

KMH & ASSOCIATES

LAND SURVEYORS

**LAND DEVELOPMENT APPLICATION IN TERMS OF SECTION 27(1)(e)
OF THE uMHLATHUZE SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW, 2017 (AS AMENDED), FOR:-**

**THE SUBDIVISION OF ERF 16289 RICHARDS BAY IN TO PROPOSED
PORTION 1 AND THE REMAINDER**

JULY 2025

PROPERTY DESCRIPTION	:	ERF 16289 Richards Bay Registration Division GV Province of KwaZulu-Natal In extent 1,0600 Hectares
REGISTERED OWNER	:	PONTHAL (Pty) Ltd Registration Number 1993/005644/07
PROJECT ARCHITECT	:	Mr Fanus Nel : 4D Architects
SUBMITTED TO	:	uMhlathuze Local Municipality

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**PLANNING MOTIVATION IN SUPPORT OF AN APPLICATION FOR
MUNICIPAL PLANNING APPROVAL FOR:-
THE SUBDIVISION OF ERF 16289 RICHARDS BAY INTO PROPOSED
PORTION 1 AND THE REMAINDER**

1. THE LAND DEVELOPMENT APPLICATION

- 1.1 This land development application is submitted to the uMhlathuze Municipality, in whose area of jurisdiction the application property is located;
- 1.2 The application site is zoned General Industry and used for Industry-service purposes. The owner recently developed a new workshop on a portion of the land and wish to formally subdivide the land with the view of having the option to sell the land parcels separately in the future;
- 1.3 The purpose of this document is to provide the motivation to enable the Municipal Planning Approval Authority to approve this application;
- 1.4 The application is supported by various documents and plans that are attached to this application and discussed in more detail below.

2. THE APPLICANT

This application is submitted by KMH and Associates Land Surveyors on behalf of the registered owner of the application site, being Ponthal (Pty) Ltd, Registration Number 1993/005644/07.

The CIPC Company Report is annexed hereto as **Annexure 1**. The Company Resolution, Special Power of Attorney and holding deed (ie. Deed of Transfer No. T 63931/07) are annexed hereto as **Annexures 2, 3 and 4** respectively.

3. BACKGROUND INFORMATION

No previous land development applications pertaining to this application have been submitted to the Municipality for approval.

4. THE DECISION/S SOUGHT FROM THE MUNICIPAL PLANNING APPROVAL AUTHORITY

The Municipal Planning Approval Authority is respectfully requested to consider and approve the subdivision of Erf 16289 Richards Bay into proposed Portion 1 and the Remainder in terms of Section 27 (1) (e) of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended).

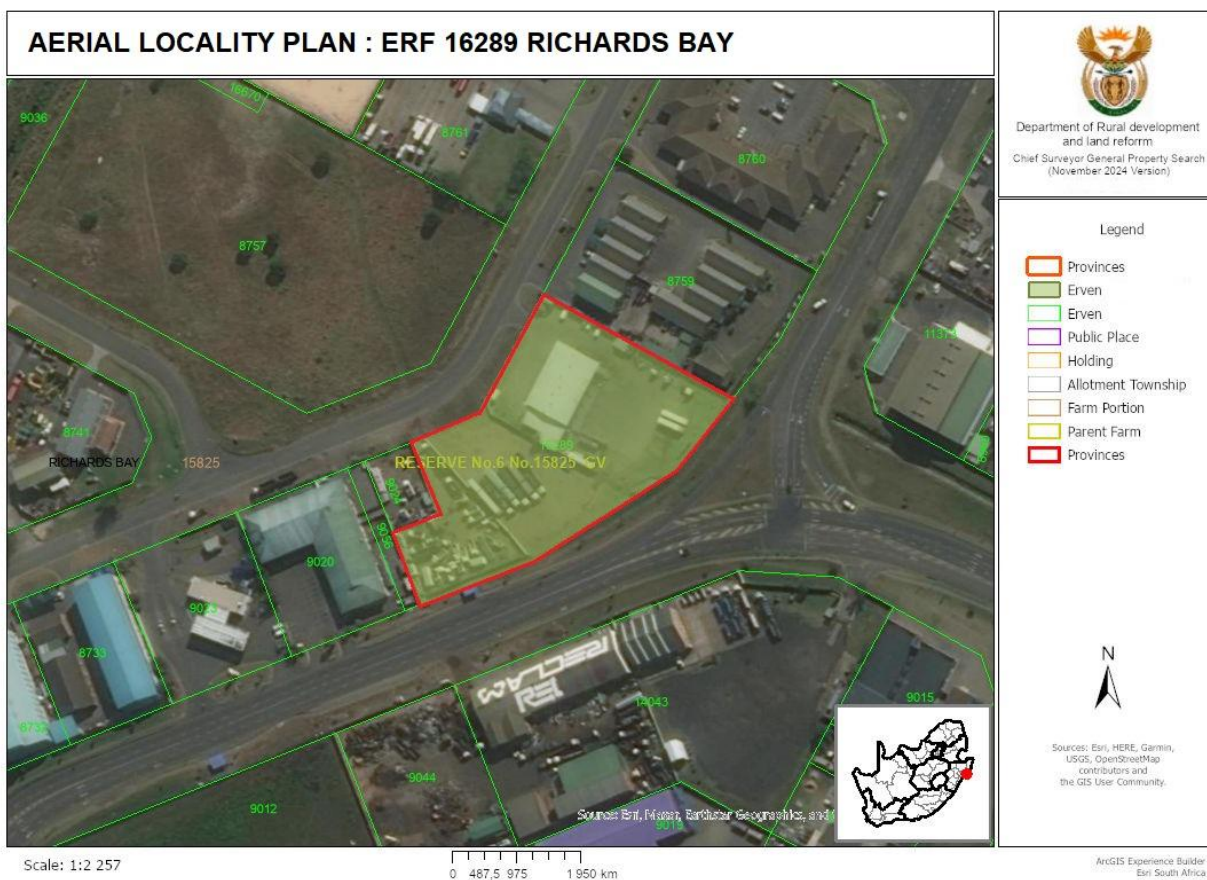
Details of this application are more fully discussed below.

5. THE APPLICATION SITE

5.1 LOCALITY OF THE APPLICATION SITE

Erf 16289 Richards Bay is located at 7 Brass Link, Alton, Richards Bay.

