as but not limited to: Nongoma, Nkandla, Bergville, Greytown, Underberg, uMzimkulu, etc.
<b>Rural Service Centres</b>	<p>The proposed Rural Service Centres are envisaged to serve as the lowest level of provincial nodes and could typically be established around existing traditional administration centres as well as other accessible rural points identified as periodic markets. These will be identified in consultation with the district municipalities and should serve as first access to basic services within rural areas. These rural service centres will include, and some have already emerged to include, a combination of the following activities:</p> <ul style="list-style-type: none"> <li>• Traditional administration centre.</li> <li>• Taxi/ bus stop.</li> <li>• Informal trading / market area.</li> <li>• Social facility (clinic, library etc.).</li> <li>• Skills development centre (mainly local schools),</li> <li>• Mobile services point (mobile clinics, pension pay points, mobile library etc.).</li> <li>• Small commercial facility.</li> <li>• Recreational facility such as a sport field.</li> </ul> <p>A conceptual model of these rural service centres will guide the formulation of a provincial implementation strategy towards the implementation of the proposed Rural Service Centres.</p>

## 4.6 Provincial Spatial Development Framework

Figure 25: Illustration of Composite Provincial Spatial Development Framework

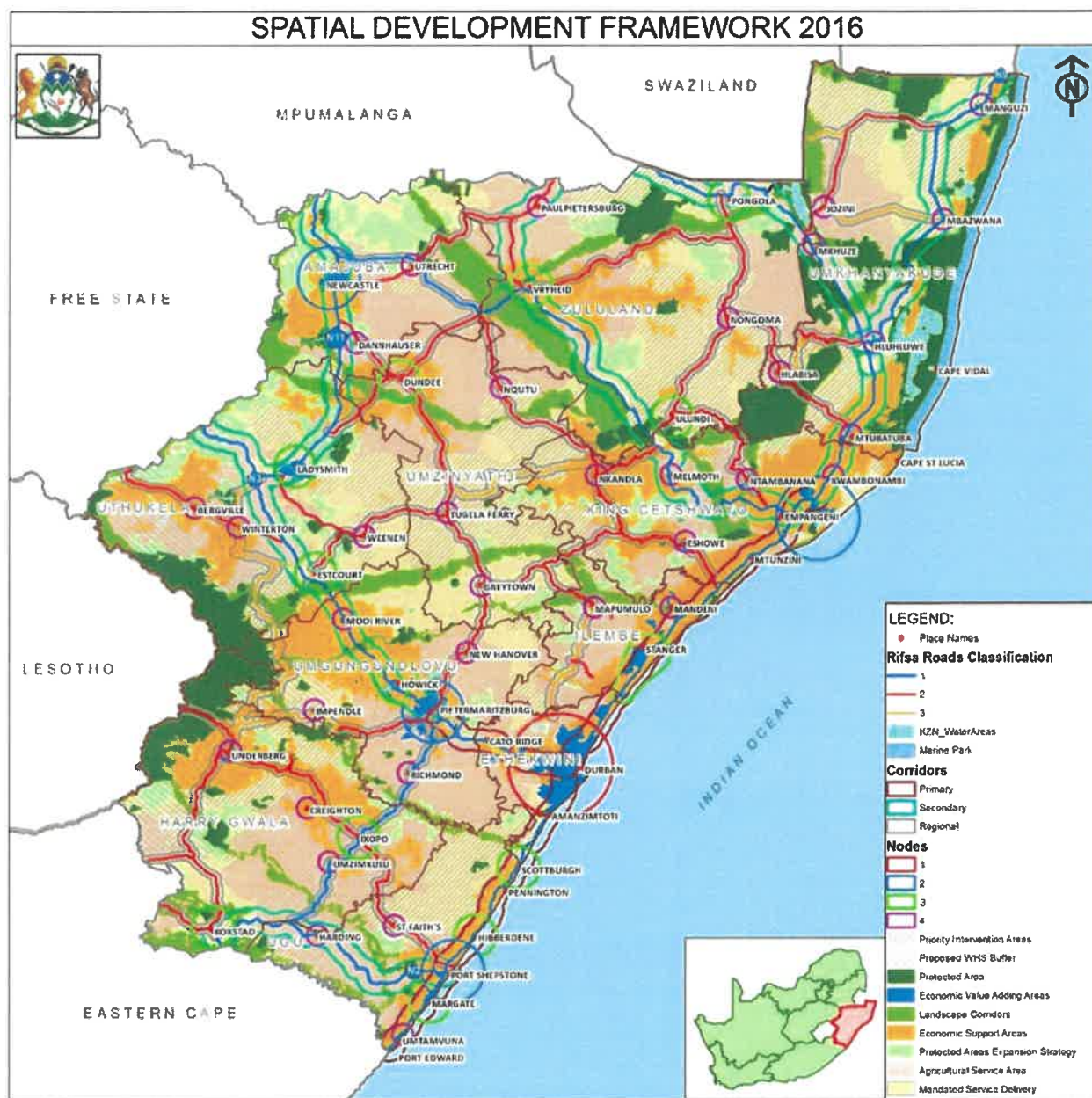
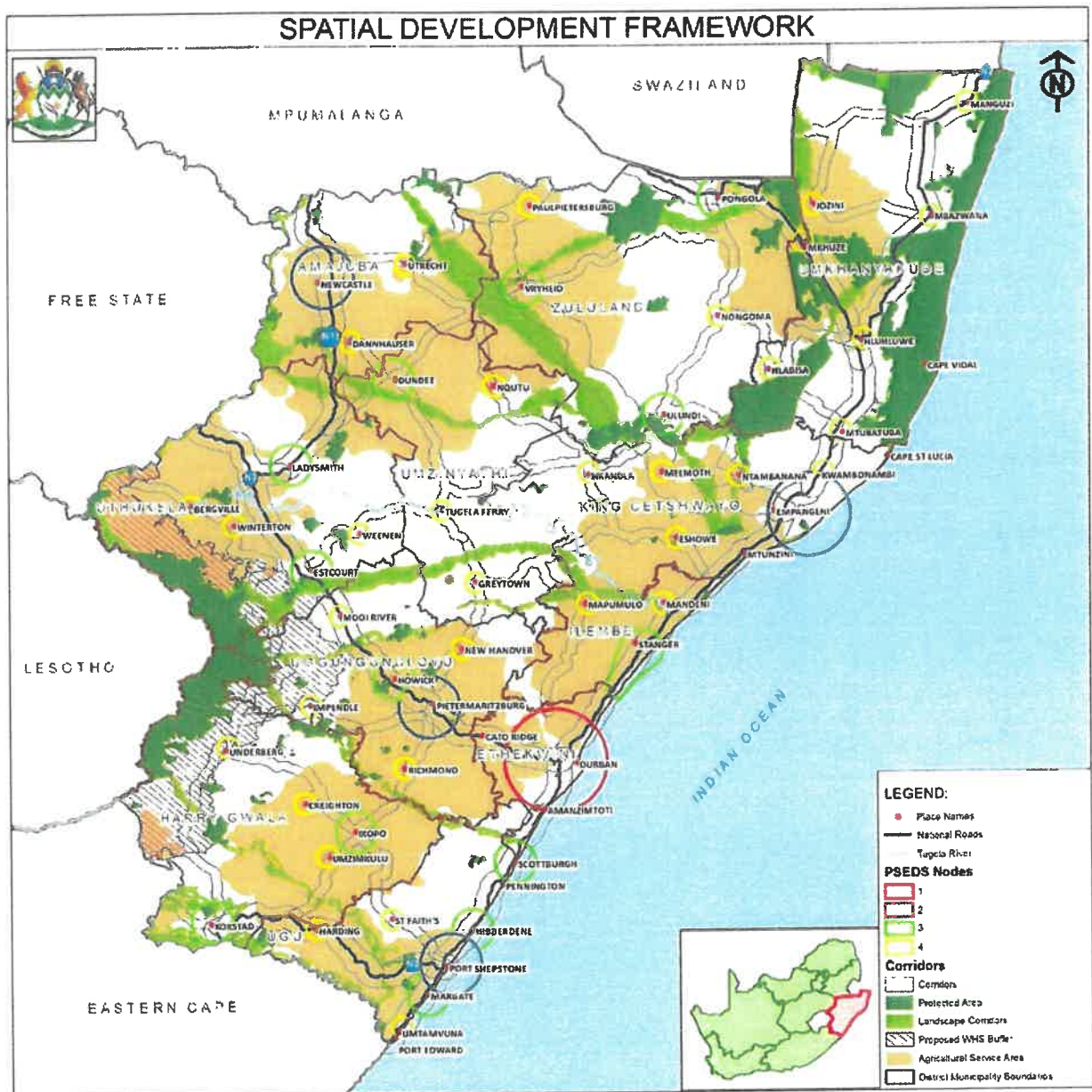




