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REHABILITATION OF THE ROAD TR75/1 NEAR OUDTSHOORN

Proposed rehabilitation of the road TR75/1 (Trunk Road/N12-Highway) near Oudtshoorn, Oudtshoorn Local Municipality, Garden Route District Municipality, Western Cape.

Landowner consent Requirements

The proposed project will see to the rehabilitation of a portion of the TR75/1 (Trunk Road / N12-Highway). The works will start in Oudtshoorn and continue south for approximately 14.9 km. The project therefore lies within the ambit of a linear activity, where linear activities are defined in the Environmental Impact Assessment (EIA) Regulations of 2014, as amended (Government Notice Regulation (GNR) 326 of 2017) as:

“an activity that is arranged in or extending along one or more properties and which affects the environment or any aspect of the environment along the course of the activity, and includes railways, roads, canals channels, funiculars, pipelines, conveyor belts, cableways, power lines, fences, runways, aircraft landing strips, firebreaks and telecommunication lines.”

As per Subregulation 39(2) of the EIA Regulations of 2014, as amended (GNR 326 of 2017), written consent of the landowner is not required in respect of linear activities (Subregulation 39(2)(a)).

The Applicant has however provided additional confirmation that the road's reserve was officially proclaimed in 1971. In terms of Section 22 of the Road Ordinance, 1976, the ownership of all proclaimed public roads as well as the land comprised within its boundaries vest with the relevant road authority. The Western Cape Government's Department of Infrastructure has is therefore the rightful owner of the reserve in question (confirmation has been attached as Annexure 1 of this letter).

The table below provides a list of the various affected properties. It is the duty of the Environmental Assessment Practitioner (EAP) to, as part of the EIA process, to give written notice to the occupiers of the site, owners of the site, persons in the land adjacent to the site and persons in control of the site where the activity is or is to be undertaken. The landowners and occupants (where different from the landowners) will be notified of the proposed works during the Public Participation Process for the proposed project.

Table 1. List of properties upon which the N12 is located.

Property details	SG Code	Major region
Portion 5 of the Farm Wagenaars 166	C05400000000016600005	Oudtshoorn
Remainder of the farm Wagenaars 166	C05400000000016600000	Oudtshoorn
Remainder of portion 31 of the farm Klein Fontein 22	C02700000000002200031	George
Farm Wagenaars Kraal 251	C05400000000025100000	Oudtshoorn
Remainder of the Wagenaars Kraal Railway Reserve 167	C05400000000016700000	Oudtshoorn
Portion 36 of the Farm Frischgewaagd 163	C05400000000016300036	Oudtshoorn
Portion 69 of the Farm Frischgewaagd 163	C05400000000016300069	Oudtshoorn
Portion 70 of the Farm Frischgewaagd 163	C05400000000016300070	Oudtshoorn

