



1896 MPANE STREET ORLANDO EAST P.O.ORLANDO 1804

*T*: 0119351847 – *F*: 0862316789 - *C*: 0785743228 - *E*: mzinyanesp@gmail.com 18 February 2019

City of Johannesburg Department of Development Planning P O Box 30733 Braamfontein, 2017

Dear Sir/ Madam,

# SUBJECT: APPLICATION MADE IN TERMS OF SECTION 21 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 TO AMEND ERF 1021 MELVILLE.

- 1. The above mentioned matter has reference.
- An application is hereby made in terms of Section 21 of the City of Johannesburg Municipal By-Laws, 2016 to amend the City of Johannesburg Land Use Scheme, 2018 by rezoning Erf 1021 Melville from "Residential 1" to "Business 3", subject to conditions.
- 3. In support of the application, we hereby attach **25 copies** of the motivational memorandum with the following Annexures;

ANNEXURE A - LOCALITY PLAN

ANNEXURE B - TITLE DEED

ANNEXURE C - POWER OF ATTORNEY

ANNEXURE D - COMPANY RESOLUTION

ANNEXURE E - ZONING INFORMATION

ANNEXURE F - USE ZONE MAPS

ANNEXURE G - PROPOSED MAP 2'S

ANNEXURE H - SHARED PARKING AGREEMENT

In addition, the prescribed application fee of **R 5 891.00** is also attached. The application will be advertised in the prescribed manner, the dates of publication are 20<sup>TH</sup> February 2019 and 27<sup>th</sup> February 2019, proof of such will be forwarded to the City as soon as it is available.

4. Please do not hesitate to contact us should you have any further queries in this regard.

Yours sincerely,

Miss S. P. Mzinyane

Folheighen geenen Je Johnson

CITY OF JOHANIVESBUKGTOWN PLANNING SHEME, 2018
APPLICATION TYPE: REZONING
APPLICATION PURPOSES:  REZONING FROM "RESIDENTIAL" TO  "BUSINESS 3", SUBJECT TO  CONDITIONS
SITE DESCRIPTION:  Erf/Erven (stand) No(s): 1021  Township (Suburb) Name: MELVILLE  Street Address: 1 TENTH AVENUE Code 20.92
OWNER:
Full name: CHRAY PROPERTIES CC
Postal Address:Code:
Tel No (w):Fax No:
Cell:
E-mail address:
SIGNED: Signature of owner/s
DATE:
1 F Application Information - Version 1 of 8/201

## Form A – Application Information

IF THE OWNER IS A COMPANY

A company resolution authorising the agent is required (Form C)

## **CITY OF JOHANNESBURG**

APPLICATION IN TERMS OF SECTION 21 OF THE CITY OF JOHANNEBSURG MUNICIPAL PLANNING BY-LAW, 2016 FOR THE AMENDMENT OF THE CITY OF JOHANNESBURG LAND USE SCHEME, 2018 BY REZONING ERF 1021 MELVILLE (formerly Erven 878 and 980 Melville).

**MEMORANDUM** 

**FEBRUARY 2019** 

PREPARED BY:



1896 MPANE STREET ORLANDO EAST P.O.ORLANDO

*T*: 0119351847 – *F*: 0862316789 - *C*: 0785743228 - *E*: mzinyanesp@gmail.com

S.P. MZINYANE

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#### 1. INTRODUCTION AND BACKGROUND

This application is made in terms of Section 21 of the City of Johannesburg Municipal By-Laws, 2016 for the amendment of the City of Johannesburg Land Use Scheme, 2018, rezoning Erf 1021 Melville from "Residential 1" to "Business 3", (excluding dry cleaners and launderettes), subject to conditions.

#### 2. SITE DETAILS

#### 2.1. LOCALITY

Erf 1021 is located at the corner of 10<sup>th</sup> Avenue and Main Road, Melville. The property is located along Main Road which is characterized by a mixture of land uses. The immediate surrounding land uses inwards from Main Road to the east of the site are residential properties at a variety of densities.

A Locality Plan is attached. Annexure A.

Properties along Main Road are evidently undergoing a developmental phase. There are a number of properties that are being developed for business purposes and mixture of land uses. The erven along Main Road are therefore a buffer zone for the residential erven towards the inner core of the neighborhood.