Figure 23: Illustration of the Nodes in relation to Priority Interventions



## **Annexure P: National Integrated Urban Development Framework**

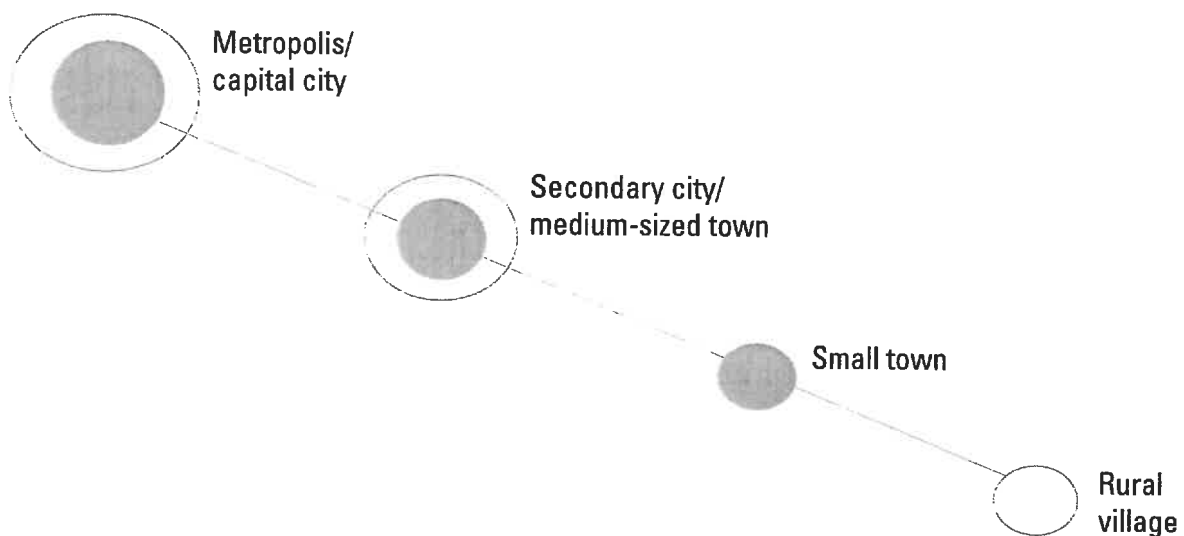
TABLE 1 Settlement typologies

IUDF Spatial Considerations Research Paper	SACN/CSIR Typologies	Municipal Infrastructure Investment Framework Classification
<p><b>Inner Core:</b> The Gauteng City-region, Western Cape Urban Agglomeration, KwaZulu-Natal Coastal Urban Agglomeration, Nelson Mandela Bay, Mangaung, Buffalo City, Msunduzi, Polokwane, Free State Goldfields, Mbombela, Sol Plaatje, Cape South Coast Tourism Belt.</p> <p><b>Outer Core:</b> Large towns with major service functions, medium-sized mining centres, peri-urban agglomerations around the inner core, and large agglomerations around previous homeland capitals (e.g. Newcastle, Kroonstad, Grahamstown, Phalaborwa, Mthatha, Thoyohandou).</p> <p><b>Semi-periphery:</b> Medium-sized towns with an established infrastructure, secondary mining outliers and the more densely settled parts of the previous <i>Bantustans</i>, with local economies producing more than R1-billion per year (e.g. Vryheid, Kuruman, Springbok).</p> <p><b>Periphery:</b> Small service centres with established infrastructure, small mining economies and previous <i>Bantustan</i> economies with output of between R0.4 – R1-billion per year (e.g. Calvinia, Dannhauser).</p> <p><b>Deep periphery:</b> Very marginal local economies with outputs of less than R0.4-billion per year (e.g. Jansenville, Tarkastad, Boshof, Harding, Poffader, Warrenton).</p>	<p><b>Cities</b></p> <ul style="list-style-type: none"> <li><i>City-regions:</i> Population &gt;1 million, government and economic services (GES) index &gt;7 (e.g. global city-region: Gauteng; coastal city-regions: Cape Town city-region, eThekweni city-region, Nelson Mandela Bay city-region).</li> <li><i>City areas:</i> Population &gt;400 000, GES index 2 – 5 (e.g. Polokwane, Mbombela, Pietermaritzburg, Buffalo City, Mangaung).</li> </ul> <p><b>Large towns</b></p> <ul style="list-style-type: none"> <li><i>Regional service centres 1</i> Population 300 000 – 500 000, GES index 1–2; high population numbers and high economic activity (e.g. Rustenburg, Witbank/Middelburg, Newcastle, Richards Bay).</li> <li><i>Regional service centres 2</i> Population 100 000 – 300 000, GES index &gt;0.3; high population numbers in densely settled areas (e.g. Mthatha, Queenstown, Thohoyandou, Tzaneen, Grahamstown, Mmabatho).</li> <li><i>Regional service centres 3</i> Population 60 000 – 100 000, GES index &gt;0.25; low population numbers playing a key role in sparsely populated areas (e.g. Kimberley, Upington, Worcester).</li> <li><i>Service towns</i> Population mostly &gt;20 000, GES index 0.065 – 0.25; playing a significant role in the hinterland (e.g. Saldanha Bay, Groblersdal, Piet Retief, Bothaville, Lichtenburg).</li> </ul>	<p><b>Category A: Metropolitan municipalities</b></p> <p>Johannesburg</p> <p>Tshwane</p> <p>Ekurhuleni</p> <p>Cape Town</p> <p>eThekweni</p> <p>Nelson Mandela Bay</p> <p>Buffalo City</p> <p>Mangaung</p> <p><b>Category B1: Secondary or intermediary cities:</b></p> <p>Matjhabeng/Welkom,</p> <p>Emfuleni/Vereeniging,</p> <p>Mogale City/Krugersdorp,</p> <p>Msunduzi/Pietermaritzburg,</p> <p>Newcastle, Umhlathuze/Richards Bay,</p> <p>Lephalale/Ellisras, Polokwane/Pietersburg,</p> <p>Emalahleni/Witbank,</p> <p>Govan Mbeki/Secunda,</p> <p>Mbombela/Nelspruit,</p> <p>Steve Tshwete/Middelburg,</p> <p>City of Matlosana/Klerksdorp,</p> <p>Madibeng/Brits,</p> <p>Mafikeng, Rustenburg,</p> <p>Tlokwe/Potchefstroom,</p> <p>//Khara Hais/Upington,</p> <p>Sol Plaatje/Kimberley,</p> <p>Drakenstein/Paarl,</p> <p>George, Stellenbosch.</p>

The rural-urban interdependence perspective considers and capitalises on the intense flow of public and private capital, people (migration and commuting), goods (trade), services, ideas and information between the urban and rural areas.

As a consequence of migration, road accessibility, information and communication technologies (ICT), and production flows, new sectoral and spatial patterns are emerging within the rural and urban spaces. Labour migration, flows of information and services, such as education and healthcare, enable people to keep one foot in the rural economy and the other in the urban economy. At the same time, spatial intermingling is occurring in the peri-urban areas, which are found midway on the rural-urban spatial continuum (Figure 7). Research has found that low-income families and the poor migrate to the nearest towns, so as to remain close to their rural support systems.

**FIGURE 7:** Rural-urban continuum



Source: Ndabeni (2013)<sup>30</sup>

Developing solutions to benefit the whole country is difficult if rural and urban areas are seen as opposites, especially as these areas are becoming increasingly integrated because of better transport and communications, and migration. Therefore, focusing on linkages (not separateness) can help reframe how development occurs in rural and urban areas. Strong linkages can enhance growth by facilitating the flow of resources to where they will have the largest economic and social net benefits.

