MPUMALANGA FUNCTIONAL AREA
PLAN AND DRAFT SCHEME

DRAFT SCHEME TOOLKIT
1N-30465

The Planning Initiative and Team

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1 INTRODUCTION

The Planning Initiative team was appointed in April 2017 to develop a Functional Area Plan and Corridor Plan for the northern part of Mpumalanga and the MR385 east corridor as well as a Draft Scheme for the study area. This report covers the Scheme component of this appointment. It should be read together with the Functional Area Plan Report as well as the Bulk Infrastructure and Phasing Report (still to be prepared).

1.1 PROJECT BACKGROUND

The Municipal Systems Act, Act No 32 of 2000 requires Municipalities to prepare a Spatial Development Framework (SDF) as part of their Integrated Development Plan (IDP), which gives guidance on the preparation of a Land Use Management System (LUMS) for the area. In accordance with these requirements the eThekwini Municipality has prepared their IDP and SDF. They have proceeded further to develop a package of plans to assist in land use management and decision making including Spatial Development Plans, Local Area Plans, Functional Area Plans and Land Use Schemes. It is noted that whilst the current eThekwini Bylaw has in effect removed Functional Area Plans from the hierarchy of plans, such plans can still be prepared and offer guidance to the Municipality in decision making.

These are then used to manage development within the Municipality through a number of mechanisms including Schemes as illustrated in the following diagram:

![Diagram of Package of Plans and City Management](image-url)

**FIGURE 1: PACKAGE OF PLANS AND CITY MANAGEMENT (PRIOR TO BYLAW)**
1.2 PROJECT AIMS AND OBJECTIVES

The primary aim of this project is to take the work that has already been completed, whilst also considering work that is currently in progress, forward in a manner that will ensure that the Municipality is well prepared to facilitate future development opportunities and manage land use in the best interests of the public. To this end the project is essentially aimed at translating the work that has already been undertaken into a tool box of planning, engineering, transportation and environmental information that will allow the Municipality to respond efficiently, effectively and appropriately to development proposals put to them by private developers. It is important to understand that much of the land within the study area is privately owned and as such, the Functional Area Plan cannot create fixed road alignments (other than those already developed or planned) or block layouts- the FAP will give the tool to enable the Municipality to respond to applications that address these.

The final product delivered here is intended to offer a framework of adequate flexibility to allow for future proposals to respond to market trends and shifts over time. The work therefore needs to focus on:

- Working with existing plans and planning processes (such as proposed Provincial Road Alignments, neighbouring Municipal plans) to ensure a product that aligns with other regional plans.
• Creating a framework at the functional planning level created by the conceptual road and open space framework within which development can infill over time.
• Creating a toolkit of draft Scheme mechanisms from which the Municipality can draw when applications form private developers are submitted.

The objective of this project is therefore to:

• To propose a conceptual plan and design proposals over parcels of land identified that aligns with broader spatial plans and translates these into more detailed plans, guidelines and projects.
• Consider how and where housing development should be developed in the area, including mixed income, social and GAP housing.
• To evaluate the implications for the environment, services, transport infrastructure and associated phasing of development in consultation with stakeholders.
• To prepare draft land use controls in accordance with the type and intensity of development envisaged through the conceptual framework plan process and translate it into a Draft Scheme tool kit and map. The draft scheme tool kit should consider directives for energy efficiency, use of energy efficient materials for sustainable buildings, rain water harvesting, etc. The process will also include consideration of innovative and best practice mechanisms for Scheme management.
• To undertake a stakeholder engagement and public process throughout the project.

Following the preparation of the FAP, Phase 3 will then involve the preparation of a corridor plan for identified precincts within the study area. Subsequent to that, a toolkit of Land Use Scheme mechanisms that would be incorporated into the Outer West Consolidated Scheme will be prepared. **This report is that deliverable.** In Phase 5 the team will prepare Preliminary Budgets for projects identified and a Phasing Plan to guide investment decisions.

