CITY OF
uMHLATHUZE
VISION INTO ACTION

Application in terms of Sections 27(1)(a), (e) and (i) of the uMhlathuze Spatial Planning and Land Use Management By-Law, 2017, read with the provisions of Section 211 and 212 of the KZN Local Authorities Ordinance, 1974, to permanently close Erf 8450, Empangeni, and for the subdivision and rezoning of Erf 8424, Empangeni

IN THE

uMHLATHUZE MUNICIPAL AREA, REGISTRATION DIVISION GU

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uMHLATHUZE MUNICIPAL AREA, REGISTRATION DIVISION GU

November 2020

Submitted To:

uMhlathuze Municipality
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Application in terms of Sections 27(1)(a), (e) and (i) of the uMhlathuze Spatial Planning and Land Use Management By-Law, 2017, read with the provisions of Section 211 and 212 of the KZN Local Authorities Ordinance, 1974, to permanently close Erf 8450, Empangeni, and for the subdivision and rezoning of Erf 8424, Empangeni

1. THE LAND DEVELOPMENT APPLICATION

1.1 The land development application is submitted to the uMhlathuze Municipality.

1.2 The purpose of this document is to provide the motivation to enable the Municipal Planning Approval Authority to consider the application submitted in terms of the following provisions of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017:

1.2.1 In terms of Section 27(1)(i), read with the provisions of Sections 211 and 212 of the KZN Local Authorities Ordinance, 1974, for the permanent closure of public place Erf 8450, Empangeni;

1.2.2 In terms of Section 27(1)(e) for the subdivision of Erf 8424, Empangeni, into designated Portion 1 and the Remainder;

1.2.3 In terms of Section 27(1)(a) for the rezoning of Designated Portion 1 of Erf 8424, Empangeni, from "Intermodal Facility" to "Fuel Filling Station"; and

1.2.4 The cancellation of an unregistered building restriction servitude over Erf 8424, Empangeni, as shown on General Plan 1407/1995.

1.3 The application is supported by various documents, which are attached to this application and discussed in more detail in this motivation.

2. THE APPLICANT

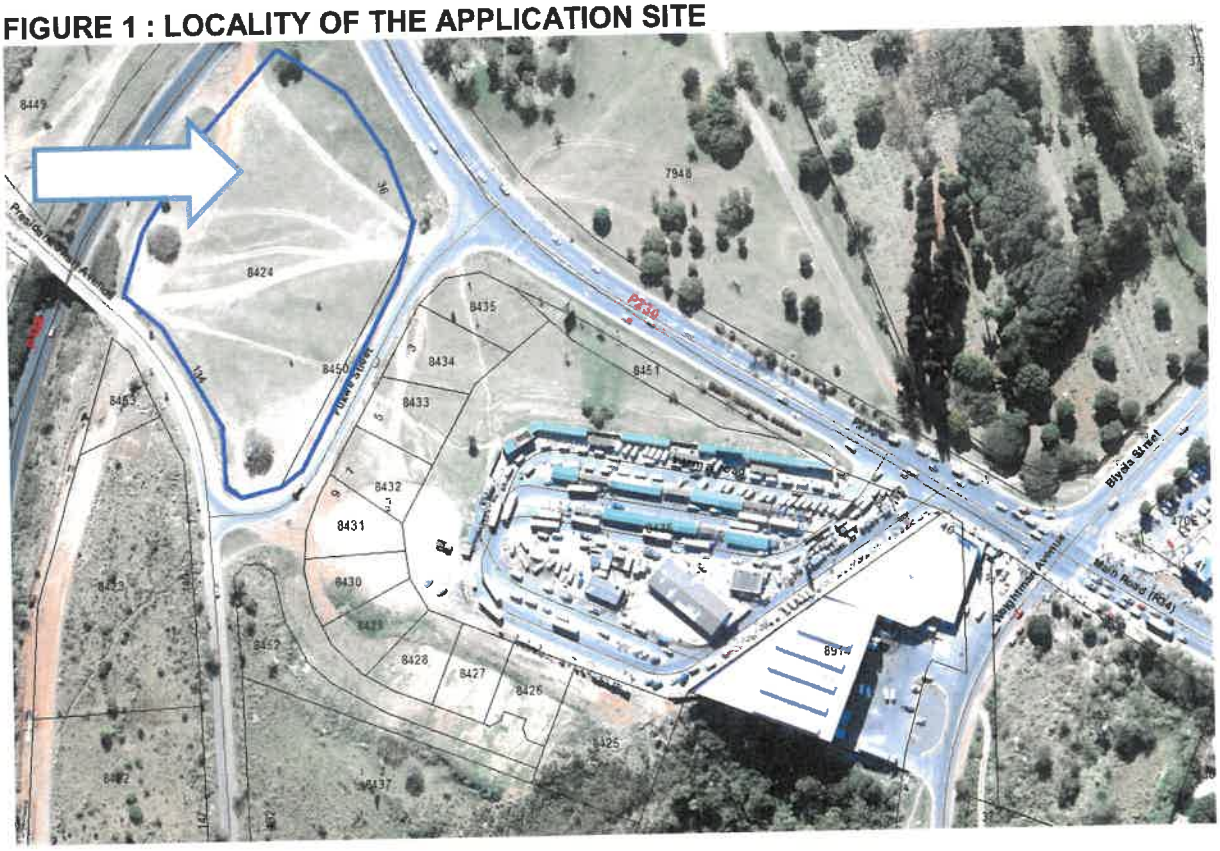
This Application is submitted by the Umhlathuze Municipality, being the land owner of Erf 8424 and 8450, Empangeni. The relevant Power of Attorney is attached as **Annexure "A"**.

3. THE APPLICATION SITE

3.1 Locality of the Application Site

3.1.1 The application site is bordered by P230 to the north, Fukwe Street and the Empangeni A-Rank to the east, President Swart Avenue to the south and P166 to the west.

FIGURE 1 : LOCALITY OF THE APPLICATION SITE



3.2 Existing Development, Land Use and Zoning

3.2.1 Erven 8424 and 8450, Empangeni, are undeveloped.

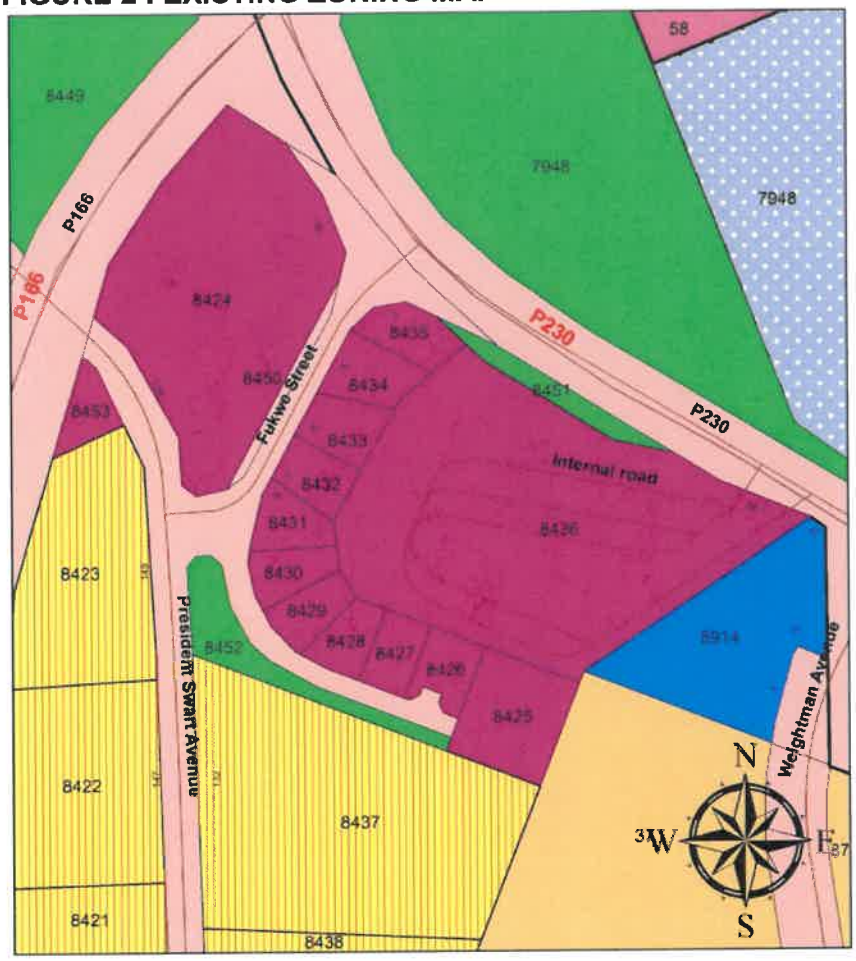
3.2.2 Surrounding land uses include vacant land to the north, south and west, and the Empangeni A-Rank development to the east.

3.2.3 The existing zonings of the application sites are as follows:

ERF NO	EXISTING ZONING	EXISTING LAND USE
8450	Existing Road	Undeveloped
8424	Intermodal Facility	Undeveloped

3.2.4 The existing zoning map is shown below and is attached as **Annexure "B"**.

FIGURE 2 : EXISTING ZONING MAP



3.2.5 The zonings provide for the following free entry and consent uses as set out in the uMhlathuze Land Use Scheme:

LAND USE ZONE: INTERMODAL FACILITY

STATEMENT OF INTENT: A zone that makes provision for the parking, drop-off and collection of passengers by public and private bus services and mini bus taxis. May include rank manager's offices, ablutions and small retail facilities for the convenience of passengers.	

USE OF LAND AND BUILDINGS			
COLUMN 1	**COLUMN 2**	**COLUMN 3**	**ADDITIONAL CONTROLS**
PERMITTED USES	**CONSENT USES**	**PROHIBITED USES**	
• Automotive Showroom • Car Wash • Commercial Workshop • Educational Building • Funeral Parlour • Industry – Light • Industry-Service • Public Parking and Parkade • Place of Amusement • Place of Assembly	• Gambling Premises • Motor Vehicle Fitment Centre • Truck Stop • Special Use	Buildings and land uses not included in Columns 1 and 2.	• For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5. • For additional provisions refer to Clause 4.1.14.1 and 4.1.14.3 • *All telecommunication

• Office-General • Recreational Building • Shop – General • Special Use • Informal Trade area • Terminal – Intermodal Facility • Utilities Facility • Veterinary Purposes • Lodge • *Rooftop Telecommunication Infrastructure			infrastructure are subject to submission of Building plans for municipal approval

DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	7,5m	4,5m	4,5m	4	70%	2,00

LAND USE ZONE: EXISTING ROAD

STATEMENT OF INTENT: This zone makes provision for the protection of existing and proposed roads and road reserves as a means to enable an unhindered movement of vehicular and pedestrian traffic.

USE OF LAND AND BUILDINGS		
COLUMN 1	COLUMN 2	COLUMN 3
PERMITTED USES	CONSENT USES	PROHIBITED USES
• Parking Erf / Parkade • Public Street • Road Reserves • Utilities Facility • Existing Private Road	• Informal Trade Area • Special Use • Terminal – Intermodal Facility	• Buildings and land uses not included in Columns 1 and 2.

ADDITIONAL CONTROLS

- National roads are subject to the rules and regulations of SANRAL.
- Provincial roads are subject to the rules and regulations of the Department of Transport.
- Local access roads and streets are subject to the rules and regulations of the Municipality.
- For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5.
- Design and construction subject to the engineering specifications prescribed by Council.

DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	STREET BUILDING LINE	SIDE BUILDING LINES	REAR BUILDING LINES	HEIGHT	COVERAGE	FAR
N/A	N/A	N/A	N/A	N/A	N/A	At the sole discretion of Council		

3.2.6 It is proposed to amend the zoning of the application site, as discussed in more detail under Section 4.3 of this motivation.

3.3 Title Deed and SG Diagram Information

3.3.1 The application properties are shown on General Plan SG No. 1407/1995 (attached as **Annexure "C"**).

3.3.2 The properties are subject to the conditions and restrictions as set out in Certificate of Registered Title T37193/1995 (attached as **Annexure "D"**).

3.3.3 The following restrictive conditions of title apply to the application site:

	RESTRICTIONS
(A)(1)	Rights in favour of the Government are noted. These conditions will be transferred to the title deed applicable to the property which is to be created.
(B)	Subject to an Electric Power Transmission Line Servitude in favour of Eskom
Comment:	The servitude shown on SG No. 1406/1995 is not affected by this application

4. DETAILS OF THE LAND DEVELOPMENT APPLICATION

4.1 The Proposed Development

4.1.1 The draft Empangeni A-Rank Masterplan is shown below and is attached as **Annexure "E".**

4.1.2 The Draft Masterplan makes provision for the following:

- A main entrance road via Fukwe Street and a new roundabout. The existing entrance from P230 (close to Biyela Street) will be closed off to avoid congestion;
- An upgraded bus and taxi terminal and ticket office;
- A pedestrian bridge, linking the rank with the commercial node;
- A central area dedicated to informal traders;
- Adequate public conveniences;
- An amphi-theatre;
- A kids play area;
- Office space;
- A taxi holding area;
- 4 x undercover wash bays;
- 8 x street mechanic bays;
- A petrol filling station; and
- Fencing

4.1.3 It should be noted that the Draft Masterplan is subject to detailed design and further inputs, and may therefore still be amended in future.

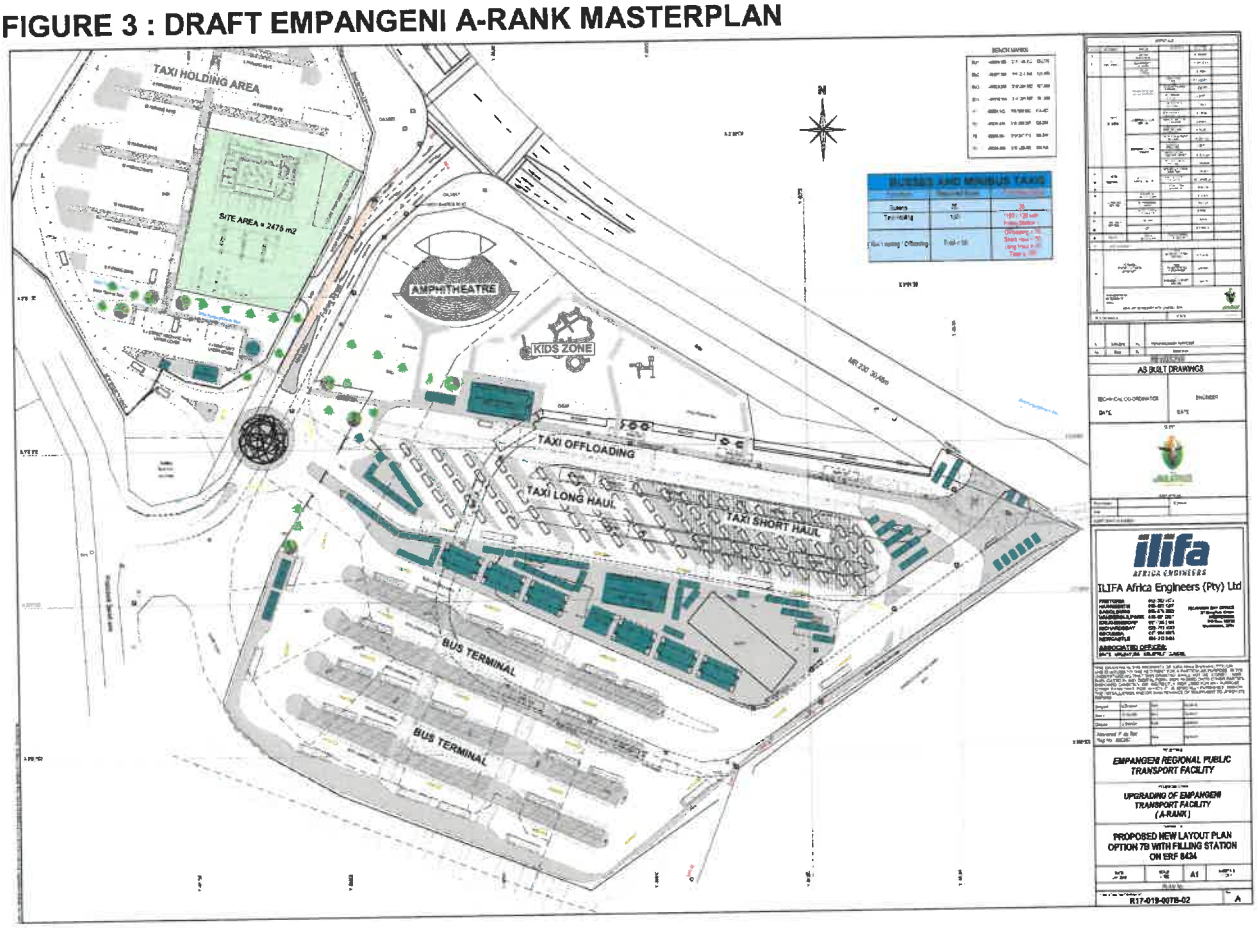
4.1.4 In order to give effect to the vision for the Empangeni A-Rank, various town planning processes must be finalised. These are detailed in Section 4.2 to 4.6 below.