FIGURE 1: AERIAL LOCALITY PLAN : ERF 16289 RICHARDS BAY



5.2 EXISTING AND PROPOSED DEVELOPMENTS

With reference to the Site Development Plan prepared by 4d Architects, annexed hereto as **Annexure 5**:-

5.2.1 PROPOSED PORTION 1 OF ERF 16289 RICHARDS BAY

Proposed Portion 1 of Erf 16289 Richards Bay is presently developed with a ground floor workshop and ablution facilities. Offices are located on the first floor. The development also comprise of *inter alia* a parking area; loading zones and lay down yards.

FIGURE 2: AREA ANALYSIS OF PROPOSED PORTION 1 OF ERF 16289 RICHARDS BAY

AREA ANALYSIS- Portion 1 of Erf 16289 - Richards Bay Proposed Zoning : General Industry Occupation Classification : G1 / D2/ J3 Site Area 2396.00m ² Allowable Coverage : 80% 1916.80m ² Allowable F.A.R : 2 4792.00m ²			
Workshop and Buildings:	Building Area	Coverage	FAR
Ground Floor			
Workshop	963.97 m ²	963.97 m ²	963.97 m ²
Ablution Facilities 1	30.83 m ²	30.83 m ²	30.83m ²
Ablution Facilities 2	30.83 m ²	30.83 m ²	30.83m ²
Staircase 1	5.62 m ²	5.62 m ²	
Staircase 2	5.62 m ²	5.62 m ²	
1st Floor			
Offices 1	26.49 m ²		26.49 m ²
Offices 2	26.49 m ²		26.49 m ²
Total Area Ground Floor	1036.87 m²	1036.87 m²	1025.63 m²
Total Area 1st Floor	52,98 m²		52,98 m²
Total Area (Ground Floor + 1st Floor)	1089.85 m²	1036.87 m²	1078.61 m²
		43.28%	0,450

(SOURCE: Site Development Plan: Annexure 5)

5.2.2 PROPOSED REMAINDER OF ERF 16289 RICHARDS BAY

The proposed remainder of Erf 16289 Richards Bay is presently the premises of SCANIA South Africa. SCANIA is a world-leading provider of transport solutions, including truck and buses for heavy transport applications as well as other product-related services such as vehicle financing, insurance and rentals.

The proposed Remainder is developed with *inter alia* workshops; offices; staff ablutions; a wash bay; store rooms; verandas; a parts receiving awning; an environmental recycling station; a guard house and restroom. The development also comprise of driveways; parking areas; a loading zone and skips (refuse area).

FIGURE 3: AREA ANALYSIS OF PROPOSED REMAINDER OF ERF 16289 RICHARDS BAY

AREA ANALYSIS- Remainder of Erf 16289 - Richards Bay Proposed Zoning : General Industry Occupation Classification : G1 / D2/ J3 Site Area 8204.00m ² Allowable Coverage : 80% 6523.20m ² Allowable F.A.R : 2 16408.00m ²			
Existing Workshop and Buildings:	Building Area	Coverage	FAR
Workshop 1	459,39 m ²	459,39 m ²	459,39 m ²
Offices	104,63 m ²	104,63 m ²	104,63 m ²
Staff Ablutions	68,85 m ²	68,85 m ²	68,85 m ²
Workshop 2	26,16 m ²	26,16 m ²	26,16 m ²
Wash Bay	52,35 m ²	52,35 m ²	
Store Room 2	36,83 m ²	36,83 m ²	36,83 m ²
Veranda 1	5,75 m ²	5,75 m ²	
Parts Receiving Awning	32,00 m ²	32,00 m ²	
Environmental Recycling Station	25,00 m ²	25,00 m ²	25,00 m ²
Guard House and Restroom	58,07 m ²	58,07 m ²	58,07 m ²
Veranda 2	16,02 m ²	16,02 m ²	
Store Room 1	57,65 m ²	57,65 m ²	57,65 m ²
Tool Store	16,05 m ²	16,05 m ²	16,05 m ²
Oil Store (Private Use)	23,35 m ²	23,35 m ²	23,35 m ²
Total Area	982,10 m²	982,10 m²	875.98 m²
		11.97%	0,107

(SOURCE: Site Development Plan: Annexure 5)

5.3 EXISTING AND PROPOSED LAND USE ACTIVITIES

As can be seen on the Site Development Plan (**Annexure 5**) and confirmed in Section 5.2 above, the application site is presently being used by SCANIA South Africa as well as the owner of the application site for Industry-Service purposes. Industry-Service is defined in the uMhlathuze Land Use Scheme regulations as:-

"Industry - Service	<p><i>Means an enterprise which is:</i></p> <p><i>a) Primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services; and</i></p> <p><i>b) Not likely to be a source of disturbance to surrounding properties;</i></p> <p><i>c) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and</i></p> <p><i>d) Includes a builder's yard / hardware store and allied trades, laundry, bakery, dairy depot, distribution centres, storage purposes (excluding Bulk Storage as defined in the Scheme), laboratories, grooming parlour, transport and cartage activities and a workshop or other area used for the repair, restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may</i></p>
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	<i>include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.</i>
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The Existing Land Use Plan is annexed hereto as **Annexure 6.1**. It is not proposed in this application to change the land use activities on the property. Proposed Portion 1 and the Remainder of Erf 16289, will continue to be used for Industry-Service purposes. The Proposed Land Use Plan is annexed hereto as **Annexure 6.2**.

5.4 EXISTING AND PROPOSED ZONING CAETEGORIES

The application site is presently zoned General Industry. General Industry is defined in the uMhlathuze Land Use Scheme Regulations as follows:-


<i>“Industry – General</i>	<p><i>Means any activity, undertaking, premises, building and/or land falling within the scope of the interpretation of a “factory” as defined in this scheme. It shall exclude any activity, undertaking, premises and/or land which may be classed as an “Agricultural Industry”, “Industry – Bulk Storage” “Industry – Extractive”, “Industry- Noxious” and/or “Industry-Salvage”.</i></p> <p><i>“Factory” means:</i></p> <ol style="list-style-type: none"> <i>1. Any premises on or within which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:</i> <ol style="list-style-type: none"> <i>a) The manufacturing of any article or part thereof;</i> <i>b) The altering, repairing, renovating, ornamenting, painting, spraying, sand blasting, coating, polishing, finishing, cleaning, washing or breaking up of any article;</i> <i>c) The adaption for sale or use of any article;</i> <i>d) The sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;</i> <i>e) Printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;</i> <i>f) The bulk freezing, chilling or storage in cold storage of any article;</i> <i>g) The generation of electricity where the electricity output is 10 megawatts or more or the facility covers an area in excess of 1 hectare;</i> <i>h) Any process of testing or analysis;</i> <i>i) The storage / parking, hiring/lease or sale of large plant and equipment but not excluding the storage of general household or residential goods.</i>
	<p><i>2. Any premises on which bookkeeping, typewriting or any other clerical work, or amenities for people engaged in the operation or incidental to the industrial activity referred to in paragraph 1. Is performed.</i></p> <p><i>3. Notwithstanding the provisions of 1-2 above, “factory” shall not include any premises which would fall under the definition of “Industry- Noxious”.</i></p>

The Existing Zoning Plan is annexed hereto as **Annexure 7.1**. It is not proposed in this application to change the zoning categories of either proposed Portion 1 or the Remainder of Erf 16289.