Property details	SG Code	Major region
Portion 15 of the Farm Frischgewaagd 163	C05400000000016300015	Oudtshoorn
Portion 17 of the Farm Frischgewaagd 163	C05400000000016300017	Oudtshoorn
Portion 18 of the Farm Frischgewaagd 163	C05400000000016300018	Oudtshoorn
Portion 20 of the Farm Frischgewaagd 163	C05400000000016300020	Oudtshoorn
Portion 22 of the Farm Frischgewaagd 163	C05400000000016300022	Oudtshoorn
Portion 24 of the Farm Frischgewaagd 163	C05400000000016300024	Oudtshoorn
Portion 68 of the Farm Frischgewaagd 163	C05400000000016300068	Oudtshoorn
Portion 66 of the Farm Frischgewaagd 163	C05400000000016300066	Oudtshoorn
Portion 48 of the Farm Frischgewaagd 163	C05400000000016300048	Oudtshoorn
Remainder of the farm Bakenskraal 239	C05400000000023900000	Oudtshoorn
Portion 4 of the farm Bakenskraal 239	C05400000000023900004	Oudtshoorn
Portion 8 of the farm Bakens Kraal 164	C05400000000016400008	Oudtshoorn
Portion 9 of the farm Bakens Kraal 164	C05400000000016400009	Oudtshoorn
Remainder of the farm Onverwag B 241	C05400000000024100000	Oudtshoorn
Portion 90 of the farm Onverwag 143	C05400000000014300090	Oudtshoorn
Portion 62 of the farm Onverwag 143	C05400000000014300062	Oudtshoorn
Portion 10 of the farm Onverwag 143	C05400000000014300010	Oudtshoorn
Portion 53 of the farm Onverwag 143	C05400000000014300053	Oudtshoorn
Portion 106 of the farm Onverwag 143	C05400000000014300106	Oudtshoorn
Portion 29 of the farm Onverwag 143	C05400000000014300029	Oudtshoorn
Portion 127 of the farm Onverwag 143	C05400000000014300127	Oudtshoorn
Portion 207 of the farm Onverwag 143	C05400000000014300207	Oudtshoorn
Portion 92 of the farm Onverwag 143	C05400000000014300092	Oudtshoorn
Portion 94 of the farm Onverwag 143	C05400000000014300094	Oudtshoorn
Portion 47 of the Farm Frischgewaagd 163	C05400000000016300047	Oudtshoorn
Portion 39 of the Farm Frischgewaagd 163	C05400000000016300039	Oudtshoorn

Annexure 1:
Confirmation of Road Ownership Letter





Ref: TPW 16/8/2/1-TR75-1/R

To whom it may concern

CONTRACT C1117: PAVEMENT STRENGTHENING OF TR75/1 (KM 16.50 TO KM 31.22) NEAR OUDTSHOORN: ROAD OWNERSHIP CONFIRMATION

It is hereby confirmed that Trunk Road 75/1 is a proclaimed public road [Proc No 267 dated 13 July 1971- refer to Schedule II, para 13] and that as such the provisions of the Roads Ordinance No 19 of 1976 is applicable.

In terms of Sec 22 of the said Road Ordinance of 1976, the ownership of all proclaimed public roads as well as the land comprised within its boundaries vest with the relevant road authority, viz. this Department in respect of TR75/1.

Therefore, although no separate entities/ land parcels have been created in respect of the road reserve portions of TR75/1 over the various privately owned properties affected, the ownership of the road reserve vest with this Department [in terms of the said provisions of the Roads Ordinance of 1976] and not with the registered property owners.

Kind Regards


Pieter J Pienaar

for **DEPUTY DIRECTOR-GENERAL:TRANSPORT INFRASTRUCTURE**

DATE: 2023/04/21

VERKLARING VAN GROOT- EN BOUBEPERKINGS-PAALIE EN VERANDERING VAN BREDTE

Kragtens artikel 1A van die Ordonnansie op Grootpaal, 1960 (Ordonnansie 28 van 1960), verklaar ek hierby —

- (i) dat die paal in Bylae I van hierdie Proklamasie beskrywe, ophou om grootpaal te wees, en
- (ii) die hoofpaal en hoofpadgedeeltes in Bylae II van hierdie Proklamasie beskrywe, tot grootpaal.

Voorts proklameer ek kragtens artikel 7 van die Wet op Adverteerders en Toebou van Paal, 1940 (Wet 21 van 1940), die paal in Bylae II van hierdie Proklamasie beskrywe, tot boubeperkingspaal vir die toepassing van genoemde Wet 21 van 1940.

Voorts verander ek kragtens artikel 133 van die Ordonnansie op Afdelingsrade, 1952 (Ordonnansie 15 van 1952), die breedte van die paal in Bylae II van hierdie Proklamasie beskrywe, van 25 na 32 meter. **NB Art. 133 U (a) is ook van toepassing**

Gedateer te Kaapstad op hede die 13de dag van Julie 1971.

A. H. VOSLOO, ADMINISTRATEUR

BYLAE I

MOSSELBAAI

Die grootpad geproklameer by Proklamasie 297 van 1968, gedateer 19 September 1968, vanaf die noordelike binne-munisipaliteitsgrens van Mosselbaai tot by die grootpad (33).