30. Ndabeni, L. 2013. An analysis of rural-urban linkages and their implications for policies that sustain development in a space continuum. A research paper as input into the preparation of the IUDF. Adapted from UN (United Nations). 2005. *Rural-urban linkages for poverty reduction: A review of selected approaches from Asia and the Pacific*.



## **Annexure Q: Newcastle Traffic and Transportation Study**



**Legend**

- Towns
- Communities

**RSPSA Classification**

- Class 1
- Class 2
- Class 3
- Class 4
- Other

- Heavy Duty Truck Routes
- Railways
- Tram line

**CLIENT:**



**NEWCASTLE LOCAL MUNICIPALITY**

**CONSULTING ENGINEERS:**

**21 THE CRESCENT**  
WESTWALL OFFICE PARK  
WESTWALL  
SOUTH AFRICA  
3620



**S B S**  
TEL: (031) 277-6000  
FAX: (031) 277-6000  
WWW.SBSMEG.COM

**PROJECT:**

**DEVELOPMENT OF THE NEWCASTLE  
LOCAL MUNICIPALITY  
TRANSPORTATION PLAN**

**DRAWING DESCRIPTION:**

**NEWCASTLE LOCAL MUNICIPALITY  
RSPSA CLASSIFICATION**



1:40 000

1 centimeter = 400 meters

DATE CREATED:	PAPER SIZE:
2018/04/04	A3
DRAWN:	CHECKED:
PRITHA NAJAL	ANDREW BOUWME

DRAWING No:

**DM0056-AM-HWC**  
**RSPSA-401-REV7**

Map Data: © 2018 Google, © 2018 OpenStreetMap contributors, Imagery © 2018 Google

**Annexure R: Extract from the SDF**

#### 6.4.2 DENSIFICATION

Newcastle has been, and still continues to experience unprecedented urban growth. The concentration of services and employment opportunities in the Newcastle West has led to this growth and to some extent resulted in the urbanization of poverty where informal settlements linger on to the urban structure for economic opportunities. Another challenge faced by the Newcastle Local Municipality is that of uncontrolled urban sprawl as a result of low density developments that have dominated the majority of the Newcastle Municipal area. Sprawling settlements pose a negating impact on the social wellbeing of the settlements in question and also strains the infrastructure and services that cater for the Newcastle communities.

The low density sprawled settlements usually causes residential developments to encroach valuable land outside the urban edge which is often of high agricultural importance. It also becomes highly difficult to provide these types of settlements with efficient public transportation, as the population threshold is often very low and cannot support a viable public transport system. There is also strain experienced by the Newcastle Local Municipality with regards to providing bulk services and infrastructure in such distant and low density settlements as it proves too costly.

Newcastle Municipality aspires to become a city that is resilient and economically vibrant, promoting service excellence to its citizens by 2035. This will be achieved through equitable access to basic services and public facilities, as indicated in the Newcastle Municipality IDP 2018/19 Review. The Newcastle Municipality also places emphasis on sustainable and integrated development as being key to achieving the 2035 growth vision. The Newcastle West Densification Policy intends to create, and in some situations, promote the sustainable urban form that is brought upon by denser settlement patterns and its auxiliary land uses and services. Having noted the hindrances that are posed by sprawled settlements and

the weight they exert on service provision, the Department of Development Planning and Human Settlements initiated the formulation of the Newcastle West Densification Policy.

This policy will study the current state of Newcastle West in terms of land uses and the services that give support to the settlements, the Newcastle West densification policy will take aspects of movement, linkage and disproportion into consideration, and use these findings to come up with new proposals as they pertain to density.

The policy intends to inform forward planning mechanisms i.e. SDF and IDP on how to achieve a more compact, equitable and sustainable city.

The Newcastle West Densification Policy aims to promote sustainable urban form. There are various components that influence the sustainability of the urban form, these include: density, compactness, processes of intensification, land uses and open spaces. Furthermore the report aims to highlight the current density situation of Newcastle West, it will highlight the national trends with regards to densification in exploring the relationship between densification and sustainability as well as statutory obligations. The outcome of this study will indicate possible approaches to be considered in Newcastle West.

**Annexure S: Council Minutes for the adoption of the IDP and SDF**

## NEWCASTLE MUNICIPAL COUNCIL

SPECIAL MEETING : 30 MAY 2018 at 12:00

### ATTENDANCE REGISTER

#### PRESENT

Councillor	J C N	Mkhwanazi	Speaker
Councillor	V V	Bam	
Councillor	L L	Bosman	
Councillor	S B	Buthelezi	
Councillor	E C J	Cronje	
Councillor	T J C	Danisa	
Councillor	X N M	Diadla	
Councillor	BS	Dlamini	
Councillor	V F	Hadebe	
Councillor	T S	Hlabisa	
Councillor	A	Khoza	
Councillor	B V	Khumalo	
Councillor	V D	Kubeka	
Councillor	N P	Kunene	
Councillor	C Y	Liu	
Councillor	N K	Majozi	
Councillor	N Y	Mbatha	
Councillor	A M	Mbuli	
Councillor	R N	Mdluli	
Councillor	A P	Meiring	
Councillor	S G	Miya	
Councillor	H N	Mkhwanazi	
Councillor	T P	Mkhwanazi	
Councillor	M S	Mlangeni	
Councillor	N G	Mnguni	
Councillor	M V	Molefe	
Councillor	R M	Molelekoa	
Councillor	M V	Mthembu	
Councillor	P B	Mwali	
Councillor	V P	Mzima	
Councillor	M E	Ngcobo	
Councillor	D	Ngwenya	
Councillor	T M	Ndaba	
Councillor	R B	Ndimma	
Councillor	S S	Ndlangamandla	
Councillor	M S	Ndlovu	
Councillor	P F	Ndlovu	
Councillor	B C	Ngema	
Councillor	D R	Ngema	
Councillor	C L	Nhlapho	
Councillor	S J	Nhlapho	
Councillor	E M	Nkosi	
Councillor	S N	Nkosi	
Councillor	J B	Nkwanazi	
Councillor	D M	Sibilwane	
Councillor	D P	Sibiya	
Councillor	L T	Sikhosane	

Council : 2018-05-30 (special) (12h00)

Councillor	S	Shabangu
Councillor	M	Shunmigum
Councillor	M W	Twala
Councillor	G M B	Thwala
Councillor	L G	Thwala
Councillor	S M	Thwala
Councillor Dr	J A	Vorster
Councillor	SA	Yende
Councillor	M F	Zikhali
Councillor	N S	Zulu
Councillor	T M	Zulu
Councillor	N A	Zwane

#### **ABSENT WITH APOLOGY**

Councillor	X D	Dube	:	other commitments
Councillor	F P	Gama	:	other commitments
Councillor	S L	Stein	:	other commitments

#### **ABSENT WITHOUT APOLOGY**

Councillor	F A	Malinga	:	
Inkosi	C S	Kubheka	:	Traditional Leader
Inkosi	B S	Radebe	:	Traditional Leader

#### **OFFICIALS PRESENT**

Strategic Executive Director : BTO	:	Mr	B	E	Hlongwe
Acting Strategic Executive Director : DP&HS	:	Ms	N		Thusi
Acting Strategic Executive Director : Technical Services	:	Mr	N		Ncube
Director : Administration	:	Mrs	D	R	Molefe
PMS Officer	:	ms	S	J	Kakir
Senior Administrative Officer	:	Ms	M		Mduna
Intern	:	Ms	P		Thwala
Intern	:	Mr	X	F	Myaka
Intern	:	Mr	T		Zikhali
Student	:	Ms	N		Masuku



**1 : OPENING**

The Speaker requested all members to observe a silent prayer, thereafter officially opened the meeting.

**2 : APPLICATIONS FOR LEAVE OF ABSENCE : (A 3/1/4/1)**

The meeting was informed that the following councillors had given notice to the effect that it would not be possible for them to attend the meeting :-

Councillor	X D	Dube
Councillor	F P	Gama
Councillor	S L	Stein

**RESOLVED**

That Councillors

Councillor	X D	Dube
Councillor	F P	Gama
Councillor	S L	Stein

**SED:CS(A)**  
R.N. Mdluli

be granted leave of absence from attending the meeting.