The current and proposed land use activities as discussed supra will remain a “Permitted Use” as stated in the “General Industry” zoning Category.

The zoning parameters and development controls for properties zoned General Industry are set out in **Table 1**.

TABLE 1: ZONING PARAMETERS AND DEVELOPMENT CONTROLS FOR PROPERTIES ZONED GENERAL INDUSTRY

ZONE: GENERAL INDUSTRY		
STATEMENT OF INTENT: To provide land and buildings that permits industrial activities which may not be compatible with other industrial use and which have major externalities on the adjacent land uses. This zone permits industrial activities that may produce significant vibration, noise, fumes, odour, and high volumes of automobile and truck traffic.		
PERMITTED USES	CONSENT USES	PROHIBITED USES
<ul style="list-style-type: none"> • Commercial Workshop • Funeral Parlour • General Showroom • Impoundment Area • Industry – General • Industry – Light • Industry – Salvage • Industry – Service • Motor Vehicle Fitment Centre • Municipal Purposes • Railway Infrastructure • Utilities Facility • Vehicle Testing Station • Veterinary Purposes • Warehouse • Car Wash Facility • Shop – General (<80m²) • *Rooftop Telecommunication Infrastructure • *Freestanding Telecommunication Infrastructure 	<ul style="list-style-type: none"> • Agricultural Building • Agricultural Industry • Agricultural Land • Crematorium • Educational Building (limited to a training facility ancillary to industrial purposes) • Gambling Premises • **Industry – Enclosed Bulk Storage • Industry – Extractive • Institution, (Restricted to a Clinic) • Night Club / Bar / Tavern • Office – General • Place of Assembly • Public Office • Recreational Building • Restricted Building • Shop – Factory • Shop – Wholesale • Waste Transfer / Recycling Centre • Shop – General (>80m²) • Impoundment Area • ***Caretaker Accommodation • Special Use • ****Truck Wash facility 	Buildings and land uses not included in columns 1 to 2.
ADDITIONAL CONTROLS		
<ul style="list-style-type: none"> • **Notwithstanding the provisions of the table, these land uses are restricted to the extraction of raw materials and dwellings to accommodate a manager or caretaker’s flat (limited to 100m²) • For provisions relating to parking and loading refer to Clause 6 and Clause 6.3. • **Only warehoused stockpiling, storage, handling, processing and distribution of products and/or commodities will be permissible in General Industry Zoned properties (excluding products that falls within the category of noxious industry), subject to compliance with all relevant legislative requirements. 		

- **Any proposed enclosed air bulk storage facility must obtain clearance from different key stakeholders prior to any operations;
- *All telecommunication infrastructure are subject to submission of Building plans for municipal approval.
- 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;
- The property zoned as General Industry may be used for truck parking, provided that all the trucks are registered and owned by the same company. Site Development Plan and Parking Layout Plan will be required for municipal approval. Fuel sale (in case there are fuel pump/s on site) to general public is prohibited in this zone.
- ****The Erf used as truck wash facility may not be used for storage and disposal of waste products, dangerous / hazardous goods.
- ****The Truck wash facility must provide adequate stormwater system, grease traps etc. to the satisfaction of Council
- For Erf intended to be used for bulk storage, truck parking bays must be provided on site to the satisfactory of Council
 - Sites for funeral undertakers shall comply with Council's Funeral Undertakers Bylaws.
 - Except where specific provision is made therefore in this Scheme and saving that the Council may approve of the erection and use of a single Dwelling Unit for the exclusive use of a caretaker, no other Dwelling Unit of any description whatsoever shall be erected or used or permitted to be erected or used on any Erf with an industrial zoning.
 - Clauses 4.1.1.1.1 and 4.1.2.1 of the Scheme will be applicable, which implies that a Development / Site Development Plan must be compiled by the prospective owner/developer for the purpose of co-ordinated allocation of land use rights and restrictions as contemplated in the Scheme and as a prerequisite for development.
 - The permissible Coverage on any Erf or site in a General Industry or Noxious Industry Zone shall not exceed 60%. Provided that, notwithstanding anything to the contrary contained in this Scheme, the aforesaid permissible Coverage of any such Erf or site which is 4 ha or greater in extent shall increase, at a ratio of a 2,5% increase for every whole hectare in excess of 4 ha, to a maximum of 75%.
 - In respect of a site in the Noxious Industrial or Harbour-Bound Industry Use Zones, nothing contained in this Scheme shall prevent Council from granting its approval to the conduct of either 1) a staff canteen (including an automated teller machine under special circumstances and to the sole discretion of Council) by Council's authority or 2) an ancillary convenience facility (including an automated teller machine under special circumstances and to the sole discretion of Council) by Council's consent, per property; provided:
 - a) that in both cases the trade shall be restricted to the sale of take-away food, refreshments and other convenience goods;
 - b) that in the case of an ancillary convenience facility the gross total floor area shall be restricted to 50m²;
 - c) that in the case of a staff canteen trade shall be restricted to persons actually employed on the property and no outdoor advertising shall be allowed; and
 - d) that such ancillary convenience facility shall cease to exist in the event that the industrial concern upon the premises ceases to operate;
 - All spray painting booths, regardless of their application, shall be required to have a working chamber, fresh air system and exhaust system installed to the satisfaction of the Medical Officer of Health / Environmental Health Section.
 - All sand blasting booths shall be subject to Council's approval and shall ensure that the operation of the sand blasting booth does not in any way impact on surrounding landowners. For this reason, a sand blasting booth shall be enclosed and shall have a relevant fresh air and exhaust system installed to the satisfaction of the Medical Officer of Health / Environmental Health Section.
- A buffer of no less than 500m shall be maintained around all sites zoned as a refuse site.