4.1.5 This application specifically addresses the creation of Portion 1 of Erf 8424, Empangeni, which shall be zoned for the development of a Fuel Filling Station, and

the Remainder of Erf 8424, Empangeni, which shall be reserved as a taxi holding area servicing the Empangeni A-Rank expansion and re-development.

4.1.6 A separate application shall be prepared to address the planning processes necessary to create a developable site for the re-development of the existing A-Rank facility on Erf 8436, Empangeni.

FIGURE 3 : DRAFT EMPANGENI A-RANK MASTERPLAN



4.2 Proposed Permanent Closure of Erf 8450, Empangeni

4.2.1 General Plan No. 1407/1995 (attached as **Annexure "C"**) indicates the following public places and roads:

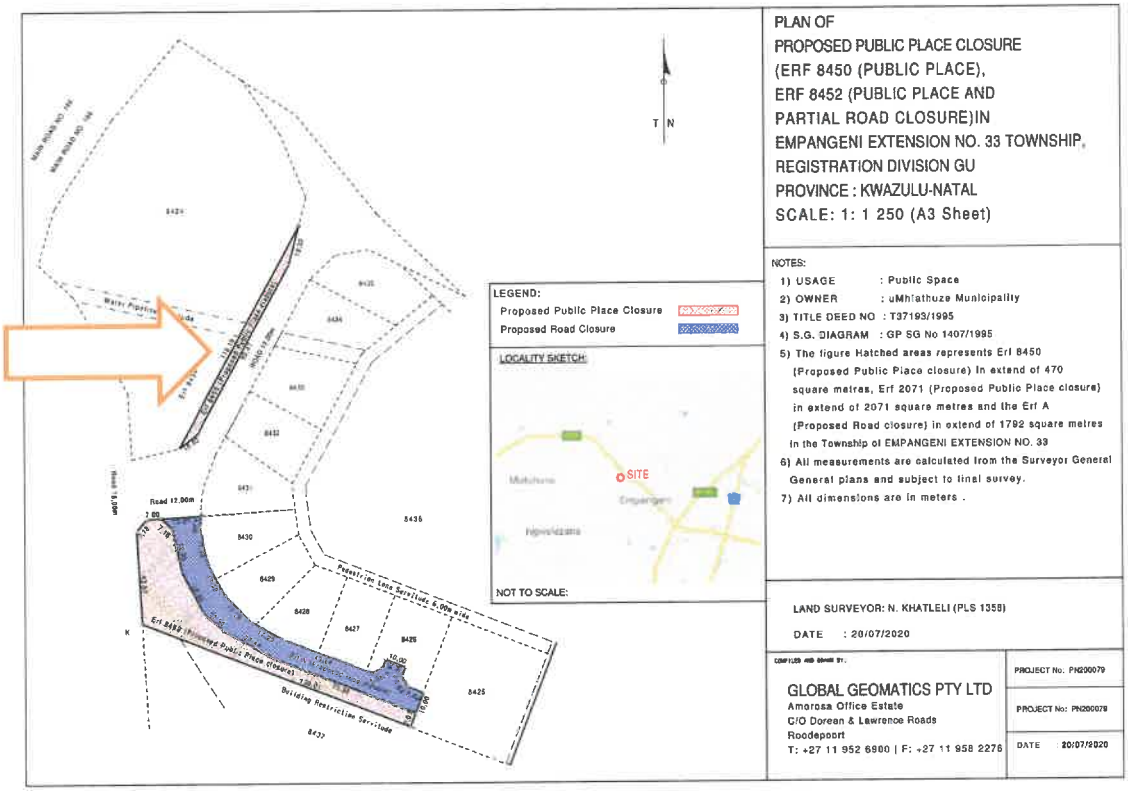
ERF NO	EXISTING ZONING	SHOWN ON GENERAL PLAN AS
Rem/8400	Existing Road	Road
8450	Existing Road	Public Place
8451	Passive Open Space	Public Place
8452	Passive Open Space	Public Place

4.2.2 In terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management Bylaw, read with Section 211 and 212 of the KZN Local Authorities Ordinance, 1974, it is proposed to permanently close public place Erf 8450, Empangeni, since this property is used as a road and is already zoned "Existing Road".

4.2.3 The permanent closure of the public place will not affect the public, as the public place is undeveloped and is reserved for the purposes of road widening.

4.2.4 The Closure Plan is attached as **Annexure "F".**

FIGURE 4 : PERMANENT CLOSURE OF A PUBLIC PLACE – ERF 8450 EMPANGENI



4.3 Proposed Subdivision and Rezoning of Erf 8424, Empangeni

4.3.1. In order to create a taxi holding area and filling station site, it is proposed to:

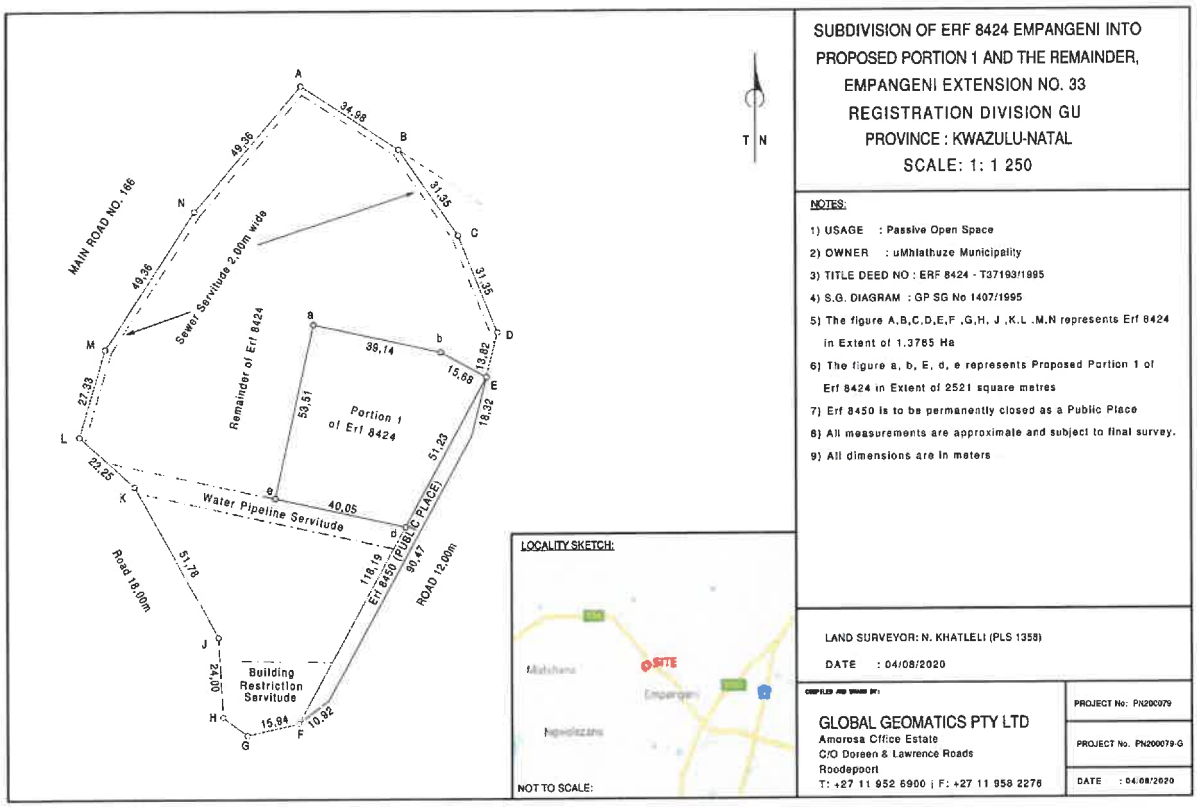
4.3.1.1. subdivide Erf 8424, Empangeni, into designated Portion 1 (2 521m^2) and the Remainder (11 264m^2);

4.3.1.2 rezone Designated Portion 1 of Erf 8424, Empangeni, from "Intermodal Facility" to "Fuel Filling Station". The existing land use and zoning is discussed under Section 3.2; and

4.3.1.3 cancel an unregistered building restriction servitude over Erf 8424, Empangeni, as shown on General Plan 1407/1995.

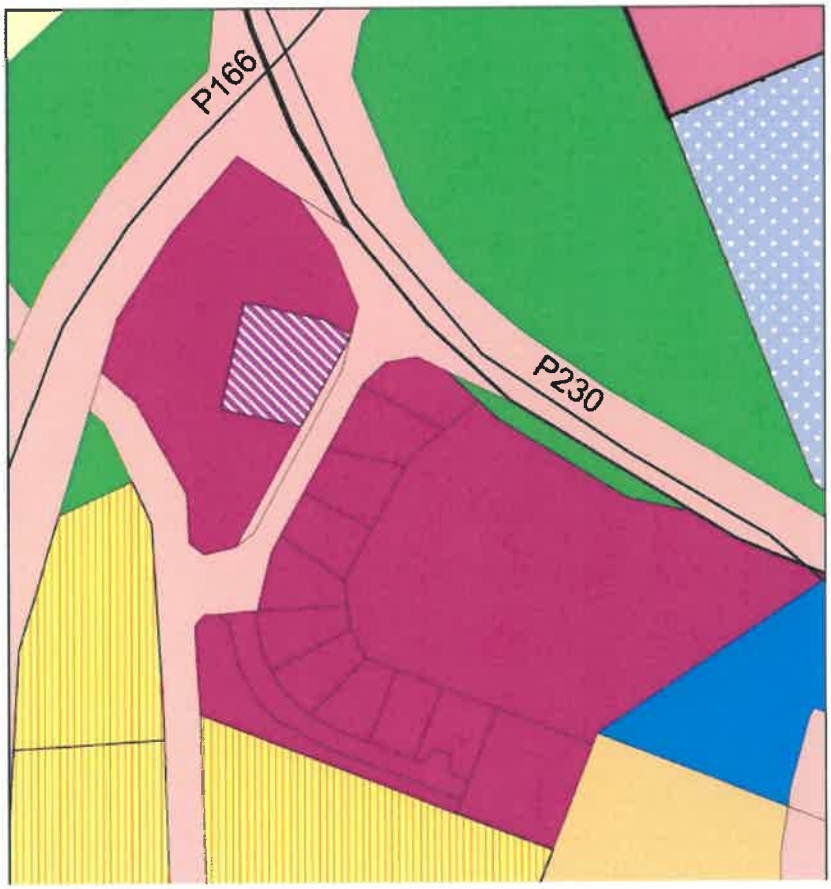
4.3.2 The Layout Plan indicating the proposed subdivision is shown below and is attach as **Annexure "G".**

FIGURE 5 : SUBDIVISION LAYOUT PLAN - ERF 8424 EMPANGENI



4.3.3 The proposed zoning map is shown below and is attached as **Annexure "H"**.

FIGURE 6 : PROPOSED ZONING – PORTION 1 OF ERF 8424, EMPANGENI



4.3.4 The free entry and consent uses associated with the zoning "Fuel Filling Station" as set out in the uMhlathuze Land Use Scheme are as follows:

LAND USE ZONE: FUEL FILLING STATION

STATEMENT OF INTENT: This zone permits activities such as service station, public garage, and a restricted amount of space devoted to restaurants, shops and related services.

USE OF LAND AND BUILDINGS			
COLUMN 1	**COLUMN 2**	**COLUMN 3**	**ADDITIONAL CONTROLS**
PERMITTED USES	**CONSENT USES**	**PROHIBITED USES**	
• Public Garage • **Rooftop Telecommunication Infrastructure • *Shop-General • Carwash Facility	• Automotive Showroom • **Freestanding Telecommunication Infrastructure • Commercial Workshop • Recreational Building • Utilities Facility • Special Use	Buildings and land uses not included in Columns 1 and 2	• A service industrial building shall be limited to the repair and servicing of vehicles. • *A Shop limited to a Convenience Store and / or Restaurant/ Fast-food outlet is permitted when ancillary to a Service Station and not to exceed a combined Floor Area of 300m^2. • For provisions relating to parking and loading refer to Clause 3.1.2.4 and 3.1.2.5. • For provision relating to the use of land refer to Clause 4.1.6. • **All telecommunication infrastructure are subject to submission of Building plans for municipal approval.

DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	**UNITS PER HECTARE**	**FRONTAGE (WIDTH)**	**STREET BUILDING LINE**	**SIDE BUILDING LINES**	**REAR BUILDING LINES**	**HEIGHT**	**COVERAGE**	**FAR**
1800m^2	N/A	36m	7.5m	3m	3m	3	70%	0.7

5. MOTIVATION FOR THE DEVELOPMENT

The motivation for the proposed development is supported by a number of factors, which are summarized below:

5.1 Need and Desirability

5.1.1 The Empangeni A-Rank has been in operation for a number of years. Infrastructure within the rank is old, and the rank is in dire need of additional space ensuring the effective operation of the rank into the future.

5.1.2 This application specifically addresses the creation of Portion 1 of Erf 8424, Empangeni, which shall be zoned for the development of a Fuel Filling Station, and the Remainder of Erf 8424, Empangeni, which shall be reserved as a taxi holding area servicing the Empangeni A-Rank expansion and re-development, in line with

the Draft A-Rank Masterplan.

5.1.3 The Fuel Filling Station site would be alienated or leased in line with Council's Land Disposal Policy.

5.1.4 A separate application has been prepared to address the planning processes necessary to create a developable site for the re-development of the existing A-Rank facility on Erf 8436, Empangeni (and other erven).

5.2 Impacts on Access and Traffic Generation

5.2.1 Access to the site is proposed from Fukwe Road as indicated on the Draft Masterplan **attached as Annexure "E".** Fukwe Road will be upgraded to include a round-about intersection, thereby improving traffic flow and safety.

