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**KwaDukuza Municipality**  
**BUSINESS UNIT:**  
**ECONOMIC DEVELOPMENT AND PLANNING**

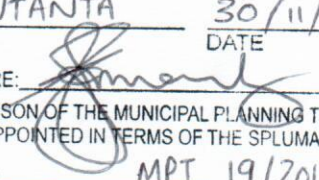
Enquiries Imobuzo Navrae	Langa Mthembu	Telephone Ucingo Telefoon	(032) 437 5559	Postal Address IsikhwamaSeposi PosAdres	P.O. Box 72 KwaDukuza 4450
Reference Inkomba Verwysing	MPT 19/2017 SPLUMA 13/2016 BA (DP)	Fax iFeksi Faks	n/a	Date Usuku Datum	30 November 2017

**Stott, Milton and Conway**  
**P O Box 195**  
**Port Shepstone**  
**4240**

**Attention: Mr R. Conway**  
**Fax: 086 726 8464**  
**Tel: 032 695 0448**

**Email: info@smcsurvey.co.za**

Posted, Delivered by Hand and/ or E-mailed

<b>KWADUKUZA MUNICIPALITY MUNICIPAL PLANNING TRIBUNAL</b>	
APPROVED BY:	
M. NTANTA	30/11/2017
NAME	DATE
SIGNATURE: 	
CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL APPOINTED IN TERMS OF THE SPLUMA.	
MPT REF:	MPT 19/2017
SPLUMA REF:	SPLUMA 13/2016 BA(DP)

Dear Sir / Madam

**RE: APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO. 16 OF 2013) READ WITH THE KWADUKUZA MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW NO. 1630 (MARCH 2016); FOR THE PROPOSED:**


- **MATERIAL CHANGE TO THE D.F.A DEVELOPMENT APPEAL TRIBUNAL'S DECISION ON A MUNICIPAL PLANNING APPLICATION APPROVED BY IT;**
- **CONSOLIDATION TO FORM TWO SEPARATE PROPOSED PORTIONS (PROPOSED ERF 124 AND PROPOSED ERF 78 DRIEFONTEIN) IN THE FOLLOWING MANNER:**
  - **CONSOLIDATION OF ERVEN 2 AND 3 BOTH OF ERF 1 DRIEFONTEIN TO FORM A SINGLE PROPERTY BEING PROPOSED ERF 124 DRIEFONTEIN;**
  - **CONSOLIDATION OF ERVEN 13 AND 14 BOTH OF ERF 1 DRIEFONTEIN TO FORM A SINGLE PROPERTY BEING PROPOSED ERF 78 DRIEFONTEIN;**
- **SUBDIVISION TO CREATE PROPOSED 108 "DWELLING UNIT CURTILAGES" IN THE FOLLOWING MANNER:**
  - **SUBDIVISION OF PROPOSED ERF 124 (BEING A CONSOLIDATION OF ERVEN 2 AND 3 BOTH (OF ERF 1) OF DRIEFONTEIN) TO CREATE 66 PROPOSED PORTIONS BEING PROPOSED PORTIONS 125 – 190;**
  - **SUBDIVISION OF PROPOSED ERF 78 (BEING A CONSOLIDATION OF ERVEN 13 AND 14 BOTH (OF ERF 1) OF DRIEFONTEIN) TO CREATE 30 PROPOSED PORTIONS BEING PROPOSED PORTION 79 – 108; AND**
  - **SUBDIVISION OF ERF 4 (OF ERF 1) DRIEFONTEIN TO CREATE 12 PROPOSED PORTIONS BEING PROPOSED PORTIONS 112 – 123;**

- **SCHEME AMENDMENT OF THE BALLITO TOWN PLANNING SCHEME BY THE FOLLOWING:**
  - **AMENDMENT TO THE “SPECIAL ZONE: HELMSLEY AGRICULTURAL ESTATE” SCHEME: BY AMENDING THE LAND USE CONTROLS AND DENSITY CONTROLS FOR THE “SPECIAL RESIDENTIAL” ZONE AND “INTERMEDIATE RESIDENTIAL” ZONE TO ALLOW FOR AN INCREASE IN DENSITY;**
  - **AMENDMENT TO THE “SPECIAL ZONE: HELMSLEY AGRICULTURAL ESTATE” ZONE: BY THE INTRODUCTION OF NEW ADDITIONAL CONTROLS UNDER THE “RESERVATION OF LAND” SECTION;**
  - **ZONING OF 66 PROPOSED PORTIONS (SITUATED ON PROPOSED ERF 125) AS FOLLOWS:**
    - **PORTIONS 125 – 183 TO BE ZONED “INTERMEDIATE RESIDENTIAL”;**
    - **PORTIONS 184 AND 185 TO BE RESERVED AS “PRIVATE OPEN SPACE”;**
    - **PORTION 186 TO BE RESERVED AS “UTILITY AREA”; AND**
    - **PORTIONS 187 – 190 TO BE RESERVED AS “ROAD”;**
  - **ZONING OF 30 PROPOSED PORTIONS (SITUATED ON PROPOSED ERF 78) AS FOLLOWS:**
    - **PORTIONS 79 – 83, 85 – 98 AND 100 – 105 TO BE ZONED “INTERMEDIATE RESIDENTIAL”;**
    - **PORTION 84 AND 99 TO BE RESERVED AS “PRIVATE OPEN SPACE”;**
    - **PORTION 106 TO BE RESERVED AS “UTILITY AREA”; AND**
    - **PORTION 107 AND 108 TO BE RESERVED AS “ROAD”; AND**
  - **ZONING OF 12 PROPOSED PORTIONS (SITUATED ON ERF 4 (OF ERF 1) DRIEFONTEIN) AS FOLLOWS:**
    - **PORTIONS 113 – 121 TO BE ZONED “INTERMEDIATE RESIDENTIAL”;**
    - **PORTION 112 TO BE RESERVED AS “PRIVATE OPEN SPACE”;**
    - **PORTIONS 122 TO BE RESERVED AS “UTILITY AREA”; AND**
    - **PORTION 123 TO BE RESERVED AS “ROAD”**
  - **REZONING OF EXISTING ERVEN 22 AND 35 FROM “CONSERVATION” TO “AMENITY RESERVE”,**