### 1.3 REPORT OUTLINE

This report covers Phase 4 of the study and includes:

1. Introduction to provide the reader with an understanding of the background to the project, the purpose of the project, and the background to the Scheme.
2. The draft Scheme proposals
3. Conclusion and suggested Way Forward

### 1.4 LOCATION OF THE STUDY AREA

The Mpumalanga Northern Functional Area and MR385 Corridor is located on the South-Western side of the N3 in the outer west region of the eThekwini Municipality. The study area is bounded by Cato Ridge and the N3 to the north, to the east by Shongweni, to the south by Mophela and Mpumalanga South, and the west by Camperdown Rural. Primary access to and through the site is via the N3, on to MR385 which runs through the study area. The study area forms part of the N3 corridor that extends from the Durban CBD and harbour through Pietermaritzburg up to Johannesburg. Major points of interest in close proximity to the site include Cato Ridge, Shongweni, south of Mpumalanga and Camperdown.
1.5 **FUNCTIONAL AREA PLAN**

1.5.1 **INTRODUCTION**

Earlier phases of the project involved the preparation of a Functional Area Plan for Mpumalanga North (see Figure 4). This Functional Area Plan provides a broad land use framework which informs the preparation of the draft Scheme toolkit.
The development of the Functional Area was informed by a range of background reports prepared in June 2017. These include covered:

- Planning, Urban Design and Housing Assessment
- Economic Assessment
- Environmental Sector Report
- Infrastructure Status Quo Report
- Traffic and Public Transport Status Quo

1.5.2 VISION FOR STUDY AREA

The following is the vision for Mpumalanga North, as reflected in the Functional Area Plan.

“Mpumalanga North will have a thriving town centre, with the Industrial node of Hammarsdale being regenerated to meet new demands and provide local employment and fulfil the role of sub-regional development node. The area will provide a quality living environment supporting a range of lifestyle options, and all the necessary services and environmental resources to provide for the residents both within and outside the study area.”

1.5.3 SPATIAL PRINCIPLES

When preparing the Functional Area Plan, a number of Spatial Principles were used to guide the process. These provide the overarching approach for how Mpumalanga will develop going forward, and must be borne in mind at all times. The following summarises the spatial principles:

1.5.3.1 A Sound Open Space Network

- Maintain an integrated open space system that supports a sustainable living and working environment for the inhabitants and downstream users who depend on the services and value generated in this area, and specifically:
  - Protects the high value biodiversity assets through direct protection and buffering. The recreational and amenity value of these systems need to be optimized to support their maintenance.
  - Securing and buffering the aquatic corridors traversing the area to maintain ecological and ecosystem functioning.
  - Improving the condition of the open space system to enhance the functional value provided by these systems and buffer people against risks of climate change.

1.5.3.2 A Functional Movement Network

- Develop an integrated movement system that provides improved regional linkages and local access, that prioritises NMT and public transport and that supports and structures the development of land uses and activities.
- Balance the mobility and access function / linkage and place function of the MR385 corridor.

1.5.3.3 A Sustainable Land Use and Settlement Pattern
• Develop the land use and settlement pattern to reflect the local context, character and
development potential of the different parts of the study area and to provide a range of living
and working environments and opportunities.
• Facilitate the spatial and functional integration of the land uses and settlement patterns
within the study area.
• Promote the development of sustainable and integrated human settlements with a range of
housing options and typologies with equitable access to social facilities, economic
opportunities, services, etc.
• Promote the integration of land use and transport and support transit oriented development
within easy walking distance of the main public transport hubs.
• Encourage a greater mix and intensity of land uses around development nodes, activity spines
and public transport hubs.

1.5.3.4 A Vibrant and Functional Urban Structure and Public Realm

• Develop a more intensive urban structure and responsive public realm through investments
in public space, improved NMT infrastructure, appropriate built form treatments, etc.
• Promote a fine-grained urban block structure in new mixed use and residential settlement
areas that supports permeability, walkability and local development opportunities.
• Develop an interconnected public space network with pedestrian linkages connecting key
public spaces such as civic spaces, parks and sports fields.
• Utilise landscaping to reinforce the urban structure and to contribute to the local character of
neighbourhood areas, public spaces and linkage elements.
• Encourage new development to address, respond to and activate adjoining public spaces and
streets.

1.5.4 MPUMALANGA NORTH FUNCTIONAL AREA PLAN (2018)
The figure overleaf reflects the Functional Area Plan for Mpumalanga North. This Functional Area Plan
is the spatial representation of the intention of the area. Of relevance to the Town Planning Scheme
Toolkit are the land use categories used. Each of these categories is described in detail in the
Functional Area Plan report, although the key elements are included below:

• Each land use category has a statement of intent, which is a verbal description of what exactly
is intended to develop within that area. This effectively is a vision for each category.
• Each land use category has specific land uses that are appropriate for that parcel. These uses
are detailed in the Draft Scheme Recommendations (Section 3 of this report).
• The land use categories also have specific development quantums/ bulks (which is described
in detail in the FAP report) which are used to assist in the design and costing of infrastructure
(next phase of the project).
FIGURE 4: MPUMALANGA FUNCTIONAL AREA PLAN
1.6 PREPARATION OF THE SCHEME

The purpose of this phase of the work is to use the work undertaken in Phase 2 and 3 of the project, to inform the preparation of a Draft Scheme toolkit for the study area. The reason that a toolkit is to be prepared instead of a full Draft Scheme is due to the fact that much of the land is privately owned by private land owners, and it is the private sectors responsibility to prepare a layout plan/s which then would be used as the basis for the preparation of a Scheme for the area. Thus, the deliverable at needs to be a toolkit which enables the Municipality to respond to, and guide, development applications within the area.

