

APPLICATION IN TERMS OF SECTION 27(1)(a) AND (e) OF THE UMHLATHUZE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2017 (AS AMENDED) FOR:

- 1. THE SUBDIVISION OF THE REMAINDER OF ERF 11111, RICHARDS BAY, UMHLATHUZE MUNICIPALITY, TO CREATE DESIGNATED PORTION 2 OF THE REMAINDER OF ERF 11111, RICHARDS BAY, WITH THE SIMULTANEOUS EXCISION OF THE CREATED PORTION OUT OF THE SECTIONAL TITLE REGISTER (NAME OF SCHEME: LOGBRO CENTRE; AND SECTIONAL PLAN NUMBER: D777/2008) TO THE CONVENTIONAL REGISTER; AND**
- 2. THE REZONING OF CREATED DESIGNATED PORTION 2 OF THE REMAINDER OF ERF 11111, RICHARDS BAY FROM “CORE MIXED USE 1” TO “RESIDENTIAL ONLY HIGH DENSITY”.**

Prepared on: May 2025

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|--|---|
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APPLICATION MOTIVATION

APPLICATION IN TERMS OF SECTION 27(1)(a) AND (e) OF THE UMHLATHUZE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2017 (AS AMENDED) FOR:

- 1. THE SUBDIVISION OF THE REMAINDER OF ERF 11111, RICHARDS BAY, UMHLATHUZE MUNICIPALITY, TO CREATE DESIGNATED PORTION 2 OF THE REMAINDER OF ERF 11111, RICHARDS BAY, WITH THE SIMULTANEOUS EXCISION OF THE CREATED PORTION OUT OF THE SECTIONAL TITLE REGISTER (NAME OF SCHEME: LOGBRO CENTRE; AND SECTIONAL PLAN NUMBER: D777/2008) TO THE CONVENTIONAL REGISTER; AND**
- 2. THE REZONING OF CREATED DESIGNATED PORTION 2 OF THE REMAINDER OF ERF 11111, RICHARDS BAY FROM “CORE MIXED USE 1” TO “RESIDENTIAL ONLY HIGH DENSITY”.**

1 The Proposal and the Decision sought from the Municipality

The uMhlathuze Municipality Approval Authority is requested to consider and approve the:

- 1) The Subdivision, in terms of Section 27(1)(e) of the uMhlathuze Spatial Planning and Land Use Management (hereafter referred to as “SPLUM”) Bylaw, of the Remainder of Erf 11111, Richards Bay, uMhlathuze Municipality (hereafter referred to as “the site”), to create designated Portion 2 of the Remainder of Erf 11111, Richards Bay, with the simultaneous excision of the created Portion out of the Sectional Title Register (Name of Scheme: Logbro Centre; and Sectional Plan Number: S.G. D777/2008) to the Conventional Register; and
- 2) The Rezoning, in terms of Section 27(1)(a) of the uMhlathuze SPLUM Bylaw, of created designated Portion 2 of the Remainder of Erf 11111, Richards Bay from “Core Mixed Use 1” to “Residential Only High Density”.

2 The Applicant

2.1 Power of Attorney

This Application is submitted in terms of the uMhlathuze SPLUM Bylaw by Inhloso Planning CC acting on behalf of the land owner, LOGBRO PROPERTIES CC (Reg. No: 1990/032204/23), who has consented to this application being made *via* a Power of Attorney, dated 22 July 2024 (see Appendix 1 for the Power of Attorney and the Company Registration Details).

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3 The Application Site

3.1 Locality of the Application site

The locality of the site is shown in red on the image below:



The site is located within the Brackenham suburb of Richards Bay and is situated in the suburb's nodal area. The site is bounded by Via Fibrosa Street on its northern boundary and Bugula Street on its southern boundary. Access to the site is off Via Davallia Street which serves commercial development on the site's eastern quadrant.

Access to the proposed residential development on proposed Portion 2 of Erf 11111, Richards Bay, will be off Bugula Street only.

3.2 Existing Development, Land Use and Zoning

3.2.1 Existing Development

The eastern quadrant of the site has been developed for commercial purposes, whilst the remainder of the site is vacant.

3.2.2 Existing Land Uses

Existing Land Uses (see existing Land Uses Map at Appendix 2) in the surrounding area of the site are:

| Locality in Relation to the Application Site | Land Use/s |
|--|------------|
| To the west of the site | Flats |

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| Locality in Relation to the Application Site | Land Use/s |
|--|--|
| | Open Space |
| To the north-east of the site | Fuel Filling Station |
| To the east of the site, opposite Via Davillia Street | School Mun / Government |
| To the south of the site, opposite Bugula Street | Dwelling Houses |
| To the north and north-west of the site, opposite Via Fibrosa Street | Sport Facilities Worship Dwelling Houses Vacant Erven |

The site is located in the only nodal area in the Brackenham suburb and it must be noted that all the erven to the south the site is being used for higher density residential development.

3.2.3 Existing Zoning



The site is currently zoned “Core Mixed Use 1” (see existing Land Use Zonings Map at Appendix 3).

The zoning table and the controls table, as extracted from the uMhlathuze Land Use Scheme Regulations for “Core Mixed Use 1” is provided overleaf:

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| 5.4 ZONE CATEGORY: MIXED USE | | |
|--|--|---|
| 5.4.1 ZONE: CORE MIXED USE | | |
| STATEMENT OF INTENT: This is a zone intended to provide for the use of retail, personal services, entertainment, offices, residential, public facilities and related commercial uses at high intensities that normally comprise a town centre and activity corridor. | | See Legend Below |
| PERMITTED USES | CONSENT USES | PROHIBITED USES |
| <ul style="list-style-type: none"> • Automotive Showroom • Commercial Workshop • General Showroom • **Hotel • Informal Trade Area • Municipal Purposes • Office - General • Office - Professional • Parking Erf / Parkade • Place of Amusement • Place of Assembly • Place of Worship • Private Recreational Use • Public Office • Recreational Building • Residential Building (except on ground floor) • *Rooftop Telecommunication Infrastructure • Service Workshop • Shop – Factory • Shop – General • Shop – Wholesale | <ul style="list-style-type: none"> • Carwash Facility • Educational Building • *Freestanding Telecommunication Infrastructure • Funeral Parlour • Gambling Premises • Industry – Light • Industry – Service • Institution • Night Club / Bar /Tavern • Special Use • Utilities Facility | Buildings and land uses not included in columns 1 to 2. |
| ADDITIONAL CONTROLS | | |
| <ul style="list-style-type: none"> • For provisions relating to parking and loading refer to Clause 6 and 6.3 • *All telecommunication infrastructure are subject to submission of Building plans for municipal approval. • Council reserves the right to require the installation and maintenance of grease traps and measures to control water spray and run-off. • **No Hotel may be erected on a site of less than 3600m² in extent. • Service workshops as an ancillary use to Automotive Showrooms in commercial areas shall be limited to servicing and maintenance of vehicles of a minor nature. Servicing, maintenance, washing and cleaning of vehicles shall in no way cause a nuisance or detract from the character of a commercial area; • Screen walls of such height, extent, materials, design and position as may be determined by Council shall be erected as and when required in order to totally screen all service workshop, storage areas and yards from outside view to be in accordance with the uMhlathuze Aesthetic bylaw; • In terms of surfaces and drainage, Car Wash Facilities shall be to be satisfactory of Council. | | |