PORT ELIZABETH

Die grootpad geproklameer by Proklamasie 405 van 1970, gedateer 24 November 1970, vanaf 'n punt naby Algoa Park tot by die voorgestelde Despatch-verkeerswisselaar.

BYLAE II

Grootpaal

1. Hoofpad (1)

(a) Vanaf die noordelike binne-munisipaliteitsgrens van George, deur die afdelings George, Uniondale, Willowmore, Aberdeen, Graaff-Reinet, Middelburg en Colesberg tot by 'n punt op die dorpsmeent van Colesberg naby die suidwestelike baken van Erf 14, uitsluitende daardie gedeelte van die hoofpad (1) wat binne die binne-munisipaliteitsgebied van Graaff-Reinet geleë is.

(b) Vanaf 'n punt op die dorpsmeent van Colesberg by die Colesberg-Noordverkeerswisselaar tot by die grens van die Oranje Vrystaat by Rietbult.

2. Hoofpad (2)

(a) Vanaf die hoofpad (9) by Koeberg-verkeerswisselaar binne die Munisipaliteit van Kaapstad, langs die Swartvriër Parkweg, Settlersweg, deur die afdelings Kaap, Stellenbosch, Caledon, Swellendam, Heidelberg, Riversdal, Mosselbaai, George, Knysna en Humansdorp tot by 'n punt in die afdeling Port Elizabeth naby Witteklip, uitsluitende daardie gedeelte van die hoofpad (2) wat binne die binne-munisipaliteitsgebied van Riversdorp, Mosselbaai, George, Knysna en Humansdorp geleë is.

(b) Vanaf 'n punt op die plaas Melville naby die hoofpad (5) deur die afdelings Port Elizabeth, Alexandria, Albany, 'n gedeelte van Oos-Londen, King William's Town en 'n verdere gedeelte van Oos-Londen tot by 'n punt naby Highgate, uitsluitende daardie gedeelte van die hoofpad (2) wat binne die binne-munisipaliteitsgebiede van Grahamstad, King William's Town en Oos-Londen by Berlin geleë is.

3. Hoofpad (6)

Vanaf die noordelike binne-munisipaliteitsgrens van King William's Town, deur die afdelings King William's Town, Stutterheim, Cathcart, Queenstown, Sterkström, Wodehouse en Aliwal-

Noord tot by die suidelike binne-munisipaliteitsgrens van Aliwal-Noord, uitsluitende daardie gedeelte van die hoofpad (6) wat binne die binne-munisipaliteitsgebiede van Stutterheim, Cathcart, Queenstown en Jamestown geleë is.

4. Hoofpad (7)

Vanaf die hoofpad (2) by Nanaga Hoogte, deur die afdelings Alexandria, Somerset-Oos, Bedford, Cradock en Middelburg tot by die hoofpad (1) naby die dorp Middelburg, uitsluitende daardie gedeelte van die hoofpad (7) wat binne die binne-munisipaliteitsgebied van Cradock geleë is.

5. Hoofpad (8)

Vanaf die oostelike binne-munisipaliteitsgrens van Kimberley tot by die grens van die Oranje Vrystaat by Karreeboom.

6. Hoofpad (9)

(a) Vanaf die Swartvriërbrug naby die Koeberg-verkeerswisselaar binne die Munisipaliteit van Kaapstad deur die afdeling Kaap, die munisipaliteitsgebiede van Goodwood, Parow en Bellville en deur die afdeling Paarl tot by 'n punt by die Kraaifontein/Kalabasraal spoorlyn.

(b) Vanaf 'n punt ongeveer 3,52 km oos van die Bergrivier deur die afdelings Paarl, Worcester, Laingsburg, Prins Albert, Beaufort-Wes, Victoria-Wes, Murraysburg, Richmond, Hanover en Colesberg tot by die hoofpad (1) naby die dorp Colesberg, uitsluitende daardie gedeelte van die hoofpad (9) wat binne die binne-munisipaliteitsgebiede van Laingsburg en Beaufort-Wes geleë is.