2 LAND USE MANAGEMENT GUIDELINES

The successful implementation of this Functional Area Plan requires an effective link between the vision and development concept and the management of land use and development which will take place in the area. The purpose of these Land Use Management Guidelines is to encourage development to take place in such a manner that it supports and realises the development vision for the area. The guidelines are intended to be used by property owners and developers to guide site development design, and by the Municipality and other stakeholders to review and make decisions on development proposals.

2.1 DEFINING LAND USE MANAGEMENT

Land use management encapsulates the following activities:

- The regulation and management of land-use changes;
- The regulation and management of ‘green fields’ land development, i.e. the development of previously undeveloped land;
- The regulation of the subdivision and consolidation of land parcels;
- The regulation and management of the regularization and upgrading process of informal settlements, neglected urban centres and other areas requiring such processes; and
- The facilitation of land development through the more active participation of the municipality in the land development process, especially through public-private partnerships.

Land use management plays an important role by responding to a range of impacts and concerns relating to the transformation of the natural and built environment, including:

- Impacts on the natural environment and environmental systems, including loss of open space and natural habitat, catchment management and water quality, soil erosion, loss of agricultural land, food production and food security, access to open spaces for recreation, cultural and educational purposes;
- Health and safety concerns including access to sufficient ventilation and light, the provision of adequate water and sanitation services, safe building construction, noise and air quality, adequate access for fire and ambulance services, safe traffic conditions, site and building design that can minimise crime.

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1 Adapted from White Paper on Spatial Planning and Land Use Management, 2001
• Efficiency of infrastructure provision and traffic management, including the provision of adequate facilities for loading, parking, pedestrians and public transport, and consideration of development on traffic movement.
• Promotion of amenity in development, including landscape quality and built form aesthetics, privacy and views.
• Social considerations including the impact of development on women, children, the elderly and disadvantaged people, and the adequate provision of social facilities.
• Protecting architectural, historical, cultural and environmentally important land and buildings.

Land use management also promotes specific social, economic and environmental objectives of government that may be neglected by the private land development market. Government interventions to achieve such objectives can include investment promotion, public-private partnerships, relaxing of development controls in certain areas, rating policy, and development levies, etc. The desirability of an area for economic development can be maximised by land use management interventions, for example by managing adjoining and ancillary uses, protecting important view sheds and by controlling traffic and access.

A Land Use Management System (LUMS) refers to all the actions undertaken by a municipality to manage land use, of which Schemes are one component. The Municipality’s Land Use Management System relevant to this area includes:

• The Municipal Spatial Development Framework, Outer West Spatial Development Plan, the Mpumalanga Local Area Plan, and the Outer West Scheme eThekwini Municipality.
• Valuation and rating system
• Property registration, ownership and tenure
• Infrastructure and services provision
• Building regulations and bylaws, including signage and elevation control
• Health bylaws
• Environmental legislation and requirements, and
• Road and transportation requirements.

These Land Use Management Guidelines are therefore one of a range of tools available to the Municipality to guide and manage development in the local area.

2.2 STATUS OF SCHEMES IN THE AREA

The Outer West Scheme eThekwini Municipality was adopted in terms of the Planning and Development Act, Act No. 6 of 2008. This represents a consolidation of all previous Town Planning Schemes applicable to the area. The bulk of the study area is not covered by a Scheme and as such the Outer West Scheme will need to be extended to cover the area not covered by a Scheme.
2.3 **Spatial Planning and Land Use Management Act, Act No. 16 of 2013 Principles**

The following principles must be used to guide site development planning and design, and the assessment of development proposals in the area.