The site is well located along a mobility road which serves the neighborhood and connects the nearby suburbs to and fro the Johannesburg CBD.

Access and egress to the site will be taken from the property on Erf 1021 Melville situated 10<sup>th</sup> Avenue. Accessibility to the site is from the East –West Corridor route on Empire Road, turning onto Kingsway Road and then onto Main Road linking to the site entrance on Erf 1021, 10<sup>th</sup> Avenue, Melville.

#### 2.2. SITE DESCRIPTION

The property is Erf 1021 situated at number 1 Tenth Avenue, Melville.

#### 2.3. OWNERSHIP AND SIZE

The ownership of Erf 1021 Melville is vested under the name of Chray Properties CC, under deed of Transfer T000041458/2018, of which Mr Hendrik Jacobus Willemse in his capacity as the Member of the company has signed the Power of Attorney and Company Resolution. (Annexure B, C and D)

The property is not mortgaged.

The site measures 1419m<sup>2</sup> in extent.

#### 3. **ZONING**

The property is zoned "Residential 1" in terms of the Johannesburg Town Planning Scheme, 1979.

The zoning information and use zone maps as herewith attached as **Annexure E and F**.

#### 4. **EXISTING LAND USE**

There is dwelling house on site and associated outbuildings one used as storage and the other as cater takers room.

#### 5. **APPLICANT**

The applicant is Inkanyiso Planning Developments (Pty) Ltd. on behalf of Chray Properties CC.

#### 6. **APPLICANTS INTENTION**

The applicant wishes to develop the site with Business 3 (excluding dry cleaners and launderettes) land use rights as per City of Johannesburg Land Use Scheme, 2018, subject to conditions.

#### 7. PROPOSED DEVELOPMENT CONTROLS

This section provides a motivation in support of the application to amend the Johannesburg Town Planning Scheme, 1979 by rezoning the site from "Residential 1" to "Business 3", (excluding dry cleaners and launderettes), subject to conditions. See Annexure G for Map 2's.

Given the above, the proposed development controls are summarized as follows:

Zoning

"Business 3" (EXCLUDING DRY CLEANERS AND

LAUNDERETTES)

Height

2 storevs

Coverage

14, 4%

F.A.R

0, 14

Parking

As Per Scheme

#### 8. MOTIVATION

### 8.1. LAND USE AND TRANSPORTATION

The site is located towards the bottom of Main Road, at the corner of 10<sup>th</sup> Avenue and Main Road, Melville to be exact. Erven surrounding the property are mostly residential and vary in densities towards the inner core of the neighborhood. To the west of the site is one of the University of Johannesburg's sports facilities.

The site is at the point of transition on the physical fabric of the city's development. Therefore the site is ideally located for non-residential. It is one of the many properties that are being re-developed along the road, with some converted into home enterprises or mixed- used erven. The proposal of "Business 3" will no doubt add an extra land use which can be further used and enjoyed by the nearby residents and the Joburg community at large. It further presents a valuable opportunity for the city growth as it abuts the Melville Regional Node.

Access to the site is taken off Kingsway Road and onto Main Road. Main Road is earmarked as one of the mobility roads in the sub-area. The site is easily accessible by the local public transport network. Notable means of transport which plays a pivotal role on the general transportation of public in this day and age is the Uber service. Most people these days opt to use the Uber service when going out to wine and dine and therefore issues of parking space and traffic in and around the vicinity of the business premises become minimal.

It is noted that properties located along Main Street/ M5/ Beyers Naude between 11<sup>th</sup> Avenue (Melville) and Kingsway Avenue (Auckland Park) are all developed with businesses. Erf 1021 Melville is earmarked for "Home Enterprises" in terms of the Melville/ Auckland Park Precinct Plan. The property forms part of the businesses located along Seventh Street and 4<sup>th</sup> Avenue Melville.

Support of the rezoning of Erf 1021 Melville to Business 3 as applied for is in line with the general purpose of the City of Johannesburg Land Use Scheme 2018, which lists the promotion of economic growth as its apex purpose. The establishment of a restaurant on the property will create employment and contribute to the economic growth of the Johannesburg City Region.