7. Hoofpad (11)

(a) Vanaf die hoofpad (9) by die Wingfield-verkeerswisselaar deur die afdelings Kaap, Malmesbury, Piketberg, Clanwilliam, Vanrhynsdorp en Namakwaland tot by die Groenrivier naby Garies.

(b) Vanaf 'n punt naby die suidelike grens van die Concordia Gemeenskapreservaat tot by die grens van Suidwes-Afrika by Vioolsdrif.

8. Hoofpad (13)

Vanaf die hoofpad (9) naby Drie Susters deur die afdelings Victoria-Wes, Britstown, Hopetown, Herbert, Kimberley en Vaalharts tot by die grens van die Transvaal naby Veertien Strome, uitsluitende daardie gedeelte van die hoofpad (13) wat binne die binne-munisipaliteitsgebiede van Victoria-Wes, Britstown, Kimberley en Warrenton geleë is.

9. Hoofpad (15)

Vanaf 'n punt naby Algoa Park, deur die afdelings Port Elizabeth en Uitenhage tot by die oostelike binne-munisipaliteitsgrens van Uitenhage, uitsluitende daardie gedeelte van die hoofpad (15) wat binne die binne-munisipaliteitsgebied van Despatch geleë is.

10. Hoofpad (17)

(a) Vanaf die hoofpad (1) naby Ludlow, deur die afdelings Middelburg en Hanover tot by die hoofpad (9) naby die dorp Hanover.

(b) Vanaf 'n punt op die plaas Doorn Berg Fontein naby Redlands, deur die afdelings Prieska, Kenhardt en Gordonia tot by die suidelike binne-munisipaliteitsgrens van Upington.

11. Hoofpad (17B)

Vanaf die hoofpad (14) naby die dorp Upington tot by die beginpunt van die spesiale pad (19) op die dorpsmeent van Upington.

12. Hoofpad (33)

Vanaf die grootpad (33) naby Klaarström deur die afdelings Prins Albert en Beaufort-Wes tot by die hoofpad (9) naby die dorp Beaufort-Wes.

13. Hoofpad (75)

Vanaf die hoofpad (1) naby Holgatene, deur die afdelings George en Oudtshoorn tot by die Kango-grotte, uitsluitende daardie gedeelte van die hoofpad (75) wat binne die binne-munisipaliteitsgebied van Oudtshoorn geleë is.

DECLARATION OF TRUNK AND BUILDING RESTRICTION ROADS AND ALTERATION OF WIDTH

Under section 1A of the Trunk Roads Ordinance, 1960 (Ordinance 28 of 1960), I hereby declare —

- (i) that the roads described in Schedule I to this Proclamation, shall cease to be trunk roads, and
- (ii) the main roads and portions of main roads described in Schedule II to this Proclamation, to be trunk roads.

I do, further, proclaim in terms of section 7 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), the roads described in Schedule II to this Proclamation, to be building restriction roads for the purposes the said Act 21 of 1940.

I do, further, alter in terms of section 133 of the Divisional Councils Ordinance, 1952 (Ordinance 15 of 1952), the width of the roads described in Schedule II to this Proclamation, from 25 to 32 metres. **NB Sec. 133 (1)(a) is also applicable**

Dated at Cape Town, this 13th day of July 1971.

A. H. VOSLOO, ADMINISTRATOR

SCHEDULE I

MOSSEL BAY

The trunk road proclaimed by Proclamation 297 of 1968, dated 19 September 1968, from the northern inner municipal boundary of Mossel Bay to the trunk road (33).

PORT ELIZABETH

The trunk road proclaimed by Proclamation 405 of 1970, dated 24 November 1970, from a point near Algoa Park to the proposed Despatch Interchange.

SCHEDULE II

Trunk Roads

1. Main Road (1)

(a) From the northern inner municipal boundary of George, through the divisions of George, Uniondale, Willowmore, Aberdeen, Graaff-Reinet, Middelburg and Colesberg to a point on the Colesberg Commonage near the south-western beacon of Erf 14, excluding that portion of the main road (1) which is located within the inner municipal area of Graaff-Reinet.