- **Spatial Justice** - Improved access to land, Inclusivity, Flexibility and Appropriateness for management of land and land use
- **Spatial Sustainability** - Financial, Agriculture, Environmental, Land Markets, Infrastructure and Social Services Densification
- **Spatial Efficiency** - Optimise existing Resources and Infrastructure, Minimise Negative Impacts, Procedures are Efficient
- **Spatial Resilience** - Flexibility of systems to ensure sustainable livelihoods for those most likely to suffer economic and environmental shocks
- **Good Administration** - Integrated Approach to land use and land development; Sector coordination, Timeous decisions, Transparent public processes, Empower people

2.4 **Purpose of the Scheme**

The KwaZulu Natal Land Use Management System Guidelines for the Preparation of Schemes for Municipalities states the following important aspects relating to Schemes (COGTA 2011:3):

“A Scheme is a statutory document which divides a municipality into zones. These zones are then regulated according to:

- The use of land and buildings for commercial, industrial, residential and other purposes
- The height and bulk of buildings and other structures
- The area of a lot which may be occupied, and sometimes the size of required open spaces
- Indirectly the density of population.

A Scheme regulates the impact of the use of land and buildings on:

- Its own lot
- The immediate neighbours
- The impact on the surrounding area, or precinct
- The impact on adjacent zones, especially in residential areas.”

Schemes are a tool used by Municipalities to **guide and manage** development according to the vision, strategies and policies of the Integrated Development Plan and Spatial Development Framework and in the interests of the general public to promote sustainable development and quality of life.

The general purpose of a Scheme is to create coordinated, harmonious and sustainable development of a municipal area in such a way that it efficiently promotes health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development.

The objectives of Schemes can be summarized as follows:

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• To designate desirable land uses and provide clarity on what may or may not occur on a property and what may be considered at the discretion of the municipality
• To promote the certainty of land use which protects property values and creates investor confidence
• To promote and protect the amenity within areas and neighbourhoods
• To resolve conflict between different land uses and to control negative externalities
• To balance the interests of individuals with those of the public
• To enable the co-ordinated and efficient use of land
• To enable the efficient movement of persons and goods
• To promote the economy
• To protect natural resources (ecosystem services) including agricultural resources (high potential agricultural land)
• To protect unique areas or features
• To protect cultural resources and places of religious and cultural significance
• To manage land generally including change of land use and building type
• To provide a statutory basis for public involvement. This is done through the Planning and Development Act, Act No. 6 of 2008, with the Scheme acting as the mechanism and focus for a particular area
• To provide a means of enforcement
• To ensure the retention of land for future uses, the need for, location and extent of which is not presently certain

Prepared and administered by planners, Schemes provide a management tool for other interests such as health, transport, environment, finance and infrastructure. Ultimately, however, Schemes have a particular role to play and cannot be expected to manage all development issues. Schemes are intended to be transparent and to provide information to officials, consultants, home-owners, developers and politicians on what may or may not occur on a parcel of land or what uses the municipality may consider at its own discretion.

Thus, the Scheme is the mechanism that the Municipality uses to manage individual parcels of land ensuring compatible land uses, adequate servicing and the quality of the local environment.

2.5 A SCHEME FOR THE STUDY AREA

Whilst it has been agreed that a formal Scheme will not be prepared for the study area (this will be undertaken once layout plans, which form the basis of the Scheme, have been prepared by the private sector), a toolkit (such as guiding documentation, a list of suitable zones etc.) is proposed which the Municipality may use in their engagement with the private sector.

The approach taken for this study, as agreed with the client, is that a Scheme basket will be prepared for that part of the area that does not already have existing zoning. A small percentage of the study area is already zoned, and this toolkit does not in any way affect this (ie no proposed changes to existing approve zoning is made in this report). A Scheme basket is, in effect, a list of potential zones that already exist in the Outer West Scheme, that can be applied to the land use categories identified in the Functional Area Plan (refer to section 1.5.4). As described previously, each land use category has a number of potential zones that could be applied within that category. When the developer
submits their development application, they will need to select a zone/zones from the basket of zones that most suits their development.
3 **DRAFT SCHEME RECOMMENDATIONS**

3.1 **INTRODUCTION**

The following section details the recommendations for the preparation of a Scheme for the study area that have arisen from the work undertaken and documented in this report and the FAP prepared for the study area.

It is noted that when preparing the Functional Area Plan, areas that are already developed, or plans highly advanced and broadly agreed to, were excluded from this work. The FAP focussed on the greenfields potential in the study area as this is where the Municipality has the ability to influence future development.