5.2.2 A Traffic Impact Assessment (TIA) for the development of Portion 1 of Erf 8424, Empangeni, will be required as a condition of establishment.

5.2.3 The KZN Department of Transport supported the re-development of the Empangeni A-Rank and creation of a fuel filling station in their letter reference T10/2/2/493/249 dated 27 January 2020 and attached as **Annexure "I"**), subject to conditions.

5.3 Impacts on Engineering Services

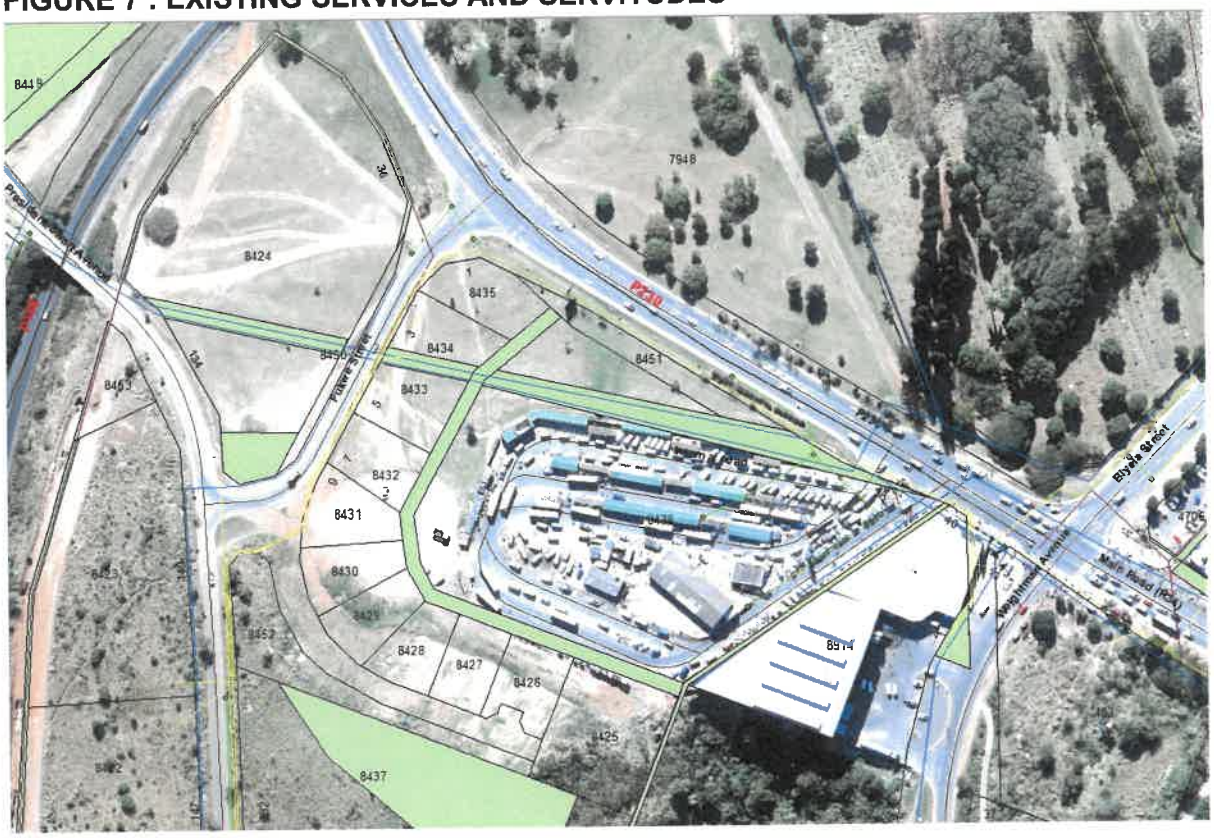
5.3.1 Portion 1 and the Remainder of Erf 8424, Empangeni, are unserviced. Services connections to the two sites and detailed engineering designs will be required as a condition of establishment.

5.3.2 The property is affected by the following unregistered servitudes shown in Figure 7 below and on the existing General Plan **attached as Annexure "C"**. The following servitudes shall be registered only if/when the properties are alienated:

- a 2m sewer servitude; and
- a water servitude.

5.3.3 It is proposed to cancel the building restriction servitude so as not to impact on the proposed access road in any way. The contours of the site shall be taken into consideration during detailed engineering design.

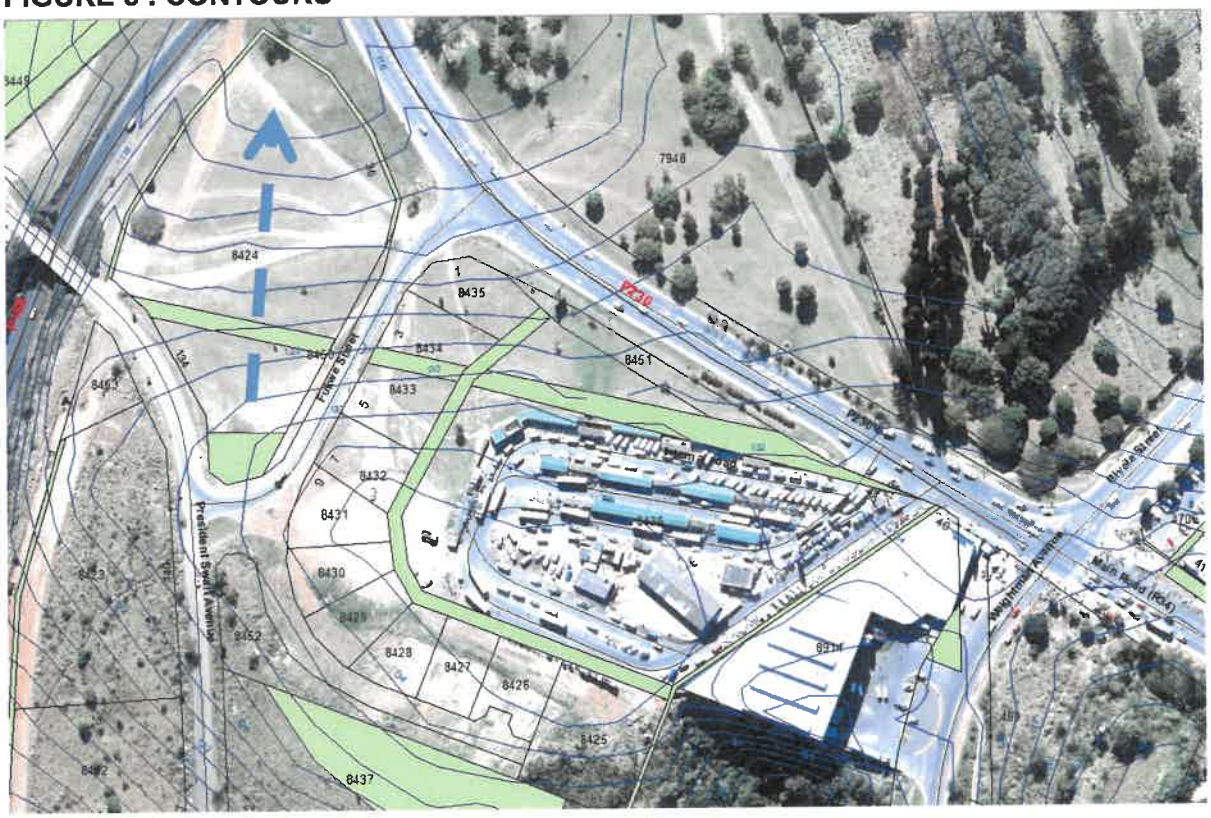
FIGURE 7 : EXISTING SERVICES AND SERVITUDES



5.4 Geotechnical Conditions and Slope

The application sites fall steeply towards the north of the property as indicated below. The contours and geotechnical conditions of the properties shall be investigated and taken into consideration during more detailed planning which is required as part of the Conditions of Establishment.

FIGURE 8 : CONTOURS



5.5 Impact on the Environment and Heritage Resources

5.5.1 Environmental Impacts

5.5.1.1 This planning application for subdivision, permanent closure and rezoning is not a listed activity in terms of the National Environmental Management Act and its Regulations.

5.5.1.2 The development of an Intermodal Facility Holding Area on the Remainder of Erf 8424, Empangeni, and the development of a Fuel Filling Station on Portion 1 of Erf 8424, Empangeni, may require an environmental authorization. This matter has been highlighted in the Conditions of Establishment.

5.6 Socio-Economic Impacts

In terms of desirability, the proposed development has a number of features to its benefit. These are as follows:

5.6.1 Local Benefits

The proposed development of an upgraded Intermodal Facility (the Empangeni A-Rank) would undoubtedly impact positively on the lives of public transport users and operators by providing upgraded and safer facilities.

The proposed development of a fuel filling station would provide easy access to fuel for members of the public as well as the public transport operators.

5.6.2 Employment Opportunities

The development of the application sites would provide employment opportunities during the construction and operational phases of the proposed developments.

5.7 Comment from Relevant Stakeholders

5.7.1 Department of Transport

The KZN Department of Transport supported the re-development of the Empangeni A-Rank and creation of a fuel filling station in their letter reference T10/2/2/493/249 dated 27 January 2020 and attached as **Annexure "I"**), subject to conditions. These conditions have been addressed in the draft Conditions of Establishment.

5.7.2 Land Claims

There are no land claims applicable to this application site, as confirmed by the KZN Regional Land Claims Commissioner in their letter dated 13 September 2019 (**Annexure "J").**

6. ASSESSMENT OF COMPLIANCE WITH KEY LEGISLATION AND PLANNING GUIDELINES

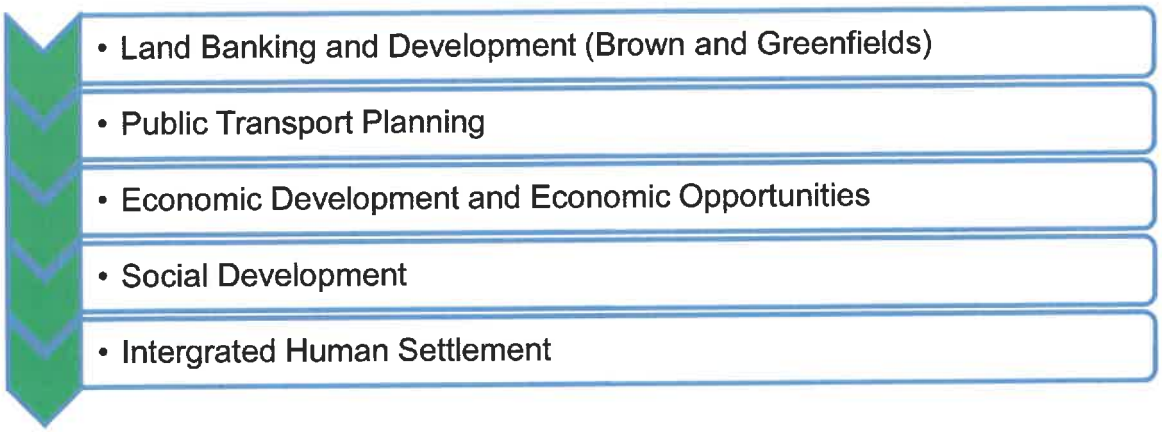
The following key legislation and guidelines inform the application and development within the uMhlathuze area :-

- The National Development Plan 2030
- Development principles as set out in the Spatial Planning and Land Use Management Act (2013)
- The Integrated Urban Development Framework
- the uMhlathuze Integrated Development Plan (2017-2022)
- the uMhlathuze Spatial Development Framework
- The uMhlathuze Land Use Scheme (2019)
- The National Building Regulations and Building Standards Act (1977)

The following section assesses compliance of the land development application with these documents, and aims to demonstrate how the application would comply with the provisions and guidelines set out in these documents:

6.1 The National Development Plan 2030

The National Development Plan 2030 makes a strong statement about the need to "address the challenge of apartheid geography" which is defined in terms of living, working and environmental sustainability. To this end, the following 5 pillar of Spatial Transformation are noted:



Public Transport Planning is therefore an important pillar that must be addressed.

6.2 Development Principles as set out in the Spatial Planning and Land Use Management Act, 2013

The following development principles as set out under Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA) would apply to the proposed development:

	DEVELOPMENT PRINCIPLES IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013			
No	**Principle**			**How the application complies with the principle**
(a)	The principle of spatial justice	(i)	past spatial and other development imbalances must be redressed through improved access to and use of land	The application proposes to create Portion 1 of Erf 8424, Empangeni, which shall be zoned for the development of a Fuel Filling Station, and the Remainder of Erf 8424, Empangeni, which shall be reserved as a taxi holding area servicing the Empangeni A-Rank expansion and re-development. Portion 1 of Erf 8424, Empangeni, shall be alienated according to relevant Municipal policies and procedures, which addresses access to land for previously disadvantaged communities. The re-development of the Empangeni A-Rank will provide upgrade facilities for thousands of public transport users.
(b)	the principle of spatial sustainability, whereby spatial planning and land use management systems must-	(iii)	uphold consistency of land use measures in accordance with environmental management instruments	The planning application does not trigger the need for an environmental authorization. The development of the sites (to be created) may be subject to the EIA Regulations. This matter has been included in the Conditions of Establishment.
		(iv)	promote and stimulate the effective and equitable functioning of land markets	The creation of Portion 1 of Erf 8424, Empangeni, shall create a site to be alienated.
		(v)	consider all current and future costs to all parties for the provision of infrastructure and social services in land developments	The application sites are currently undeveloped and unserviced. Services are in close proximity.
		(vi)	promote land development in locations that are sustainable and limit urban sprawl	The application sites form a natural extension of the Empangeni A-Rank, which is located within the CBD area of Empangeni.
(c)	the principle of efficiency, whereby-	(i)	land development optimises the use of existing resources and infrastructure	Engineering services are in close proximity to the application sites.
		(ii)	decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts	All financial, social, economic and environmental matters have been addressed in this planning motivation.

	DEVELOPMENT PRINCIPLES IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013			
No	**Principle**			**How the application complies with the principle**
		(iii)	development application procedures are efficient and streamlined and timeframes are adhered to by all parties	The uMhlathuze Spatial Planning and Land Use Management Bylaw makes provision for the submission of a combined application for permanent closure, subdivision and rezoning.
(e)	the principle of good administration, whereby-	(ii)	all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks	Relevant Government Departments have provided their sector inputs, and the comment from the Department of Transport has been addressed in the Conditions of Establishment.
		(iii)	the requirements of any law relating to land development and land use are met timeously	The uMhlathuze Spatial Planning and Land Use Management Bylaw clearly stipulates land application procedures and timeframes, including public participation procedures.
		(v)	policies, legislation and procedures must be clearly set in order to inform and empower members of the public	

6.3 The Integrated Urban Development Framework

6.3.1 The Integrated Urban Development Framework (IUDF) is a policy initiative of the Government of South Africa.

6.3.2 The IUDF seeks to foster a shared understanding across government and society about how best to manage urbanisation and achieve the goals of economic development, job creation and improved living conditions. It also builds on various chapters of the National Development Plan (NDP) (Chapter 8: Transforming human settlements and the national space economy), the New Urban Agenda and the Post 2015 Sustainable Development Goals (SDG's) (Goal 11: Making cites and human settlements inclusive, safe, resilient and sustainable).