**3 : APPROVAL OF IDP/BUDGET/PMS : 2018/2019 : (BTO 6/1/1 - 2018/2019)**

The Mayor, Cllr. E.M. Nkosi, presented the final Integrated Development Plan 4<sup>th</sup> Generation 2017/2022, the Multi-year Operating and Capital Budget 2017/2020 and the final Organisational Performance Management System 2017/2018.

Cllr P.B. Mwali, on behalf of the Independent Party supported the budget and proposed increase in speed for implementation.

Cllr LL Bosman, on behalf of the Vryheidsfront raised concerns on the implementation of the budget which has not improved, the negative growth of Newcastle, land expropriation without compensation, labour and minimum wage and crime situation.

Cllr M.W. Thwala, on behalf of the EFF indicated that they supported the budget for 2017/2018 and raised concerns on projects that were not implemented, incomplete and poor workmanship, poor planning, issues raised by Provincial Treasury not addressed, tariff increase of 8% not approved by Nersa, no reserves allocated, no service delivery and budget roadshows which were a wasteful expenditure.

Cllr A.P. Meiring, on behalf of the DA, raised concerns on the repair and maintenance decrease yet the state of infrastructure is deteriorating, debt collection, consequence management, and increase on property rates, water and electricity. Attachment A\*\*\*\*\*

Cllr T.M. Zulu, on behalf of the IFP, indicated that they supported the previous budget with the hope of improvements in the service delivery. He mentioned that a submission will be made to Council at a later stage.

Cllr N.P. Kunene, on behalf of the ANC, supported the budget for service delivery.

Council : 2018-05-30 (special) (12h00)



The Mayor responded that a credible budget is influenced by the revenue however the shortfall is based on non-cash items. He mentioned that the increase in tariffs is informed by the CPIX. He however mentioned that some of the comments made by political parties that there was no political will were not true. The Municipal Manager is setting up the committee to address the issues of consequence management.

After voting:

19 Councillors did not support the budget and  
37 Councillors supported the budget

(i) **Newcastle Local Municipality Final Integrated Development Plan (IDP) 2018/2019 : (DP&HS 13/15/6)**

**RESOLVED**

- (a) That the NLM Final Integrated Development Plan (2018/2019) Review, be approved in order to give guidance to the budget;
- (b) that as part of the NLM Final IDP (2018/ 19), the NLM Final Spatial Development Framework (2018/2019) Review including its ancillary plans i.e. Newcastle Urban Open Space Policy and Framework be approved;
- (c) that it be noted that a public notice will be issued to give notice of the approval of the NLM Final Integrated Development Plan (2018/2019) Review by Council;
- (d) that it be noted that the approved/adopted NLM Final IDP (2018/2019) Review document will be posted on the Official Municipal website as per the legislative requirements;
- (e) that the approved NLM Final Integrated Development Plan (2018/2019) Review will be submitted to the MEC : KZN-C for final assessment purposes, in line with the legislative requirements of the Local Government: Municipal Systems Act , 2000 (Act No. 32 of 2000);
- (f) that the approved/adopted NLM Final Integrated Development Plan (2018/19) Review will be submitted to the MEC: KZN-CoGta;
- (g) that it be noted that additional amendments shall be made to the NLM Final IDP, more specifically the Performance Management information as informed by the PMS Unit.

MM

Council : 2018-05-30 (special) (12h00)

(ii) **Final medium term budget 2018/2019 : (BTO 6/1/1 - 2018/2019)**

**RESOLVED TO RECOMMEND**

- (a) That in terms of section 24 of the Municipal Finance Management Act, 56 of 2003, the annual budget of the municipality for the financial year 2018/2019; and indicative allocations for the two projected outer years 2019/2020 and 2020/2021; and the multi-year and single year capital appropriations be approved;
- (b) that the sources to fund both operating and capital budgets be noted and approved;
- (c) that the Municipality's annual allocation of R82 934 172 to uThukela Water for the provision of bulk water be approved;
- (d) that in terms of section 24(2)(c)(i) of the Municipal Finance Management Act, 56 of 2003, and sections 74 and 75A of the Local Government Municipal Systems Act, 32 of 2000 as amended, the tariffs for the supply of water, electricity, waste services, sanitation services and property rates as set out Tariff of Charges that were used to prepare the estimates of revenue by source, be approved with effect from 1 July 2018 for all services except for water and electricity consumption, which be levied on the new tariff with effect from 1 August 2018;
- (e) that the Tariff of Charges be approved and be applicable with effect from 1 July 2018 as attached in Annexure E;
- (f) that Property Rates, Water, Refuse and Sanitations tariffs be increased by 7.2% and other tariffs be increased by 10%;
- (g) that Electricity Tariff increase of 8% increase be provisionally approved, it be recorded that the application currently being processed by NERSA. Any changes to NERSA's proposed tariff to be communicated to Council before implementation;
- (h) that in terms of the Indigent Policy, the monthly household earnings of an indigent application be capped at R3 500 per month;
- (i) that bulk electricity purchases be increased by 7.32% as per NERSA and the National Treasury guidelines;
- (j) that indigent benefits be capped and approved as follows:-

Electricity consumption	: 50 kW/h
Water consumption	: 6Kl
Electricity availability	: 100%
Water availability	: 100%
Sewer	: 100%
Refuse	: 100%
Property rates	: 100%;

(k) That the rate rebates be capped and approved as follows :-

Pensioners	: 25%
Flood victims	: 25%
Bread and breakfasts businesses	: 10%
Business development with property greater than R50 million	
from 0-4 years	: 40%
from 5-6 years	: 25%
from 7-8 years	: 10%
from 9 years onwards	: 0%;

- (l) that the Provincial Treasury's assessment of the draft budget be noted as attached on Annexure F;
- (m) that the Budget Policy be noted and approved as attached in Annexure G;
- (n) that the Rates Policy and by-laws be noted and approved as attached Annexure G;
- (o) that the Indigent Policy be noted and approved as attached in Annexure G;
- (p) that the Customer Care, Credit Control and Debt Collection Policy be noted and approved as attached in Annexure G;
- (q) that the Provision for Doubtful Debt and Debtors Write-Off Policy be noted and approved as attached in Annexure G;
- (r) that the Supply Chain Management Policy be noted and approved as attached in Annexure G;
- (s) that the Cash and Investment Management Policy be noted and approved as attached in Annexure G;
- (t) that the Asset Management Policy be noted and approved as attached in Annexure G;
- (u) that the Petty Cash Policy be noted and approved as attached in Annexure G;
- (v) that the Virement Policy be noted and approved as attached in Annexure G;

- (w) that the Funding and Reserves Policy be noted and approved as attached in Annexure G;
- (x) that the Borrowing Policy be noted and approved as attached in Annexure G;
- (y) that the Loss control Policy be noted and approved as attached in Annexure G;
- (z) that the Short-term Insurance Policy be noted and approved as attached in Annexure G.

(VF, DA, EFF, IFP requested that their dissenting vote to be recorded)

**(iii) Performance Management System : 2018/2019 : (MM 2/1/2)**

**RESOLVED**

- (a) That in terms of section 53 of the Municipal Finance Management Act read with Chapter 6 Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) as amended – the Performance Management System (Revised PMS Framework, Monitoring Framework for Municipal Entities, Organisational Score-card, Service Delivery Budget Implementation Plans, Cash flow projections (Opex and Capex), Project Implementation Plans (Capex) - for the 2018/19 Financial year be approved for inclusion in the IDP Review 2018/19;
- (b) that where practical, the general KPI's as per the Municipal Planning and Performance Management Regulations, 2001 be customized to cater for its measurability as per the resources of the municipality in line recommendations by National CoGta and the Auditor-General's office;
- (c) that standardised KPI's be incorporated into the SDBIP to cater for the following :-
  - (i) Execution of Resolutions progress report submitted as per resolution register (Exco, Council, MPAC)
  - (ii) Review by SED to implement departmental operational plans aligned to SDBIP's and Capital programme
  - (iii) Progress reports on the implementation of Revenue Enhancement Strategies submitted to relevant Portfolio Committee and Executive Committee
  - (iv) Progress report on implementation of Risk Management Strategies submitted to CRO

**MM**

- (v) Progress report on implementation of Oversight Report recommendations submitted to MPAC
- (vi) Progress reports on implementation of Management Action Plan to AG findings to CRO
- (vii) Implementation of Individual Performance Management System
- (d) that the final PMS 2018/2019 be aligned to the approved budget and be incorporated into the final IDP Review 2018/2019 accordingly prior to submission to CoGta and publishing to the website;
- (e) that the Community Survey 2016 results by STATS SA be used as baseline information as aligned to the IDP where applicable on relevant KPI's;
- (f) that for the purpose of Individual PMS to be rolled out from 1 July 2018, all functional KPI's aligned to Task Gr17-16 officials be aligned to the SDBIP's accordingly;
- (g) that the Pro- forma Performance Agreement for the Municipal Manager and Managers g. that the Pro- forma Performance Agreement for the Municipal Manager and Managers directly accountable to the Municipal Manager be noted for finalization before the 31 July 2018;
- (h) that the approved PMS 2018/2019 be submitted to National and Provincial Treasury, CoGta and be published for public perusal.