### 8.2. JOHANNESBURG SPATIAL DEVELOPMENT FRAMEWORK, 2040

The application complies with the general principles for land development as

- The site is put to its most economic and best use,
- The use of existing resources (land, bulk infrastructure, roads and transportation) will be optimized.

A widely held and common principle of land use management programs today focuses on environmental sustainability, with the main emphasis on environmental preservation. The establishment of a business premises on this property which is in close

proximity of public transport networks as well as in this transitional area will result in the efficient use of the land. The proposed land use for business provides a compatible land use to the already existing land uses in close proximity to the property.

The proposed application for business rights supports the optimal use of the site and thus putting the site to its most economic and best use. The availability and efficient public transport network also adds a dynamic of ease of travelling to and fro the site. All this promotes public transport use and the usage of existing land in a sustainable manner.

The proposed development further aims to maximize the use of the existing resources, bulk infrastructure, roads, transportation and social facilities and promote environmentally sustainable land development practices. Furthermore, the proposal will add to the creation of job opportunities and choice of recreational facilities around the neighborhood.

In view of the aforesaid it is evident that the proposed development of business including an art gallery is in line with all the broad criteria for sustainable development and that of the Johannesburg Spatial Development Framework, 2040.

#### 8.3. NEED AND DESIRABILITY

The application for the proposed business premises stems from the need to optimally utilize the site through providing a pro active land and alternative use around the vicinity. The proposed land use is further intended to take advantage of the location of the site which is next to already existing businesses and offices in and around Melville and will offer a tranquil space in premises that are only accessible through reservation or prior arrangement only basis.

The presence of solid and accessible transport network is advantageous to the proposed development. Additionally the proposed development will address the challenge of employment opportunities that are desperately needed in the City. Furthermore, the proposal promotes a mixture of land uses along mobility roads and also promotes a sound quality of life in neighborhoods also affording employment opportunities in close proximity to living areas.

## 8.4. REGIONAL SPATIAL DEVELOPMENT FRAMEWORK

The site falls under Region B, Sub Area 6, Area 4, in terms of the Regional Spatial Development Framework 2010/2011.

### The Development Objective 1.4;

"To strengthen the existing non residential the non- residential uses and protect the residential amenity. To protect the mobility of Main Road".

#### Intervention;

- Restrict business uses to existing business zoned sites to ensure full utilization of sites, quality of business uses and no increase into the residential area.
- Provide appropriate "buffer" uses between business zoned sites and the inner residential core.

#### Guidelines:

- Support businesses as per existing zoning.
- Buffer uses include; Home Enterprises:
  - Allowed in existing dwelling or for re-development.
  - The following developmental controls to apply.

The proposed development is in line with the RSDF supported principles of the area. The site is perfectly positioned along a mobility road. It forms part of the erven that are buffer zones of the residential neighborhood. The land uses along Main Road are mostly non- residential and therefore support the Development Objective 1.4 as set out in the RSDF.

By virtue of Shared Parking Agreement dated 24 October 2016 (Annexure H), Erf 1021 shares parking with the adjacent property on Erf 879 Melville, which is owned by the same family under a trust.

Therefore the proposal is in line and within the stipulated development controls of the sub area and therefore can be supported by council.

#### 8.5. ENGINEERING SERVICES

Engineering service reports in support of the proposal will be complied as when and when requested by the departments.