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| <ul style="list-style-type: none"> Sites for funeral undertakers shall comply with Council's Funeral Undertakers Bylaws. <p>The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Commercial Buildings and the sites thereof within the area of the Scheme. For the purpose of this Clause, a <i>Commercial Building</i> shall mean a building containing any one or more of the buildings defined in this scheme as arcade, mall, shop, office building, launderette, commercial workshop, service workshop and/or automotive showroom:</p> <ul style="list-style-type: none"> Separate utility areas for the loading / offloading of foodstuffs and the storage of waste products shall be provided to avoid cross-contamination. Where internal parking areas are provided, no direct pedestrian access between parking areas and individual shops shall be permitted, but such access may be given from arcades linking the parking area with the shopping street. Any Arcade and/or Mall, forming part of a Commercial Building or the site thereof shall have an unobstructed width of not less than 7,0 metres and shall be sited, designed, developed and maintained to the Satisfaction of the Council; The Council may, under exceptional circumstances herein specified, authorise the development of an Arcade and/or Mall with an unobstructed width of not less than 4,0 metres. In considering an application for such authorisation, the Council shall have due regard to any possible detrimental effect on adjoining Buildings, Erven or Sites and the amenity of the neighbourhood; and (Kiosk may be permitted). Where an Erf is subdivided or consolidated and remain within the Core Mixed Use Land Use Zones, it shall fall on the next or appropriate Core Mixed Use Category without a rezoning application and applicable fees. | | | | | | | | | |
|--|---|---|-------------------|------------------|----------------|--|--------|----------|------|
| DEVELOPMENT CONTROLS | | | | | | | | | |
| ZONE | KEY | MINIMUM ERF SIZE | UNITS PER HECTARE | FRONTAGE (WIDTH) | BUILDING LINES | | HEIGHT | COVERAGE | FAR |
| | | | | | STREET | SIDE & REAR | | | |
| CMU 1 |  | 2001m ² and more | N/A | N/A | 0m | 0m on groundfloor: 4,5m or 1,5m per storey whichever is greater for residential building and hotel above ground floor. | UR | 100% | 3,00 |
| CMU 2 |  | 1000m ² but 2000m ² | N/A | N/A | 0m | | UR | 100% | 2,00 |

As can be seen from the above tables, a "Residential Building" (including on the ground floor) land use is a prohibited land use on "Core Mixed Use 1" zoned erven.

Existing Zones surrounding and in close proximity to the site include the following (see existing Land Use Zonings Map at Appendix 3):

| Locality in Relation to the Application Site | Zoning |
|---|--|
| Adjacent to the site and to the north-east | Fuel Filling Station |
| Adjacent and to the west of the site | Passive Open Space |
| Further to the west of the site | Residential Only High Density |
| To the north of the site, opposite Via Fibrosa Street | Education Passive Open Space |
| To the east of the site, opposite Davallia Street | Education Municipal and Government |
| To the south of the site, opposite Bugula Street | Residential Only Detached 1 Residential Only Detached 2 |

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It is motivated that the proposed subdivision of the site and the rezoning of Portion 2 of Erf 11111, Richards Bay, to “Residential Only High Density”, fits in well with the existing land use zones (and land uses) in its surrounds. Most notably, there are already substantial “Residential Only High Density” developments to the west of the site. In addition, there are two “Education” zoned sites (schools) in very close proximity to the site. It is motivated that it is very normal to find higher density residential developments in close proximity to schools.

3.3 Title Deed and General Plan Information

| The Property | Extent | Landowner | Zoning | Current Land Use | Proposed Land Use | Sectional Plan Number |
|---|-----------|--|--------------------|---------------------|----------------------------------|--|
| Remainder of Erf 11111, Richards Bay (See General Plan attached at Appendix 4 and Sectional Plan S.G. D777/2008 attached at Appendix 5) | 1.0262 ha | LOGBRO PROPERTIES CC (Reg. No: 1990/032204/23) | “Core Mixed Use 1” | Commercial & Vacant | Commercial Residential Buildings | S.G. D777/2008 (see Schedule 11(3)(b) of Sectional Title Act, 1986, for Sectional Plan No S.G. D777/2008 attached at Appendix 6) |

It must be noted that the site forms part of a Sectional Title Scheme (Logbro Centre; Sectional Plan Number: S.G. D777/2008) and has thus been removed from the Conventional Register. Part of this application is to, together with the proposed subdivision, excise Portion 2 of the Remainder of Erf 11111, Richards Bay, from the Sectional Title Register back to the Conventional Register.

The table below provides a summary of the Conditions of Title as contained in Schedule 11(3)(b) of Sectional Title Act, 1986, for Sectional Plan No S.G. D777/2008 (see attached at Appendix 6):

| CONDITION | RESTRICTIONS |
|-----------|--|
| 1. | 2m wide Omnibus servitude in favour of the uMhlathuze Municipality for the provisioning of services. |
| Comment: | This application will not have an impact on this restrictive condition. The condition will remain in place. |
| 2 | Reservation of the developer’s rights to develop or subdivide common property as reflected in the Sectional Title Plan |
| Comment: | The developer is exercising his right to subdivide a portion off the sectional title plan as is evident from this application. The condition will remain in place. |

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4.3 The Proposed Development

The proposed development of proposed Portion 2 of Erf 11111, Richards Bay, as depicted on the Site Development Plan attached at Appendix 8, will consist of:

- 3 x blocks of 3-storey residential buildings accommodating 72 residential units (flats) in total, as follows:
 - Block A = 24 flats;
 - Block B = 24 flats; and
 - Block C = 24 flats;
- Under-cover walkways;
- 2 draying yards;
- A Refuse Bin Area; and
- 108 x parking bays.

Access is proposed to be *via* Bugula Street only.

4.4 Proposed Zoning

As indicated previously, it is proposed to rezone proposed Portion 2 of Erf 11111, Richards Bay, from “Core Mixed Use 1” to “Residential Only High Density” (see proposed Zoning Map at Appendix 9) in order to allow for the Residential Buildings land use on the site.

The zoning table and the controls table, as extracted from the uMhlathuze Land Use Scheme Regulations for “Residential Only High Density” is provided below:

| 5.7.4 ZONE: RESIDENTIAL ONLY HIGH DENSITY | | |
|--|---|--|
| STATEMENT OF INTENT: This zone is intended to promote the development of multi-unit residential units for a wide range of residential accommodation at a high density, together with a mix of activities to cater for broader community needs. | | |
| PERMITTED USES | CONSENT USES | PROHIBITED USES |
| <ul style="list-style-type: none"> • Residential - Medium Density • **Home Activity • ***Shop-General • Lodge • *Residential Building • Residential - Dwelling House • Daycare Facility (limited to 6 children) | <ul style="list-style-type: none"> • ****Home Business • *****Institution • ***** Hotel • Place of Amusement • Place of Assembly (which forms part of a hotel) • Chalet Development | Buildings and land uses not included in Columns 1 and 2. |