(b) From a point on the Colesberg Commonage at the Colesberg North Interchange to the Orange Free State boundary at Rietbult.

2. Main Road (2)

(a) From the main road (9) at Koeberg Interchange within the Cape Town Municipality, along Black River Park Way, Settlers Way, through the divisions of Cape, Stellenbosch, Caledon, Swellendam, Heidelberg, Riversdale, Mossel Bay, George, Knysna and Humansdorp to a point in the Port Elizabeth Division near Witteklip, excluding those portions of the main road (2) which is located within the inner municipal areas of Riversdorp, Mossel Bay, George, Knysna and Humansdorp.

(b) From a point on the farm Melville near the main road (5) through the divisions of Port Elizabeth, Alexandria, Albany, a portion of East London, King William's Town and a further portion of East London to a point near Highgate, excluding those portions of the main road (2) which is located within the inner municipal areas of Grahamstown, King William's Town and East London at Berlin.

3. Main Road (6)

From the northern inner municipal boundary of King William's Town, through the divisions of King William's Town, Stutterheim, Cathcart, Queenstown, Sterkström, Wodehouse and

Aliwal North to the southern inner municipal boundary of Aliwal North, excluding those portions of the main road (6) which is located within the inner municipal areas of Stutterheim, Cathcart, Queenstown and Jamestown.

4. Main Road (7)

From the main road (2) at Nanaga Hoogte, through the divisions of Alexandria, Somerset East, Bedford, Cradock and Middelburg to the main road (1) near the town of Middelburg, excluding that portion of the main road (7) which is located within the inner municipal area of Cradock.

5. Main Road (8)

From the eastern inner municipal boundary of Kimberley, to the Orange Free State boundary at Karreeboom.

6. Main Road (9)

(a) From the Black River Bridge near the Koeberg Interchange within the Cape Town Municipality, through the Cape Division, the municipal areas of Goodwood, Parow and Bellville and through the Paarl Division to a point at the Kraaifontein/Kalabasraal railway line.

(b) From a point about 3,52 km east of the Berg River through the divisions of Paarl, Worcester, Laingsburg, Prins Albert, Beaufort West, Victoria West, Murraysburg, Richmond, Hanover and Colesberg to the main road (1) near the town of Colesberg, excluding those portions of the main road (9) which is located within the inner municipal areas of Laingsburg and Beaufort West.

7. Main Road (11)

(a) From the main road (9) at Wingfield Interchange, through the divisions of Cape, Malmesbury, Piketberg, Clanwilliam, Vanrhynsdorp and Namaqualand to the Groen River near Garies.

(b) From a point near the southern boundary of the Concordia Communal Reserve to the South West African boundary at Vioolsdrif.

8. Main Road (13)

From the main road (9) at Three Sisters through the divisions of Victoria West, Britstown, Hopetown, Herbert, Kimberley and Vaalharts to the Transvaal boundary near Fourteen Streams, excluding those portions of the main road (13) which is located within the inner municipal areas of Victoria West, Britstown, Kimberley and Warrenton.

9. Main Road (15)

From a point near Algoa Park, through the Port Elizabeth and Uitenhage Divisions to the eastern inner municipal boundary of Uitenhage, excluding that portion of the main road (15) which is located within the inner municipal area of Despatch.

10. Main Road (17)

(a) From the main road (1) near Ludlow, through the divisions of Middelburg and Hanover to the main road (9) near the town of Hanover.

(b) From a point on the farm Doorn Berg Fontein near Redlands, through the divisions of Prieska, Kenhardt and Gordonia to the southern inner municipal boundary of Upington.

11. Main Road (17B)

From the main road (14) near the town of Upington to the commencing point of the special road (19) on Upington Commonage.

12. Main Road (33)

From the trunk road (33) near Klaarström through the divisions of Prince Albert and Beaufort West to the main road (9) near the town of Beaufort West.

13. Main Road (75)

From the main road (1) near Holgatene, through the divisions of George and Oudtshoorn to the Cango Caves, excluding that portion of the main road (75) which is located within the inner municipal area of Oudtshoorn.