#### 9. CONCLUSION

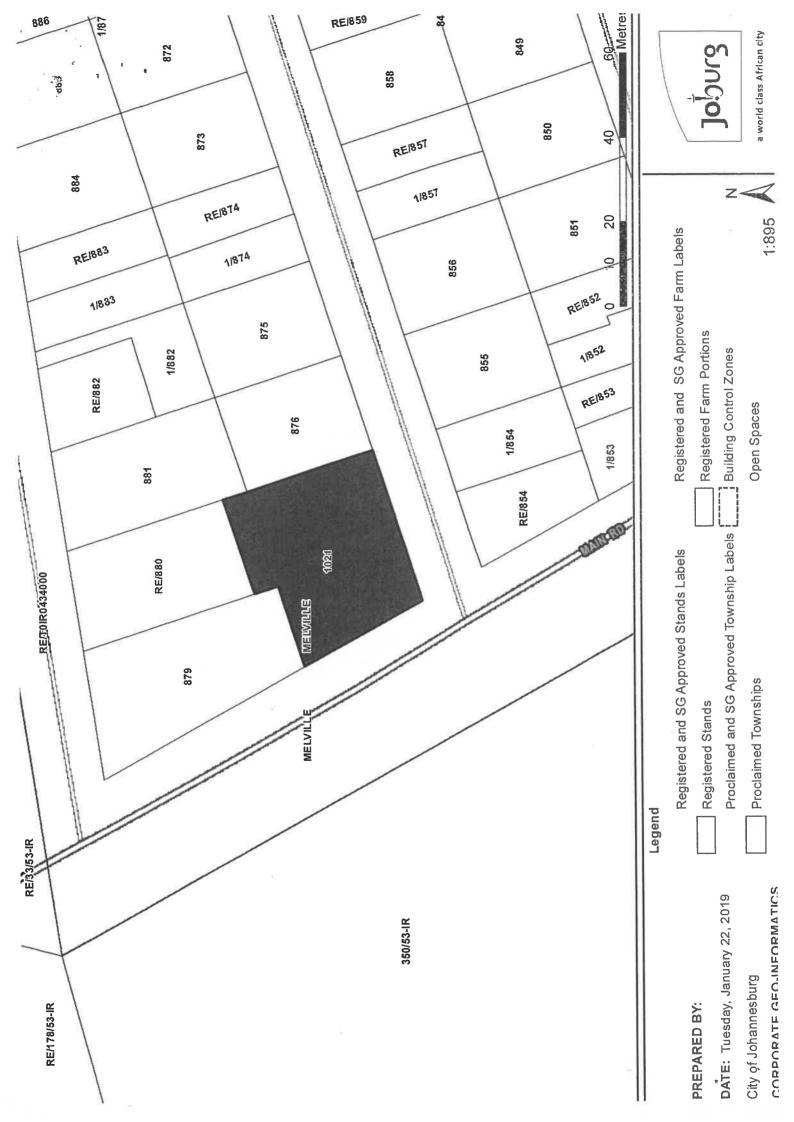
The proposed use of the site provides for a sound development of the site. The proposal meets with the principles as set in the RSDF. The proposal further meets with the principles of good town planning.

Accordingly, I would advise that this application be supported as set out in the memorandum and the attached schedules.

Simangele Mzinyane

February 2019

ANNEXURE A: LOCALITY PLAN

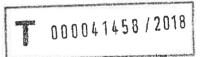


ANNEXURE B: TITLE DEED

trees from a 319,000 treespred ca.

PREMARED BY ME

MORNE MARAIS



#### **CERTIFICATE OF CONSOLIDATED TITLE**

Issued under the provisions of section forty of the Deeds Registries Act, 1937 (No. 47 of 1937)

**WHEREAS** 

# CHRAY PROPERTIES CC Registration Number 1992/017389/23

has applied for the issue to the company of a Certificate of Consolidated Title under the provisions of section forty of the Deeds Registries Act, 1937; and

WHEREAS the CLOSE CORPORATION is the registered owner of

1. ERF 878 MELVILLE TOWNSHIP
REGISTRATION DIVISION IR, PROVINCE OF GAUTENG

HELD BY DEED OF TRANSFER T56873/1992

And

2. ERF 980 MELVILLE TOWNSHIP
REGISTRATION DIVISION IR, PROVINCE OF GAUTENG

HELD BY DEED OF TRANSFER T56873/1992

which have been consolidated into the land hereinafter described;

Now, therefore, in pursuance of the provisions of the said Act, I, the Register of Deeds at Johannesburg do hereby certify that the said

# CHRAY PROPERTIES CC Registration Number 1992/017389/23

Its successors in office or assigns is the registered owner of

ERF 1021 MELVILLE TOWNSHIP
REGISTRATION DIVISION IR, PROVINCE OF GAUTENG

MEASURING 1420 (ONE THOUSAND FOUR HUNDRED AND TWENTY) SQUARE METRES

as more fully shown on diagram SG no. 1630/2017



#### SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Die eiendom hiermee getransporteer is geregtig tot 'n Serwituut van Oorskryding oor Lot Nr. 879, Melville, soos meer ten volle sal blyk uit Notariele Akte van Serwituut Nr. F112/1948 gedateer 20 Mei 1948 en geregistreer op 5 Junie 1948.
- B. Onderhewig aan die voorwaardes van die Dorps Wysigingswet, 1908.
- C. (a) That the owner from time to time shall not have the right to make or cause to be made any articles on the Lot hereby sold, or to remove the soil for such purposes, save and except, however, for building and erections on the said Lot itself.
  - (b) That the owner from time to time shall not have the right to construct grass huts or houses or cattle kraals on the said Lot or to use it in any way for slaughtering purposes.