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ADDITIONAL CONTROLS

- *Residential Building will exclude a Hotel with Liquor License outside the Central Area. Residential Building for student housing must comply with Policy on the Minimum Norms and Standards for Student Housing at Public Universities (Government Gazette No. 39238)
- For provisions relating to parking and loading refer to Clause 6 and Clause 6.3;
- For provision relating to the use of land refer to Clause 5.8
- **Home Activity (Refer to Clause 4.3.1.3.1)
- ***Shop-General (limited to Launderette for use by residents only)
- ****Home Business (limited to Office)
- *****Institution (for use by residents only)
- ***** Hotel
- Total F.A.R and coverage control should be added in order to avoid site being 100% developed

The following provisions, conditions and restrictions shall, in addition to any other relevant provision of the Scheme, be applicable to all Residential Only High Density zones, Dwelling Houses and the sites thereof:

- Where an Erf is of an irregular shape, hatchet-type, occurs in a cul de sac or change in road direction, the frontage on the street may, with the authority of Council, be less than the prescribed minimum frontage, provided that the site ratio of the Erf remains 1:3 and provided also that the street frontage is not less than 4 metres.
- The Curtilage for a Medium Density Housing Development shall not be less than 250m² in extent.
- The following minimum areas per dwelling unit shall apply to Medium Density Housing:
 - b. Active Open Area – 30m²
 - c. Usable Common Open Space – 50m²
 - d. Washing drying area – 15m²
 - e. The minimum floor area of a garage or carport shall be 21 m², with a minimum width of 3,5m
 - f. Waste bin area shall make provision for one bin per unit provided.
- Within a Medium Density Housing Site, a building line does not apply to the dwelling unit curtilages, except along external street frontages of the Medium Density Housing site, where the STREET BUILDING LINE shall be 7, 5 m.

- Wherever it is intended to develop a site for Medium Density Housing in a Residential Only Detached zone, the maximum number of dwelling units which may be established on a Medium Density Housing site shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling house and rounded off to the nearest whole number. Provided further that on lots of greater than 1 400m², the Municipality may authorize a maximum permissible density of 15 units per hectare rounded off to the nearest whole number.
- Where in the opinion of the Municipality a road within a Medium Density Housing site should serve the public, the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
- The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5,5 metres where a dual-carriageway is provided.
- Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.
- No dwelling unit curtilage within the Medium Density Residential site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the Municipality.
- In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality shall require that:
 - a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
 - b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share.

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APPLICATION PROCEDURE, DESIGN AND LAYOUT OF MEDIUM AND HIGH DENSITY RESIDENTIAL

The applicant shall submit to the Municipality for its approval and in the required format:

- a) A Site Development Plan, and in addition to the requirements of Clause 4.1.2.1, also show the following:
- i) The position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
 - ii) The boundaries of all dwelling unit curtilages, active open areas and common open spaces;
 - iii) The position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
 - iv) The proposed landscaping of the site;
 - v) The proposed common space;
 - vi) The position and nature of recreation facilities, if any;
 - vii) The position and extent of all utility areas.
- b) A set of sketch drawings prepared by an architect at a scale of 1: 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1: 100 or 1: 200;

c).A table indicating:

- | | |
|-------|--|
| vii) | The total area of the site; |
| viii) | The total number of dwelling units; |
| ix) | The total floor area; |
| x) | The total number of car parking spaces provided for visitors and for residents; |
| xi) | The extent of the usable common land, the smallest active open area, the smallest dwelling unit curtilage and the smallest utility area; and |
| xii) | The areas of public uses where applicable; |

d).Any other documents which the Municipality may reasonably require.

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| ADDITIONAL PROVISIONS APPLICABLE TO RESIDENTIAL BUILDINGS | | | | | | | |
|---|-------------------|------------------|----------------|---|--------|----------|------|
| <p>No Residential Building may be erected on a site of less than 1000m² in extent.</p> <p>Those portions of the site of a Residential Building not used for building, parking, road or other utility purposes, which portions shall comprise not less than 25% of the area of such site must be landscaped at the cost of the owner to the satisfaction of Council, for the use and enjoyment of the residents of the dwelling units, and shall thereafter be maintained by the owner, at his cost:</p> <p>Provided that:</p> <p>a) the aforesaid 25% of the area of the site may, with the authority of the Council, include the area of any flat roof of a Residential Building, play areas, common areas and recreational facilities conveniently accessible from such Residential building and laid out or landscaped to the satisfaction of the residents of the Council for the use and enjoyment of the residents of the Dwelling Units; and</p> <p>b) the aforesaid period to be determined by the Council shall not be less than six months or more than eighteen months from the date on which any Dwelling Unit on the site is first used for residential purposes.</p> <p>The minimum width of a road carriageway within a High Density Housing site shall be 3 metres where the carriageway is one-way and 5,5 metres where a dual-carriageway is provided.</p> <p>Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.</p> <p>Adequate utility facilities shall be provided to the satisfaction of the Council, including areas for waste disposal, clotheslines, etc.</p> | | | | | | | |
| DEVELOPMENT CONTROLS | | | | | | | |
| MIN ERF SIZE | UNITS PER HECTARE | FRONTAGE (WIDTH) | BUILDING LINES | | HEIGHT | COVERAGE | FAR |
| | | | STREET | SIDE & REAR | | | |
| 1700m ² | N/A | 21m | 7.5m | 4.5m or 1.5m per storey, whichever is greater | UR | 50% | 3.00 |

As evident from the tables above, a “Residential Building” land use is a permitted land use in the “Residential Only High Density” zone.

5 Motivation for the Application

5.1 Section 42 of the uMhlathuze SPLUM Bylaw

It must be noted that Section 42 of the City of uMhlathuze Spatial Planning and Land Use Management Bylaw, which specifies what the Municipal Planning Approval Authority must consider in taking its decision to approve or not approve an application, **does not require that the need for a proposed development or rezoning be considered**. Rather, there is a particular focus, amongst others, on the assessment of impacts (including cumulative impacts) and benefits. This section will address these requirements.

Notwithstanding the above, the land owner has identified the **need** for the proposed development (and this application) for the following reasons:

- The site is located in the only nodal area in Brackenham suburb and a large

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tract of the site has been undeveloped for the last 30 years. There was essentially no uptake to further develop the site for commercial purposes. The applicant is willing to develop the vacant portion of the site for residential purposes, i.e. residential buildings, since the applicant has identified a need for such development in Brackenham; and

- Adjacent and to the west of the site, three residential complexes have been development – also at higher residential densities. This reinforces the need for further denser residential in this nodal area.

5.2 Impacts on Access and Traffic Generation

In a letter, dated 21 February 2025, Fulcrum Development Consultants motivated that a Traffic Impact Assessment is not required as part of this subdivision and rezoning application (see attached at Appendix 10).

In the aforesaid letter, it is stated that the traffic generated by the latent development rights (i.e. “Core Mixed Use 1”) is substantially higher than the proposed development rights (“i.e. “Residential Only High Density”). During the AM peak hour, there will be 177 less trips on the network and during the PM peak hour there will be 1247 less trips on the network, should the erf be rezoned to “Residential Only High Density”. Hence, the proposed rezoning of the site will have a positive impact on the network. Therefore, a TIA is not required for this rezoning application.

In an email, dated 24 February 2025, from Mr Jaco Schutte from the Municipality’s Transport Planning Section, the Motivation by Fulcrum Development Consultants was accepted. The email from Mr Schutte is attached at Appendix 11.