- The Council may grant its consent to provide facilities for the temporary storage of general waste at a drop-off / transfer station on an erf, or part thereof, and within an applicable zone listed under Column 2 provided for in this Scheme, subject thereto that:
 - The site only provides facilities for the storage only of less than 35m³ of garden and domestic waste before it is transported to a recycling, treatment or waste disposal facility waste at any time. A proposal for the temporary storage of more than 35m³ shall be defined under Waste Transfer / Recycling Centre;
 - The Council has followed public participation procedures as prescribed in law in order to establish such drop-off or waste transfer station;
 - The location of drop-off or waste transfer sites is selected with sensitivity and careful planning to ensure accessibility and acceptance by the community, and not to interfere with pedestrian movement, or create an eyesore, or a public nuisance of rodents, dust, wind-blown litter and odour;
 - The site is adequately designed and surfaces are hardened and impermeable and maintained in a dust free condition. Stormwater and wastewater control measures shall be implemented to avoid polluted water and run-off from entering the natural system;
 - The drop-off or waste transfer station is adequately managed to avoid wind-blown litter;
 - The drop-off or waste transfer station is screened from public view, if required; and
 - The drop-off or waste transfer station is licensed in terms of relevant legislation, if necessary.

DEVELOPMENT CONTROLS

MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE (WIDTH)	BUILDING LINES			HEIGHT	COVERAGE	FAR
			STREET	SIDE	REAR			
1500m ²	N/A	18m	7.5m	3m	3m	UR	80%	2,00

5.5 TITLE DEED, SG DIAGRAM AND SERVITUDE INFORMATION

The title deed conditions for the application site are set out in Table 2, supported by comments; Surveyor-General and Servitude diagram information (where applicable).

TABLE 2: TITLE DEED AND SG DIAGRAM INFORMATION : ERF 16289 RICHARDS BAY

TITLE DEED NUMBER :	Deed of Transfer No. T 63931/07 (Refer to Annexure 4)
REGISTRATION DATE:	20 December 2007
REGISTERED OWNER:	Ponthal (Pty) Ltd, Registration Number 1993/005644/07
PROPERTY DESCRIPTION:	Erf 16289 Richards Bay, Registration Division GV, Province of KwaZulu-Natal
EXTENT OF PROPERTY:	1,0600 Hectares
SG DIAGRAM	Consolidation Diagram S.G. No. 1549/2007 (Annexure 8)

TITLE DEED CONDITIONS AND COMMENTS RELATING TO POSSIBLE RESTRICTIVE CONDITIONS AND SERVITUDES	
THE SAID LAND IS HELD SUBJECT:-	
A. As to the portion lettered A B a J on diagram S.G. No. 1549/2007	
A	Subject to the conditions as created in original Deed of Grant No. T 638/1910, in so far as they are still in force and applicable, and more especially to the following:
(a)	Die voorbehoud ten gunste van die Staat van die reg van sodanige gedeeltes van die herinvermelde eiendom wat nog onverbeterd in die besit van die Dorpsbestuur van Richardsbaai of van sy opvolgers in titel of regverkrygendes mag wees en wat vir enige doeleindes van die Staat nodig word, te herneem teen die betaling van 'n vergoeding bereken teen R74,13 per hektaar plus die pro rata werklike koste van die genoemde gedeeltes. Sodanige gedeeltes sluit nie begiftigings-eiendomme in wat die genoemde Dorpsbestuur van Richardsbaai of sy opvolgers in titel of regverkrygendes by die uitleg van 'n dorp gratis aan die Staat moet oordra nie.
Translation	<i>Loosely translated this condition pertains to a right in favour of the State over those portions of the land which remains unimproved and in the possession of the City Council of Richards Bay or its successors in title or its legal successors and which is needed for any purposes of the State, to retake the unimproved portions of land at the rate of R74,13 per hectare, plus the pro-rata actual costs of the aforementioned properties. Such portions does not include the properties which the City Council of Richards Bay or its successors in title or its legal successors at the outlay of the town must transfer free of charge to the State.</i>
Comment	<i>The above right in favour of the State is noted however same has no bearing on this application. As the land has been developed and transferred into new ownership.</i>
(b)	Die voorbehoud ten gunste van die Staat van alle regte op edelgesteentes, edelmetale, onedele minerale en aardolie soos in die mineraalwette omskryf op of onder the grond.
Comment	<i>This title deed condition relates to mineral rights in favour of the State. The proposed subdivision will not infringe upon the State's rights to minerals and this condition will merely be carried forward into the new title deed conditions for the proposed subdivisional portion.</i>
B As to the Portion lettered H a F G on diagram S.G. Nr. 1549/2007	
A.	Subject to the conditions as created in original Deed of Grant No. T 638/1910, in so far as they are still in force and applicable, and more especially to the following:
(a)	Die voorbehoud ten gunste van die Staat van die reg van sodanige gedeeltes van die herinvermelde eiendom wat nog onverbeterd in die besit van die Dorpsbestuur van Richardsbaai of van sy opvolgers in titel of regverkrygendes mag wees en wat vir enige doeleindes van die Staat nodig word, te herneem teen die betaling van 'n vergoeding bereken teen R74,13 per hektaar plus die pro rata werklike koste van die genoemde gedeeltes. Sodanige gedeeltes sluit nie begiftigings-eiendomme in wat die genoemde Dorpsbestuur van Richardsbaai of sy opvolgers in titel of regverkrygendes by die uitleg van 'n dorp gratis aan die Staat moet oordra nie.
Translation	<i>Loosely translated this condition pertains to a right in favour of the State over those portions of the land which remains unimproved and in the possession of the City Council of Richards Bay or its successors in title or its legal successors and which is needed for any purposes of the State, to retake the unimproved portions of land at the rate of R74,13 per hectare, plus the pro-rata actual costs of the aforementioned properties. Such portions does not include the properties which the City Council of Richards Bay or its successors in title or its legal successors at the outlay of the town must transfer free of charge to the State.</i>
Comment	<i>The above right in favour of the State is noted however same has no bearing on this application. As the land has been developed and transferred into new ownership.</i>