FURTHER SUBJECT to such conditions as are mentioned or referred to in the aforesaid Deeds.

And that by virtue of these presents the said

### CHRAY PROPERTIES CC Registration Number 1992/017389/23

Its successors in office or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State however, reserving its rights.

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE and EXECUTED at the OFFICE of the REGISTRAR OF DEEDS a

JOHANNESBURG on 2 6 OCT 2018

REGISTRAR OF DEEDS

ANNEXURE C: POWER OF ATTORNEY

## SPECIAL POWER OF ATTORNEY

I/ WE, the undersigned,
CHRAY PROPERTIES (CC) 1992/017389/23
In my/ our capacity as the owner (s) of:
ERF 1021 MELVILLE
Situated in City of Johannesburg Metropolitan Municipality, Province of Gauteng.
Do hereby nominate and appoint:
MS SIMANGELE PORTIA MZINYANE, IDENTITY NUMBER: 8603250379081, OF INKANYISO PLANNING DEVELOPMENTS (PTY) LTD.
With the power of substitution, to be our lawful Agent in our name;  To  Compile, make, amend or withdraw application to the authorities in terms of Section 21 of The City of Johannesburg Municipal Planning By- Law, 2016 for the Rezoning Application of the above-mentioned erf.
And generally for affecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, inclusive of a local authority hearing or Township Board Appeal, as fully and effectually, for intents and purposes as I might or could do if personally present and acting herein-hereby ratifying, allowing and confirming all and whatsoever our said Agent shall lawfully do, or cause to be done, by virtue of these present.  Signed at

ANNEXURE D: COMPANY RESOLUTION

#### RESOLUTION BY OWNERS / MEMBERS OF

CERTIFIED TRUE COPY

Witnessed

CH	IRAY PROPERTIES (CC) 1992/017389/23
At a m	EVED THAT: eeting held at Mel Ville on 15 day January honth
	An application be submitted to the City of Johannesburg Metropolitan Municipality for the Rezoning Application of Erf 1021 MELVILLE.
4.	MS SIMANGELE PORTIA MZINYANE, IDENTITY NUMBER: 8603250379081, OF INKANYISO PLANNING DEVELOPMENTS (PTY) LTD., be and hereby authorised to sign all necessary documentation and papers to enable the above mentioned application to be proceeded with.

ANNEXURE E: ZONING INFORMATION



a world class African city

## ZONING INFORMATION NOTE PAD

REQUESTED BY	<b>(</b> :				
TOWN PLANNIN	IG SCHEME:	JOHANNESBU	RG		,1979
NAME OF APPL	ICANT:				
ERF / HOLDING	/ FARM PORTIO	ON: <b>1021 (1419</b>	m²)		
TOWNSHIP NAM	ME / HOLDING N	IAME / FARM NA	ME: MELVILLE		
STREET NAME	AND NUMBER:				
		ZONING INF	ORMATION		
USE ZONE: RES	SIDENTIAL 1				
HEIGHT ZONE:	H:0 (SEE ATTA	CHED)			
FLOOR AREA RATIO:	Business	Residential SEE	Institutional	Industrial	Other
COVERAGE:		ATTACHED			
DENSITY:		1 Dwelling	N/A	m²	
BUILDING LINE:	3M ALONG ST	REET BOUNDAR	RY		
PARKING: A	AS PER SCHEM	E			
AMENDMENT S	CHEME APPLIC	ABLE: <b>A4190</b>			
SERVED BY:	KAMOHELO	)		DATE: 22/01/20	19

The Town Planning Scheme is open for inspection at the 8<sup>th</sup> floor, 158 Civic boulevard (previously 158 Loveday street) between 8:00 and 15:30 weekdays. The applicant must verify the information contained herein by inspection of the Town Planning Scheme. Whilst the utmost is done to ensure accuracy, the City of Johannesburg does not accept responsibility for any incorrect information given on this form.