6.3.3 The overall objective of the IUDF is **transforming space** in order to:-

- Reduce travel costs and distances
- Aligning land use, transport planning and housing
- Preventing development of housing in marginal areas
- Increasing urban densities and reducing sprawl
- Shifting jobs and investment toward dense peripheral townships
- Improving public transport and the coordination between transport modes

6.3.4 The vision of the IUDF is that *"By 2030 South Africa should observe meaningful and measurable progress in reviving rural areas and in creating more functionally integrated, balanced and vibrant urban settlements.*

6.3.5 For this to happen the country must:

- *Clarify and relentlessly pursue a national vision for spatial development*
- *Sharpen the instruments for achieving this vision*
- *Build the required capabilities in the state and among citizens."*

6.3.6 To achieve this vision, four overall strategic goals were introduced:

- **Spatial integration:** To forge new spatial forms in settlements, transport, social and economic areas
- **Inclusion and access:** To ensure people have access to social and economic services, opportunities and choices.
- **Growth:** To harness urban dynamism for inclusive, sustainable economic growth and development.
- **Governance:** To enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

6.3.7 The nine policy levers inform key areas for intervention and action to achieve the strategic goals and objectives of the IUDF. These are:

- ***Policy lever 1:*** *Integrated urban planning and management*
- ***Policy lever 2:*** *Integrated transport and mobility*
- ***Policy lever 3:*** *Integrated and sustainable human settlements*
- ***Policy lever 4:*** *Integrated urban infrastructure*
- ***Policy lever 5:*** *Efficient land governance and management*
- ***Policy lever 6:*** *Inclusive economic development*
- ***Policy lever 7:*** *Empowered active communities*
- ***Policy lever 8:*** *Effective urban governance*
- ***Policy lever 9:*** *Sustainable finances*

6.3.8 In terms of this land development application, the following policy levers would be addressed:

POLICY LEVER	DESCRIPTION OF POLICY LEVER	HOW THE APPLICATION COMPLIES WITH THE POLICY LEVER
Policy lever 1: *Integrated urban planning and management*	Integrated urban planning is essential for coherent development. It stimulates a more rational organisation and use of urban spaces, guides investment and encourages prudent use of land and natural resources to build sustainable communities.	Public Transport facilities and an effective public transport system are essential in planning for a city which is less reliable on motor vehicles for transportation. The Empangeni A-Rank is the main public transport facility servicing the residents of Empangeni and surrounds.
Policy lever 2: *Integrated transport and mobility*	Integrated transport and mobility is a vital component of South Africa's economic infrastructure investment. It contributes to a denser and more efficient urban form, supports economic and social development, and is crucial for strengthening rural-urban linkages.	The upgrade and expansion of the Empangeni A-Rank is essential in providing better services to public transport users and to provide for future growth of public transport as a means of transportation.
Policy lever 9: *Sustainable finances*	Cities work within an intergovernmental scale framework and are affected by the decisions and actions taken by provincial and national government. Furthermore, with well-managed revenue and expenditure, cities are able to expand their resources, thereby meeting expenditure demands, and to access capital markets, allowing them to achieve greater scale and efficiency when investing in infrastructure.	By creating an opportunity for private investment in the vicinity of the A-Rank, the Municipality could potentially use the revenue from land sales to fund infrastructure upgrades required.

6.4 The uMhlathuze Integrated Development Plan (2017-2022)

6.4.1 An Integrated Development Plan (IDP) has been adopted by the uMhlathuze Municipality in terms of Section 35(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

6.4.2 The purpose of the IDP is:
"to describe the planning and implementation processes that will be followed by the municipality to deliver on the developmental agenda on government pursuant to the

below-mentioned strategic objectives: Co-operative governance and informed decision-making, social and environmental sustainability, advanced economic growth, optimised infrastructural services, and organisational excellence."

6.4.3 According to the IDP, the uMhlathuze Municipality's long term vision is: "*The Port City of uMhlathuze offering a better quality of life for all its citizens through sustainable development and inclusive economic growth*".

6.4.4 The IDP provides a summary of the municipal strategies, goals and objectives as well as a summary of the alignment between the municipality, provincial and national government. The following Key Performance Areas would apply to the application:

NATIONAL KPA 2 : BASIC SERVICES AND INFRASTRUCTURE PROVISION		
GOALS	OBJECTIVES	STRATEGIES
2.1 Integrated infrastructure and efficient services	2.1.1 To expand and maintain infrastructure in order to improve access to basic services and promote local economic development	2.1.1.1 Eradicate water services backlogs through provision of basic water services
		2.1.1.2 Eradicate sanitation services backlogs through provision of basic sanitation services
		2.1.1.3 Eradicate electricity supply backlogs through provision of basic electricity supply services
		2.1.1.4 Provide a weekly domestic solid waste removal service to the community
		2.1.1.5 Provision of public transport infrastructure facilities
		2.1.1.6 Provision and Maintenance of storm water and coastal engineering infrastructure
		2.1.1.7 Strive to improve reliability and service life of Municipal infrastructure, facilities and assets

NATIONAL KPA 3 : LOCAL ECONOMIC DEVELOPMENT		
GOALS	OBJECTIVES	STRATEGIES
3.1 Viable Economic Growth And Development	3.1.1 To promote and facilitate investment	3.1.1.1 Develop investment promotion and facilitation plan
		3.1.1.2 Develop township economy
		3.1.1.3 Package council land to facilitate economic growth
	3.1.2 Stimulate key sectors that promote economic growth and create jobs	3.1.2.1 Provide support for prioritised sectors

NATIONAL KPA 3 : LOCAL ECONOMIC DEVELOPMENT		
GOALS	OBJECTIVES	STRATEGIES
		3.1.2.2 Developing and implement economic development sector plan
3.4 Social Cohesion	3.4.1 To promote social cohesion	3.4.1.1 Development of sports and recreation programmes
		3.4.1.2 Development of community facilities
		3.4.1.3 Development of Arts and Culture Strategy

NATIONAL KPA 6 : CROSS CUTTING		
GOALS	OBJECTIVES	STRATEGIES
6.1 Integrated Urban and Rural Development	6.1.1 To plan and manage existing and future development	6.1.1.1 Review and Implement Spatial Development Plan
		6.1.1.2 Develop precinct framework plans
		6.1.1.3 Review of Human Settlement Sector Plan
		6.1.1.4 Incremental development of strategic environmental assessment for the entire municipal area
		6.1.1.5 Implementation of uMhlathuze Land Use Scheme
		6.1.1.6 Compliance with national SPLUM by-law and national Building Act.
		6.1.1.7 Efficient processing of development application and building plans
6.2 Immovable Property Management	6.2.1 To ensure fair valuation of properties	6.2.1.1 Development and maintenance of valuation roll in line with municipal property rates act.
	6.2.2 Effective Management of Council owned Immovable properties.	**6.2.2.1 Update immovable asset register**
6.3 Disaster Management	6.2.3 To prevent and mitigate disaster incidents	6.2.3.1 Review and Implement Disaster Management Plan

6.4.5 The application therefore addresses KPA 2, 3 and 6.

6.4.6 The Municipal IDP further highlights that access to public transport facilities and networks will support the following objectives:

- New Urban Agenda and the Municipality's Climate Change Strategy - Dialogue should be initiated on the introduction of safe and energy efficient public transport mechanisms, which could aim to improve air quality and congestion in the city centre;
- Integrated Public Transport Plan - The Development of the public transport plan and policies are a strategic move aimed at ensuring focused approach towards public transport in recognizing and providing for the City's growth. The Municipality is in a process of developing the Comprehensive Integrated Transport Plan (CITP).

6.5 The uMhlathuze Spatial Development Framework

6.5.1 A Spatial Development Framework (SDF) is an integral part of the IDP.

6.5.2 The Municipal Systems Act Regulations (Act 32 of 2000) outline the following specific objectives of an SDF:

- Strategic guidance on the location and nature of development
- Set out basic guidelines for land use management
- Discourage low-density urban sprawl
- Generate social and economic opportunities
- Promote access to opportunities
- Maximize resource efficiency by protecting sensitive environments, protecting productive agricultural land and enhancing the regional identity and character.

6.5.3 In terms of Section 12 and 20 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), each Municipality must prepare and adopt a Spatial Development Framework.

6.5.4 The uMhlathuze Municipality's SDF was adopted for the period 2017-2022. In terms of the application, the following should be noted:

- The application site falls with Empangeni, being a primary node identified in the SDF. Primary Nodes are centres of economic activity and provide employment, as well as range of social facilities to an extended hinterland. Continued economic growth to be ensured by ensuring maintenance, and upgrade, of critical infrastructure and, where required, urban regeneration studies. Primary nodes are inherently accessible locations and appropriate measures are needed to ensure convenient access to these areas.
- In the primary node of Empangeni, social infrastructure is identified as part of the urban form and land uses, including public transport facilities.
- The SDF expands further on the development of the Comprehensive Integrated Transport Plan (CITP).
- Public Transport Facilities and Planning is one of the Spatial Transformation Pillars in the SDF. Further planning and development of Municipal Public Transport that will address the following:
  - Intermodal Public Transport System
  - Adequate Public Transport Facilities
  - Relationships with public transport stakeholders
  - Attract Investment

6.5.5 In terms of Section 22(1) of the Spatial Planning and Land Use Management Act, 2013, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of the Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.

6.5.6 It is confirmed that this application is consistent with a municipal spatial development framework.

6.6 The uMhlathuze Land Use Scheme (2019)

In terms of compliance with the uMhlathuze Land Use Scheme:

- The minimum erf size of a property zoned "Fuel Filling Station" is 1800m^2 with a minimum frontage of 18m. Proposed Portion 1 of Erf 8424, Empangeni, complies with these provisions as the site will measure approximately 2 521m^2 in area size with a frontage of approximately 51.23m;
- The minimum erf size of a property zoned "Intermodal Facility" is not prescribed in terms of the Scheme. The Remainder of Erf 8424, Empangeni, will measure approximately 11 264m^2;
- The free entry and consent uses associated with the zoning "Intermodal Facility" are set out in the uMhlathuze Land Use Scheme, and are highlighted under Section 4.3 of this report. The taxi holding area and fuel filling station shall comply with the bulk factors, building lines and land uses as set out in the Scheme.

6.7 The National Building Regulations and Building Standards Act - 1977

6.7.1 The application sites are undeveloped at present.

6.7.2 All future buildings shall be submitted for approval prior to construction, in line with the requirements as set out in the National Building Regulations and Building Standards Act, 1977.

7. DRAFT CONDITIONS OF ESTABLISHMENT

7.1 The following draft Conditions of Establishment are proposed for the development:

With reference to the application submitted on behalf of the uMhlathuze Municipality, the Municipality is pleased to approve the application in terms of Section 42(3)(b) of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, and in accordance with the accompanying Layout Plan No. PN200079-G dated 4 August 2020, subject to the following conditions imposed in accordance with Section 43(2)(c) of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017:

A. REGISTRATION ARRANGEMENTS

1. <u>Lodging of General Plan and/or Diagrams with the Surveyor General's Office</u>

The owner shall lodge relevant documents and diagram/s and/or general plan/s relating to the proposed closure and subdivision with the Surveyor General for approval and submit a certified copy of the approved diagram/general plan to the Municipality within 30 days after the date on which the Surveyor-General has approved the diagram/general plan.

2. <u>Lodging in the Deeds Office</u>

When registration is sought, a copy of this decision, the approved diagrams/general plans together with the deeds and other documents that the Registrar of Deeds may require for the registration of the subdivision, as well as the certificate contemplated in Section 53 of the

Spatial Planning and Land Use Management Act, 2013, read with Section 48(1) of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, are to be lodged with the Registrar of Deeds.

3. Cancellation of Servitude

The unregistered building restriction servitude area as shown on General Plan SG No. 1407/1995, and traversing Erf 8424, Empangeni, shall be cancelled.

B. CONDITIONS TO BE MET PRIOR TO REGISTRATION

Prior to the issuing of the certificate contemplated in Section 53 of the Spatial Planning and Land Use Management Act, 2013, read with Section 48(1) of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, the owner must comply with the following conditions, to the satisfaction of the local municipality:

1. Acceptance of Conditions

The owner is to signify in writing to the Municipality, formal acceptance of the conditions subject to which the application is approved.

2. Lodging of Diagrams with the Surveyor-General's Office

The owner shall lodge relevant documents and diagram/s and/or general plan/s relating to the proposed permanent closure and subdivision with the Surveyor General for approval and submit a certified copy of the approved diagram/general plan to the Municipality within 30 days after the date on which the Surveyor-General has approved the diagram/general plan.

3. Permanent Closure of Erf 8450, Empangeni

Erf 8450, Empangeni, shall be permanently closed in terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, read with Sections 211 and 212 of the KZN Local Authorities Ordinance, 1974.

4. Rezoning

Portion 1 of Erf 8424, Richards Bay, shall be rezoned from "Intermodal Facility" to "Fuel Filling Station".

C. CONDITIONS TO BE MET PRIOR TO DEVELOPMENT AND TRANSFER OF THE LAND DEVELOPMENT AREA

1. Environmental Approval

Prior to installation of services and/or development of the application sites, the developer shall comply with the provisions of the National Environmental Management Act and its Regulations.

2. Provision of Engineering Services

The owner/developer shall, to the satisfaction of the municipality, provide for engineering services in respect of each Erf to be transferred, 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 the conditions. For the purposes of this condition, a "professional engineer" shall mean:-
"a person who is registered as a professional engineer in terms of the Engineering Professions Act, 2000 (No. 46 of 2000) and who possesses cognate experience in the particular branch of engineering applicable to the service under consideration".

a) Specialist Studies

The developer shall undertake the following specialist studies to support the development of Portion 1 and the Remainder of Erf 8424, Empangeni:

i) A Traffic Impact Assessment. The Traffic Impact Assessment shall be submitted to the uMhlathuze Municipality and the Department of Transport for approval;
ii) Geotechnical Assessment;
iii) Detailed Engineering Designs. The location of existing services shall be confirmed prior to development and the Municipality's Green Building Guidelines shall be consulted; and
iv) Detailed Site Development Plan. The Site Development Plan shall be submitted to the uMhlathuze Municipality and the Department of Transport for approval in line with the Department of Transport's letter reference T10/2/2/493/249 dated 27 January 2020; and
v) A Disaster Management Plan, including a Fire Layout as per SANS 10400 for this particular occupancy.

The recommendations of the specialist studies shall be implemented.

b) Water and Sanitation

The developer shall provide a supply of potable water and an efficient and sanitary system for the disposal of sewage and waste water to within the normal connection distance of the boundary of Portion 1 and the Remainder of Erf 8424, Empangeni, in accordance with the standards acceptable to the Municipality.

The application may be subject to payment of bulk engineering contributions and connection fees, in line with Council's Policy and Annual Tariff of Charges.

c) Electricity

The owner shall provide an efficient supply of electricity to within the normal connection distance of the boundary of Portion 1 and the Remainder of Erf 8424, Empangeni, in

accordance with the standards acceptable to the Municipality.

The application may be subject to payment of bulk engineering contributions and connection fees, in line with Council's Policy and Annual Tariff of Charges.

d) Roads and Access:

The owner shall provide adequate roads and all weather vehicular access to/from the application sites, in accordance with the standards acceptable to the Municipality.