5.3 Impacts on Engineering Services

The following two Reports were completed by HVK Consulting Engineers:

- Bulk Feasibility Report, dated February 2025 (see attached at Appendix 12); and
- Stormwater Management Plan, dated February 2025(see attached at Appendix 13).

The following Report was completed by Ulungeni Consulting Engineers:

- Electrical Services Report – Revision 1, dated 11 February 2025 (see attached at Appendix 14).

Information from the above three reports were used to populate the sub-sections below:

5.3.1 Roads

Access to the proposed residential development on the site will be off Bugula Street only.

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5.3.2 Water

Below is a summary of the water demand requirements (excluding fire fighting and storage) for the proposed development. This information is based on the Site Development Plan attached at Appendix 8:

| Description | Land Use | Units of Measure | Units | kl/unit/day | AADD (kl/day) | Peak Factor | DPFR (kl/day) | DPFR (l/sec) |
|--------------|--------------|------------------|-------|-------------|---------------|-------------|---------------|--------------|
| Flats | High Density | kl/unit | 72 | 0.35 | 25.20 | 2.2 | 55.44 | 0.64 |
| | | | | | | | | |
| Total | | | | | 25.20 | | 55.44 | 0.64 |

Based on the above calculations the total Water Supply Demand for the proposed development pipe sizing is **0.64l/s or 55.44kl/Day**.

A water connection point is located at the north-western end of the site which includes a meter. No on site storage has been catered for at this stage.

5.3.3 Sewage

Below is a summary of the sewer loading for the proposed development. This information is also based on the Site Development Plan:

| Description | Land Use | Water Demand (AADD) kl/day | Sewer Flow | | | | | | | |
|--------------|--------------|----------------------------|------------|-------------|----------------|-------------|----------------|--------------|---------------|-------------|
| | | | %AADD | kl/unit/day | ADDWF (kl/day) | Peak Factor | PDDWF (kl/day) | Infiltration | PWWF (kl/day) | PWWF (l/s) |
| Flats | High Density | 25.20 | 98% | 0.34 | 24.70 | 2.5 | 61.74 | 15% | 71.0 | 1.17 |
| | | | | | | | | | | |
| Total | | | | | 24.70 | | 61.74 | | 71.00 | 1.17 |

Based on the above calculations the total Sewer Loading for the proposed development is **1.17l/s or 71.00kl/day**.

There is currently a sewer network within the project area that is serviced by the municipality and which can accommodate the proposed development.

5.3.4 Stormwater

In terms of slope: the site is relatively flat.

The site where the development is proposed is currently unoccupied. The stormwater on the site currently drains in a northerly direction as overland flow towards the lower end of the property.

The applicable design standard is from the uMhlathuze Municipality: Design Manual Guidelines and Policy for the Design of Stormwater Drainage Systems.

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An excerpt from the above states:

“Where choice, economics, site geology/soil types etc. advocate the use of other attenuation structures then a Stormwater Management Plan is required modelling the Pre and Post development scenarios for the 1:10 and 1:50 year recurrence interval storm as follows: -

Storage or attenuation/infiltration measures must provide for the difference between the Post development 50-year storm and Pre-development 50-year storm.

The rate of outflow must be restricted to the pre-development scenarios for example outflow is not to exceed the 10-year pre-developed runoff peak until the 50-year storage is reached.

The volume of the attenuation tank was determined by computing the difference between the Post development 50-year storm and Predevelopment 50-year storm. The 1 in 10-year recurrence interval storage volume was computed as 102m³. The 1 in 50-year recurrence interval storage volume was computed as 160m³ and a 180.5m³ surface attenuation tank is proposed for storage.

A surface attenuation tank is proposed to be provided in the driveway area due to the volume required as well as the contour levels on the property. This proposed tank is indicated on the Site Development Plan (see attached at Appendix X). All stormwater accumulated for each unit will be directed into the surface attenuation tank, thereafter, connecting to the nearest existing municipal main stormwater line.

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5.3.5 Electricity

With reference to the Site Development Plan i.e. Proposed Buildings A, B, and C. the required Estimated Electrical Loads are calculated as follows.

1. Erf 11111 Richards Bay

Building A = 1694.37m²

Building B = 1738.74m²

Building C = 1738.74m²
= 5171.85m²

ADMD (kVA) = Middle Income 6kVA
= 72 Units ± 50m² / Unit

Total kVA = 6 x 72
= 432kVA

kVA = $\sqrt{3} VI$
I = $\frac{kVA \times 10^3}{\sqrt{3} \times 415}$
= 601A

2. Add Load "Lights" (New)

| | |
|----------------------|--------------------------------|
| Veranda | } ± 9780 Watts or 45 Ampère |
| Under Ground Parking | |
| Area Lights | |
| Security Lights | |

3. Add existing Buildings (Shops)

Building A = 100A 3 Phase

Building B = 60A 3 Phase

Building C = 100A 3 Phase
= 260 Ampère

Total Added Ampère
= 2 + 3
= 45 + 260
= 305A

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4. Total "New" Load

$$\begin{aligned} &= 601 + 45 \\ &= \underline{646 \text{ Ampère}} \end{aligned}$$

5. Total kVA required

$$\begin{aligned} \text{kVA} &= \sqrt{3} \times \text{VI} \\ &= \sqrt{3} \times 415 \times 646 \\ &= \underline{464.35\text{kVA}} \end{aligned}$$

$$\begin{aligned} \text{Required} &= \text{New} - \text{Existing} \\ &= 464.35 - 260 \\ &= \underline{204.35\text{kVA}} \end{aligned}$$

The Bugula mini-Substation is rated at 1000kVA, this Development is well within the required Power with spare capacity of (1000kVA – 464.35kVA = 535.65kVA).

5.3.6 Waste Removal

A formal refuse removal system is already in existence and operating satisfactorily throughout the municipal area of the City of uMhlathuze. Once this application has been approved and development commences, an application will be made to the Municipality to extend this service to include the site.

5.4 Impact on the Environment and Heritage Resources

No additional impacts on the environment and heritage resources are foreseen. The proposed Subdivision and Rezoning of the site does not trigger any activities that will require an environmental authorisation in terms of environmental legislation.

5.5 Socio-Economic Impacts

5.5.1 Local Benefits

Local Municipal benefits will include the following:

- Increased income to the Municipality via the payment of higher rates and services; and
- Contributing towards the optimal use of existing engineering and infrastructure services.

Local Community benefits will include the following:

- Local benefits will not only be evident in the temporary and permanent jobs created, but also provide a wider range of residential choices to the community.

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5.5.2 Employment Opportunities

It is estimated that 100 temporary employment opportunities will be created during the construction phase of the proposed development and some 36 permanent employment opportunities once the development is occupied. The latter is calculated based on 1 domestic worker for 50% of the flats.

5.5.3 Character of the Area

It is considered that the character of the area will not be unduly adversely affected by the proposed development of “Residential Buildings” land use on the site, particularly bearing in mind that the site is located in a nodal area in the Brackenham suburb and the a large area adjacent and to the west of the site has already been developed to higher density residential development.

5.6 Design of the Layout

In the design of the proposed development, particular attention has been paid to ensuring that the layout is effective and efficient in terms of ease of ingress and egress, safety, security, convenience (movement of vehicles and people), aesthetic appearance and general ambiance of the development on the surrounding erven (see Site Development Plan attached at Appendix 6).

5.7 Topography & Landscaping

The site is considered relatively flat. The topography of the land lends itself to full development of the site as proposed.