900

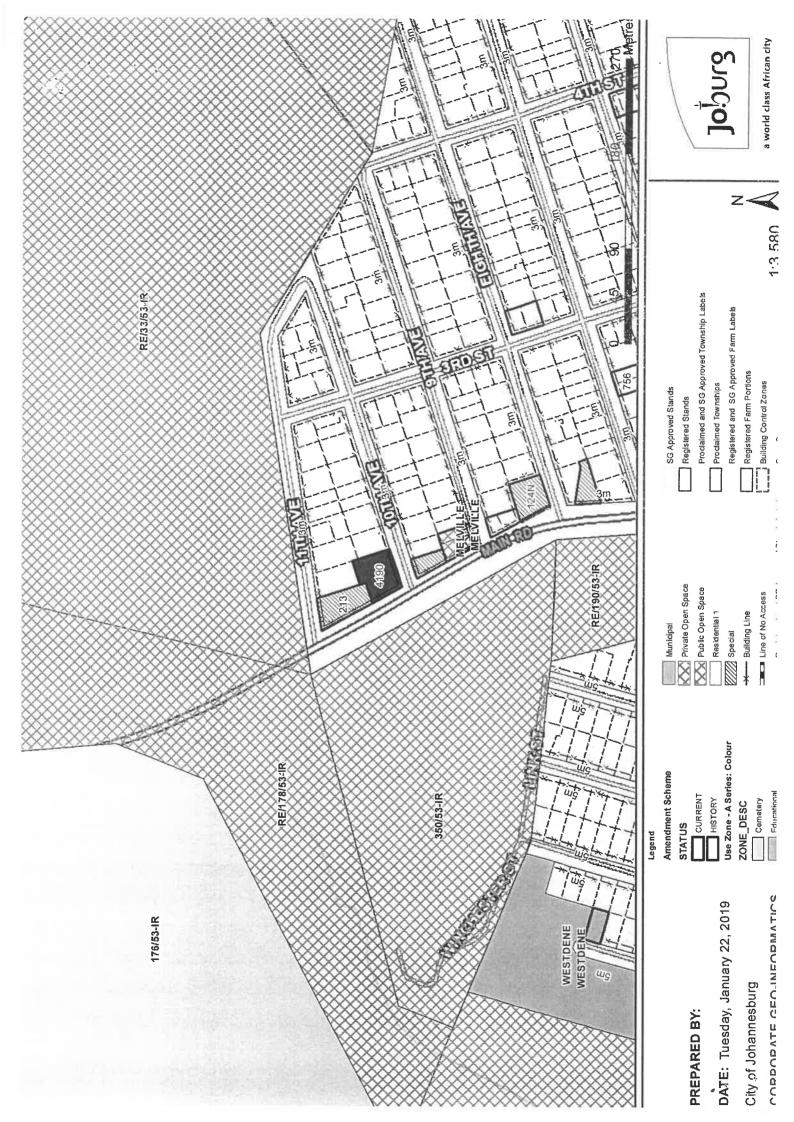
The applicant's attention is drawn to the general provisions of the Town Planning Scheme.

It should be noted that the provisions of the Town Planning Scheme do not override any restrictive conditions that may be contained in the Title Deeds.

#### PLEASE NOTE:

No information will be given telephonically due to the technical and interpretive complications.