The owner's attention is drawn to the conditions imposed by the Head: Transport, Department of Transport relating to roads and access as set in the letter reference T10/2/2/493/249 dated 27 January 2020, which states that:

In terms of Section 10 of the Kwazulu-Natal Provincial Roads Act, Act No. 4 of 2001, and Section 3 of the Roads Regulations, the owner is advised only the existing access point to Main Road 230 will be permitted. No direct access to Main Road 166 will be permitted, and no random access whatsoever to Main Road 230 will be permitted.

e) Stormwater Management

The owner shall provide structures necessary for the control and disposal of stormwater from the application site, in accordance with the standards acceptable to the Municipality.

The owner's attention is drawn to the conditions imposed by the Head: Transport, Department of Transport relating to stormwater management as set in the letter reference T10/2/2/493/249 dated 27 January 2020, which states that:

"The owner's attention is drawn to the relevant stormwater clause contained in Section 12 of the Kwazulu-Natal Provincial Roads Act, Act No. 4 of 2001, and Section 5 of the Roads Regulations, wherein it is advised that the disposal of stormwater emanating from the road reserve through the layout, or any stormwater emanating from the layout through the road reserve. The implementation of stormwater disposal shall be undertaken in consultation with and to the satisfaction of this Department's Cost Centre Manager, Eshowe (Telephone 035 474 2031) during the development of the property concerned."

f) Refuse Removal

Satisfactory arrangements shall be made for the removal and disposal of refuse from the property according to the uMhlathuze Solid Waste Bylaw.

3. Approval of Building Plans

The developer's attention is drawn to the conditions imposed by the Head: Transport, Department of Transport relating to the submission of a Site Development Plan for approval and Building Lines, as set in the letter reference T10/2/2/493/249 dated 27 January 2020, which states that:

"In terms of Section 13 of the Kwazulu-Natal Provincial Roads Act, Act No. 4 of 2001, no

buildings or any structures whatsoever, other than a fence, hedge or wall which does not rise higher than 2,1 meters above or below the surface of the land on which it stands, shall be erected on the land within a distance of 15 meters measured from the expropriated road reserve boundaries of Main Roads 166 and 230.

Service roads and parking, as required in terms of the Municipality's Land Use Scheme, may be positioned within the 15 meter building line but no closer than 7,5 meters measured from the expropriated road reserve boundaries of Main Roads 166 and 230.

The expropriated road reserve boundaries of Main Roads 166 and 230 must be confirmed in consultation with the Department's Road Information Services Component (Tel: 031 355 8600).

AND

Prior to development taking place, 5 copies of detailed and to-scale Site Development Plan showing property boundaries with elevations and sections on all Portions adjacent to Main Roads adhering to the Department's requirements are to be submitted to the Department of Transport for assessment and comment."

The owner/developer shall not commence with development of the land development area until such time as Building Plans have been approved in compliance with the provisions of the National Building Regulations and Building Standards Act, 1977.

Compliance with the following shall *inter alia* be assessed:

- The uMhlathuze Aesthetics Bylaw;
- The uMhlathuze Land Use Scheme;
- The Municipality's Green Building Guidelines;
- The King Cetshwayo District Municipality Environmental Health By-laws;
- R 638 : Regulations governing general hygiene requirements for food premises, the transport of food and related matters;
- The Tobacco Products Control Act 83 of 1993, as amended;
- The uMhlathuze Solid Waste Bylaws;
- The recommendations of any relevant specialist study; and
- Submission of Fire Layout Plans as per SANS 10400 for this particular occupancy.

D. CONDITIONS OF TITLE

Portion 1 and the Remainder of Erf 8424, Empangeni, shall be subject to the following conditions:-

1. Omnibus Servitude for Services

The land shall be subject to a servitude for the provision of storm-water drainage, water supply, irrigation, sewerage, electricity, gas and/or fuel supply, telecommunications, radio and television services, over or under the land, along any boundary thereof, other than a road frontage and within a distance of 2 metres from such side and rear boundaries, subject thereto that the Municipality may, at its sole discretion, relax the servitude following a written application and approval of such relaxation.

Reasonable access shall be provided to such servitude at all times for the purpose of installation, maintenance, removal or extension of such services. The owner of the land shall, without compensation, be obliged to allow the servicing of any other land or street to be conveyed along such servitude. Maintenance shall include cutting, trimming or otherwise dealing with vegetation so as to prevent interference with any service. The right conferred by this condition shall be exercised by the Municipality or any other body or person legally authorised to provide such services for the benefit of the inhabitants of the township.

2. Deposit of Material

The owner of the land shall, without compensation, be obliged to permit such deposit of material or excavation on the land as may, in connection with the formation of any street in the township and owing to differences in level between the land and the street, be deemed necessary by the responsible authority, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the land, unless he/she shall elect, at his own cost, to building a retaining wall.

3. Building Lines (KZN Department of Transport)

In terms of Section 13 of the Kwazulu-Natal Provincial Roads Act, Act No. 4 of 2001, no buildings or any structures whatsoever, other than a fence, hedge or wall which does not rise higher than 2,1 meters above or below the surface of the land on which it stands, shall be erected on the land within a distance of 15 meters measured from the expropriated road reserve boundaries of Main Roads 166 and 230.

Service roads and parking, as required in terms of the Municipality's Land Use Scheme, may be positioned within the 15 meter building line but no closer than 7,5 meters measured from the expropriated road reserve boundaries of Main Roads 166 and 230.

The expropriated road reserve boundaries of Main Roads 166 and 230 must be confirmed in consultation with the Department's Road Information Services Component (Tel: 031 355 8600).

4. Stormwater Management (KZN Department of Transport)

The owner's attention is drawn to the relevant stormwater clause contained in Section 12 of the Kwazulu-Natal Provincial Roads Act, Act No. 4 of 2001, and Section 5 of the Roads Regulations, wherein it is advised that the disposal of stormwater emanating from the road reserve through the layout, or any stormwater emanating from the layout through the road reserve. The implementation of stormwater disposal shall be undertaken in consultation with and to the satisfaction of this Department's Cost Centre Manager, Eshowe (Telephone 035 474 2031) during the development of the property concerned.

5. Access (KZN Department of Transport)

In terms of Section 10 of the Kwazulu-Natal Provincial Roads Act, Act No. 4 of 2001, and Section 3 of the Roads Regulations, the owner is advised only the existing access point to Main Road 230 will be permitted. No direct access to Main Road 166 will be permitted, and

no random access whatsoever to Main Road 230 will be permitted.

E. INSTRUCTIONS AND INFORMATION

1. Selling Prior to Registration of Subdivision/Consolidation

In terms of section 50 of the uMhlathuze Spatial Planning and Land Use Management By-law, an agreement for the alienation of a subdivided or consolidated portion of land that was approved by a Municipality, but for which it has not issued a certificate of compliance with conditions of approval, must contain a clause disclosing –

(a) that the owner has not yet complied with the conditions of approval; and

(b) that the property is not registrable as contemplated in Section 2 of the Alienation of Land Act, 1981 (Act No. 68 of 1981).

2. Effect of change of ownership of land to which a land development application relates

In terms of section 115 of the uMhlathuze Spatial Planning and Land Use Management By-law, if land, which is the subject of a land development application, is transferred to a new owner, the new owner may continue with the application as the legal successor-in-title of the previous owner and the new owner shall be regarded as the applicant for the purposes of this By-law. The new owner must inform the Municipality in writing that he or she wishes to continue, or not, with the application and provide the Municipality with his or her contact details.

8. CONCLUSION

8.1 The motivation clearly sets out the land development application and supports the application by means of various documents.

8.2 Compliance with National, Provincial and Local legislation, policies and guidelines have been addressed.

8.3 The impacts of the land development application are clearly set out in this motivation, and the opinion is offered that impacts could be mitigated.

8.4 The uMhlathuze Municipality is therefore respectfully requested to consider the application submitted in terms of the following provisions of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017:

8.4.1 In terms of Section 27(1)(i), read with the provisions of Sections 211 and 212 of the KZN Local Authorities Ordinance, 1974, for the permanent closure of public place Erf 8450, Empangeni;

8.4.2 In terms of Section 27(1)(e) for the subdivision of Erf 8424, Empangeni, into designated Portion 1 and the Remainder;

8.4.3 In terms of Section 27(1)(a) for the rezoning of Designated Portion 1 of Erf 8424, Empangeni, from "Intermodal Facility" to "Fuel Filling Station"; and

8.4.4 The cancellation of an unregistered building restriction servitude over Erf 8424, Empangeni, as shown on General Plan 1407/1995.

Annexure A - Power of Attorney

CITY OF
uMHLATHUZE
VISION INTO ACTION

5 Mark Strasse Civic Centre
Business District
Private Bag X1004
Richards Bay 3900
E: reg@umhlathuze.gov.za
T: 035 907 5000
F: 035 907 5444/5/6/7
Toll Free No: 0800 222 827

www.umhlathuze.gov.za

Your ref:
Contact:

Our file ref:
In response to DMS No:
Date:

SPECIAL POWER OF ATTORNEY

FROM : UMHLATHUZE MUNICIPALITY

IN RESPECT OF : THE REMAINDER OF ERF 8400, EMPANGENI, AND ERVEN 8424 TO 8436 AND 8450 TO 8452, EMPANGENI, HELD UNDER CERTIFICATE OF REGISTERED TITLE NO. T37193/1995

I, the undersigned

MR. BONGANI VICTOR NZUZA, in my capacity as **ACTING DEPUTY MUNICIPAL MANAGER CORPORATE SERVICES**, and the duly authorised person of the owner of the properties described above, herewith confirm that the City Development Department is authorised by virtue of Council Resolution 11126 of 25 October 2016, read with J.68 of the Municipality's Delegated Powers, to act for and on behalf of the uMhlathuze Municipality, and in its name, place and stead to prepare and submit any documentation relating to an application in terms of Section 27(1) of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, as required to give effect to Council Resolution 13787 of 26 February 2020 and specifically to create a developable site for the Empangeni A-Rank.

I am authorised hereto by virtue of Council Resolution 11126 of 25 October 2016, read with H.2 of the Municipality's Delegated Powers, to sign this Special Power of Attorney.

SIGNED AT RICHARDS BAY ON THIS 11th **DAY OF** March **2020.**

MR B V NZUZA
ACTING DEPUTY MUNICIPAL MANAGER : CORPORATE SERVICES

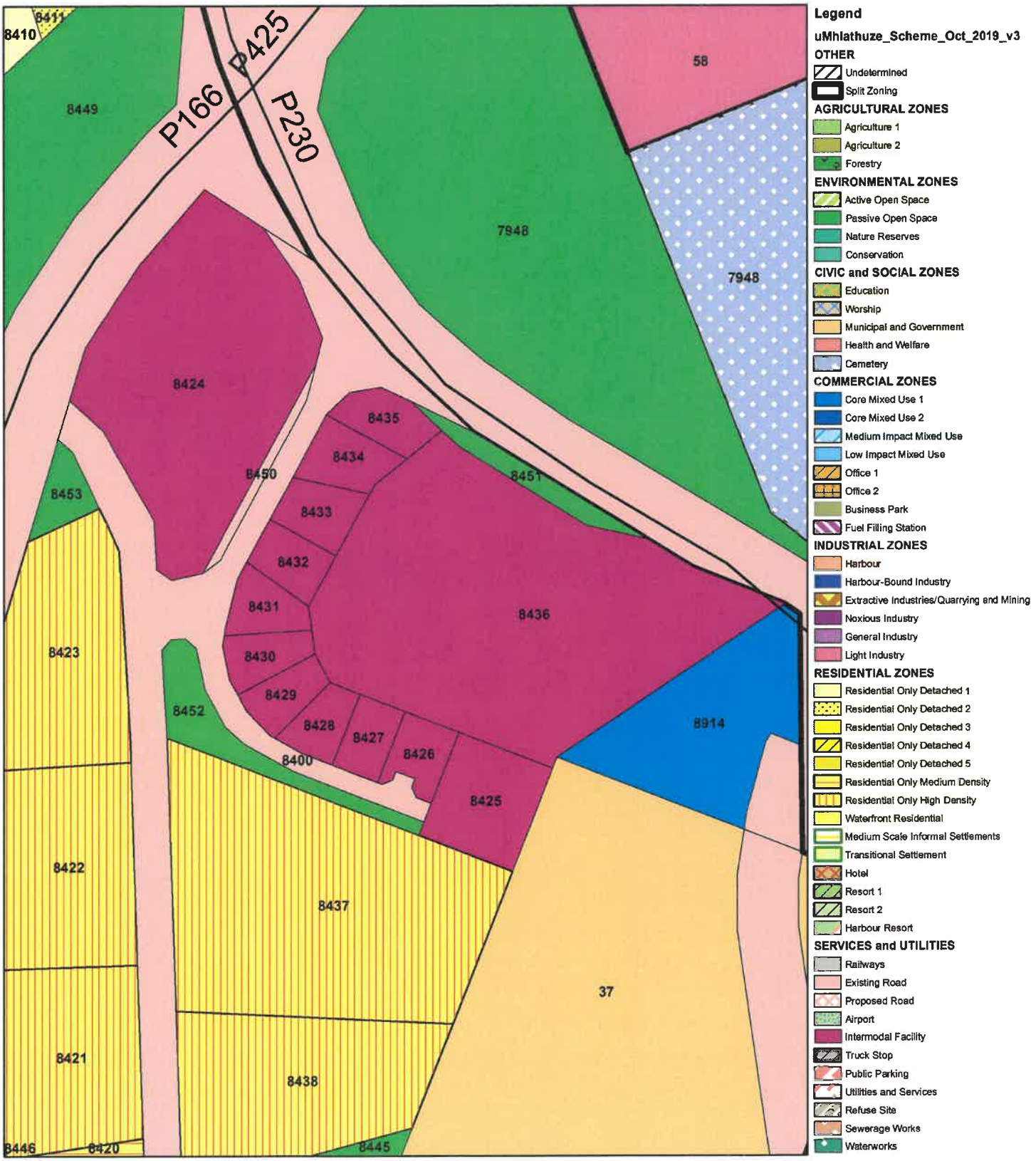
AS WITNESSES :

1. _____

2. _____

Annexure B - Existing Zoning Map

Empangeni A-Rank : Existing Zoning



Annexure C – Existing General Plan

GENERAL PLAN

(CONSISTING OF 2 SHEETS)

OF

EMPANGENI (EXTENSION No. 33)

SITUATE IN THE

BOROUGH OF EMPANGENI

ADMINISTRATIVE DISTRICT AND PROVINCE OF NATAL

SCALE 1 : 1000

Surveyed in April, May, September and December 1993
January, June and October 1994