The uMhlathuze Municipality is renowned for its wide landscaped road reserves which are maintained throughout the city allowing for large green corridors on either side of roads that adds to the natural amenity and aesthetics as a whole. This principle will also apply to the application site in that road verges will be greened and maintained by the applicant.

5.8 Comment from Relevant Stakeholders

5.8.1 Land Claims

The site is not subject to any land claims for restitution (see Letter attached at Appendix 15).

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6 Assessment of Compliance with Key Legislation and Planning Guidelines

6.1 Compliance with the National Development Plan

The National Development Plan is a plan for the country to eliminate poverty and reduce inequality by 2030 through uniting South Africans, unleashing the energies of its citizens, growing an inclusive economy, building capabilities, enhancing the capability of the state and leaders working together to solve complex problems.

The plan has the following high-level objectives to be achieved by 2030:

- Reduce the number of people who live in households with a monthly income below R419 per person (in 2009 prices) from 39% to zero.
- Reduce inequality, as measured by the Gini coefficient, from 0.69 to 0.6.

Amongst others, the following enabling milestones are noted from the Plan:

- Increase employment from 13 million in 2010 to 24 million in 2030.
- Raise per capita income from R50 000 in 2010 to R120 000 by 2030.
- Establish a competitive base of infrastructure, human resources and regulatory frameworks.
- Ensure that skilled, technical, professional and managerial posts better reflect the country's racial, gender and disability makeup.
- Broaden ownership of assets to historically disadvantaged groups.
- Provide affordable access to quality health care while promoting health and wellbeing.
- Establish effective, safe and affordable public transport.
- Ensure that all South Africans have access to clean running water in their homes.
- Make high-speed broadband internet universally available at competitive prices.
- Ensure household food and nutrition security.
- Broaden social cohesion and unity while redressing the inequities of the past.
- Play a leading role in continental development, economic integration and human rights.

This application aligns with the National Development Plan, in that it aims to facilitate development within a built-up suburb, namely Brackenham, within Richards Bay, which will in turn address job creation.

6.2 Compliance with Relevant SPLUMA Principles

The table below sets out compliance with the relevant principles as contained in the Spatial Planning and Land Use Management Act (SPLUMA):

| Development Principles | | | Compliance |
|------------------------|---|--|--|
| (b) | The Principle of spatial sustainability | | |
| | (i) | "promote land development that is within the fiscal, institutional and administrative means of the Republic" | The proposed development will meet this criterion fully. The development will be privately developed. All costs will be carried by the applicant and no onerous burden will be placed on the Municipality / state. |

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| Development Principles | | | Compliance |
|------------------------|-----------------------------|---|---|
| | (iv) | "promote and stimulate the effective and equitable functioning of land markets" | The proposed residential development will promote and stimulate the functioning of the residential sector in Richards Bay, through particularly job creation and provisioning of wider residential options to communities. |
| | (v) | "consider all current and future costs to all parties for the provision of infrastructure and social services in land developments" | The costs of the proposed development will be carried by the applicant. No future maintenance on-site costs will have to be borne by the Municipality. Rates and service charges are monthly paid to the Municipality. The site can be serviced with all the required engineering services. Thus, this criterion will also be fully met. |
| | (vi) | "promote land development in locations that are sustainable and limit urban sprawl" | The proposed residential development will be located in an approved township within a built-up area. It will thus not contribute towards urban sprawl. From an economic point of view, the proposed development is considered sustainable and is market-driven. |
| | (vii) | "result in communities that are viable" | The proposed residential development will make a long lasting contribution to the community. The proposed development will be environmentally sustainable. In terms of institutional sustainability, the proposed development is situated within a competent municipality which is in a position to manage the development and collect rates and service charges. In terms of affordability, the proposed development is located in a serviced municipal area and will be developed with no cost to the municipality or the ratepayers. In terms of economic sustainability, the development complements the existing residential developments in the City. |
| (c) | The principle of efficiency | | |
| | (i) | "land development optimises the use of existing resources and infrastructure" | The proposed development will be environmentally sustainable. In terms of institutional sustainability, the proposed development is situated within a competent municipality which is in a position to manage the proposed development and collect rates and service charges. In terms of affordability, the proposed development is located in a serviced municipal area and will be developed with no cost to the municipality or the ratepayers. The proposed development will optimise the use of existing resources and services. |

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| Development Principles | | | Compliance |
|------------------------|--------------------------------------|---|--|
| | | | Water and electricity, which can be augmented, are already available to the site, as well as tarred road access. |
| | (ii) | “decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts” | <p>The proposed development is situated within a competent and fully capacitated Municipality. The approval process for the proposed development will be <i>via</i> an established, in terms of the uMhlathuze Municipality SPLUM Bylaw, and competent Municipal Planning Approval Authority.</p> <p>The uMhlathuze Municipality has streamlined the SPLUM process and this enables the applicant to submit an application for the Rezoning of the site.</p> |
| (d) | The principle of spatial resilience | | The site is very well suited for the proposed residential development and continued spatial resilience. |
| (e) | The principle of good administration | | The proposed development is situated within a competent and fully capacitated Municipality. A Scheme is in place to control land use on the site. |

6.3 The Integrated Urban Development Framework

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

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 cities and human settlements inclusive, safe, resilient and sustainable).

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

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”*.

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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.”

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.

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*

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: <i>Integrated urban planning and management</i> | 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. | The development area is located within the Richards Bay, in close proximity to existing residential development. |
| Policy lever 2: <i>Integrated transport and mobility</i> | 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 application site is well serviced with a network of roads. The site is easily accessible. |

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| POLICY LEVER | DESCRIPTION OF POLICY LEVER | HOW THE APPLICATION COMPLIES WITH THE POLICY LEVER |
|--|---|---|
| Policy lever 4: <i>Integrated urban infrastructure</i> | An integrated urban infrastructure, which is resource efficient and provides for both universal access and more inclusive economic growth, needs to be extensive and strong enough to meet industrial, commercial and household needs. It should also be planned in a way that supports the development of an efficient and equitable urban form and facilitates access to social and economic opportunities. | The development would provide access to a wider range of residential development choices. |
| Policy lever 6: <i>Inclusive economic development</i> | The New Growth Path (NGP), which is the backbone of our national economic policy, emphasises the importance of creating employment nationally through specific drivers. These include seizing the potential of the new economies through technological innovation, investing in social capital and public services, and focusing on spatial development. Inclusive economic development is essential to creating jobs, generating higher incomes and creating viable communities. | The development would provide access to economic opportunities and will provide jobs during the planning, construction and operational phases of the development. |
| Policy lever 9: <i>Sustainable finances</i> | 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. | All costs relating to this application will be the responsibility of the owner. |

6.4 The Provincial Growth and Development Plan

The strategic and targeted nature of the Provincial Growth and Development Strategy implies that specific interventions will be undertaken within key geographical areas of Need and Potential.

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The Principle of **Environmental Planning** (Bioregional Planning) refers to understanding and respecting the environmental character (potential and vulnerability) and distinctiveness of places and landscapes and promoting balanced development in such areas.

The Principle of **Economic Potential** aims to improving productivity and closing the economic performance gap between the various areas of KwaZulu-Natal towards economic excellence of all areas. Rapid economic growth that is sustained and inclusive is seen as a pre-requisite for the achievement of poverty alleviation.