(b)	Die voorbehoud ten gunste van die Staat van alle regte op edelgesteentes, edelmetale, onedele minerale en aardolie soos in die mineraalwette omskryf op of onder the grond.
Comment	<i>This title deed condition relates to mineral rights in favour of the State. The proposed subdivision will not infringe upon the State's rights to minerals and this condition will merely be carried forward into the new title deed conditions for the proposed subdivisinal portion.</i>
B	Subject to the conditions imposed by the Administrator of the Province of KwaZulu-Natal, under the provisions of the Town Planning Ordinance No. 27 of 1949, namely:-
1.	<p>The local authority shall without compensation, have the right to construct and maintain any service including the provision of stormwater drainage, water supply, irrigation, sewerage, electricity, gas and/or fuel supply, telecommunication services, radio and television services, over or under the lot along any boundary thereof other than a road frontage and within a distance of 3 metres from such boundary and shall have reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the lot shall without compensation be obliged to allow the servicing of any other lot or street to be conveyed along such service.</p> <p>Maintenance shall include trimming, cutting or otherwise dealing with trees so as to prevent interference with any service.</p> <p>The right conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to provide services for the benefit of inhabitants of the township. If the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right to appeal to the Administrator whose decision shall be final.</p>
Comment	<i>The above general servitude for services in favour of the Municipality will remain registered against the application site and carried forward into the title deed conditions for proposed Portion 1.</i>
2	The owner of the lot shall, without compensation be obliged to permit such deposit of material or excavation on the lot as may, in connection with the formation of any street in the township and owing to differences in level between the lot and the street, be deemed necessary by the local authority, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the lot, unless he shall elect, at his own cost, to build a retaining wall to the satisfaction of the local authority
Comment	<i>The above title deed condition will remain registered against the application site and carried forward into the title deed conditions for proposed Portion 1.</i>
3	Where two or more lots or portions thereof subject to similar conditions imposed at the instance of the Administrator are consolidated, such conditions shall apply to the consolidated area as a whole.
Comment	<i>The above title deed condition will remain registered against the application site and carried forward into the title deed conditions for proposed Portion 1.</i>
C As to the Portion lettered B C D E F on diagram S.G. No. 1549/2007.	
A	Subject to the conditions as created in original Deed of Grant No. T 638/1910, in so far as they are still in force and applicable, and more especially to the following:
(a)	Die voorbehoud ten gunste van die Staat van die reg van sodanige gedeeltes van die herinvermelde eiendom wat nog onverbeterd in die besit van die Dorpsbestuur van Richardsbaai of van sy opvolgers in titel of regverkrygendes mag wees en wat vir enige doeleindes van die Staat benodig word, te herneem teen die betaling van 'n vergoeding bereken teen R74,13 per hektaar plus die pro rata werklike koste van die genoemde gedeeltes. Sodanige gedeeltes sluit nie begiftigings-eiendomme in wat die genoemde Dorpsbestuur van Richardsbaai of sy opvolgers in titel of regverkrygendes by die uitleg van 'n dorp gratis aan die Staat moet oordra nie.
Translation	<i>Loosely translated this condition pertains to a right in favour of the State over those portions of the land which remains unimproved and in the possession of the City Council of Richards Bay or its successors in title or its legal successors and which is needed for any purposes of the State, to retake the unimproved portions of land at the rate of R74,13 per hectare, plus the pro-rata actual costs of the aforementioned properties.</i>

	<i>Such portions does not include the properties which the City Council of Richards Bay or its successors in title or its legal successors at the outlay of the town must transfer free of charge to the State.</i>
Comment	<i>The above right in favour of the State is noted however same has no bearing on this application. As the land has been developed and transferred into new ownership.</i>
(b)	Die voorbehoud ten gunste van die Staat van alle regte op edelgesteentes, edelmetale, onedele minerale en aardolie soos in die mineraalwette omskryf op of onder the grond.
Comment	<i>This title deed condition relates to mineral rights in favour of the State. The proposed subdivision will not infringe upon the State's rights to minerals and this condition will merely be carried forward into the new title deed conditions for the proposed subdivisinal portion.</i>
B.	Subject to the conditions imposed by the Administrator of the Province of KwaZulu-Natal, under the provisions of the Town Planning Ordinance No. 27 of 1949, namely:-
1.	<p>The local authority shall without compensation, have the right to construct and maintain any service including the provision of stormwater drainage, water supply, irrigation, sewerage, electricity, gas and/or fuel supply, telecommunication services, radio and television services, over or under the lot along any boundary thereof other than a road frontage and within a distance of 3 metres from such boundary and shall have reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the lot shall without compensation be obliged to allow the servicing of any other lot or street to be conveyed along such service.</p> <p>Maintenance shall include trimming, cutting or otherwise dealing with trees so as to prevent interference with any service.</p> <p>The right conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to provide services for the benefit of inhabitants of the township. If the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right to appeal to the Administrator whose decision shall be final.</p>
Comment	<i>The above general servitude for services in favour of the Municipality will remain registered against the application site and carried forward into the title deed conditions for proposed Portion 1.</i>
2.	The owner of the lot shall, without compensation be obliged to permit such deposit of material or excavation on the lot as may, in connection with the formation of any street in the township and owing to differences in level between the lot and the street, be deemed necessary by the local authority, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the lot, unless he shall elect, at his own cost, to build a retaining wall to the satisfaction of the local authority
Comment	<i>The above title deed condition will remain registered against the application site and carried forward into the title deed conditions for proposed Portion 1.</i>
3.	Where two or more lots or portions thereof subject to similar conditions imposed at the instance of the Administrator are consolidated, such conditions shall apply to the consolidated area as a whole.
Comment	<i>The above title deed condition will remain registered against the application site and carried forward into the title deed conditions for proposed Portion 1.</i>

6. PROPOSED DEVELOPMENT

No further development activities are proposed.

7. DETAILS OF THE LAND DEVELOPMENT APPLICATION

7.1 IN TERMS OF SECTION 27(1)(e) OF THE uMHLATHUZE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017 (AS AMENDED) : THE SUBDIVISION OF ERF 16289 RICHARDS BAY INTO PROPOSED PORTION 1 AND THE REMAINDER

- As explained in Section 1 of this application, the owner wishes to formally subdivide the application site with the view to sell the properties individually in the future;
- The proposed Subdivision is shown on the Subdivisional Layout Plan annexed hereto as **Annexure 9.1**. The layout plan shows *inter alia* the property to be subdivided; the new property designations; the extent of proposed Portion 1 and the Remainder; distances; main structures; building lines, roads; access points; neighbouring properties; cadastral boundaries and the like;
- The proposed Subdivisional Diagram to be approved by the Surveyor-General and registered in the Deeds Office, is annexed hereto as **Annexure 9.2**.

8. MOTIVATION FOR THE LAND DEVELOPMENT APPLICATION

8.1 NEED FOR THE PROPOSED DEVELOPMENT ACTIVITIES

The need for the proposed development activities was clearly set out in Sections 1 and 7 of this application.

