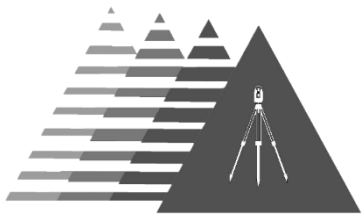


SUBDIVISION, REZONING, AND
CONSOLIDATION:
ERF 16100, SALDANHA AND
PORTION 15 OF FARM
LANGEBERG NO 187,
MALMESBURY REGISTRATION
DIVISION



CK RUMBOLL & PARTNERS

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1. **INTRODUCTION**

CK Rumboll and Partners have been appointed¹ by Gavin Stigling, representative of All Billboard Solutions Cape (Pty) Ltd, owner of Portion 9 of Farm Langeberg no 187², Malmesbury Registration Division ("RD"), and Abraham Johannes Mouton, representative of the Abloma Familie Trust, owner of Portion 15 of Farm Langeberg no 187³, Malmesbury RD, to attend to all town planning and land surveying actions in connection with the subdivision, rezoning, and consolidation pertaining to these properties.

2. **BACKGROUND**

On 23 January 2023, Saldanha Bay Municipality issued a Land Use Decision Letter⁴ approving the subdivision of Farm 187/9 into a Portion A and a Remainder, the registration of a private right-of-way servitude in favour of Portion A, and the rezoning of Portion A from Agriculture to Industrial Zone III. Portion A was afforded a new property description: Erf 16100, Saldanha, approved by the Surveyor General on 12 December 2023. The property has not been registered yet. However, the land use approval is still within its validity period.

This application intends to subdivide a portion of Erf 16100 for consolidation with the abutting Farm 187/15.

3. **PURPOSE**

Application is duly made for⁵:

- a) The proposed **Subdivision** of Erf 16100, Saldanha, to establish proposed Portion A, approximately 2 Ha in extent, and a Remainder, approximately 8.7985 Ha in extent, in terms of Section 15 (2) (d) of Saldanha Bay Municipality By-law on Land Use Planning, 2022;
- b) The proposed **Rezoning** of Portion A of Erf 16100, Saldanha, in terms of Section 15 (2) (a) of Saldanha Bay Municipality By-law on Land Use Planning, 2022, from Industrial Zone III to Industrial Zone II; and
- c) The proposed **Consolidation** of proposed Portion A of Erf 16100, Saldanha, and Portion 15 of Farm Langeberg no 187, to create a consolidated erf, approximately 8.5274 Ha in extent, in terms of Section 15 (2) (e) of Saldanha Bay Municipality By-law

¹ Powers of Attorney and Resolutions – **Annexure A.**

² Also referred to as "Farm 187/9". Notably, Erf 16100, Saldanha, is an unregistered portion of this property.

³ Also referred to as "Farm 187/15".

⁴ Previous Land Use Decision Letter – **Annexure B.**

⁵ Application Form – **Annexure C.**

on Land Use Planning, 2022.

4. **PROPERTY DESCRIPTION**

a. **Particulars**

A summary of the description, zoning, and use of the property is provided below.

Description:	Erf 16100, Saldanha	Portion 15 of Farm Langeberg no. 187 Malmesbury RD
Extent:	10.7985 Ha	6.5274 Ha
Zoning:	Industrial Zone III	Industrial Zone II
Land Uses:	Vacant	Industry
Title Deed:	T71807/2012 ⁶	T41134/2023
Owner:	All Billboard Solutions Cape (Pty) Ltd	Abloma Familie Trust

b. **Title Deed Restrictions**

There are no restrictive title deed⁷ conditions registered against the title deeds that would prevent this application.

c. **Bondholder**

Farm 187/9 (of which Erf 16100 is a portion of) is not encumbered by a bond, while Farm 187/15 is encumbered by a bond from Business Partners Ltd.

d. **Servitudes**

A railway servitude⁸ traverses Erf 16100 and a right-of-way servitude in favour of Erf 16100 runs along the property's western boundary.

No servitudes will be affected through this application. Farm 187/15 does not contain any servitudes.

5. **LOCALITY**

The subject properties are located⁹ in an area known as "Basaanskop" between the settlements of Langebaan, Vredenburg and Saldanha, where numerous industries are situated, including Transnet, ArcelorMittal and Tronox Namakwa Sands. The properties are also located within

⁶ As Erf 16100 is not registered yet, the title deed number and owner falls back to Farm 187/9.

⁷ Title Deed and Diagrams – see **Annexure D**.

⁸ Railway servitude vide diagram 2079/2019.

⁹ Locality Plan – see **Annexure E**.

Saldanha Bay's Industrial Development Zone ("IDZ"). The properties obtain access via a 25m wide servitude¹⁰ road off Road TR85/1.

6. **SPATIAL ANALYSIS**

Erf 16100 is zoned Industrial Zone III. In the past, the property was utilised for grazing but at the moment no form of agriculture persists due to poor soil quality. An area¹¹ has been disturbed by the industrial activity on Farm 187/15 that encroached the common boundary. Farm 187/15 is zoned Industrial Zone II and is utilised accordingly.

The properties are in the vicinity of high order roads, railways, and heavy industrial uses and are included in the IDZ which is: *"a purpose-built industrial estate linked to an international sea or airport that leverages fixed direct investments in value added and export-oriented manufacturing industries."*

The primary means of accessing the properties are servitudes that link to Road TR85/1 which is a trunk road that serves as a primary distributor. The larger surrounding area is identified as a mineral beneficiation plant area with noisy and hazardous roads, and red dust plumes in the vicinity.