By me

J. D. FARRELL PLS 0000 PROFESSIONAL LAND SURVEYOR

Surveyed in September and November 1993

By me

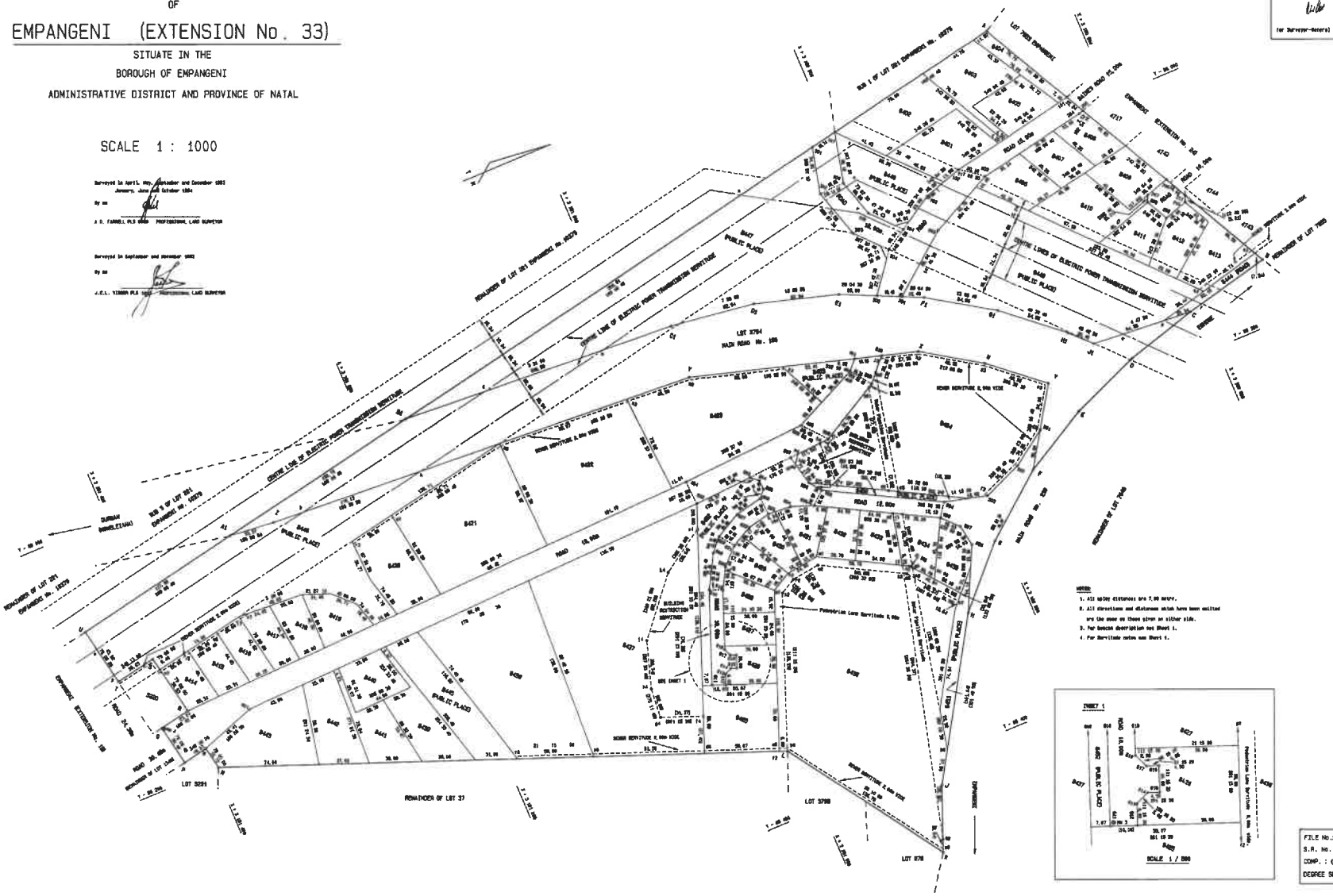
J.E.L. VIMMER PLS 1000 PROFESSIONAL LAND SURVEYOR

S.G. No. 1407/1995

SHEET No. 2 OF 2

Approved

(for Surveyor-General) Date



NOTES:

1. All spider distances are 7.00 metre.
2. All directions and distances which have been omitted are the same as those given on either side.
3. For beacon description see Sheet 1.
4. For Servitude notes see Sheet 1.

FILE No.:	/59
S.R. No.:	481/1995
COMP.:	GUSP - 145, 148 & 149
DEGREE SHEET:	43

SHEETS 2

1407/1995

Annexure D – Title Deed

RAULSTONE - PRETORIUS
Attorneys and Conveyancers
255 Berg Street
PIETERMARITZBURG

Prepared by me:

CONVEYANCER.
PRETORIUS, F.B.

PE/RB
Stamp Duty.....
Reg. R75,00
Serv.....
G/M Bond.....

95 11 22

FOR FURTHER ENDORSEMENTS SEE
VIR VERDERE ENDOSSEMENTE SIEN.....

T 37193/95

CERTIFICATE OF REGISTERED TITLE

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

WHEREAS

EMPANGENI-NGWELEZANE TRANSITIONAL LOCAL COUNCIL

have applied for the issue to it of a Certificate of Registered Title under section forty-three of the Deeds Registries Act, 1937, in respect of the undermentioned land, being portion of the land registered in its name by virtue of Deed of Grant No.12331/1934

NOW, /....

For Information Only

Page 4

BC 33026/95

(4)

Die grond hierin beskryf, is in Lots 8401-8443, 8444 (Road) & Public Places Lots 8445 - 8453 and Roads
The land herein described has been laid out into

uitgelê ooreenkomstig Algemene Plan L.G. No. SG 1407/95
in accordance with General Plan L.G.
~~Deeds Office No. (2274)~~
goedgekeur/opgestel deur die Landmeter-generaal op die 8/03/95
approved/compiled by the Surveyor-General on the

Recorded on Data
~~en ingeskryf in 'n apa-te register~~ onder die
~~and booked in a separate register~~ under the
naam
name of

Emponeni (Ext. 33)

AKTESREGISTRASIEKANTOOR
DEEDS REGISTRY
PIETERMARITZBURG

Registrateur van Aktes
Asst. Registrar of Deeds

95 11 22

ENDORSEMENT ITO Section 3(1)(v) Act 47/37

In terms of Section 14 (~~4~~)(4a) of the Municipal Structures Act (Act 117/1998) the with property now vests in UMHLATHUZE MUNICIPALITY
Certificate filed as T 11557/2001

2004-08-18
DEEDS OFFICE
PIETERMARITZBURG

REGISTRAR OF DEEDS.

For Information Only

NOW, THEREFORE, in pursuance of the provisions of the said Act, I, the REGISTRAR OF DEEDS at PIETERMARITZBURG, do hereby certify that the said :

EMPANGENI-NGWELEZANE TRANSITIONAL LOCAL COUNCIL

its Successors in title or Assigns is the registered owner of :

LOT 8400 EMPANGENI, situate in the Empangeni-Ngwelezane Transitional Local Council Area, Administrative District of Natal, Province of Kwazulu-Natal; 21,3327 (TWENTY ONE comma THREE THREE TWO SEVEN) hectares;

As will appear from Diagram S.G. No. 1406/1995 annexed hereto and held by Deed of Grant No. 12331/1934.

THIS PROPERTY IS HELD :

A. Subject to the terms and conditions of the said Deed of Grant No.12331/1934 as are still in force and applicable, and especially to the following:

1. The grant is made subject to the conditions, upon the trusts and for the purposes setforth and contained in the said Law No. 11 of 1881 (Natal), as amended by Ordinance No. 12 of 1926, (Natal), and to all such duties and regulations as already are or shall in future be established with regard to such lands, and subject, moreover to the following special servitude and reservation:

/...

For Information Only

(a) All authorised roads, thoroughfares, railways, railway stations, telegraphs, telegraph stations, and water-courses, now made or running on the said lands shall remain free and uninterrupted as in their present or past use, and all servitudes and obligations now existing on the land hereby granted or on any of the owners or occupiers of the same contained in the Deeds of Grant, issued prior to the date of this Deed, shall be and the same are hereby confirmed as fully as if the same were herein inserted and set forth.

B. Subject to an Electric Power Transmission Line Servitude in favour of EVKOM of which the lines fba, phg and alrq represent centre lines thereof as more fully set out on diagram S.G.No.1406/1995 with ancillary rights as created in Notarial Deed of Servitude No. 191/1972S.

AND that by virtue of these presents the said

EMPANGENI-NGWELEZANE TRANSITIONAL LOCAL COUNCIL

its Successors in Title 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.

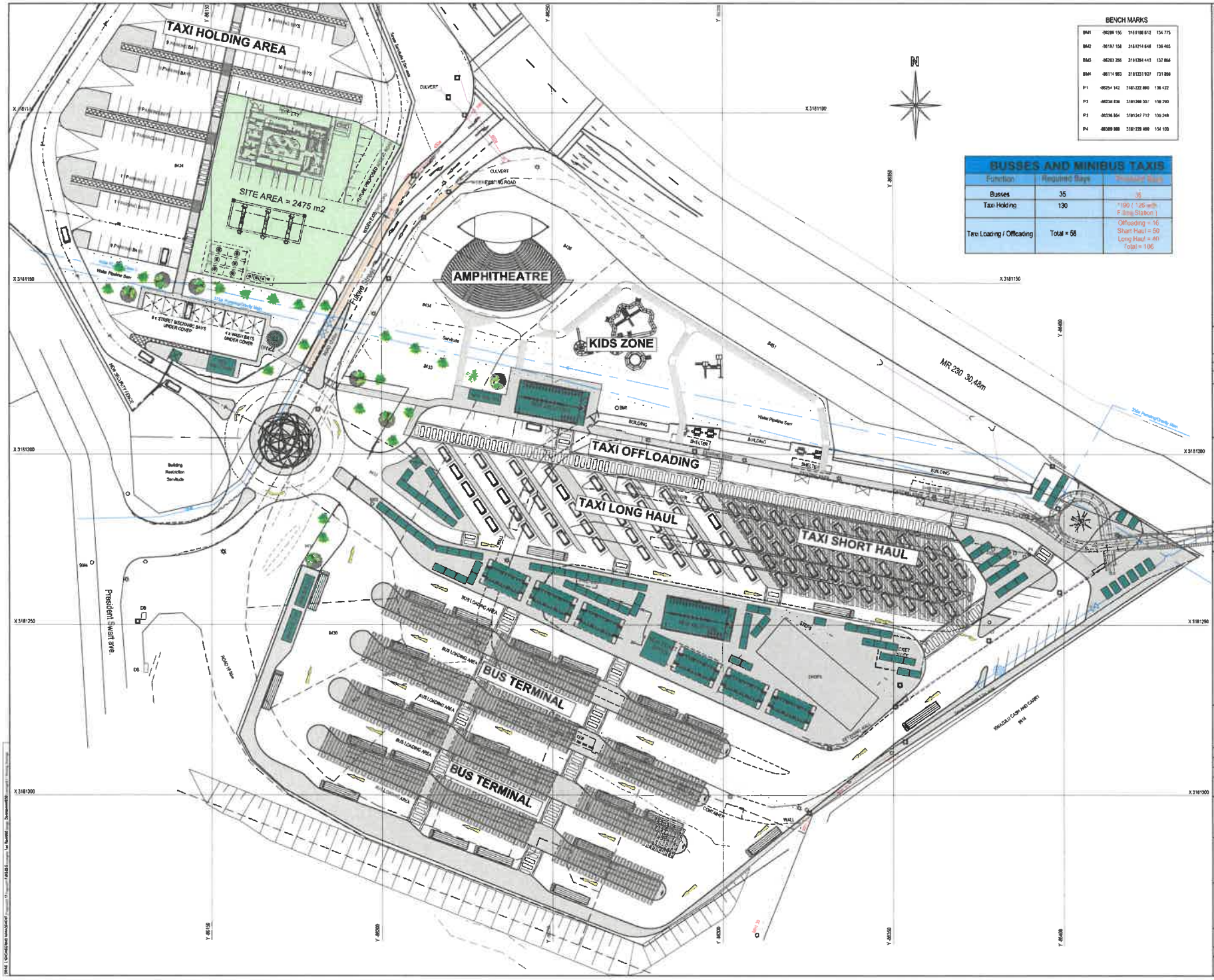
THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at PIETERMARITZBURG, in the Province of Kwazuzu-Natal, on

95 11 22

REGISTRAR OF DEEDS

For Information Only

Annexure E – Draft Masterplan



BENCH MARKS

BM1	-86289.156	3181188.812	134.775
BM2	-86197.158	3181214.648	136.403
BM3	-86203.256	3181284.443	137.866
BM4	-86114.983	3181231.927	131.856
P1	-86254.142	3181222.890	136.422
P2	-86236.938	3181268.007	136.290
P3	-86336.864	3181247.717	136.248
P4	-86389.888	3181228.699	134.103

BUSSES AND MINIBUS TAXIS

Function	Required Bays	Provided Bays
Busses	35	35
Taxi Holding	130	190 (125 with F.Stng Station)
Taxi Loading / Offloading	Total = 58	Offloading = 16 Short Haul = 50 Long Haul = 40 Total = 106

APPROVALS

No	Date	By	Description
A	18-01-2018	HL	FOR DISCUSSION PURPOSES

REVISIONS

AS BUILT DRAWINGS

TECHNICAL CO-ORDINATOR DATE:.....

ENGINEER DATE:.....

CLIENT

uMHLATHUZE

CLIENT APPROVAL

Project leader: Signature: Date:

CLIENT DRAWING NUMBER:

ilifa AFRICA ENGINEERS

ILIFA Africa Engineers (Pty) Ltd

PRETORIA 012- 362 1473
HARRISMITH 058- 622 1267
SASOLBURG 016- 976 0050
VANDERBIJLPARK 016- 981 0981
KRUGERSDORP 011- 955 5324
RICHARDSBAY 035- 753 1063
SECUNDA 017- 634 8885
NEWCASTLE 034- 312 6464

RICHARDS BAY OFFICE, 21 Kingfisher Creek, MEERENSEE, PO Box 16813, Meerensee, 3901.