MM

**CONCLUSION OF MEETING**

There being no further business to discuss, the meeting concluded at 13:15.

**CONFIRMED**

**DATE**

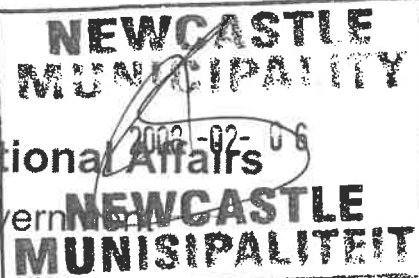
**CHAIRPERSON**

**Annexure T: Comments from the Department of Transport**



Department of  
Local Government and Traditional Affairs

KwaZulu-Natal Provincial Government



Enquiries : Mrs. L Russell  
Imibuzo :  
Navrae :

Telephone: (033) - 3556421  
Ucingo :  
Telefoon :

Private Bag:  
Isikhwama Seposi: Pietermaritzburg  
Privaat Sak: 3200

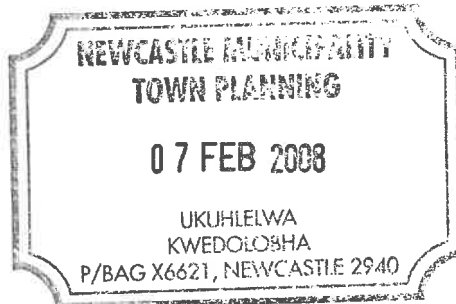
Reference: 2006/1542  
Inkomba :  
Verwysing:

Fax : (033) - 3556537  
iFeksi :  
Faks :

Date :  
Usuku :  
Datum :

30 JAN 2008

The Municipal Manager  
Newcastle Municipality  
Private Bag X 6621  
NEWCASTLE  
2940



D: TP

Attention: Mr. C J Robberts

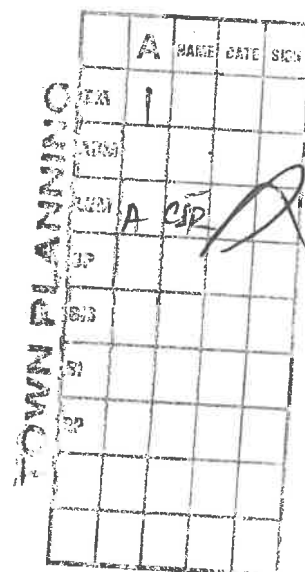
Dear Sir

**APPLICATION FOR SUBDIVISION : PROPOSED PORTION 1 AND REMAINDER OF ERF  
8780 NEWCASTLE, REGISTRATION DIVISION -HS, SITUATE WITHIN NEWCASTLE  
MUNICIPALITY: PROVINCE OF KWAZULU-NATAL**

I attach for your information a copy of the Final Conditions of Establishment and layout plan in  
respect of the abovementioned application for subdivision.

Yours faithfully

*L Russell*  
**HEAD OF DEPARTMENT  
LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS**







**Department of  
Local Government and Traditional Affairs**  
— KwaZulu-Natal Provincial Government —

Enquiries : Mrs. L Russell  
Imibuzo :  
Navrae :

Telephone: (033) - 3556421  
Ucingo :  
Telefoon :

Private Bag: X9018  
Isikhwama Seposi: Pietermaritzburg  
Privaat Sak: 3200

Reference: 2006/1542  
Inkomba :  
Verwysing:

Fax : (033) - 3556537  
iFeksi :  
Faks :

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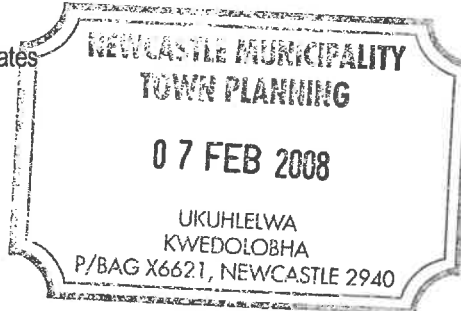
**30 JAN 2008**

**MINOR SUBDIVISION**

Messrs S.E.Lauterbach and Associates  
P O Box 407  
NEWCASTLE  
2940

Attention: Mr Lautrbach

Dear Sirs



**PORTION 1 AND REMAINDER OF ERF 8780 NEWCASTLE, REGISTRATION DIVISION - HS,  
SITUATE IN NEWCASTLE MUNICIPALITY, PROVINCE OF KWAZULU-NATAL**

With reference to your application N 8780, submitted on behalf of Green Tree Top Trading (Proprietary) Ltd for permission to lay out a private township on Erf 8780 Newcastle, Registration Division - HS, held under Deed of Transfer No. T 06/25832 under the provisions of the Town Planning Ordinance No. 27 of 1949 (as amended) and for exemption from compliance with certain provisions of the Ordinance, I have to inform you that, in terms of section 18 thereof, the Minister has been pleased to grant your application in respect of the layout indicated on the accompanying plan 2006 / 1542, to which the conditions set out below refer, and to grant exemption, in terms of section 33, from sections 17, 21, 22, 23 and 24 of such Ordinance, subject to the following conditions, namely:

**A. CONDITIONS OF ESTABLISHMENT (APPROVAL)**

**1. Lodging of Diagrams**

The owner shall lodge diagrams relating to the proposed subdivision with the Surveyor-General for approval. The township will not be approved until the diagrams are approved.

**2. Acceptance and Fees**

Prior to the approval of the township provided for in section 33(4) of the Ordinance, the owner is to signify in writing to the Manager: Development Administration, formal acceptance of the conditions subject to which the application is granted and submit a fee of R12, 00 prescribed by the Minister under section 74(1) of the Ordinance. Please note that any cheque payments are to be made payable to "KZN PROV GOVT LOCAL GOVT & TRAD AFFAIRS".

3. Lodging in Deeds Office

When the first registration is sought, a copy of this letter, signed by the Head of Department: Local Government and Traditional Affairs, the certificate contemplated by section 28(1) and a print of the relative plan are to be lodged with the Registrar of Deeds.

4. Building and Selling Prior to Approval

The owner's attention is drawn to the provisions of section 36 of the Ordinance, which prohibits the following:

- (a) the erection of any building, tent or structure upon any land forming part of the private township; and
- (b) the sale, purchase, lease, advertising for sale or lease, or disposing of in any way of more than one lot in a private township,

until such private township has been established as an approved private township, the Minister has issued the certificate contemplated by section 28(1) and the reserved lots have been transferred or, alternatively, the prior written approval of the Minister has been obtained.

5. Building Line and Buildings

Prior to the approval of the township, the owner shall lodge with the Manager: Development Administration, for approval by the Minister, a certificate from the Municipality to the effect that:

- (a) no new road boundaries and no new subdivisional boundaries have been positioned other than in accordance with the provisions of the by-laws and town planning scheme;
- (b) no buildings other than those permitted in terms of the by-laws or town planning scheme exist on any one proposed lot;
- (c) dilapidated buildings have been renovated; and
- (d) unauthorised structures have been demolished,

provided that the certificate may stipulate that an agreement has been entered into between the applicant and the Municipality, exempting specified buildings under circumstances which must be stated by the Municipality in the certificate.