8.2 DESIREABILITY

From a desirability point of view, the following points should be noted:-

- There are no restrictive conditions of title that may prevent the proposed development activities from being approved (discussed in Section 3);
- The proposed development activities will have no negative impacts on access arrangements; engineering services; the environment; heritage resources; socio-economic conditions; public and/or community facilities; surrounding land owners nor the character of the area (discussed in Section 8);
- There are no registered land claims over the property (Discussed in Section 8);
- The proposed development activities complies with key legislation and planning guidelines (discussed in Section 9);

8.3 IMPACTS ON ACCESS AND TRAFFIC GENERATION

The proposed subdivision will have no impact on existing access arrangements and will not generate additional traffic as no change in land use activities and/or zoning categories are proposed.

8.4 IMPACTS ON ENGINEERING SERVICES

8.4.1 STORMWATER MANAGEMENT

With reference to the Hardened Areas Schedules on the Site Development Plan (**Annexure 5**), proposed Portion 1 comprise of 100% hardened areas. The proposed Remainder comprise of 49,86% hardened areas.

The existing approved building plans does however show the existing and proposed stormwater infrastructure and management.

8.4.2 SEWAGE AND WATER

With reference to the Site Development Plan (**Annexure 5**), the application site is fully serviced, however, the proposed subdivision would necessitate an application to the Municipality for an additional service connection.

8.4.3 ELECTRICITY

With reference to the Site Development Plan (**Annexure 5**), the application site is fully serviced, however, the proposed subdivision would necessitate an application to the Municipality for an additional service connection.

8.4.4 WASTE REMOVAL

Waste removal services will continue to be undertaken by the Municipality, save for those items that are being recycled by SCANIA on the proposed Remainder of Erf 16289. The Site Development Plan (**Annexure 5**) shows the refuse skips as well as the covered environmental recycling station.

8.5 IMPACT ON THE ENVIRONMENT AND HERITAGE RESOURCES

8.5.1 The proposed development activities will have no adverse impacts on the environment as the land has already been transformed and zoned for general industry purposes. Further, the proposed development activities are not listed activities in terms of the National Environmental Management Act, Act No. 107 of 1998 (NEMA) and its associated Regulations, and as such an environmental authorisation is not required.

8.5.2 The proposed development activities will have no negative impacts on heritage resources.

As per the South African Heritage Resources Agency (2025) and its national database, the application site has not been identified as containing any heritage resources and there are no structures on the land parcels that are older than 60 years as per the current approved building plans.

8.6 SOCIO-ECONOMIC IMPACTS

Due to the nature and scale of the proposed development activities, no negative socio-economic impacts could be identified and none are anticipated in the future.

8.7 IMPACT ON PUBLIC AND/OR COMMUNITY FACILITIES

Due to the nature and scale of the proposed development activities, no negative impacts on public and/or community facilities could be identified and none are anticipated in the future.

8.8 IMPACT ON SURROUNDING LAND OWNERS

The proposed subdivision will have little to no negative impacts on surrounding land owners as application is not made for a change of land use activities nor the rezoning of the application site/s.

With reference to the Existing and Proposed Zoning and Land Use Plans (**Annexures 6.1-7.2**), it is respectfully submitted that the existing zoning and land use activities are compatible with the existing land uses and zonings of surrounding properties.

Further, it is important to note that this application is subject to a public participation process in terms of which public notice of this application will be given as set out in the uMhlathuze Spatial Planning and Land Use Management By-law. During this time any interested and/or affected parties will be given the opportunity to raise any opinions, questions, concerns and/or objections to the application, prior to a final decision being made.

8.9 IMPACT ON THE CHARACTER OF THE AREA

Due to the nature and location of the proposed development activities, no negative impacts on the character of the area could be identified and none are anticipated in the future. The existing developments are shown on an updated and approved building plan.

8.10 COMMENTS FROM RELEVANT STAKEHOLDERS

8.10.1 Land Claims

In letter dated 7 October 2024, the Regional Land Claims Commissioner confirmed that no land claims appear on their database in respect of the application site. The letter is annexed hereto as **Annexure 10**.

9. ASSESSMENT OF COMPLIANCE WITH KEY LEGISLATION AND PLANNING GUIDELINES

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

- Development principles as set out in the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA);
- Provincial Norms and Standards;
- The Provincial Growth and Development Plan;
- The Integrated Urban Development Framework;
- The uMhlathuze Integrated Development Plan (IDP) (2022 - 2027);
- The uMhlathuze Spatial Development Framework (SDF) (2022 – 2027);
- The uMhlathuze Land Use Scheme Regulations (2021);
- The National Building Regulations and Building Standards Act, Act No. 103 of 1977 (As amended).

9.1 DEVELOPMENT PRINCIPLES AS SET OUT IN THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013 (SPLUMA)

The following development principles as set out in Section 7 of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (SPLUMA), would apply to the proposed development:-

TABLE 3: COMPLIANCE WITH SPLUMA PRINCIPLES

No.	Principle			How the application complies with the principle
(b)	Spatial sustainability whereby spatial planning and land use management systems must-	(i)	promote land development that is within the fiscal, institutional and administrative means of the Republic	The proposed land development activities will have no negative impacts on the fiscal, institutional and administrative means of the Municipality as all the costs associated with the proposal will be carried by the owner.
		(iii)	uphold consistency of land use measures in accordance with environmental management instruments	The proposal will have no negative impacts on the environment as fully discussed supra.
		(v)	consider all current and future costs to all parties for the provision of infrastructure and social services in land developments	The application site is located in the town of Richards Bay where bulk engineering services infrastructure are <i>inter alia</i> already in place. Any costs associated with new internal engineering services will be carried by the owner.

		(vi)	promote land development in locations that are sustainable and limit urban sprawl.	The application site is located in a sustainable town and will not contribute to urban sprawl. The property is located within a built-up industrial area and supports the need for densification and infill development.
(c)	The principle of Efficiency, whereby	(i)	land development optimises the use of existing resources and infrastructure	The proposed development activities will optimize the use of existing resources and infrastructure including the registered land parcel.
		(iii)	development application procedures are efficient and streamlined and timeframes are adhered to by all parties	The application is submitted in terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended).
(e)	The principle of good administration, whereby	(i)	all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act	The application is submitted in terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended), which also provides for a public participation process.
		(iii)	the requirements of any law relating to land development and land use are met timeously	
		(v)	policies, legislation and procedures must be clearly set in order to inform and empower members of the public	

9.2 PROVINCIAL NORMS AND STANDARDS

The following Norms and Standards have been promulgated in terms of Section 8 of the Spatial Planning and Land Use Management Act, Act 16 of 2013:

- Climate Change and Energy Efficiency in Land Use Management; and
- Electronic Communication Facilities in KZN.

In terms of this application, climate change and energy efficiency norms would apply, and compliance with same is assessed hereunder.