ANNEXURE F: USE ZONE MAPS



ANNEXURE G: PROPOSED MAP 2'S

	SUMMA LAND USE RIGHTS TO BE COMP	SUMMARY OF EXISTING AND PROPOSED E RIGHTS & DEVELOPMENT CONTROL MI BE COMPLETED AND VERIFIED BY APPLIC	MARY OF EXISTING AND PROPOSED HTS & DEVELOPMENT CONTROL MEASURES MPLETED AND VERIFIED BY APPLICANT	
PROPERTY DESCRIPTION : (Information as per Title Deed)	Erf / Erven / Portion / Holding No. : Township / Farm / Holding :		1021 MEWILLE	
EXTENT OF SITE:	1 <i>H</i> /9	m²	As per Scheme must be described in detail.	described in detail.
JOHNNESBURG	EXISTING	ING RIGHTS		ADDITIONAL
TOWN PLANNING SCHEME,	IN TERMS OF ZONING	BY WAY OF SPECIAL CONSENT (if applicable)	PROPOSED RIGHTS	COMMENTS DEEMED RELEVANT & APPLICABLE
ZONING	RESIDENTIA	TAL .	BUSINES 3	
A/S NO. / ANNEXURE NO. / REF NO. (If applicable)	(Copy of approved MAP 3 and Schedule / Annexare to be attached if applicable)	(Copy of approval letter to be attached if applicable)	Ref No.:	
PERMISSIBLE LAND USES (Please list all)	as Per	Schewe	as per Scheme	19
LAND USES SPECIFICALLY EXCLUDED (Piesse list ell if applicable)			DRY CLEANERS  LAUNDERETTE	
HEIGHT OF BUILDINGS				
STOREYS HEIGHT IN METBEC	as Per	Schools	d	
(fapplicable)				

00 00-	rer	FLOOR AREA RATIO		MAXIMUM No. of UNITS  SPECIFY ANY OTHER LIMITATIONS / REQUIREMENTS  Tumber of children / scholersfor or		VERIFIED BY: (PLEASE PRINT)	
70'1 7/1	8	71.0		(e.g., Une of No Access / Building Lines along Prov.or.National Roads, Maximum number of children / scholarsifor crecte / school, etc.)		II.	
					-		

Zoning Information - Version 1 of 8/2016

ANNEXURE H: SHARED PARKING AGREEMENT

#### Memorandum of Agreement

#### Shared Parking Agreement

This Shared Parking agreement is made and entered into by and between

CHRAY PROPERTIES CC Registration Number 1992/017389/23

(Legal property owner of ERF 1021 MELVILLE)

AND

TISHAY PROPERTIES CC Registration Number 1999/066086/23

(Legal property owner of ERF 879 MELVILLE)

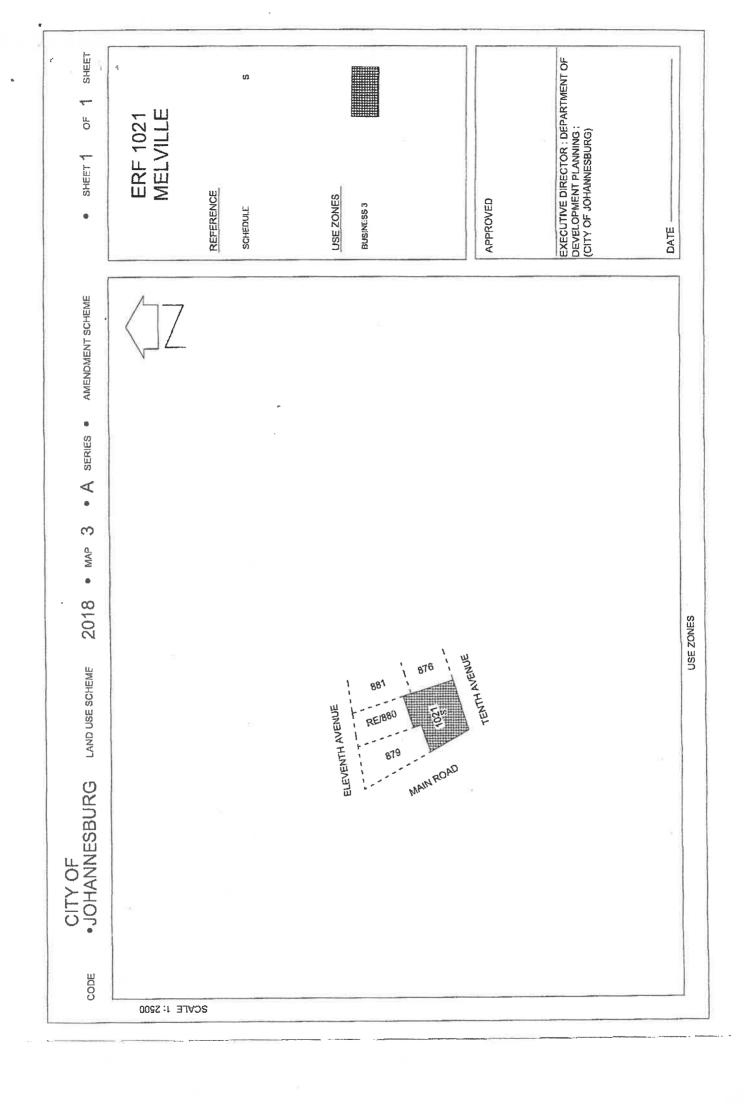
#### THE PARTIES HEREBY AGREE AS FOLLOW-