6. Water Supply

Prior to the approval of the township, the owner shall lodge with the Manager: Development Administration, for approval by the Minister, a certificate issued by the Municipality / Service Authority to the effect that arrangements to its satisfaction have been made for the provision and conduct of a water supply to the private township. Such certificate shall be issued in accordance with the terms and conditions laid down in the Water Supply Regulations published under Provincial Notice No. 171 in the Provincial Gazette of 15 July 1993.

7. Sewage Disposal

Prior to the approval of the township, the owner shall lodge with the Manager: Development Administration for approval by the Minister, a certificate issued by the Municipality / Service Authority to the effect that arrangements to its satisfaction have been made for the disposal of and/or purification of sewage and waste water which will result from the occupation of the township. Such certificate shall be issued in accordance with the terms and conditions laid down in the Sewerage Regulations published under Provincial Notice No. 170 in the Provincial Gazette of 15 July 1993.

8. Storm-water Drainage (KwaZulu-Natal Department of Transport)

The applicant is advised that the disposal of storm-water, emanating from the road reserve through the layout, or any storm-water emanating from the layout through the road reserve shall be undertaken in consultation with, and to the satisfaction of the Departments Cost Centre Manager, Newcastle during the development of the property.

9. Amendment of Town Planning Scheme

Prior to the approval of the township, the owner shall lodge with the Manager: Development Administration, for approval by the Minister, a certificate furnished by the Municipality to the effect that the necessary amendment to the town planning scheme has been adopted in terms of section 47 bis of the Ordinance and is not subject to any other order or appeal in terms of section 48.

10. Department of Transport: KwaZulu-Natal

In terms of section 10 of the KwaZulu-Natal Provincial Roads Act No. 4 of 2001, the applicant is reminded of the following conditions:

- (a) No direct access whatsoever to Main Road 354 will be permitted.
- (b) The road reserve boundary of Main Road 354 shall be determined in consultation with the Department's Cost Centre Manager, Newcastle (telephone: 034 – 3284000).

All costs incurred as a result of these requirements shall be borne entirely by the developer.

In terms of section 22 of the KwaZulu-Natal Provincial Roads Act No. 4 of 2001, this approval is valid for a period of 18 months from the date hereof, failing which application must be made to the Department of Transport for re-consideration.

**B. CONDITIONS OF ESTABLISHMENT (DEVELOPMENT)**

Prior to the issuing of the certificate contemplated by section 28(1) of the Ordinance, the owner shall, in addition, comply with the following conditions of establishment, in respect of each subdivision to be registered, to the satisfaction of the Municipality or, where the Municipality is not the supplier of a particular service, to the satisfaction of the relevant Service Authority. Written proof of compliance from the authority concerned will be required in respect of each condition. The owner shall act on the advice of a professional engineer in respect of any work done in compliance with Condition B4.

For the purposes of these conditions a "professional engineer" shall mean:-

A person who is registered as a professional engineer in terms of Act No. 114 of 1990 and who possesses cognate experience in the particular branch of engineering applicable to the service under consideration.

In the event of any dispute arising between the owner and the Municipality, or any other servicing authority regarding compliance with the following conditions, the owner shall have the right of appeal to the Minister whose decision shall be final.

1. Water Supply

A supply of potable water shall be provided to within the normal connection distance of the boundary of each subdivision to be registered, in accordance with the arrangement made in terms of Condition A6.

2. Sewage Disposal

An efficient and sanitary system for the disposal of sewage and waste water shall be provided for each of the subdivisions to be registered, in accordance with the arrangement made in terms of Condition A7.

3. Electricity

The owner shall provide an efficient supply of electricity to within the normal connection distance of the boundary of each subdivision to be registered.

4. Storm-water Drainage

The owner shall construct such facilities as are necessary for the control and disposal of storm-water from the township.

(19) B

C.     **CONDITION OF TITLE**

**TOWN PLANNING ORDINANCE NO 27 OF 1949**

Portion 1 and the Remainder of Erf 8780 Newcastle shall be subject to the following condition:-

Building Line

No building or structure whatsoever, other than a fence, hedge or wall which does not rise higher than 2,1 metres above the surface of the land on which it stands, shall be erected on the land within a distance of 15 metres measured from the road reserve boundary of Main Road 354.

Yours faithfully



**HEAD OF DEPARTMENT  
LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS**

<b>FINAL CONDITIONS ACCEPTABLE</b>
<b>SIGNATURE/S NAME/S IN FULL /</b> .....
<b>SUBJECT TO</b>
<b>DATE</b> .....

2006/1542

# SKETCH PLAN

of

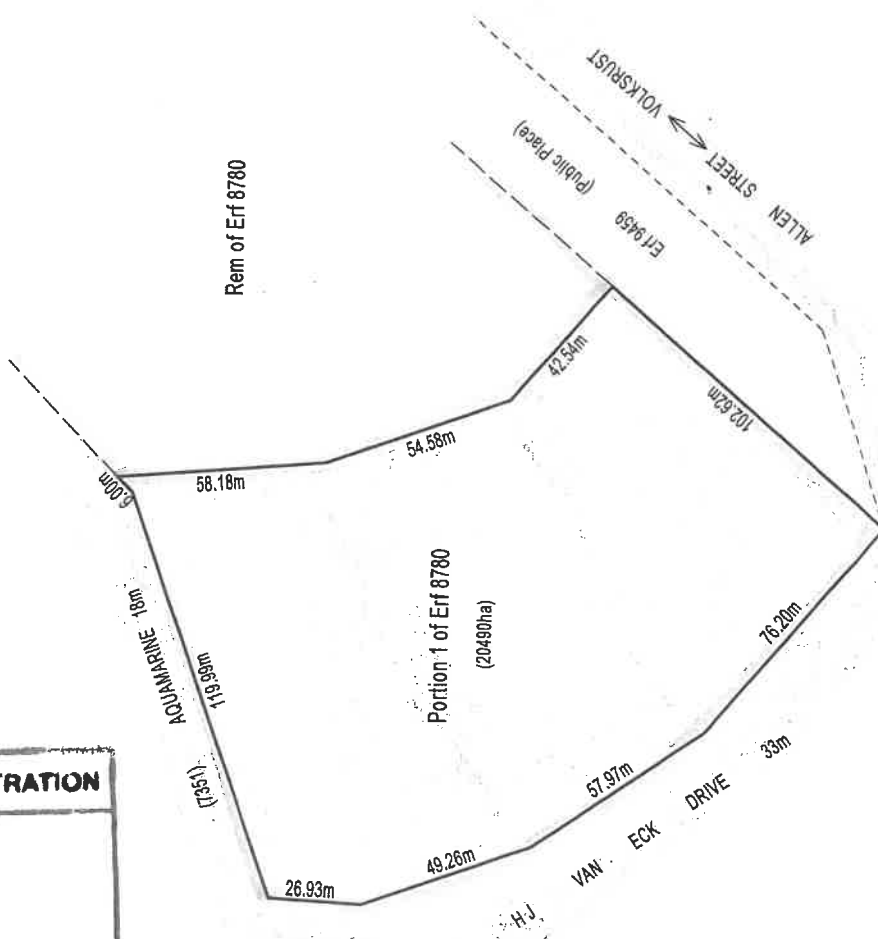
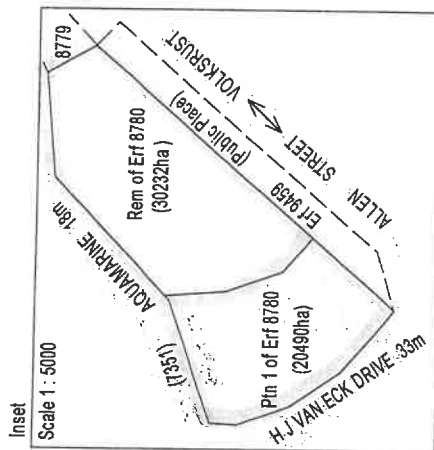
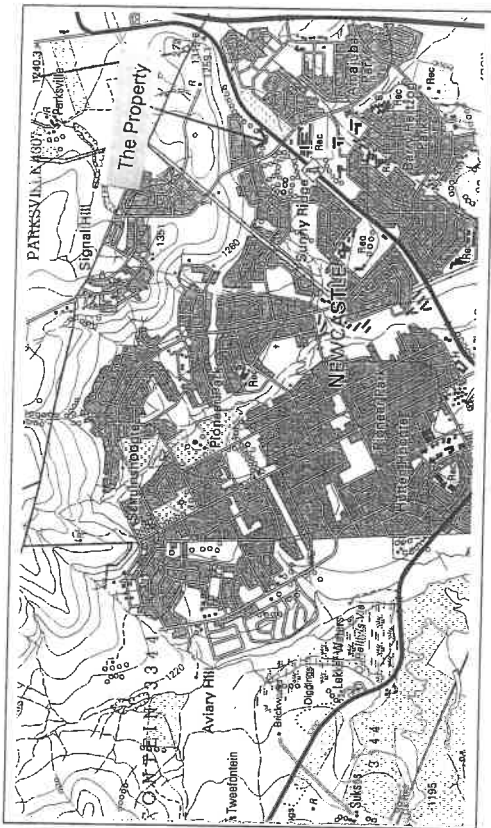
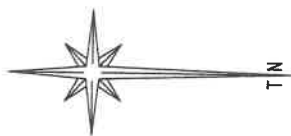
Proposed Portion 1 of Erf 8780 Newcastle