The Principle of **Sustainable Communities** promotes the building of places where people want to live and work. Again the sense of Quality of Living refers to the balance between environmental quality, addressing social need and promoting economic activities within communities. Often communities within the rural context of KwaZulu-Natal are not located in the areas with perceived highest economic potential. Where low economic potential exists planning and investments should be directed at projects and programmes to address poverty and the provision of basic services in order to address past and current social inequalities towards building sustainable communities.

The Principle of **Local Self-Sufficiency** promotes locating development in a way that reduces the need to travel, especially by car and enables people as far as possible to meet their need locally.

The Principle of **Spatial Concentration** aims to build on existing concentrations of activities and infrastructure towards improved access of communities to social services and economic activities. In practical terms this promotes concentration along nodes and corridors with multi-sectoral investment i.e. roads, facilities, housing etc. This principle will further assist in overcoming the spatial distortions of the past. Future settlement and economic development opportunities should be channelled into activity corridors and nodes that are adjacent to or link the main growth centres in order for them to become regional gateways.

The Principle of **Sustainable Rural Livelihoods** considers rural areas in a way which is integrated with other decision making associated with the Sustainable Livelihoods framework. This principle requires that spatial planning consider the locality and impact of human, physical, natural, financial and social capitals of an area and spatially structures these in support of each other. Another aspect of this principle is promoting spatial planning in a continuum where rural areas are not addressed as completely separate entities to urban centres, but rather a gradual change in landscape with the potential progression of rural areas to more closely resemble the service standards and quality of living achieved in some urban contexts.

The Principle of **Balanced Development** promotes the linking of areas of economic opportunity with areas in greatest need of economic, social and physical restructuring and regeneration at all spatial scales. In practical terms the principles sought to find a balance between the potentially competing land uses by understanding the relationship and integration between major dimensions within the province and promoting a synergetic mixture of land uses in support of each other at various spatial scales.

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The Principle of **Accessibility** simply promotes the highest level of accessibility to resources, services, opportunities and other communities. This is intrinsically linked to transportation planning and should consider localised needs for the transportation of people and goods by various modes of transport as guided by the scale and function of a region.

In terms of this application, it abides with the following principles:

1. **Environmental Planning** – All development will take place within the environmental legislative framework.
2. **Economic Potential** – The proposed development will contribute towards economic development and job creation.
3. **Spatial Concentration, Balanced Development and Accessibility** – The application site is located within the Brackenham suburb of Richards Bay, which is adequately provided with a network of roads. Furthermore, the proposed development balances the needs of the economy with environmental and social factors. It is in close proximity to other residential land uses.

6.5 The Provincial Spatial Economic Development Strategy

In terms of the Provincial Spatial Economic Development Strategy, the uMhlathuze area has been identified as forming part of the “N2 Corridor Plan from Ethekwini to through Richards Bay to uMfolozi Municipality”.

Strategic Corridor Development Plan is required in order to inform, integrate and coordinate strategic growth and development along the “N2 Corridor” over the next 25 years. The main purpose of the plan is to guide industrial, retail, agricultural and logistics developments whilst integrating the movement of goods and people along the corridor thereby exploiting KZN's key competitive and comparative advantages.

6.6 Compliance with Relevant KZN Planning Norms and Standards

The table below sets out compliance with the relevant KZN Planning Norms and Standards:

| Flooding Norms and Standards | |
|-------------------------------------|---|
| Flooding | <ul style="list-style-type: none"> The development is situated in an approved formal township and falls outside the 1:100 Floodlines. |
| Stormwater Management | <ul style="list-style-type: none"> A Stormwater Management Plan, dated February 2025, has been prepared by HVK Consulting Civil and Structural Engineers and is attached at Appendix 13. According to Susdrain (www.susdrain.org) “SUDS are drainage systems that are considered to be environmentally beneficial, causing minimal or no long-term detrimental damage. They are often regarded as a sequence of management practices, |

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| Flooding Norms and Standards | |
|--|--|
| | <p>control structures and strategies designed to efficiently and sustainably drain surface water, while minimising pollution and managing the impact on water quality of local water bodies.”</p> <p>The development will not cause any long-term detrimental damage. Appropriate stormwater measures are already in place. Surface water is efficiently and sustainably drained into the Municipal Stormwater System. Stormwater runoff from the proposed development will not pollute nor negatively impact the water quality of local water bodies.</p> |
| Human Health Impacts Norms and Standards | |
| Human Health Impacts | <ul style="list-style-type: none"> During the Building Plan submission stage, compliance with the KZN Human Health Impacts Norms and Standards and the Municipality's Green Building Guidelines will be assessed. Any shortcomings will then be addressed by the applicant. |
| Energy Efficiency Norms and Standards | |
| Energy Efficiency | <ul style="list-style-type: none"> During the Building Plan submission stage, compliance with the KZN Energy Efficiency Norms and Standards and the Municipality's Green Building Guidelines will be assessed. Any shortcomings will then be addressed by the applicant. |

6.7 Compliance with the City of uMhlathuze's IDP and SDF

The following was extracted from the uMhlathuze IDP for 2022/23 – 2026/27:

Vision:

“An aspirant metropolitan Port City focused on investing in quality infrastructure and service delivery in partnership with Traditional Councils, Communities and the Private Sector”.

Mission Statement that underpins the above vision (**note**: own underlining of relevant mission statement elements):

- Job creation and inclusive economic growth through accelerated economic development and transformation;
- Enhancing industry based skills development and strategic support to education priority programmes;
- Community based initiatives to improve quality of citizen's health and well-being;
- Creating safer city through integrated and community based public safety;

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- Planned and accelerated rural development interventions;
- Promotion and maintenance of spatial equity and transformation;
- Optimal management of natural resources and commitment to sustainable environmental management;
- Use of Information, Communication and Technology Systems (ICT) to improve productivity and efficiencies in line with Smart City principles; and
- Good governance, capable and developmental municipality.

The proposed Subdivision and Rezoning of the site in order for a large tract of it to be used for higher density residential development purposes, will contribute towards job creation and economic growth, in an environmentally sustainable manner.

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 3 : LOCAL ECONOMIC DEVELOPMENT GOALS OBJECTIVES STRATEGIES | | |
|--|---|--|
| 3.1 Viable Economic Growth and Development | 3.1.2 Enhanced sectoral development through trade investment and business retention | 3.1.2.1 Review and implement Economic Development Sector Plans |
| | | 3.1.2.2 Develop investment promotion and facilitation plan |

| 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 in a sustainable manner | 6.1.1.4 Review and Implement uMhlathuze Land Use Scheme |
| | | 6.1.1.5 Compliance with national SPLUMA, SPLUM Bylaw, National Building Regulations and Municipal Building Control Bylaw |
| | | 6.1.1.6 Efficient processing of development application and building plans |

The application therefore addresses KPA 3 (Local Economic Development) in that it promotes economic development and investment, and KPA 6 (Cross Cutting) in that it complies with the requirements of the National SPLUMA, the uMhlathuze Spatial Planning and Land Use Management Bylaw, the uMhlathuze Land Use Scheme and intends to comply with the provisions of the National Building Regulations and Building Standards Act.

The proposed rezoning of the site supports the implementation of the City of uMhlathuze's IDP.