**ALL FOR THE PURPOSES OF REDESIGNING PARTS OF THE APPROVED LAYOUT PLAN AND CANCELLING THE LAYOUT PLAN FOR THE AREA THAT WILL BE REDESIGNED, ALL FOR THE HELMSLEY AGRICULTURAL ESTATE SITUATED ON ERF 1 DRIEFONTEIN [FORMALLY REGISTERED AS PORTION 177 (OF 161) OF THE FARM COMPENSATION NO. 868], LOCATED WITHIN THE JURISDICTION OF KWADUKUZA MUNICIPALITY: REGISTRATION DIVISION – FU: PROVINCE OF KWAZULU NATAL.**

### **MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

1. Mr M. Ntanta (Internal – MPT Chairperson)
2. Mr C. Pereira (Internal – Town Planner)
3. Mr. S. Ndlovu (External Member - Legal)
4. Mr P. Cele (External – Town Planner)
5. Mr B. Mthembu (External – Environmental)

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### **APOLOGIES**

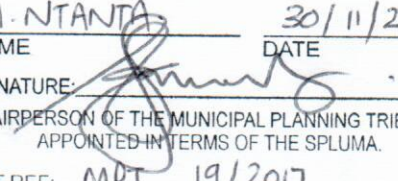
1. Mrs T. Thwala (Internal – Senior Manager: Building Control)

## MUNICIPALITY REPRESENTATIVES

1. Ms J. Kuzwayo (MPT Secretariat)
2. Mr L. Mthembu (Town Planner)
3. Ms U. Madyibi (Development Administrator)

## ASSESSMENT OF THE APPLICATION

Your application was assessed in terms of the decision making authority as established in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA) read with the KwaDukuza Municipality Spatial Planning and Land Use Management By-law No. 1630 (March 2016) (SPLUM By-law).

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## DECISION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

This letter serves to notify you (the Applicant/ Agent) that your application submitted in terms of Section 46 of the KwaDukuza Municipality Spatial Planning and Land Use Management By-law No. 1630 (March 2016) of the decision of the KwaDukuza Municipal Planning Tribunal that sat on the 24<sup>th</sup> November 2017 to consider matters related to your application.

Having considered the merits of the application in terms of Schedule 8 of the KDM SPLUM By-law No. 1630 (March 2016), the KWADUKUZA MPT unanimously resolved to **DEFER** the application for the following reasons:

1. Under section 7.6 of the Record of Decision (RoD) Reference No. EIA/64219, it is stated that a letter from the Commission on Restitution of Land Rights confirming that the property is subject to a land claim. It is further noted that section 10.70 of the same RoD reads as follows:

*“As the property concerned has a claim in terms of the restitution of land rights, the applicant must inform the Commission on Restitution of Land Rights of this decision within 10 calendar days of receipt of the authorization. The applicant may not develop the property without consent from the said Commission”.*

You are therefore required to obtain the necessary consent from the Commission on Restitution of Land Rights.

2. You are required to source confirmation from the respective service provider with regards to the servicing of the Helmsley Agricultural Estate in respect of the removal of solid waste.
3. You are required to submit a formal confirmation from KZN Amafa that the proposed Helmsely development area has no cultural heritage resources.

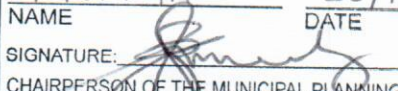
4. You are required to circulate your application to the KZN Department of Water and Sanitation for comment.
5. The current SLAs are a signed agreement between the John Albert Trust and the respective authorities being Ilembe District Municipality and KwaDukuza Local Municipality. It is noted that in 2013, Erf 1 Driefontein, was transferred from the John Albert Trust to the Helmsley Development Company (Pty) Ltd. You are required to submit updated and signed Service Level Agreements (SLA) which must further be in accordance with the recent ownership change.
6. Kindly source comments from the KwaDukuza Electrical Planning Directorate specifically with regards the repositioning of the power lines in order to accommodate the proposed development.
7. You are required to furnish this office with the bondholder's consent, if applicable. If the property is not currently bonded kindly submit written confirmation.

I trust the above is in order. Should you have any questions/ queries, please do not hesitate to contact our offices.

This MPT letter applies to an application submitted in terms of the KDM SPLUMA By-law No. 1630 with Application Municipal Reference No. SPLUMA 13/2016 BA (DP) (MPT Reference: MPT 19/2017)

Yours faithfully

  
 Mr. Mava Ntanta  
 KDM MPT CHAIRPERSON

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