Newcastle Municipality

Registration Division - HS Province of Kwazulu - Natal

SCALE 1 : 1500

DEVELOPMENT ADMINISTRATION	
P/BAG 9018	
2006 -11- 23	
PIETERMARITZBURG	
3200	



## NEWCASTLE MUNICIPALITY

The subdivision shown on this layout plan complies with the bylaws or regulations relating to this proposed subdivision and is approved in terms of powers delegated to me by the Council of Newcastle Municipality in terms of Section 218 (2) of the Local Authorities Ordinance No. 25 of 1974, as amended.

DIRECTOR: .....

TOWN PLANNING

DATE: .....

1999

Prepared by: .....

S.E. Lauterbach & Associates

Professional Land Surveyors

32 Ayliff Street

P.O. Box 407 Newcastle 2940

Tel: 034 - 3125761

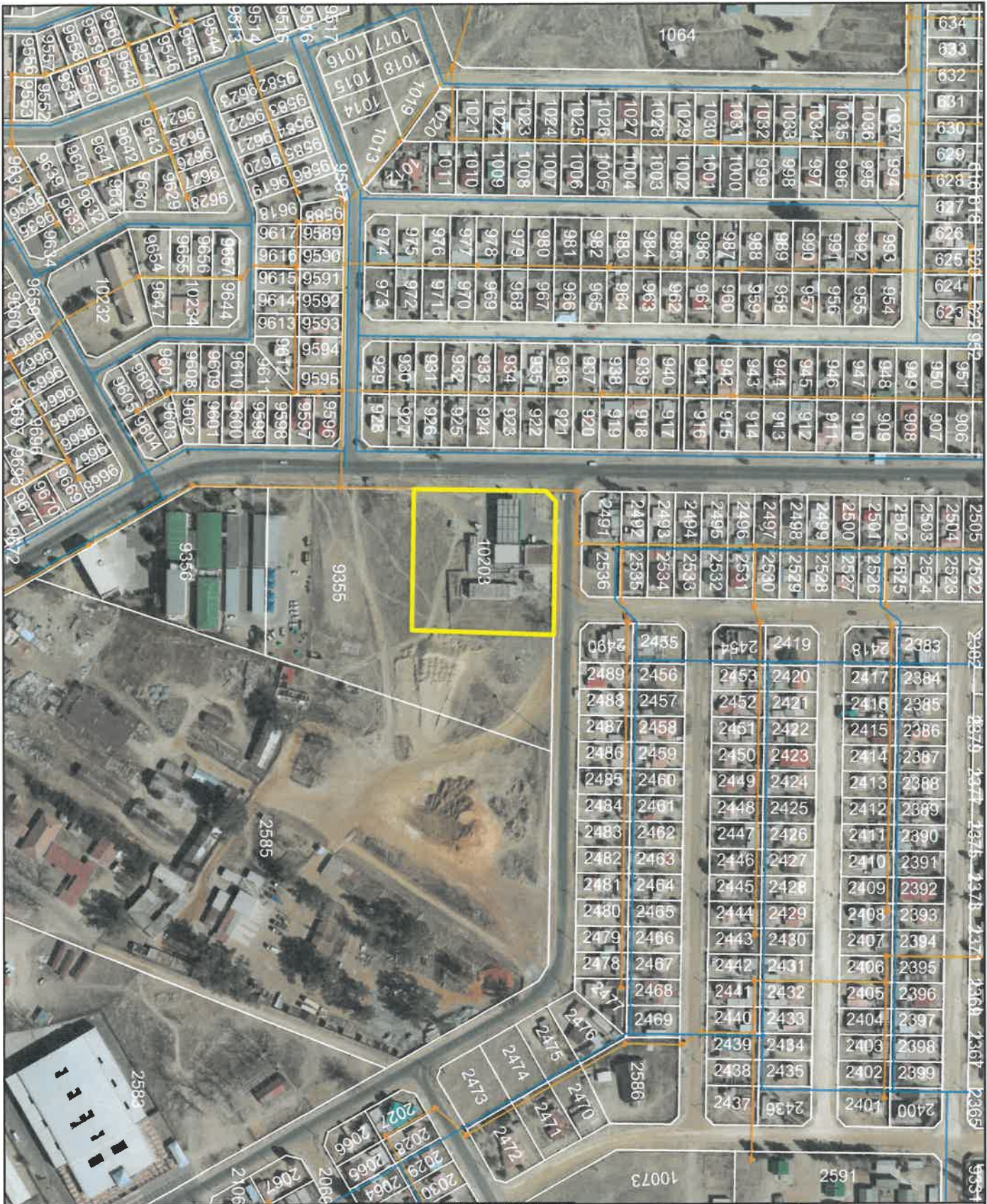
*S.E. Lauterbach*

Date: March 2006

Owner : Maypole Edms Bpk  
Zone : Special Zone  
Use : Community Hall, Nursery, Tea Garden  
Title Deed : T 71740/2002  
G.P. No. : S.G. No. 1186/1976  
Map Ref. : 2729 DB  
Compilation : HSSP - 227

## **Annexure U: Fuelling garage typical examples**

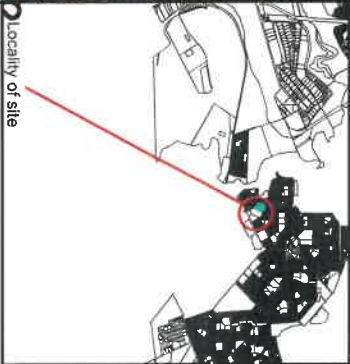




**Title:**  
**Site & Locality Plan:**  
 Newcastle  
 Madadeni B  
 Erf No: 10203  
 Area: 6 758 sqm  
 Zoning: Garage  
 Purpose: Locality