It is note that a small part of the study area (within Hammarsdale) already falls under the Outer West Scheme as amended. Furthermore, the Mpumalanga Town Centre has been zoned Special Zone 12. It is important to note that this basket of zones only applies to those areas outside of the Town Planning Scheme.
FIGURE 5: MPUMALANGA FAP - AREAS ALREADY ZONED AND THEREFORE NOT PART OF THE BASKET OF ZONES
3.2 PROCESS CONSIDERATIONS

3.2.1 SUB-DIVISION OF AGRICULTURAL LAND ACT, ACT NO. 70 OF 1970
All land that is not currently zoned in terms of a Scheme will require an application to the Department of Agriculture in terms of the Sub-Division of Agricultural Land Act, Act No. 70 of 1970 to release the land from Agricultural Use.

It is recommended that the Municipality front end this application by engaging with and submitting the various strategic plans to the Department of Agriculture for approval. This will set the context for the Department to consider the applications on pieces of land within a broader context of strategic planning. The plans should be formally submitted and presentations and workshops held to reach agreement with the Department of Agriculture on the strategic plans for the area. It is understood that this process has commenced.

3.2.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT (NEMA) NO. 107 OF 1998 AND ASSOCIATED REGULATIONS
The purpose of NEMA is to promote sustainable development and facilitate integrated environmental management. The 2014 Environmental Impact Assessment (EIA) regulations published in terms of Section 24(5) and 44 of the Act in Government Notices 982-985 list activities for which environmental authorisation is required and prescribe a set of processes to be followed in investigating the sustainability of a development proposal. The following points should be noted regarding the EIA process:

- **Processes & Timeframes**: The EIA regulations include 3 listing notices. In the event that a proposal triggers activities, in listing notices 1 and 3, the Basic Environmental Assessment Process (BA) must be followed. The minimum timeframe for the BA process from the date of application to a decision is 197 days and a maximum of 247 days. Where activities in Listing Notice 2 are triggered the full Environmental Scoping and Impact Reporting (SEIR) process is to be followed, for which the minimum timeframe is 300 days and a maximum of 350 days.

- **Cost**: There is an application fee. In addition, the proponent is required to appoint an independent and recognised Environmental Assessment Practitioner (EAP) to manage the application and assessment process.

- **Alignment with other Regulatory processes**: Depending on the nature of the development, its ancillary activities, its outputs (effluent, waste), and/or the type sensitivity of the receiving environment, several other licenses or authorisations may be required in terms of other Specific Environmental Management Acts (SEMAs) which include:
  - National Environmental Management: Protected Areas Act (57 of 2003), known as the NEM: PAA
  - National Environmental Management: Biodiversity Act (10 of 2004), known as the NEM:BA
  - National Environmental Management: Air Quality Act (39 of 2004), known as the NEM: AQA
  - National Environmental Management: Integrated Coastal Management Act (24 of 2008), known as the NEM: ICM
  - National Environmental Management: Waste Act (59 of 2008), known as the NEM: WA

In addition to the SEMAs, other relevant Acts that may be triggered include and for authorisation is required may include:
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2. National Forests Act No 84 of 1998: Permission is required to destroy either forest of protected tree species listed in terms of the Act.
3. National Heritage Resources Act, No 25 of 1999: Permission is required to destroy heritage resources and deal with graves.
5. Minerals and Petroleum Resources Development Act No 28 of 2002: Where the activity is mining, or where a new borrow site is required to source material.
6. Planning: Where approval in terms of SPLUMA or the PDA (see section 3.2.4 below)

The EIA process requires and provides for the alignment of these various regulatory processes in terms of the specialist investigations required to support the decision, the consultation process demanded by each, and importantly the decision making and associated conditions. Certain processes require the EIA decision as a prerequisite for issuing their decision, for example a Water Use License and planning decisions.

Key Authorities: The Competent Authority (CA) responsible for administering the EIA regulations KwaZulu-Natal is the Department of Economic development, Tourism and Environmental Affairs (EDTEA). While the EIA regulations requires a comprehensive and inclusive public participation process (PPP) that will require engagement with all authorities identified in terms of the relevant legislation, the Municipality’s Environmental Planning and Climate Protection Department (EPCPD) provides important information and guidance relevant to the assessment of development applications, or when they require an assessment to support a planning application. It is important to note that: Regardless of whether or not a development application triggers the need for environmental authorization via the EIA process, authorisation will be required from the EPCPD for any application located within the Durban Metropolitan Open Space System (D’MOSS).

3.2.3 A SEPARATE SCHEME OR PART OF THE OUTER WEST SCHEME?
It was agreed that any new zones proposed for the study area should be incorporated into the Outer West Scheme eThekwini Municipality which has been approved by the eThekwini Council. A separate scheme is not required.

