

APPLICATION FOR SUBDIVISION
OF
PORTION 83 (OF PORTION 43) OF LOT WD NO. 9734 SITUATED IN
BOTHAS HILL HEALTH COMMITTEE AREA AND IN THE PORT NATAL
EBHODWE JOINT SERVICES BOARD AREA
ADMINISTRATIVE DISTRICT OF NATAL

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MEMORANDUM:

1. Terms of reference background information

The applicant Alwande Civils Surveys was appointed by the owners to lodge this application on their behalf.

The intention with this application is to obtain consent for the subdivision of their land, on the property described herein. Furthermore the property described above is to be subdivided into 41 Stands/Erven with the exclusion access roads to the adjoining proposed erven.

The municipality is requested to provide comments to be included in an application in terms of KwaZulu Natal Planning and Development Act (Act 6 of 2008) which must be read cooperatively With the Spatial Planning and Land Use Management Act (Act 16 of 2013) as well as Chapter XVI of Township Ordinance No. 18 of 1976.

2. Proposal :

Application is lodged for the subdivision of Portion 83 (of Portion 43) of Lot WD No. 9734 situate In Bothas Hill Health Committee Area and in the Port Natal Ebhodwe Joint Services Area.

The owner of the property 41stands/erven for residential purposes but with inclusion of other Services that will not be in contrary with local authority subdivision as shown on the enclosed Sketch plan of proposed development

3. Background

The property currently lies on the vacant stand .It is part of the Bothas Hill Town Planning Scheme As seen on the adjoining townships on the original registered diagram with S.G.No. 2265/1976

4. Locality of the Site

Portion 83(of Portion 43) of Lot WD 9734 along the left hand side of Nyuswa MainRoad No. 528

As seen on the original sketch .It is also bounded by the Bothas Hill and Assagay townships.

The total area of the property to be subdivided is 20.7581 hectares

After subdivision, the Remainder will be the adjoining access streets and thus a General Plan Is recommended for such development a it will be financially feasible to the owner as well.

5. Topography

The site to be developed is in an area that is not subject to flooding . It is relatively flat and situated on high ground

6. Development Motivation

6.1 Need:

In South Africa and more particularly in KwaZulu Natal , there has been a substantial growth in population as well external visitors wishing to own land in this area due to the problem inability to afford bonds ,rates and other fiscal issues in surburbs and this will enable a patterned and spatially sustainable land developments and thus decrease in informal settlements as it will be easy and more affordable to purchase land.

6.2 Desirability:

The proposed subdivision is considered to be desirable for the following reasons:

- The proposed area to be subdivided are no longer being used by the owner and can be put to a better use in eliminating land shortage while the owner will benefit monetary.
- The land can be used to its full potential prospective land buyers will obtain ownership which will entitle him to obtain capital via a mortgage bond, etc. in order to make improvements to the property;
- Safe and convenient access to all portions is possible. Existing access points will be maintained;
- Access to sufficient water supplies exist;
- The property is suited for the proposed subdivision (it is not subject to restrictive conditions of title or mineral rights disputes of any physical constraints).

7. Ownership

The parent stand which is Portion83(of Portion 43) of Lot WD 9734 is owned by Walter Kindiku Khoza jointly with Patiance Khoza vide **Deed of Transfer Number ;T33733/88**

8. Title Deed Description

The current site to be further developed is currently described Portion 83(of Portion 43) of LotWD 9734 situated in the Bothas Hill Committee Area and in the Port Natal Ebhodwe Joint Services Board Area within the Adminstrative District of Natal.The proposed development will be called extension of Bothas Hill township (As seen on proposed General Plan).

9. Title Deed Conditions

There are currently some servitudes registered over Portion 83(of Portion 43) of Lot WD ,namely:

- i) 12.19 Road Servitude vide Deed of Transfer No:748/1943

ii) Sewers and Drain Servitudes 3 metres wide ,and irregular ones that are 1.50metres as depicted on Diagram S.G No.2263/1976

iii) Road servitude 9 metres wide lettered, irregular line 4.50 metres wide Diagram S.G.No:2264/1976

10. Other Subdivisions on Parent Diagram

The parent diagram does not have subdivisions currently however ,there are several servitude diagrams that affect the property such as sewer,drain servitudes, middle of stream servitudes as well road servitudes vide Diagram S.G.No. 2264/1976 .

11. Existing Land Use

The site is currently vacant and partially used for access to other adjoining properties ,it also has servitudes ,and sometimes used by residents and animals.

12. Environmental Impact Assessment

There are no endangered species that have been discovered in the area .There will be removal of trees and some grass in order to accomplish the development and this will not affect the environment in any way. The environmental division of the local authority will thus give back comments on their EIA provisions thereto.

13. Socio-Economic Impact

The development of residential land is very instrumental and a key element on enhancing the socio-economic growth in the area of Bothas Hill. This development will provide opportunities for neighbouring townships as employment will be created since prospective land buyers will prefer to use local builders when developing their houses in conjunction with governing land scheme.As growing number of residents will flock the area some more shops,spazas and development will enhance the land spatially and beyond.

14. Cultural Heritage

The commercial aspect of this development as stated above will also yield a sense of pride in such that people will have sense of belonging and togetherness and that Kasi(Township feel)they will always remember where they come from and it will create an preserve Bothas Hill culture in a humorous way.

15. Proposed developments or Land Uses in vicinity or existing property.

All rights to mineral products,mineral oils ,coal,base or precious metals or precious stones on or under the property are solely reserved to the state. However once an owner wishes to develop land ,he/she must do it meticulously with strict cognisance of local authority(state).

16. The impact of the application on the National, Provincial and Municipal road networks ,public transport ,municipal services ,sewage,water and electricity supply,waste management and removal ,policing and removal .

The area is bounded by existing road servitudes ,there is access to sewer as seen on the original diagram.The size of this development will not really affect traffic impact as provisions for proposed roads are seen on the proposed sketch plan.

17. The historical effects of past racially discriminatory legislation on land ownership ,land development and access to engineering services an public services and the need to address historical imbalances.

The transfer of a real right to an African native proves to support the vision of the department of rural development and land reform . The vision for land restitution and land redistribution . It also supports the idea of Black Entrepreneurship and Excellence which is also part of the country's vision of Black Economic Empowerment.

18. The general principles for land development as stated in Section 3 of the Development Facilitation Act ,1995 (Act 67 of 1995) Other National norms and standards,frameworks and Policies contemplated in Section 146(2)(B) of the Constitution.

The assessment of the development proposed shows that it does not conflict with the principles of the Development Facilitation Act (DFA) ,Chapter XVI of Township Ordinance No.18 of 1976 and most importantly Spatial Planning and Land Use Management Act (SPLUMA)

19. Overall Conclusion

The summary of the motivation proves to give a clear indication that the granting of the consent to subdivide and develop this land of Bothas Hill Portion 83(of Portion 43) of Lot WD No:9734 damage nor tarnish the municipality's interests in the area or tamper with any ordinance act.