ASSOCIATED OFFICES:
BRITS ; MTUBATUBA ; NELSPRUIT; DUNDEE

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Designed	J Scallet	Date	Signature
Drawn	H Jooste	Date	Signature
Checked	J Scallet	Date	Signature
Approved: F. du Toit Reg No.: 820287		Date	Signature

PROJECT TITLE

EMPANGENI REGIONAL PUBLIC TRANSPORT FACILITY

PROJECT DESCRIPTION

UPGRADING OF EMPANGENI TRANSPORT FACILITY (A-RANK)

DRAWING TITLE

PROPOSED NEW LAYOUT PLAN OPTION 7B WITH FILLING STATION ON ERF 8424

DATE	SCALE		SHEET NO
JAN 2018	1 : 300	A1	1 OF 1

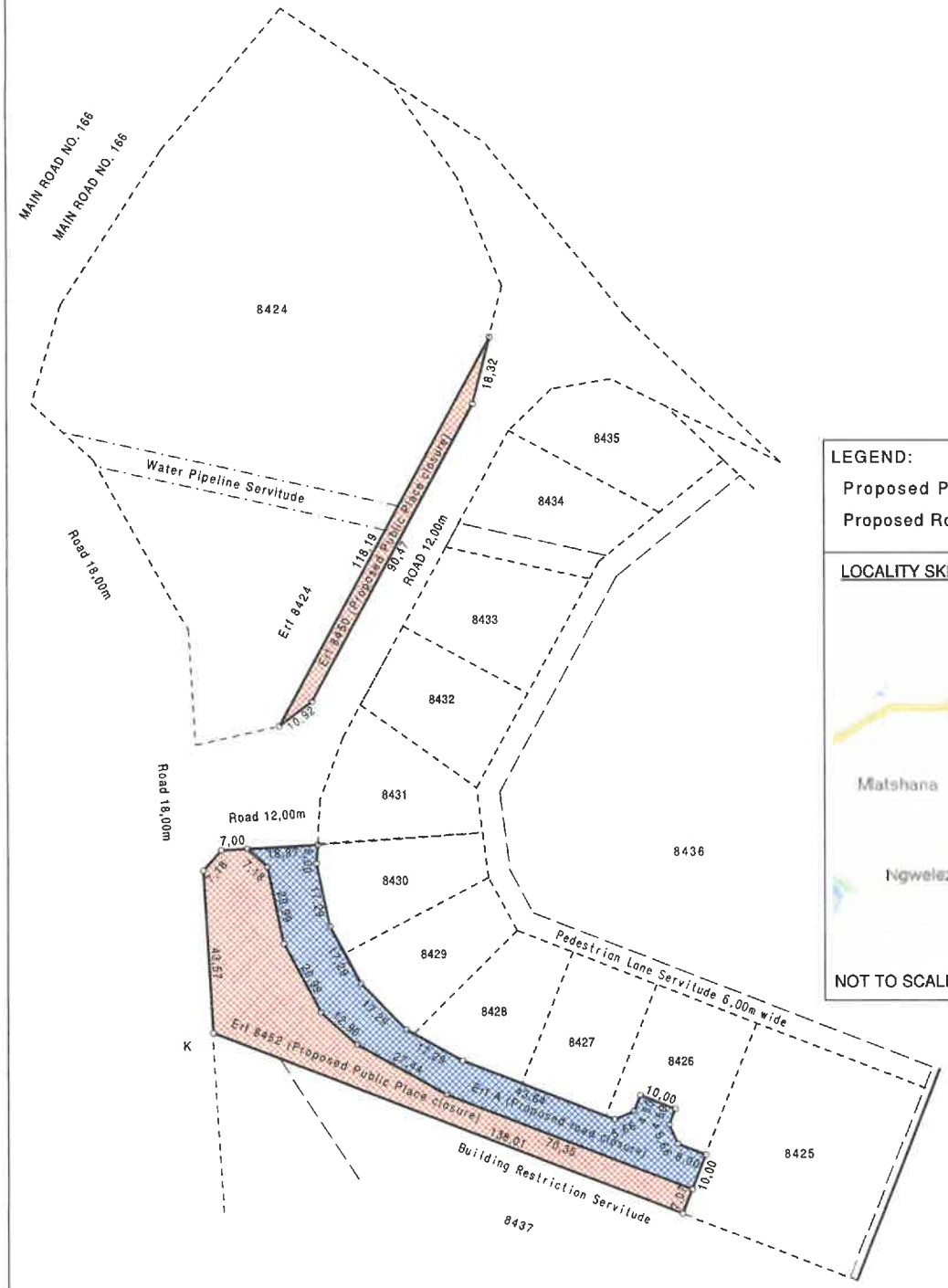
PLAN No.

R17-019-007B-02 — Rev A

Annexure F – Closure Map

PLAN OF
PROPOSED PUBLIC PLACE CLOSURE (ERF 8450 (PUBLIC PLACE), ERF 8452 (PUBLIC PLACE AND PARTIAL ROAD CLOSURE)IN EMPANGENI EXTENSION NO. 33 TOWNSHIP, REGISTRATION DIVISION GU PROVINCE : KWAZULU-NATAL

SCALE: 1: 1 250 (A3 Sheet)



LEGEND:

Proposed Public Place Closure

Proposed Road Closure

LOCALITY SKETCH:

NOT TO SCALE:

NOTES:

1) USAGE : Public Space
2) OWNER : uMhlathuze Municipality
3) TITLE DEED NO : T37193/1995
4) S.G. DIAGRAM : GP SG No 1407/1995
5) The figure Hatched areas represents Erf 8450 (Proposed Public Place closure) in extend of 470 square metres, Erf 2071 (Proposed Public Place closure) in extend of 2071 square metres and the Erf A (Proposed Road closure) in extend of 1792 square metres in the Township of EMPANGENI EXTENSION NO. 33
6) All measurements are calculated from the Surveyor General General plans and subject to final survey.
7) All dimensions are in meters .

LAND SURVEYOR: N. KHATLELI (PLS 1358)

DATE : 20/07/2020

COMPILED AND DRAWN BY:

GLOBAL GEOMATICS PTY LTD
Amorosa Office Estate
C/O Doreen & Lawrence Roads
Roodepoort
T: +27 11 952 6900 | F: +27 11 958 2276

PROJECT No: PN200079

PROJECT No: PN200079

DATE : 20/07/2020

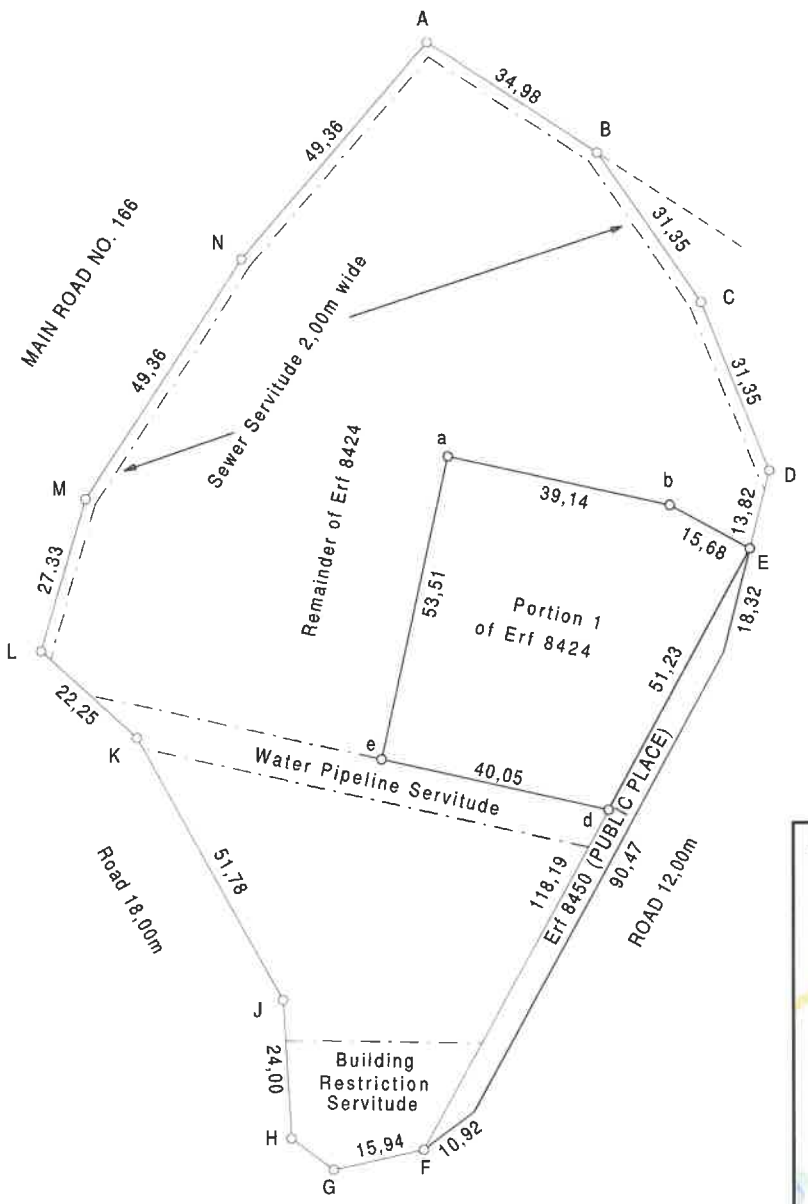
Annexure G – Layout Plan – Erf 8424

SUBDIVISION OF ERF 8424 EMPANGENI INTO PROPOSED PORTION 1 AND THE REMAINDER, EMPANGENI EXTENSION NO. 33

REGISTRATION DIVISION GU

PROVINCE : KWAZULU-NATAL

SCALE: 1: 1 250



T N

NOTES:

1) USAGE : Passive Open Space
2) OWNER : uMhlathuze Municipality
3) TITLE DEED NO : ERF 8424 - T37193/1995
4) S.G. DIAGRAM : GP SG No 1407/1995
5) The figure A,B,C,D,E,F ,G,H, J ,K,L ,M,N represents Erf 8424 in Extent of 1,3785 Ha
6) The figure a, b, E, d, e represents Proposed Portion 1 of Erf 8424 in Extent of 2521 square metres
7) Erf 8450 is to be permanently closed as a Public Place
8) All measurements are approximate and subject to final survey.
9) All dimensions are in meters .

LOCALITY SKETCH:

NOT TO SCALE:

LAND SURVEYOR: N. KHATLELI (PLS 1358)

DATE : 04/08/2020

COMPILED AND DRAWN BY:

GLOBAL GEOMATICS PTY LTD
Amorosa Office Estate
C/O Doreen & Lawrence Roads
Roodepoort
T: +27 11 952 6900 | F: +27 11 958 2276

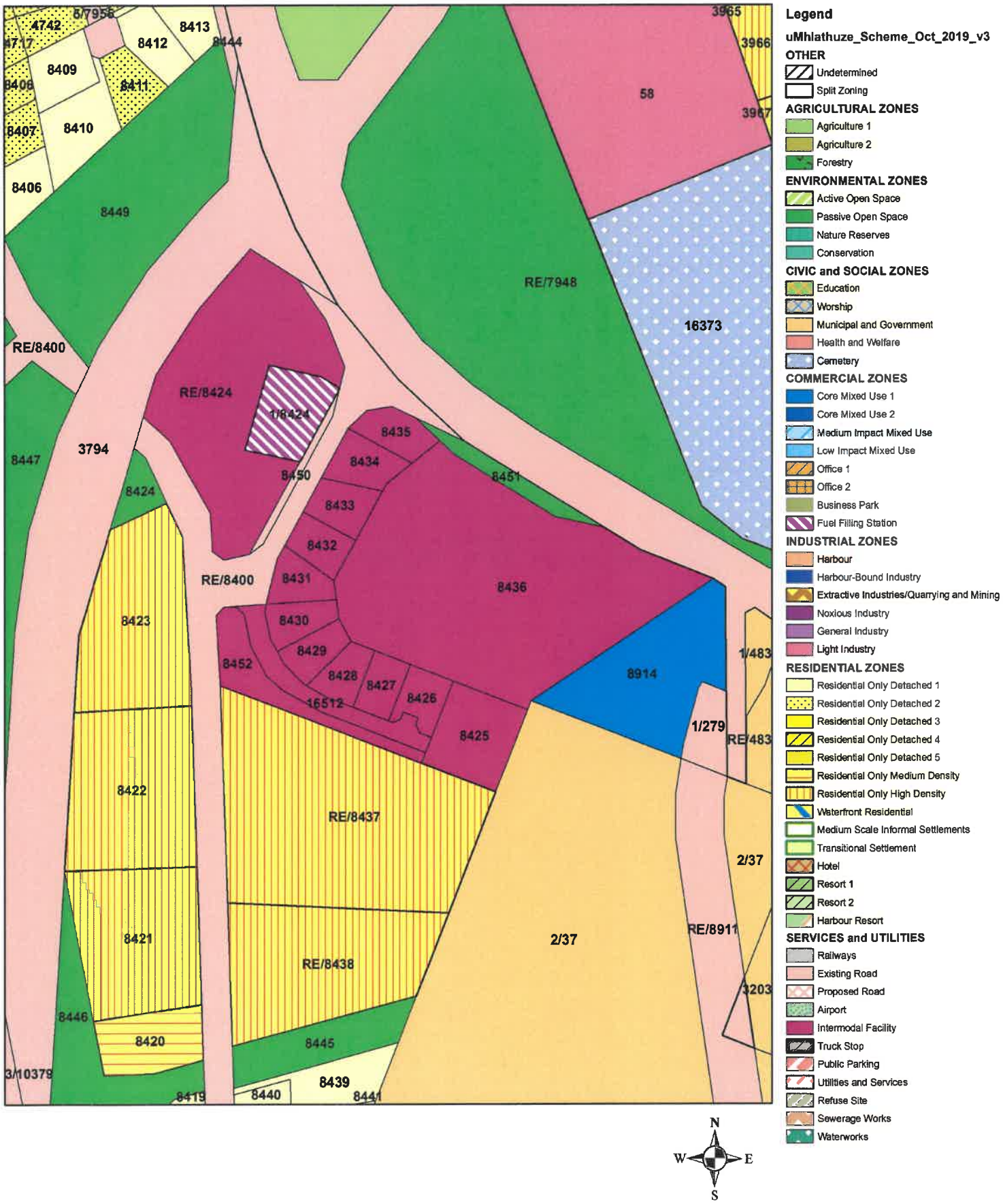
PROJECT No: PN200079

PROJECT No: PN200079-G

DATE : 04/08/2020

Annexure H – Proposed Zoning Map

Empangeni A-Rank : Proposed Zoning



Annexure I – Letter of support Department of Transport

Inkosi Mhlabunzima Maphumulo House
Street Address: 224 Prince Alfred St,
Pietermaritzburg, 3200
Postal Address: Private Bag X9043,
Pietermaritzburg, 3200
Cell: (27)76 981 2831
Email: Gugu.Ndlovu@kzntransport.gov.za

Enquiries: Ms G.P. Ndlovu
Reference: T10/2/2/493/249

transport
Department:
Transport
Province of KwaZulu-Natal

TRANSPORTATION ENGINEERING SUB - DIRECTORATE

uMhlathuze Municipality
5 Mark Strasse Civic Centre
RICHARDS BAY
3900

Your Reference: Erf 8424 and 8436 Emp
Date: 27 January 2020

ATTENTION: MRS THEA JORDAN

Dear Madam,

MAIN ROADS 166, 230 AND 425:

1) **PROPOSED PERMANTENT CLOSURE OF PUBLIC OPEN SPACE SITUATE ON ERVEN 8450 AND 8452 EMPANGENI AND ROADS SITUATE ON A PORTION OF REMAINDER OF ERF 8400 EMPANGENI; AND**

2) **PROPOSED CONSOLIDATION, REZONING OF ERVEN 8436, 8425 – 8435, A PORTION OF THE REMAINDER OF ERF 8400 AND ERF 8452 TO CREATE ONE ERF ZONED "INTERMODAL FACILITY"; AND**

3) **PROPOSED RELEVANT SUBDIVISIONS OF ERVEN TO CREATE A WIDER ROAD RESERVE AND ROUNDABOUT IN FUKWE STREET ZONED "EXISTIN PUBLIC ROAD";**

4) **PROPOSED SUBDIVISION AND REZONING OF ERF 8424 EMPANGENI TO CREATE A TAXI HOLDING AREA ZONED "INTERMODAL FACILITY" AND AN ERF ZONED "SERVICE STATION"; AND**

5) **PROPOSED REMOVAL OF RESTRICTIONS FROM THE RELEVANT TITLE DEEDS:**

SITUATED IN THE UMHLATHUZE LOCAL MUNICIPALITY: SITUATE IN THE ADMINISTRATIVE DISTRICT PROVINCE OF KWAZULU-NATAL

1.1 This Department wishes to apologise for the delay in our response. The delay on responding and any inconvenience caused is sincerely regretted.

1.2 With reference to your letter dated 6 September 2019, in connection with the abovementioned proposed **PERMANTENT CLOSURE OF PUBLIC OPEN SPACE, CONSOLIDATION, SUBDIVISION, REZONING AND DEVELOPMENT**, I have to inform you that the Minister as the Controlling Authority as defined in the Kwazulu-Natal Roads Act No. 4 of 2001, has in terms of sections 20 and 21 of the said Act, no objection to the proposal as represented on the accompanying Draft layout Plan No. R17-019-007B-02 dated Jan 2019. However, in terms of section 21 of the said Act, a detailed **TRAFFIC IMPACT ASSESSMENT** (TIA) of the proposed operations is to be submitted to this Department for assessment and comment.