In the uMhlathuze Spatial Development Framework ("SDF") for 2022/23 – 2026/27, Richards Bay is recognized as the "Primary Node" and its analysis is presented in

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the table overleaf, which was extracted from the SDF:

Analysis of Richards Bay Node: (*Note: Own Underlining and highlighting*)

| | |
|--------------------------------|---|
| Role in the City | <ul style="list-style-type: none"> Prominent developing industrial centre of in South Africa. <u>Centres of employment</u>, industrial, <u>residential</u>, mining, offices, eco-tourism, nature reserve and commercial activity. |
| Role in the Region | <ul style="list-style-type: none"> It is well positioned to full advantage of the export of manufactured goods and raw materials & minerals to Africa and the rest of the World. It functions as a major link to the world economy through the Richards Bay Harbour. It is regarded as the eco-tourism and nature reserve gateway. <u>It plays a dominant role in KZN</u>, especially within the commercial and Industrial Sector. <u>It plays a major role in the regional economy as a service centre</u> (Industrial, retail, commercial, business, transportation, administrative and office core etc.) |
| Movement System | <ul style="list-style-type: none"> N2, John Ross Highway, P231 and North Central Arterial are major access and linkage systems traversing the Richards Bay Node. West Central Arterial and East Central Arterial provide access and linkage within and between the other Municipal nodes. |
| Current Urban Form & Land Uses | <p>Social Infrastructure: Public & private administration offices, recreation, medical facilities, <u>residential</u>, community halls, public transport facilities, educational facilities, social/welfare facilities, SAPS, tourism, churches, cemeteries, magistrate court and petrol filling stations.</p> <p>Commerce & Industry: Harbour, manufacturing, hotel, restaurants, informal trading, retail, finance & insurance, banking facilities, building supplies, furniture, motor showroom and, wholesalers.</p> <p>Transportation: Rail, Sea, Air and Road.</p> <p>Road: Highways- Public (Buses, minibuses, vans & metred taxis) & Private transportation.</p> <p>Rail: Linked to the National System</p> <p>SEA: Linked to the World</p> |

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| | |
|------------------------|--|
| | <u>AIR:</u> Linked to the National System <u>Residential:</u> Mixed used development (low-high density). |
| Service Levels | Physical Infrastructure: Water supply, waterborne system, electrification, solid waste disposal, storm-water management and telecommunication services. Existing capacity will be upgraded to accommodate increased densities and expansion of urban residential areas as well as industrial areas. |
| Open Space/Environment | Open Space and Conservation: Urban recreation (Public parks, private open spaces and conservation areas). |

Note: Own underlined and bold text above

It is clear from the above table, with specific reference to the underlined and highlighted areas, that:

- Richards Bay with its harbour is one of the fastest growing industrial centres in South Africa with not only a focus on industrial development, but also with a focus on down-stream development, which includes commercial and retail development and associated land uses – which includes residential development. The proposed rezoning and the proposed use of the site for higher density residential development will complement to these sectors in Richards Bay; and
- Richards Bay's role is also – through appropriate development – to create employment.

The proposed further development on the site is clearly in-line with the uMhlathuze SDF. It will continue to contribute towards growth in the residential sector and will provide communities a wider choice in residential options. It will also contribute towards job creation.

The proposed development thus also complies with the uMhlathuze SDF.

6.8 Compliance with the uMhlathuze Land Use Scheme (2021)

6.8.1 Zoning and Land Use Management Considerations

A Residential Building is permitted on a site zoned “Residential Only High Density”.

A Residential Building, as defined in the City of uMhlathuze Land Use Scheme Regulations, means:

“...Means a building other than a Dwelling House, Medium Density Housing, Chalets or a Hotel, used for human habitation together with such outbuildings, accessories and accommodation for bona fide domestic quarters and other covered areas as are, in the opinion of the Council customary used therewith, and includes apartments, a block of flats, residential club or residential hostel and student

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housing. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of dwelling units on the site, but expressly excludes any building mentioned in the definitions of Educational Building, Institution and/or Restricted Building.”

It is not proposed to establish dwelling houses, medium density housing, chalets or a hotel on the site. The applicant proposes to establish 3 blocks of residential buildings (flats) on the site. Each residential building block will contain 24 dwelling units. This, thus, complies with the “Residential Building” definition, as contained in the City of uMhlathuze Land Use Scheme Regulations.

6.8.2 Parking Provision

Parking provisions are set out in the uMhlathuze Land Use Scheme. This is complied with as per the following table as extracted from the Site Development Plan:

| | |
|--|--|
| PARKING SCHEDULE: | |
| Parking Requirement: | 1 bay per Unit & 1 visitor's bay per 2 units |
| Total No. of Units: | 72 Units |
| No. of Occupant Parking Bays Required (72 x 1): | 72 Bays |
| No. of Visitor's Parking Bays Required (72 / 2): | 36 Bays |
| Total No. of Parking Bays Provided: | 108 Bays |
| Total No. of Parking Bays Provided: | 108 Bays |
| NOTE: PARKING TYPE PROVIDED | |
| Standard Bay: 2,7m x 5m (90°) | |

6.8.3 Land Use Controls

On the Site Development Plan (see attached at Appendix 8), the following Coverage and F.A.R. have been provided:

| | Coverage | F.A.R. |
|---|----------|--------|
| Maximum Permissible | 50% | 3.0 |
| Proposed Actual as reflected on the Site Development Plan | 22.89% | 0.54 |

The actual F.A.R. and Coverage, as reflected on the Site Development Plan, is well below the maximum permitted Coverage and F.A.R.

6.8.4 Minimum Erf Size

The Minimum Erf Size for a “Residential Only High Density” zoned erf is 1400m². The site is 6768m² and thus complies with this requirement.

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6.8.5 Building Lines

The Street Building Line in the “Residential Only High Density” zone is 7.5m, whilst the Side and Rear Buildings Lines is 4.5m. As evident from the Site Development Plan (see attached at Appendix 8), these building lines are being complied with.

6.8.6 Hardened Surfaces

The hardened surfaces, as extracted from the Site Development Plan (see attached at Appendix 2), are as follow:

| | |
|--|--------------------|
| HARDENED AREAS: | |
| SITE AREA: | 6 768,00sqm |
| ROOFED AREA: | |
| Block A: | 520.74sqm |
| Block B: | 520.74sqm |
| Block C: | 520.17sqm |
| TOTAL ROOFED AREA: | 1 561,65sqm |
| TOTAL PAVED AREA: | 3 502,01sqm |
| TOTAL HARDENED AREA (74,82%): | 5 063,66sqm |
| | |
| MINIMUM REQUIRED LANDSCAPED AREA (25%): | 1 692,00sqm |
| LANDSCAPED AREA PROVIDED (25.18%): | 1 704,34sqm |

A Stormwater Management Plan (see attached at Appendix 12) has been prepared since more than 60% of the development area constitutes hardened surfaces.

Also note that more than 25% of the development area is grassed / unhardened.

6.9 Compliance with the National Building Regulations and Building Standards Act, 1977

Buildings plans will be prepared and submitted to the Municipality after the approval of this Rezoning application. The Building Regulations and Building Standards Act, 1977, will be adhered to. The Building Plans will be for the existing commercial development of the Remainder of Erf 11111, Richards Bay, as well as the proposed development of proposed Portion 2 of Erf 11111, Richards Bay.