7. **DEVELOPMENT PROPOSAL**

The purpose of this application is to authorise an encroachment of land uses from Farm 187/15 onto Erf 16100. The proposal accordingly includes:

- **Subdivision** of Erf 16100 to create Portion A (±2 Ha) and a Remainder;
- **Rezoning** of Portion A from Industrial Zone III to Industrial Zone II; and
- **Consolidation** of Portion A with Farm 187/15

No change in the access or service provision arrangements to the application properties are proposed. The application will not require additional services to be provided.

8. **SALDANHA BAY MUNICIPALITY LAND USE PLANNING BY-LAW & INTEGRATED ZONING SCHEME**

a. Subdivision

Application is made in accordance with Section 15 (2) (d) of the Saldanha Bay Municipal Land Use Planning By-Law (PG 7468) to create Portion A (±2 Ha) and a Remainder. Portion A will

¹⁰ Servitude Road depicted on Diagram 3172/2014

¹¹ Area proposed for subdivision.

be rezoned to enable consolidation with the abutting land unit and to authorise the existing unauthorised uses on this portion of land.

Notably, the property is exempted from the provisions of the Subdivision of Agricultural Land Act (Act 70 of 1970).

b. Rezoning

Application is made in accordance with Section 15 (2) (a) of the Saldanha Bay Municipal Land Use Planning By-Law (PG7468) to rezone Portion A from Industrial Zone III to Industrial Zone II. The rezoning is required to enable consolidation with the abutting land unit, zoned as Industrial Zone III. The land uses on this property are already used for industrial use in line with the primary uses permissible on an Industrial Zone II land unit.

c. Consolidation

Application is made in accordance with Section 15 (2) (e) of the Saldanha Bay Municipal Land Use Planning By-Law (PG7468) to consolidate Portion A with Farm 187/15. The consolidation is required to authorise the encroachment of the industrial activities from Farm 187/15 onto Erf 16100.

The subdivided portion to be consolidated with Farm 187/15 is utilised for the parking of trucks. Therefore, with this application, development parameters applicable to Industrial Zone II, such as height, coverage, floor area, parking, and loading zones, are not negatively impacted. The development remains compliant with the Saldanha Bay Municipality Integrated Zoning Scheme.

9. MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (“MSDF”)

The Saldanha Bay MSDF, 2025-2030, earmarks the property for industrial development as it falls within Zone B13 of the Besaansklip Industrial Area. This application ensures that the area is effectively used for industrial uses and avoids any no-go areas.

This application encourages growth across the Besaansklip Industrial Area to stimulate the development of the IDZ, in line with the general proposals of the MSDF. Further, no new development is planned as part of this application that will hinder the 30m natural buffer along the R27.

The application is accordingly compliant with Saldanha Bay MSDF, 2025-2030.

10. PRINCIPLES OF LAND USE PLANNING

The Spatial Planning and Land Use Management Act (“SPLUMA”), Act 16 of 2013, and Land Use Planning Act (“LUPA”), Act 3 of 2014, provide for spatial planning and land use

management on national and provincial levels, respectively. These acts include five development principles for spatial planning, which are supported by the application.

Spatial Justice

Spatial justice is primarily focused on providing disadvantaged communities with opportunities to access land. This application does not limit or prevent disadvantaged communities from accessing land and seeks to create job opportunities. The expansion of an industrial use in the industrial corridor strengthens the identity of the industrial area and supports the objective of establishing an Industrial Development Corridor. The land use is located in an area where it will not disturb residential or business uses and will not harm key tourist attractions such as the coastline.

Spatial Sustainability

The central idea of this principle is to balance the interest of environmental, social, and economic sectors. The protection of prime agricultural land, limiting urban sprawl, and ensuring land markets function equitably are three of the essential concepts which this principle supports. The proposal balances these interests by accommodating the expansion on low potential agricultural land that has already been disturbed and is arguably unsuitable for farming activities due to air pollution. The proposal also avoids developing on sensitive ecological areas.

Spatial Efficiency

Efficiency relates to minimizing the impacts of administrative procedures and optimizing the use of existing resources and infrastructure. The facility is not resource intensive in that it does not require bulk infrastructure and can be run without the provision of new services and thus will not place a burden on municipal infrastructure.

Good Administration

The processing of the application, public participation, and decision-making procedures will be administered by the Saldanha Bay Municipality in accordance with their Land Use Planning By-law. All interested and affected parties will be allowed to comment on this application.

Spatial Resilience

The principle of spatial resilience allows more flexibility in spatial plans, policies, and management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The land use is argued to be more resilient than agriculture as it is not dependant on climate, soil quality or vulnerable to natural catastrophes. The Saldanha Bay Municipality Integrated Zoning Scheme allows for accommodation of the use under the industrial zoning.

11. MOTIVATION

The proposed subdivision, rezoning, and consolidation affecting Erven 16100, Saldanha, and Farm 187/15, Malmesbury RD, to authorise an unauthorised encroachment of industrial land uses over cadastral boundaries are considered desirable and viable due to the following:

- i. The application intends to authorise existing unauthorised uses, without compromising the surrounding industrial character;
- ii. The application will create an opportunity for the utilization of the area for the purpose it has been earmarked, being an industrial unit fitting into the Industrial Development Zone and supported by the Municipal Spatial Development Framework;
- iii. This application will acts as catalyst for the sustainable development of the bigger area as a productive contributor to the Industrial Development Zone;
- iv. The proposal supports the objectives of LUPA and SPLUMA; and
- v. The proposal is clustered with a similar use and thus promotes sustainable development, combats urban sprawl and ensures resources are used efficiently by making use of existing services in the area.

It is, therefore, clear that in terms of the above, the application can be supported. For all the above reasons, the application is strongly recommended by CK Rumboll & Partners.



Mandri Viljoen
CK Rumboll & Partners