TABLE 4: COMPLIANCE WITH PROVINCIAL NORMS AND STANDARDS

FLOODING			
TRIGGER	YES	NO	
Is the property / development situated within the 1:100 year flood plain		√	<ul style="list-style-type: none"> This application pertains to an existing development. The existing stormwater infrastructure and management are shown on the updated and approved building plans.
HUMAN HEALTH IMPACTS			
TRIGGER	YES	NO	
Is this a new development ?		√	
DROUGHT			
TRIGGER	YES	NO	
Is this a new development ?		√	
ENERGY EFFICIENCY			
<ul style="list-style-type: none"> This application pertains to an existing development with supporting infrastructure; Any future development must comply with National Building Regulations SANS 10400 and also be assessed against the Municipality's Green Building Guidelines. 			
RENEWABLE ENERGY TECHNOLOGY			
This application pertains to an existing development and supporting infrastructure. The Applicant is not aware of any renewable energy technologies being utilised.			
COASTAL IMPACTS			
The Application site is not located in a Coastal Protection Zone.			

9.3 COMPLIANCE WITH 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.

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.

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 THE FOLLOWING PRINCIPLES ARE ADHERED TO:-

Environmental Planning: the proposed development activities will have no adverse impacts on the environment as same has already been transformed and zoned for general industry purposes. Further, an environmental authorisation is not required in terms of NEMA and the application site is not located within the coastal protection zone nor within the 1:100 year flood plain.

Sustainable Communities : the existing development activities promote economic activities within the local economy; contribute to improve and sustain economic growth and productively on all development scales.

Spatial Concentration: The application site is located in an existing industrial node where there is a concentration of industrial activities; services and infrastructure, therefore contributing towards improved access of people to economic activities.

Accessibility: The application site is located in the industrial node of Richards Bay, easily accessed via a network of existing roads, with ample on-site parking and loading spaces.

9.4 THE INTEGRATED URBAN DEVELOPMENT FRAMEWORK

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

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

9.4.3 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

9.4.4 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".

9.4.5 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."*

9.4.6 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.

9.4.7 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

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

TABLE 5: COMPLIANCE WITH POLICY LEVERS: INTEGRATED URBAN DEVELOPMENT FRAMEWORK

POLICY LEVER	DESCRIPTION OF POLICY LEVER	HOW THE APPLICATION COMPLIES WITH THE POLICY LEVER
<i>Policy lever 1: 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 application is submitted in terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended), complies with the uMhlathuze Land Use Scheme Regulations and no provisions in the IDP or SDF could be found that contradicts this policy lever.
<i>Policy lever 2: 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 easily accessed through a network of existing internal and external roads.
<i>Policy lever 4: 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.	As per the uMhlathuze Spatial Development Framework (2022-2027), Richards Bay has the following physical infrastructure: Roads, social infrastructure, commerce and industry, residential suburbs, water supply,

	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.	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 commercial/industrial areas.
Policy lever 5: Efficient land governance and management	Both municipalities and private investors have a vested interest in land value remaining stable and increasing. At the same time, property values reflect apartheid patterns of segregation and mono-functional use, which need to be addressed to promote spatial transformation. Efficient land governance and management will contribute to the growth of inclusive and multi-functional urban spaces.	The application is submitted in terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended), and complies with the uMhlathuze Land Use Scheme Regulations.
Policy lever 8: Effective urban governance	The complexities of urban governance include managing the intergovernmental dynamics within the city and relations with the national, before province and neighbouring municipalities. Effective urban governance will result in the creation of well-functioning, accountable, transparent and capable institutions that deliver on their roles and responsibilities.	The application is submitted in terms of the provisions of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended), complies with the uMhlathuze Land Use Scheme Regulations and no provisions in the IDP or SDF could be found that would prevent this application from being approved.

9.5 THE UMHLATHUZE INTEGRATED DEVELOPMENT PLAN (IDP) (2022 - 2027)

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 32 of 2000;

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.”*

According to the IDP, the uMhlathuze Municipality’s long term vision is:

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

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 (KPA's) would apply to the application:

TABLE 6: KEY PERFORMANCE AREAS THAT 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.
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	6.1.1.5 Compliance with national SPLUMA, SPLUM By-law, National Building Regulations and Municipal Building Control By-law
		6.1.1.6 Efficient processing of development application and building plans
	6.1.2 to ensure effective Environmental Management in compliance with legislation	6.1.2.2 Review and implement Climate Change Action Plan 6.1.2.3 Air quality monitoring and implementation of the Air Quality Management Plan
6.3 Disaster Management	6.2.3	6.2.3.1 Review and implement Disaster Management Plan

9.6 THE UMHLATHUZE SPATIAL DEVELOPMENT FRAMEWORK (SDF) (2022-2027)

A Spatial Development Framework (SDF) forms an integral part of the IDP;

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;

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;

The uMhlathuze Municipality's SDF was adopted for the period 2022-2027. In terms of the application, the following should be noted:

- The application site is located within the urban boundary of Richards Bay, identified as a primary node in the uMhlathuze Municipal Area;
- An analysis of Richards Bay Node is set out in Table out in Table 7;
- A copy of the Municipality's SDF map is annexed hereto as **Annexure 11**;

TABLE 7: ANALYSIS OF RICHARDS BAY NODE

Role in the City	<ul style="list-style-type: none"> • Prominent developing industrial centre in South Africa; • Centres of employment, industrial, residential, mining, offices, ecotourism, 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. • It plays a dominant role in KZN, especially within the commercial and Industrial Sector. • It plays a major role in the regional economy as a service centre (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, residential, 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> <p>AIR: Linked to the National System</p> <p>Residential: Mixed used development (low-high density).</p>
Service Levels	<p>Physical Infrastructure: Water supply, waterborne system, electrification, solid waste disposal, storm-water management and telecommunication services.</p> <p>Existing capacity will be upgraded to accommodate increased densities and expansion of urban residential areas as well as industrial areas.</p>
Open Space / Environment	<p>Open Space and Conservation: Urban recreation (Public parks, private open spaces and conservation areas).</p>

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;

No provisions in the SDF could be identified that would prevent the Municipality from approving this application.

9.7 THE UMHLATHUZE LAND USE SCHEME REGULATIONS, 2021

The application sites are located within the uMhlathuze Land Use Scheme area and is thus subject to the provisions of the uMhlathuze Land Use Scheme Regulations.

With reference to the Site Development Plan (**Annexure 5**), the Areas Schedules, Parking Schedules, Subdivisional Layout Plan (**Annexure 9.1**) and Table 1 of this application, compliance with the zoning parameters and development controls for proposed Portion 1 and the Remainder are summarised below.