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7 Draft Conditions of Approval

APPLICATION IN TERMS OF SECTIONS 27(1)(a) AND (e) OF THE uMHLATHUZE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW FOR THE ESTABLISHMENT OF RESIDENTIAL BUILDINGS ON PORTION 2 OF THE REMAINDER OF ERF 11111, RICHARDS BAY, HELD IN THE SECTIONAL TITLE REGISTER (NAME OF SCHEME: LOGBRO CENTRE; AND SECTIONAL PLAN NUMBER: D777/2008): SITUATE IN THE UMHLATHUZE MUNICIPAL AREA, PROVINCE OF KWAZULU NATAL (APPLICATION NO. _____)

With reference to your application submitted on behalf of LOGBRO PROPERTIES CC (Reg. No: 1990/032204/23), the Municipality is pleased to approve the application in terms of Section 42 of the uMhlathuze Municipality SPLUM Bylaw and in accordance with the accompanying Site Development Plan, dated 20 February 2025, and Subdivision Layout Plan (File No: S356app, dated 28 August 2024) (Municipal Reference _____).

The development consists of the following proposed number of erven:

- 1 erf to accommodate the Residential Buildings; and
- 1 remaining erf to continue to be used for commercial purposes.

The development is approved subject to the following conditions imposed in terms of Section 42(3)(b) of the uMhlathuze Municipality SPLUM Bylaw:

A. REGISTRATION ARRANGEMENTS

1. Designation of the Development

The layout (Site Development Plan, dated 20 February 2025, and Subdivision Layout Plan, File No: S356app, dated 28 August 2024), shall be designated as follows:

| Erf Numbers | No. of Erven |
|---|--------------|
| Portion 2 of the Remainder of Erf 11111, Richards Bay | 1 |
| Remainder of Erf 11111, Richards Bay | 1 |
| Total Erven | 2 |

2. Excision from the Sectional Title Register back to the Conventional Register

Portion 2 of the Remainder of Erf 11111, Richards Bay, shall be excised from the Sectional Title Register (Name of Scheme: Logbro Centre; and Sectional Plan Number: S.G. D777/2008) and moved back to the Conventional Register (T37836/1994).

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

The owner shall lodge the General Plan or Diagrams relating to the proposed development with the Surveyor General for approval.

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3. Lodging in the Deeds Office

When first registration is sought, a copy of this decision, the approved diagrams together with the deeds and other documents that the Registrar of Deeds may require for the registration of the erven, must be provided to the Registrar of Deeds.

Prior to the transfer of erven, the Municipality shall issue a certificate contemplated by Section 48(1) of the uMhlathuze Municipality SPLUM Bylaw.

B. COMPLIANCE CONDITIONS

Prior to the issuing of the certificate as contemplated in Section 48(1) of the uMhlathuze Municipality SPLUM Bylaw, 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 this application is approved.

2. Approved General Plan / SG Diagrams

The owner shall submit to the Municipality, a certified copy of the approved General Plan / diagram/s within 30 days after the date on which the Surveyor-General has approved the diagram/s.

3. Provision of Engineering Services

Prior to the transfer of erven, as contemplated in terms of Section 48(1) of the uMhlathuze Municipality SPLUM Bylaw, the owner shall enter into a services agreement with the uMhlathuze Municipality and provide for the following engineering services in respect of the created Portion 2 of the Remainder of Erf 11111, Richards Bay, to be registered, to the satisfaction of the municipality, or where the municipality is not the supplier of a particular service, to the satisfaction of the relevant service authority.

The owner is to finalise installation of services in line with the Services Agreement and to within the normal connection distance of the boundary of the created subdivision to be registered.

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 registered as a professional engineer in terms of Act No. 46 of 2000 and who possesses cognate experience in the particular branch of engineering applicable to the service under consideration.

4.1 Applicable Conditions:

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i. Water supply

The owner shall provide a supply of potable water to within the normal connection distance of the boundary of the created Portion 2 of the Remainder of Erf 11111, Richards Bay.

ii. Sewage Disposal

The owner shall provide an efficient and sanitary system for the disposal of sewage and waste water to within the normal connection distance of the boundary of the created Portion 2 of the Remainder of Erf 11111, Richards Bay.

iii. Electricity

The owner shall provide an efficient supply of electricity to within the normal connection distance of the boundary of the created Portion 2 of the Remainder of Erf 11111, Richards Bay.

iv. Access, Roads and Stormwater Drainage

The owner shall construct all roads necessary and such facilities as are necessary for the control and disposal of stormwater from the created Portion 2 of the Remainder of Erf 11111, Richards Bay.

v. Protection of Engineering Services

The applicant/owner shall, at own cost, ensure the registration of any services servitudes in favour of the City of uMhlathuze to protect existing or new engineering services, as may be required.

C. CONDITIONS TO BE MET AFTER REGISTRATION

1. Update of Records:

Upon registration of Portion 2 of the Remainder of Erf 11111, Richards Bay, the Municipality shall update its records to reflect the relevant subdivision. The created subdivision shall be rezoned from "Core Mixed Use 1" to "Residential Only High Density".

2. Approval of Building Plans:

Within 30 days after registration of the subdivisions in the Deeds Office, the owners shall submit building plans for approval in terms of the provisions of the National Building Regulations and Building Standards Act, 1977.

D. CONDITIONS OF TITLE

1. Omnibus Servitude for Services

The created subdivisions. shall be subject to the following condition:-

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The land shall be subject to a servitude in favour of the local municipality and any other relevant service provider for the provision of storm-water drainage, water supply, irrigation, sewerage, electricity, gas/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 2m from such boundary.

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, provided that if the owner of the land is aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal.

Maintenance shall include cutting, trimming or otherwise dealing with vegetation so as to prevent interference with any service. The Municipality, or any other body or person legally authorized to provide such services, shall exercise the right conferred by this condition for the benefit of the inhabitants of the township.

2. Deposit of Material

The created subdivisions shall be subject to the following condition:

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.

E. INSTRUCTIONS AND INFORMATION

1. Selling Prior to Registration of the Subdivision

In terms of section 50 of the uMhlathuze Spatial Planning and Land Use Management By-law, an agreement for the alienation of a subdivided 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


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to continue, or not, with the application and provide the Municipality with his or her contact details.

8 Conclusion

It is hereby respectfully requested that the uMhlathuze Municipal Planning Approval Authority approve the following:

- 1) The Subdivision, in terms of Section 27(1)(e) of the uMhlathuze SPLUM Bylaw, of the Remainder of Erf 11111, Richards Bay, uMhlathuze, to create designated Portion 2 of the Remainder of Erf 11111, Richards Bay, with the simultaneous excision of the created Portion out of the Sectional Title Register (Name of Scheme: Logbro Centre; and Sectional Plan Number: S.G. D777/2008) to the Conventional Register; and
- 2) The Rezoning, in terms of Section 27(1)(a) of the uMhlathuze SPLUM Bylaw, of created designated Portion 2 of the Remainder of Erf 11111, Richards Bay from "Core Mixed Use 1" to "Residential Only High Density".

APPLICANT : 

Coenraad H. Strachan

Registered Professional Planner (Pr. Pln A/988/1997)

Inhloso Planning CC

Date : May 2025

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Revision Date: May 2025
Prepared By: Inhloso Planning CC