- Both parties agrees to provide to the other party the right to use the parking space available situated in between the abovementioned properties and declare it now a right of way to the other party, entrance to the said parking shall be obtained from 10th Avenue, and exit shall be to 11th Avenue to case traffic flow;
- 2. The parties agree to maintain the parking space and surrounds as in its current state:
- 3. The provisions and conditions of this agreement shall run with the land for those properties as referred above and be enforceable against successors in interest and assigns of the signing parties:
- 4. Title to and the right to use the parking upon which the parking is to be provided will be subservient to the title to the property where the primary use it serves is situaced.
- 5. The property or portion thereof on which the parking spaces are located will not be made subject to any other covenant or contract for use which interferes with the parking use, without written consent from the other party.
- Neither parties shall be responsible for damage or loss to possessions or items left in verticies, nor be responsible for damage to vehicles, whether or not such damage is caused by other vehicle(s) or person(s) in the parking lot and/or surrounding area.

- 7. Either party may terminate this Agreement by providing 30 days written notice to the other party. Any such notice shall be directed to a party at the party's address.
- 8. This contract contains the entire agreement between the parties. No other agreement variation or alteration, whether tacit or oral, shall be of any force or effect unless reduced to writing and signed by both parties. Neither party will have any right or remedy arising from any undertaking or representation not included in this document.

THUS DONE AND SIGNED by the parties at PRETORIA on this 24<sup>TH</sup> day of OCTOBER 2016 in the presence of the undersigned witnesses.

,	
AS WITNESSES:	, weeks
1.	- Cue
2	For: CHRAY PROPERTIES CC
AS WITNESSES:	
1. Moe	- In and
2	TISUAV PROPERTIES CC



1 SHEET EXECUTIVE DIRECTOR: DEPARTMENT OF DEVELOPMENT PLANNING: (CITY OF JOHANNESBURG) Ø ERF 1021 MELVILLE Ö SHEET 1 REFERENCE APPROVED SCHEDULE. DATE AMENDMENT SCHEME SERIES •  $\omega$ 3 MAP DENSITY ZONES & HEIGHT ZONES • 2018 TENTH AVENUE 876 LAND USE SCHEME 881 ELEVENTH AVENUE RE1880 MAIN ROAD CITY OF JOHANNESBURG CODE SCYTE 4: S200

USE ZONE 6: "BUSINESS 3" In addition to the standard conditions as set out in the Scheme, the erf is subject to the following further conditions:  As per Scheme.  No Rights:  As per Scheme.  As per Scheme.  Height Zone:  As per Scheme - 2 storeys.  Coverage:  As per Scheme - 14.4%  Floor Area Ratio:  As per Scheme - 0,14  Parking Provision:  As per Scheme - 0,14	me, the erf is subject to the following furthe		
In addition to the standard conditions as set out in the Scheme Consent Rights:  As per Scheme.  As per Scheme. 14.4%  Floor Area Ratio:  As per Scheme - 14.4%  Floor Area Ratio:  As per Scheme - 0,14  Parking Provision:  As per Scheme	me, the erf is subject to the following furthe		ERE 4021 MEI VII. R
hts: jhts: s: satio: vision:		er conditions;	
le: Ratio: ovision:	As per Scheme - Excluding dry cleaners and launderete As per Scheme. As per Scheme		
	<sub>ี</sub> ผู้		٠
			A PARTICIAL OF THE PART
			Arracoved
Density: As per Scheme -			
Building Line: As per Scheme			
	-	9	EXECUTIVE DIRECTOR: DEPARTMENT OF DEVELOPMENT PLANNING ( CITY OF JOHANNESBURG)
THE PARTY AND TH			
			DATE:

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