**TABLE 8: COMPLIANCE WITH ZONING PARAMETERS AND DEVELOPMENT CONTROLS: PROPOSED PTN 1 OF ERF 16289
RICHARDS BAY : ZONING : GENERAL INDUSTRY**

DESCRIPTION	ZONING PARAMETER / DEVELOPMENT CONTROL	COMPLIANCE / COMMENTS
MINIMUM ERF SIZE	1 500m ²	Yes. Proposed Ptn 1 is 2 396 m ²
UNITS PER HECTARE	N/A	N/A
FRONTAGE (WIDTH)	18 m	Yes – 18 m
BUILDING LINE : STREET	7.5 m	Yes (Refer to the Site Development Plan – Annexure 5)
BUILDING LINE: LEFT SIDE	3 m	Yes (Refer to the Site Development Plan – Annexure 5)
BUILDING LINE : RIGHT SIDE	3 m	Yes (Refer to the Site Development Plan – Annexure 5)
BUILDING LINE: REAR	3 m	Yes (Refer to the Site Development Plan – Annexure 5)
HEIGHT	UR	Yes (Refer to the Site Development Plan – Annexure 5)
COVERAGE	80%	Yes: 43.28%
FAR	2,00	Yes: 0,450

TABLE 9: COMPLIANCE WITH ZONING PARAMETERS AND DEVELOPMENT CONTROLS: PROPOSED REMAINDER OF ERF 16289 RICHARDS BAY : ZONING : GENERAL INDUSTRY

DESCRIPTION	ZONING PARAMETER / DEVELOPMENT CONTROL	COMPLIANCE / COMMENTS
MINIMUM ERF SIZE	1 500m ²	Yes: 8 204 m ²
UNITS PER HECTARE	N/A	N/A
FRONTAGE (WIDTH)	18 m	Yes – 77.14 m (Refer to Subdivisional Layout Plan – Annexure 9.1)
BUILDING LINE : STREET	7.5 m	Yes (Refer to the Site Development Plan – Annexure 5)
BUILDING LINE: LEFT SIDE	3 m	Yes (Refer to the Site Development Plan – Annexure 5)
BUILDING LINE : RIGHT SIDE	3 m	Yes (Refer to the Site Development Plan – Annexure 5)
BUILDING LINE: REAR	3 m	Yes (Refer to the Site Development Plan – Annexure 5)
HEIGHT	UR	Yes (Refer to the Site Development Plan – Annexure 5)
COVERAGE	80%	Yes: 11.97 %
FAR	2,00	Yes: 0,107

With regards to parking and loading requirements, same is fully set out on the Site Development Plan (Annexure 5).

9.8 THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, ACT 103 OF 1977 (AS AMENDED)

The project Architect confirmed that the building plans are up to date including two historical consents from the Municipality for the relaxation of building lines.

9.9 APPROVED BUILDING LINE RELAXATIONS

The following building line relaxations have been approved by the Municipality in terms of Section 27 (1)(b) of the uMhlathuze Spatial Planning and Land Use Management By-law, (2017) as amended, read with Clause 3.1.2 and 3.1.3.1 of the uMhlathuze Land Use Scheme Regulations, 2021 on Erf 16289, Richards Bay:-

9.9.1 MUNICIPAL REFERENCE 6/6/16289 DATED 21 NOVEMBER 2023

- Relaxation of the 7,5m street building line to 2m for the new workshop;
- Relaxation of the 3m right side building line to 2m for the new workshop.

A copy of the Record of Decision is annexed hereto as **Annexure 12.1**.

9.9.2 MUNICIPAL REFERENCE 6/6/16289 DATED 22 APRIL 2022

- Relaxation of the 7,5m street building line to 1m and 2m;
- Relaxation of 3m left side building line to 1,2m for the guardhouse and generator.

A copy of the Record of Decision is annexed hereto as **Annexure 12.2**.

10. PROPOSED CONDITIONS OF ESTABLISHMENT (APPROVAL)

The following draft Conditions of Establishment (approval) are proposed for this application.

With reference to the application submitted on behalf of PONTAL (Pty) Ltd, Registration Number 1993/005644/07, the Municipality is pleased to approve the application in terms of Section 42(3)(b) of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended), and in accordance with the accompanying Layout Plan No. 2077-01, subject to the following conditions:-

A. REGISTRATION ARRANGEMENTS

1. Lodging of General Plan and/or 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 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. Lodging in the Deeds Office

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 (as amended), are to be lodged with the Registrar of Deeds.

B. CONDITIONS TO BE MET PRIOR TO REGISTRATION AND TRANSFER

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 (as amended), 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 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. Provision of Engineering Services

The owner shall, to the satisfaction of the municipality, provide for engineering services in respect of each Erf to be registered and 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".

The owner shall enter into a services agreement with the Municipality and obtain the necessary approvals from the Municipality and/or service authority prior to construction.

a) Water and Sanitation

The owner 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 the proposed subdivided portion, in accordance with the standards acceptable to the Municipality.

b) Electricity

The owner shall provide an efficient supply of electricity to within the normal connection distance of the boundary of the proposed subdivisional portion in accordance with the standards acceptable to the Municipality.

C. CONDITIONS TO BE MET AFTER REGISTRATION AND PRIOR TO FURTHER DEVELOPMENT

1. Update of Records

Upon registration of the subdivision, the Municipality shall update its records to reflect the subdivision.

D. INSTRUCTION AND INFORMATION

1. Selling Prior to Registration of Subdivision

In terms of Section 50 of the uMhlathuze Spatial Planning and Land Use Management By-law, 2017 (as amended), an agreement for the alienation of a subdivided or consolidated portion of land that was approved by a Municipal Planning Approval Authority, 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 1 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, 2017 (as amended), 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.

11. CONCLUSION

- 11.1 The motivation clearly sets out the land development application, supported by various documents and plans;
- 11.2 Compliance with relevant planning legislation, policies and guidelines have been addressed;
- 11.3 The uMhlathuze Municipality is therefore respectfully requested to kindly approve the application.

12. REFERENCES

- 12.1 About Scania : Available at <https://www.scania.com/za/en/home/about-scania.html>

SIGNED AT RICHARDS BAY ON THIS 17TH DAY OF JULY 2025.

A handwritten signature in black ink, appearing to read 'Eugène E du Preez', written over a horizontal line.

EUGÈNE E DU PREEZ
PROFESSIONAL LAND SURVEYOR (PLS0174)
KMH & ASSOCIATES