3.2.4 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT NO 16 OF 2013 (SPLUMA) AND THE ETHEKWINI MUNICIPALITY PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016

3.2.4.1 Overview
The application of a Scheme in the study area will require applications to zone the land in terms of the SPLUMA and the Planning and Land Use Management Bylaw, 2016.

3.2.4.2 Summary of Requirements for Submission
Currently, in order to apply for the approval of a Land Use Scheme, the following is noted:

In terms of Clause 15 (1), the land use scheme should determine the use of land and promote:
• Economic growth;
• Social inclusion
• Efficient land development;
• Minimal impact on public health, the environment and natural resources; and
• The development principles.

The land use scheme must reflect and give effect to the SPLUMA development principles described in Section 2.3 previously.

3.2.4.3 Specialist Studies Required for Application:

Clause 14 (6) states that the guiding principles in the adoption of a land use scheme will include:

a) Any environmental management instrument adopted by the relevant environmental management authority;
b) The inclusion of provisions to promote the inclusion of affordable housing in residential land development;
c) The inclusion of land use and development incentives to promote the effective implementation of the Municipal Spatial Development Framework and other development policies;
d) The provisions of the Municipal Spatial Development Framework and IDP; and
e) Any land allocation rules set by a Traditional Authority in the area concerned.

Section 2, Clause 15, states that the land use scheme should include:

• Scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;
• A map indicating the zoning of the municipal area into land use zones; and
• A land use scheme register of all amendments to such land use scheme.

3.2.4.4 Application Procedure

Chapter 6, Clause 14 of the Planning and Land Use Management By-law (2006) States that prior to the adoption of the land use scheme contemplated in subsection (1) and before any proposed amendments to the land use scheme, the municipality must:

a) Give notice of the proposed land use scheme in two newspapers;
b) Invite the public to submit written representations in respect of the proposed land use scheme to the Municipality within 60 days after the publication of the notice referred to in paragraph (a); and

c) Consider all representations received in respect of the proposed land use scheme.

Furthermore, the municipality should also:

• Advise the public by notification in two newspapers of the adoption of or amendment to the land use scheme;
• Allow the participation of a Traditional Authority in the manner agreed upon between the Municipality and Traditional Authority;

The land use scheme to be prepared must also note the following:

• Clause 14 (5) of the eThekwini Planning and Land Use Management Bylaw (2016) – the land use scheme must include suitable categories of land use zoning and regulations for the entire municipal area including areas not previously subject to a land use scheme.

3.3 PROPOSED ZONING

Based on the Functional Area Plan prepared in the earlier phases of the project a series of potential zones for the various portions of land have been developed as described above. It is stressed that the zones are potential zones due to the fact that much of the land is privately owned, and the actual zones will be determined through the development application process. What is important is that the suggested zones within the various broad land uses are appropriate and align with the vision of the area.

The section that follows describes the broad intentions of each of the intensity zones and lists possible Zones from the Outer West Scheme or new zones that could be applied to these intensity zones.

3.3.1 BASKET OF ZONES APPROACH

Using a basket of zones approach to the zoning in the Mpumalanga Northern area, zones have been identified from the Outer West Scheme of eThekwini Municipality. Broad land use categories proposed in the Functional Area Plan have been listed in the table below and suggested zones from the Outer West Scheme that could be assigned to these land uses identified and listed.

It is stressed that this basket of zones only applies to those areas outside of the current Outer West Scheme.

3.3.2 MPUMALANGA NORTH BASKET OF ZONES

The table and figures that follow reflects the proposed land uses as well as associated Basket of Zones for the study area.

TABLE 1: LAND USES AND SUGGESTED ZONES FROM OUTER WEST SCHEME, ETHEKWINI

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Key Intent</th>
<th>Floor area ratio (based on FAP)*</th>
<th>Density (DU/HA) (based on FAP)*</th>
<th>Basket of Potential Appropriate Zones extracted from Outer West Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture High Impact</td>
<td>Higher intensity agricultural activities which include intensive and agri-</td>
<td>0.35</td>
<td>NA</td>
<td>• Agriculture 1</td>
</tr>
<tr>
<td></td>
<td>business uses. The built form within these should be along main routes.</td>
<td></td>
<td></td>
<td>• Agriculture 2</td>
</tr>
<tr>
<td></td>
<td>Residential is permitted for residents of farm. Industrial uses will not be</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<tr>
<td>Agriculture low impact</td>
<td>Permitted. