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**DR. PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY**  
 Private Bag c/o Adelaide Tambo Street  
 Privaatsak X9011 & Dr Nelson Mandela Drive  
**VOLKSRUST VOLKSRUST**  
 2470 2470

All correspondence to be addressed to  
**THE MUNICIPAL MANAGER**

Alle korrespondensie moet gerig word aan  
**DIE MUNISIPALE BESTUURDER**

Yonke imibhalo kumele iqondiswe  
**KUMPHATHI KAMASIPALA**

Your Ref.No.....700/299  
 Ref. No. / Verw..... GSDM 12/2/1  
 Enquiries / Navrae..... MR M Ramukosi

06 May 2019

The Practice Group Town Planners  
 P O Box 35895  
 Menlo Park  
 0102

Sir/Madam

**APPROVAL OF LAND DEVELOPMENT APPLICATION IN TERMS OF SECTION 26(4) OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) AND SECTIONS 30(2) AND 66 OF THE CHIEF ALBERT LUTHULI, DIPALESENG, DR PIXLEY KA ISAKA SEME, LEKWA, MKHONDO AND MSUKALIGWA MUNICIPAL BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016 (the LUM By-law") WITH REGARD TO PORTION 1 OF THE FARM YZERMYN 96 IT, MPUMALANGA PROVINCE**

This letter serves to confirm the decision of the Gert Sibande District Municipal Planning Tribunal (MPT) and its approval of the aforesaid application(s) in terms of the aforesaid act and by-law. The resolution passed by the Municipal Planning Tribunal dated 29 April 2019, is attached hereto as **Annexure A**, together with the approved Amendment Scheme Map 3 (Amendment Scheme 01/2019) and Annexure 001/2019 thereto. The applicant in this matter is Atha-Africa Ventures (Pty) Ltd. For such purpose the applicant shall conclude a services agreement with the municipality.

The applicant's attention is drawn to the following:

1. This approval is subject to the payment by the applicant of development charges and/or monies for the provision of engineering services (where applicable), as contemplated in the LUM By-law, read with Sections 40(7), 49 and 50 of SPLUMA, the holder of a valid mining right which attaches to the aforesaid property in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).

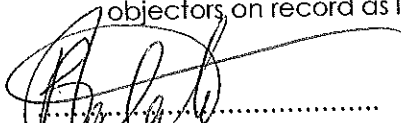
LBT

2. The applicant is responsible for the payment of the amounts for engineering services and development charges in terms of Section 40(7) of SPLUMA (where applicable), subject to the following:
  - (a) No clearance in terms of Section 118 of the Municipal Systems Act, 2000 (Act 32 of 2000) for registration of any portion and/or transfer of the land which forms the subject of this application may be issued until and unless the owner has paid the required engineering service and development charges (where applicable).
  - (b) The applicant may not exercise any rights granted in terms of this approval until and unless the aforesaid engineering service and development charges have been paid (where applicable).
  - (c) No building plans, including Section 7(6) provision for authorisation to commence building, may be approved in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) until and unless the applicant has paid the relevant engineering services/development charges (where applicable).
  - (d) Nothing contained in this approval shall prevent the Municipality, on receipt of payment of engineering services and development charges (where applicable) from recalculating such contributions/charges, including the payment of interest as may be contained in the applicable policies of the Municipality, as approved from time to time.
3. The exercising of the approved rights described herein and the coming into operation thereof shall be subject to the following further conditions:
  - (a) The applicant shall provide proof to the satisfaction of the Municipality that the conditions that have to be complied with in order to bring the approved rights into effect have indeed been complied with within 12 (twelve) months from the date of this approval or such further period as the Municipality may allow, failing which this approval shall lapse.
  - (b) Upon proof having been provided in terms of condition (a) above, the Municipality shall give notice of the approval in terms of the LUM By-law and the land use rights shall come into effect on the date of such notice in terms of Section 66(5) of the LUM By-law.
4. In terms of Section 142 of the aforesaid LUM By-law, any party to this matter who is aggrieved by the decision of the MPT may, within 21 days from receipt of this notice of approval, lodge an appeal with the Registrar of the Municipal Appeal Authority of the Municipality. Such appeal may be lodged by:
  - E-mail notice to: **MM@Pixleykaseme.gov.za** ; or
  - Be posted to: **Private Bag X 9011, Volksrust** ; or
  - Be delivered to: **office of the Municipal Manager**

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Such notice of appeal must, simultaneously be served on all parties to the matter, as on record with the Municipality.

5. This letter and attachments are hereby served on the applicant aforesaid and the objectors on record as listed below.

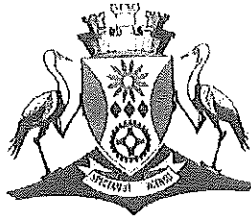
  
 L.B. SHABALALA  
 MUNICIPAL MANAGER

**COPIED TO THE FOLLOWING OBJECTORS ON RECORD**

ITEM	NAME OF OBJECTOR/ORGANISATION	CONTACT DETAILS
1	SP Malan (email via Hester Malan)	Email: <a href="mailto:malansp@vodamail.co.za">malansp@vodamail.co.za</a>
2	Mabola Protected Environments Association (email via Hester Malan)	Email: <a href="mailto:malansp@vodamail.co.za">malansp@vodamail.co.za</a> Cell: 084 320 6071 Fax: 086 714 0684
3	KZN Urban Planning Studio (Mr. Sieghard Knocklein)	Email: <a href="mailto:planning.wakkerstroom@gmail.com">planning.wakkerstroom@gmail.com</a> Cell: 061 451 7960 Fax: 086 766 6795
4	Centre for Environmental Rights (Ms. Catherine Horsfield)	Email: <a href="mailto:chorsfield@cer.org.za">chorsfield@cer.org.za</a> / <a href="mailto:spowell@cer.org.za">spowell@cer.org.za</a>
5	Pikkie Uys Trust (Executor Estate PWB Uys) and Thys Uys Trust (Ms. Carina Muller)	Email: <a href="mailto:cwc.muller@gmail.com">cwc.muller@gmail.com</a>
6	WWF-SA Land & Biodiversity Stewardship Programme (Mr. Angus Burns)	Email: <a href="mailto:aburns@wwf.org.za">aburns@wwf.org.za</a> Tel: 034 38 6158 Cell: 084 4000 1234 Fax: 086 517 4073
7	Sally Thorp	Email: <a href="mailto:info@sallythorp.com">info@sallythorp.com</a> Cell: 082 454 5443



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C/o Oosthuise & Joubert Streets  
P.O. Box 1748  
Ermelo  
2350

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## RESOLUTION

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GSDM Ref no: 12/2/1

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## RESOLUTION ON THE APPLICATION IN RESPECT OF THE REZONING OF PORTION 1 OF THE FARM YZERMYN 96 IT

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### RESOLUTION: 12/2/1/10/3

#### It was resolved that:

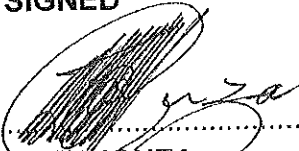
1. The use of the farm Yzermyn 96 IT for agriculture is recognized as a legal land use in terms of Section 26(4) Of the Spatial Planning and Land Use Management Act 16 of 2013.
2. The farm Yzermyn 96 IT is incorporated into the Volksrust Town Planning Scheme of 1974 in terms of the Section 30(2) of the Chief Albert Luthuli, Dipaleseng, Dr Pixley Ka Isaka Seme, Lekwa, Mkhondo and Msukaligwa Local Municipalities, 2016.
3. The rezoning of Portion 1 of the farm Yzermyn 96 IT from **AGRICULTURE** to **SPECIAL**, be **APPROVED** in terms of Section 66 of the Spatial Planning and Land Use Management By Law for: Chief Albert Luthuli, Dipaleseng, Dr Pixley Ka Isaka Seme, Lekwa, Mkhondo and Msukaligwa Local Municipalities, 2016 as per attached amendment scheme.
4. The approval of the special zoning shall lapse in terms of Section 54(2)(V) under the following conditions:
  - 4.1. On the 07<sup>th</sup> June 2030, being the same period as the expiry of the mining right (Protocol No: 5012/2016) granted in terms of the Mineral and Petroleum Resources Development Act 28, 2002 or on the date as may be extended from time to time by the department responsible for issuing mining rights in the Republic.
  - 4.2. Non-compliance with the Environmental Authorization number 17/2/3/GS-131
5. The zoning of the subject property shall revert back to Agriculture as per applicable Town Planning or Land Use Scheme upon the lapse of the mining right

28/05/2019

**GERT SIBANDE DISTRICT JOINT MUNICIPAL PLANNING TRIBUNAL HELD  
ON 29 APRIL 2019**

6. The mineral right holder shall rehabilitate the land to a state commensurate with the use of land for agricultural purposes upon the lapsing of the special zoning as per above.

**SIGNED**

  
.....  
**M-MKHONZA**  
**CHAIRPERSON**

28/05/2019  
**DATE**

MAP 3

VOLKRUST

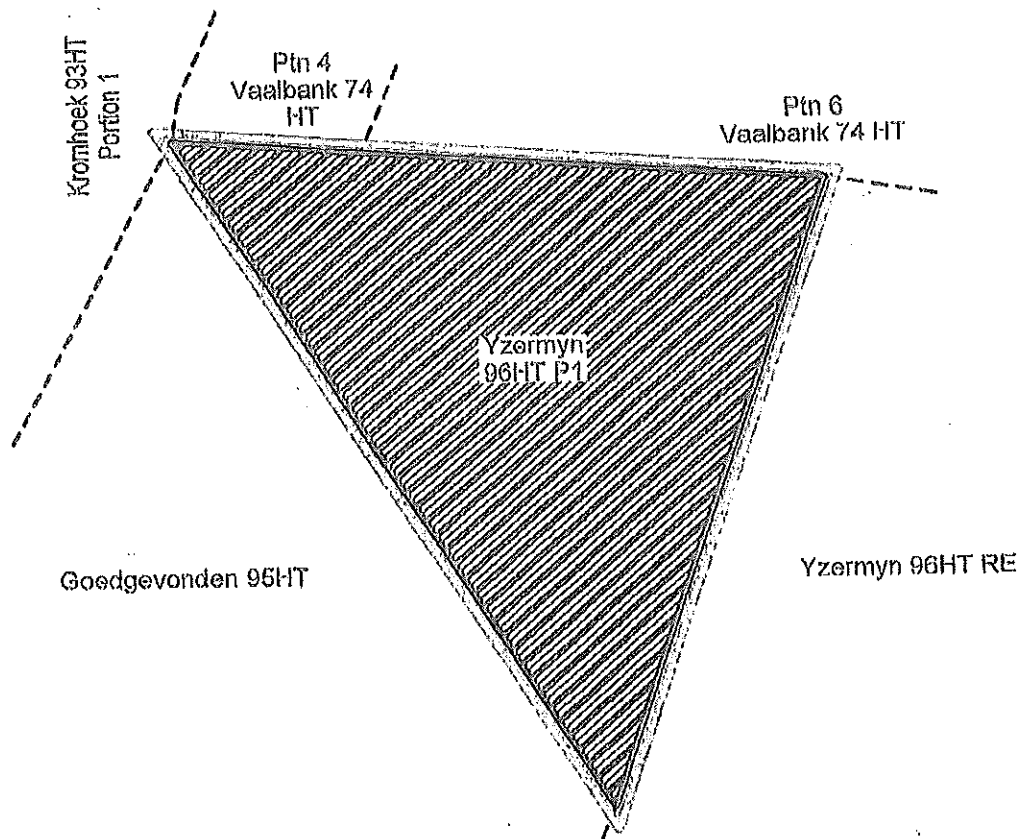
# TOWN PLANNING SCHEME 1974

A SERIES: LAND USE ZONES

AMENDMENT SCHEME 01/2019

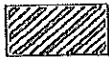
SHEET 1 OF 3

PROPERTY DESCRIPTION: PORTION 1 YZERMYN 96 HT



SCALE 1 : 1 500

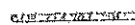
### USE ZONE



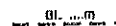
SPECIAL

### REFERENCE

### GENERAL



AREA OF SCHEME



BUILDING LINE



TOWNSHIP BOUNDARY



REFERENCE TO ANNEXURE T

SIGNED BY

GERT SIBANDE DISTRICT JOINT  
MUNICIPAL PLANNING TRIBUNAL

DATE APPROVED.....

**APPROVED**

DATE PROMULGATED.....

NOTICE NO.....

DATE: 28/05/2019

CODE .....

VOLKRUST

TOWN PLANNING SCHEME **1974**


ANNEXURE

001/2019

AMENDMENT SCHEME 01/2019

SHEET 2 OF 3

PROPERTY DESCRIPTION: PORTION 1 YZERMYN 96 HT

1	Use Zone	V: Special
2	Uses  GERT SIBANDE DISTRICT JOINT MUNICIPAL PLANNING TRIBUNAL <b>APPROVED</b>  DATE:  28/05/2019	"Agriculture": Agriculture Buildings, including the use of land for agriculture activities, structures, buildings and dwelling units reasonably necessary for or related to the use of the land for agriculture activities  "Mining": shaft convener, office block, transfer tower, ablution block, stock pile conveyor, workshop, product conveyor, oil stock, stock pile, gas/chemical store, clean water reservoir, wash bay/silt trap, water treatment plant, office parking, clean water diversion berm, bus parking, crushing and screening station, sewerage plant, sectional steel tanks and main pump sum, gate house, silt trap and drying slab, weigh bridge, magazine, access road for heavy vehicles, access road for light vehicles, weigh bridge office, fuel bay facility, general storage area.
3	Uses with consent	Table "D", Column (4)
4	Uses not permitted	Table "D", Column (5)
5	Definitions	As per Schedule 2 to Spatial Planning and Land Use Management Act, 2013 (SPLUMA)
6	Density	N/A
7	Coverage	As per Site Development Plan
8	Height	Buildings: 3 storeys (Height Limitation shall not apply to structures associated with mining infrastructure)
9	Floor Area Ratio	As per site Development Plan
10	Site development plan and landscape development plan	A site development plan and a landscape development plan, unless otherwise determined by the municipality, compiled by a person suitably qualified to the satisfaction of the municipality, shall be submitted to the Municipality in accordance with its requirements for approval prior to the submission of building plans.
11	Building lines	In accordance with the approved Site Development Plan.
12	Parking Requirements	To the satisfaction of the municipality
13	Parking of traffic areas	All parts of the erf upon which motor vehicles are allowed to move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
14	Access to the property	Entrances to and exits from the property shall be sited, constructed and maintained to the satisfaction of the Municipality

CODE .....

VOLKRUST

# TOWN PLANNING SCHEME 1974

ANNEXURE

001/2019

AMENDMENT SCHEME 01/2019

SHEET 3 OF 3

PROPERTY DESCRIPTION: PORTION 1 YZERMYN 96 HT

15	Loading and off-loading facilities	To be provided on the property to the satisfaction of the Municipality. The loading and off-loading of goods shall only take place within the boundaries of the property unless written permission has been granted by the municipality for alternative arrangements.
16	Turning facilities	Turning space for light-/medium-/large vehicles shall be provided on the property to the satisfaction of the municipality
17	Physical barriers	Shall be erected and maintained on the property boundaries in accordance with the provisions of and to the satisfaction of the municipality.  The height, finishes and building material of all other physical barriers shall be to the satisfaction of the municipality.
18	Health measures	Any requirements for mitigation of air pollution, light pollution, noise abatement or health control measures set by the municipality shall be complied with to the satisfaction of the municipality without any costs to the municipality.  No polluted water or water that has been used shall be discharged onto a public road reserve or into the municipal stormwater system
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the property without the written consent of the municipality first being obtained.

20 General:

- (1) The property and buildings thereon are further subject to the general provisions of the Volkrust Town-planning scheme, 1974
- (2) The map hereto forms part of this amendment scheme and must be read together with the aforesaid conditions.

SIGNED BY	DATE APPROVED.....
GERT SIBANDE DISTRICT JOINT MUNICIPAL PLANNING TRIBUNAL	DATE PROMULGATED.....
<b>APPROVED</b>	NOTICE NO.....
DATE: 28/05/2019	