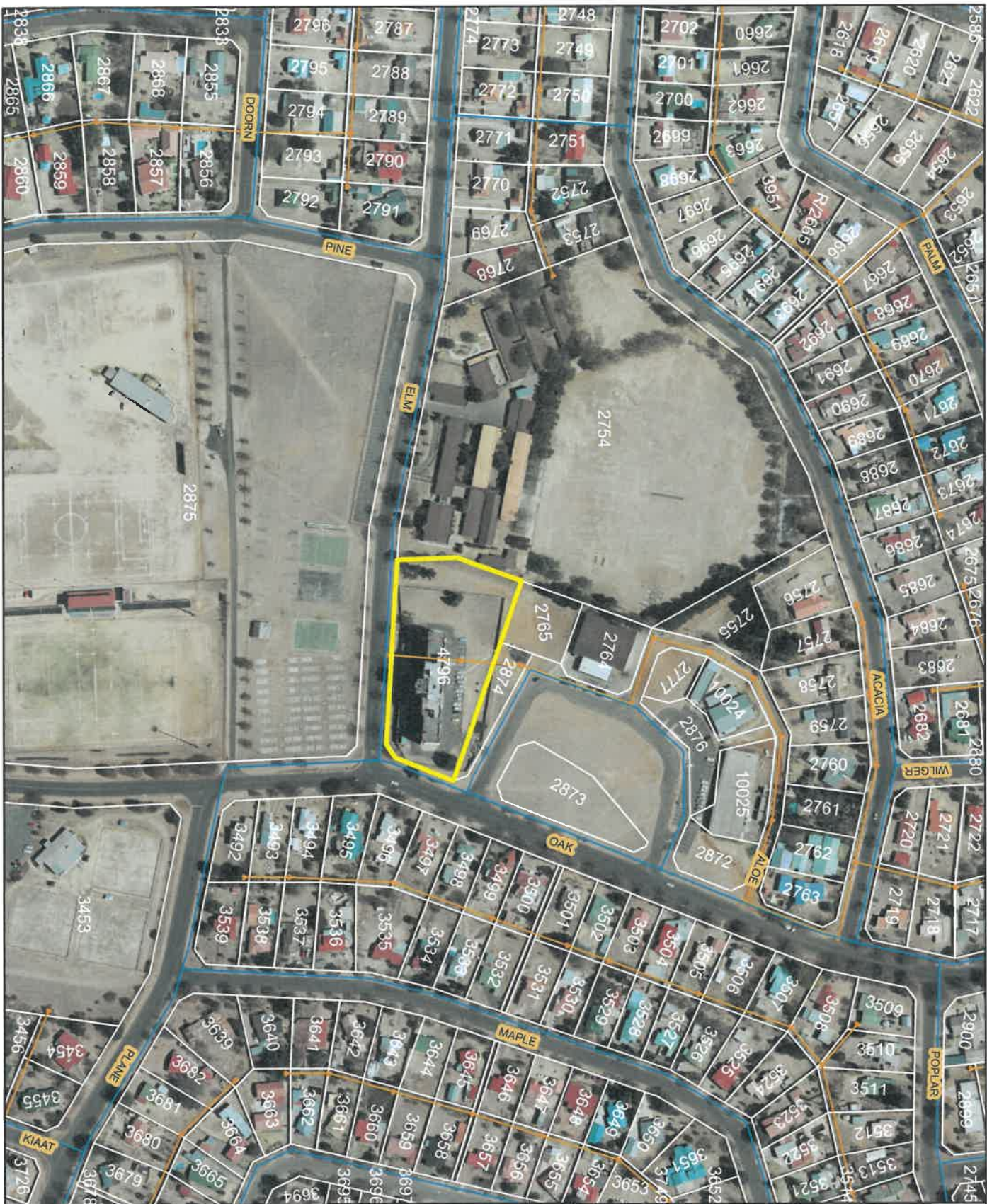
**Legend**

- Newcastle Cadastral
- Water Line
- Sewer Line



**DIRECTORATE: TOWN PLANNING**  
 MUNICIPALITY OF NEWCASTLE  
 NEWCASTLE LOCAL MUNICIPALITY

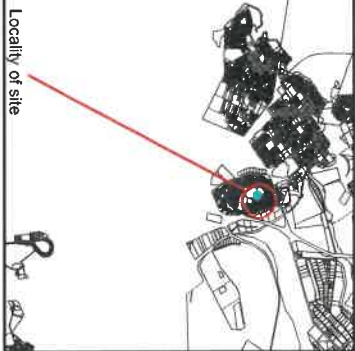




**Title:**  
**Site & Locality Plan:**  
 Newcastle  
 Arbor Park  
 Erf No: 4796  
 Area: 7 901 sqm  
 Zoning: Gen Res 1  
 Purpose: Locality

### Legend

- Newcastle Cadastral
- Water Line
- Sewer Line



Locality of site

Scale 1:1000



DIRECTORATE TOWN PLANNING



NEWCASTLE LOCAL MUNICIPALITY



**Annexure V: Schedule 8 of SPLUMA By-Law**

## SCHEDULE 8

## MATTERS THAT A MUNICIPAL PLANNING APPROVAL AUTHORITY MUST CONSIDER WHEN IT DECIDES OR MAKES A RECOMMENDATION ON AN APPLICATION FOR MUNICIPAL PLANNING APPROVAL

*(section 55(1))***Matters that a Municipal Planning Authority must consider when it decides or makes a recommendation on an application for municipal planning approval**

1.(1) A Municipal Planning Approval Authority must take the following matters into account when it decides or makes a recommendation on an application for municipal planning approval, if applicable –

- (a) the application;
- (b) comments from the relevant departments and comments received in response to the public consultation process;
- (c) the applicant's reply;
- (d) the Municipal Planning Registrar's assessment of compliance of the application with the application process;
- (e) the Registered Planner's report and recommendation on the application, if applicable;
- (f) the development principles in terms of section 7 of the Spatial Planning and Land Use Management Act;
- (g) policies, including national and provincial policies adopted in terms of any law and the Municipality's own policies;
- (h) norms and standards, including –
  - (i) national norms and standards for land use management and land development in terms of section 8 of the Spatial Planning and Land Use Management Act;
  - (ii) provincial planning norms and standards; and
  - (iii) the Municipality's own norms and standards;
- (i) spatial development frameworks, including –
  - (i) a national spatial development framework adopted in terms of section 13(1) of the Spatial Planning and Land Use Management Act;
  - (ii) a provincial spatial development framework adopted in terms of section 15(1) of the Spatial Planning and Land Use Management Act;
  - (iii) a regional spatial development framework adopted in terms of section 18(1) of the Spatial Planning and Land Use Management Act; and
  - (iv) the municipal spatial development framework adopted in terms of section 25(1) of the Municipal Systems Act read with section 20(1) of the Spatial Planning and Land Use Management Act;
- (j) the Municipality's Integrated Development Plan in terms of section 25(1) of the Municipal Systems Act;
- (k) the Municipality's land use scheme, including matters that a Municipality must consider that have been identified in the land use scheme;
- (l) the design guidelines and rules for plan approval of the land owner's association, body corporate or share block company that has been deposited with the Municipality;
- (m) the authorisation in terms of the Environmental Impact Assessment Regulations;
- (n) the potential impact, including the cumulative impact, on –
  - (i) the environment;
  - (ii) socio-economic conditions;
  - (iii) cultural heritage;
  - (iv) existing developments;
  - (v) existing rights to develop land; and
  - (vi) mineral rights;
- (o) the human and financial resources likely to be available for implementing the municipal planning approval;
- (p) the benefits that accrue from the adoption, replacement or amendment of land use scheme compared to the cost of compensation in terms of Chapter 8;
- (q) the provision and standard of engineering services;

NEWCASTLE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW

- (t) the impact, including the cumulative impact, of the application on the national, provincial and municipal road networks, public transport, municipal services, sewage and waste water disposal, water and electricity supply, waste management and removal, policing and security;
  - (u) access to health, educational and recreational facilities;
  - (v) the historical effects of past racially discriminatory and segregatory legislation on land ownership, land development and access to engineering services and public facilities, and the need to address the historical imbalances;
  - (w) the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features, landscape character and biodiversity;
  - (x) the natural and physical qualities of that area;
  - (y) the number and purpose for which properties will be used when a Municipality decides if the Surveyor-General should –
    - (i) approve a diagram for each property or a general plan for all the properties; and
    - (ii) approve the land –
      - (aa) as a farm, including a portion or a remainder of a farm;
      - (bb) as a subdivision of land that is not a farm; or
      - (cc) as an erf in a township;
  - (z) the need to prohibit the alienation of a part of the land by means of a sectional title scheme in terms of the Sectional Titles Act or a share block in terms of the Share Blocks Control Act, 1980 (Act No. 59 of 1980);
  - (aa) the provisions of section 13 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989) relating to the zoning of land owned by Transnet and other laws which regulate the zoning of land;
  - (ab) any local practice or approach to land use management that is consistent with –
    - (i) the laws of the Republic;
    - (ii) the provincial planning norms and standards; and
    - (iii) the Municipality's Integrated Development Plan; and
  - (ac) any other relevant factor.
- (2) A reduction in the value of land is not solely a relevant consideration for the purposes of considering the merits of an application for municipal planning approval.
- (3) If the Municipal Planning Approval Authority is the Municipal Council –
- (a) it may consider a summary of the comments received in response to the public consultation process, instead of the comments; and
  - (b) it must consider the Municipal Planning Tribunal's recommendation on the application in addition to the matters in this Schedule.