2. The proposed **PERMANTENT CLOSURE OF PUBLIC OPEN SPACE, CONSOLIDATION, SUBDIVISION AND REZONING** may proceed in terms of the Spatial Planning and Land Use Management Act No 16 of 2013 read with the uMhlathuze Municipality Planning and Land Use Management By-law 2016.

3. **PLEASE NOTE: Prior** to any development taking place, **5 copies of detailed to-scale site development plan showing property boundaries with elevations and sections** on all Portions adjacent to Main Roads adhering to the following requirements are to be submitted to this Department for assessment and comment.

4. The planning of the proposed **DEVELOPMENT** may also proceed in terms of the Spatial Planning and Land Use Management Act No 16 of 2013 read with chapter 4 of the uMhlathuze Municipality Spatial Planning and Land Use Management By-laws.

4.1 It is however advised in the road planning of the proposed Development cognisance of Road Infrastructure Strategic Framework for South Africa (RISFSA) and TRH 26 the South African Road Classification and Access Management Manual (RCAM), must be observed.

4.2 As mentioned in our letter dated 4 June 2018, the Road Infrastructure Strategic Framework for South Africa (RISFSA), that has been adopted at a National Level is the blueprint for the planning and development of the road infrastructure. Chapter 3 of the RISFSA details, is a functional road classification system that is to be adopted and implemented by all road authorities in the country.

4.3 The TRH 26 being the South African Road Classification and Access Management Manual (RCAM), is the official requirement for the road classification and access management of the South African Road Network. It provides guidance to National, Provincial and Municipal spheres of government on the functional classification of roads and methodology according to which such classification must be undertaken. It also gives guidance to how the roads must be arranged in order to function effectively in accordance with their classification. The manual builds and expands on the system of the Road Infrastructure Strategic Framework for South Africa (RISFSA).

4.4 The provincial roads affected in the application are Main Roads 166, 230 and 425. The Main Roads have expropriated road reserve width of a minimum of 40 meters, measured 20 meters on either side of the constructed road centreline. In terms of RISFSA their classification is determined as follows:

Main Road 166 - RISFSA Class 2 and RCAM R2, a rural major arterial/highway.
Main Road 230 - RISFSA Class 1 and RCAM R1, a rural principal arterial/freeway.
Main Road 425 - RISFSA Class 2 and RCAM R2, a rural major arterial/highway.

5.1 The applicant is reminded, in terms of section 13 of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001, no buildings or any structures whatsoever, other than a fence, hedge or a wall which does not rise higher than 2,1 meters above or below the surface of the land on which it stands, shall be erected on the land within a distance of 15 meters measured from the expropriated road reserve boundaries of Main Roads 166 and 230.

5.2 Service roads and parking as required in terms of the Town Planning Scheme may be positioned within the 15 meters building line but no closer than 7,5 meters measured from the expropriated road reserve boundaries of Main Roads 166 and 230. The expropriated road reserve boundaries of Main Roads 166 and 230 must be confirmed in consultation with this Departments Road Information Services Component (Tel: 031-355 8600).

5.3 The owner/s attention is drawn to the relevant stormwater clause contained in section 12 of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001 and section 5 of the Roads Regulations, wherein it is advised that the disposal of stormwater emanating from the road reserve through the layout, or any stormwater emanating from the layout through the road reserve. The implementation of stormwater disposal shall be undertaken in consultation with and to the satisfaction of this

Departments Cost Centre Manager, Eshowe (Telephone: 035-4742031) during the development of the property concerned.

6.1 In terms of section 10 of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001 and Section 3 of the Regulations, the owner/s is advised only the existing access point to Main Road 230 will be permitted. No direct access to Main Road 166 will be permitted; and no random access whatsoever to Main Road 230 will be permitted.

6.2 The TIA is to address the upgrade of the intersection of Main Road 230 with Fukwe Street, the movement of vehicles in & out of the access point to the proposed Service Station site, as well as any other road improvements. The distance of the access point Service Station site and the traffic circle/roundabout from the intersection is a concern, with stacking of vehicles, etc. Depending on the TIA this Department shall assess and determine the standard of the upgrade of Main Road 230 access point, etc.

6.3 It is also advised that in term of section 10 (2) (d) of the said Roads Act, this Department reserves the right to amend or cancel the authorization of access or service road.

7. Adequate parking facilities must be provided within the property itself.

8. All costs incurred as a result of these requirements shall be borne entirely by the developer.

9. Accordingly, upon receipt of a Traffic Impact Assessment and finalised layout plan, this Department shall assess and comment further.

10. In terms of section 22 of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001 this approval is granted for a period of 18 months. Any amendment, rescission or lapsing of this application the application must be resubmitted to this Department for re-consideration.

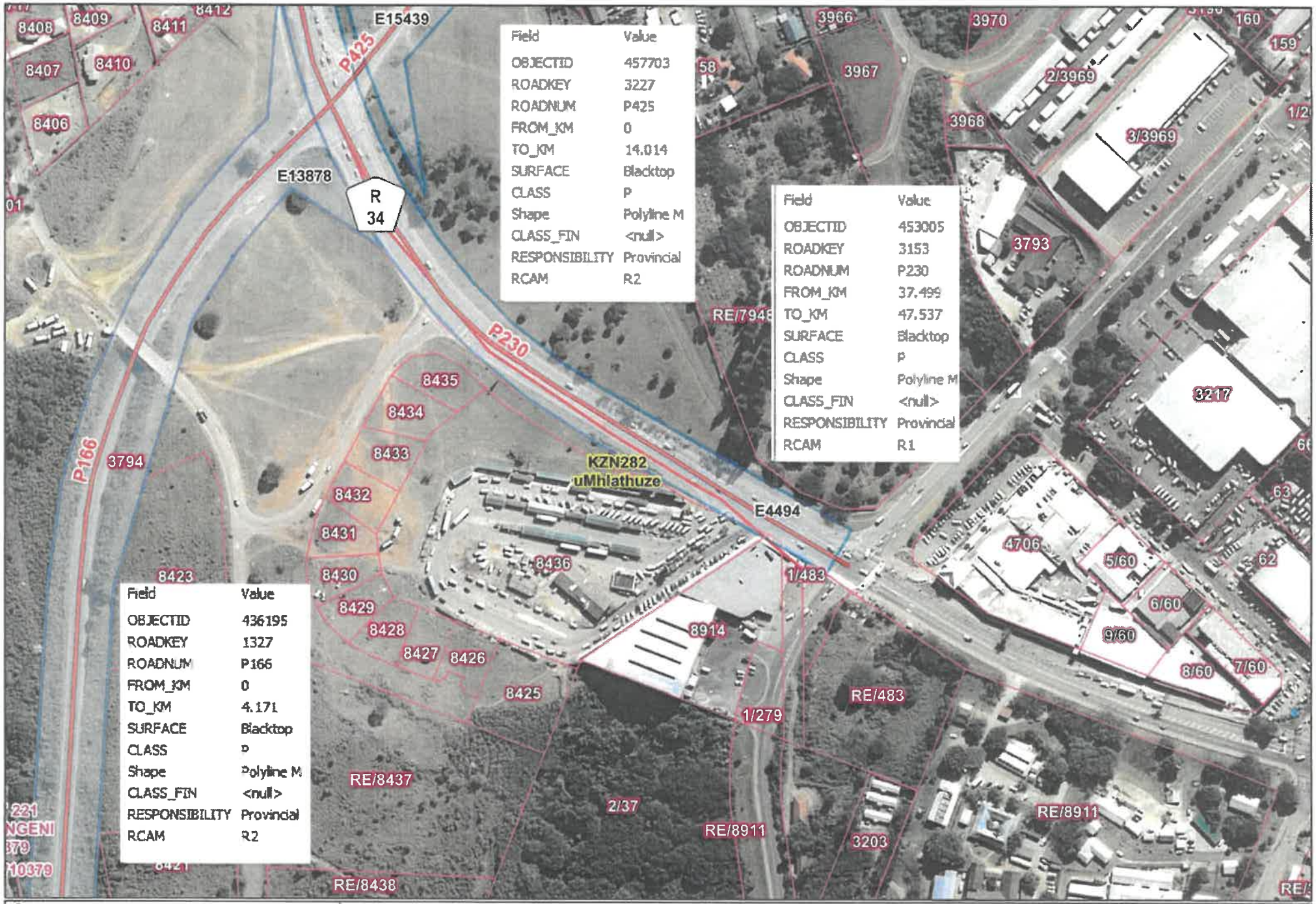
11. This correspondence does not grant authorization or exemption from compliance with any other relevant and applicable legislation.

Yours faithfully,

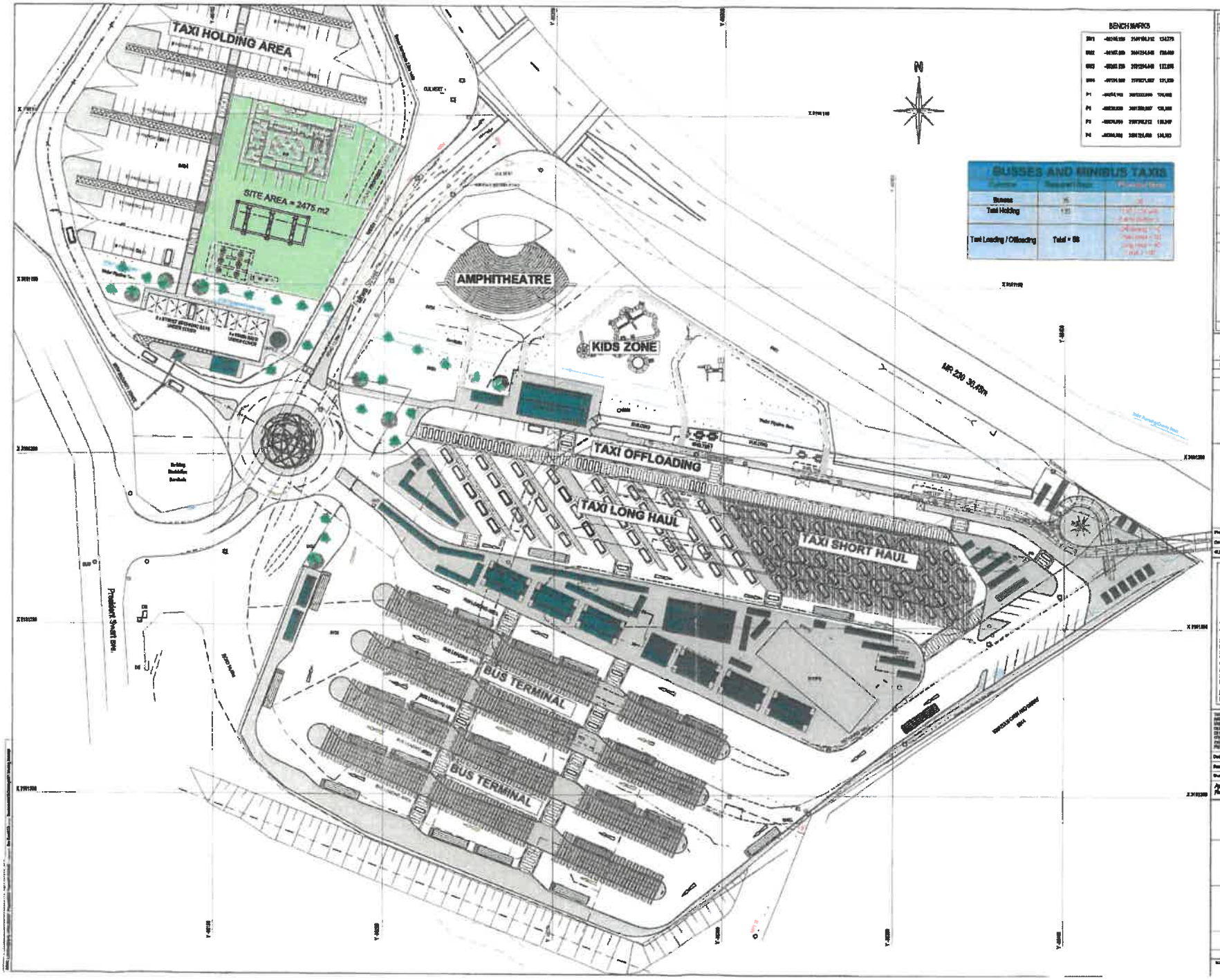
f HEAD: TRANSPORT

GPN/mds
Rlbdev.2020.Emp_DC28_Dev_001

CC. Regional Manager: Empangeni
Cost Centre Manager: Eshowe



*PLEASE NOTE: E PLANS SHOWN ARE JUST A GUIDE SEE ORIGINAL



APPROVALS

REVISIONS

AS BUILT DRAWINGS

TECHNICAL CO-ORDINATOR

DATE

ENGINEER

DATE

CLIENT

uMHLATHUZE

ilifa AFRICA ENGINEERS

ILIFA Africa Engineers (Pty) Ltd

PRETORIA 012-362 1423
HARRISMITH 058-622 0307
BARBERTON 013-712 2300
VANDERBIJLPARK 016-931 3001
WOODSTOCK 011-582 5300
RICHARDSBAY 035-753 1403
BRITSTOWN 072-804 3005
NEWCASTLE 034-312 3000

INCORPORATED BY OFFICE
21 Bergstreet Street
Brandwag
PO Box 10001
Bloemfontein, 9301

ASSOCIATED OFFICES:
SWITZERLAND : ROLLIPRUT, BUNDEL

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Designed: J.Swart
Drawn: H.Smith
Checked: J.Swart
Approved: F. du Toit
Reg No.: 830287

PROJECT TITLE

EMPANGENI REGIONAL PUBLIC TRANSPORT FACILITY

PROJECT DESCRIPTION

UPGRADING OF EMPANGENI TRANSPORT FACILITY (A-RANK)

DRAWING TITLE

PROPOSED NEW LAYOUT PLAN OPTION 7B WITH FILLING STATION ON ERF 8424

DWG SIZE	SCALE		SHEET NO
	1:500	A1	1 OF 1

PLAN No.

R17-819-007B-02

Rev A

Annexure J – Letter from the RLCC

COMMISSION ON RESTITUTION OF
LAND RIGHTS

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU-NATAL
139 Langalibalele Street, PIETERMARITZBURG, 3200, Private Bag X 9120, PIETERMARITZBURG, 3200
Tel: (033) 341 2600 | Fax: (033) 342 2881

Your Ref:

Enquiries: Lynn Boucher

City of Umhlathuze
Private Bag X1004
RICHARDS BAY
3900

Dear Sir/Madam

REQUEST INFORMATION ON PROPERTY: LAND CLAIM

We acknowledge receipt of your enquiry received on 6 September 2019 and advise that our records indicate that no claims for restitution in terms of the provisions of the Restitution of Land Rights Act, 22 of 1994 (as amended) have been lodged in respect of the property described as:

1. **The Remainder of Erf 8400 Empangeni;**
2. **Erven 8424 to 8436 Empangeni; and**
3. **Erven 8450, 8451 and 8452 Empangeni.**

Whilst great care is taken to verify the accuracy of the information regarding all claims, the Regional Land Claims Commission will not be held responsible for any damage or loss suffered as a result of information furnished in this regard as there are claims lodged with the Commission which are not yet captured in our database as they are not yet published in the relevant government gazette.

Regards

MR N. MDLULI
MANAGER: INFORMATION AND RECORDS MANAGEMENT
DATE: 13 September 2019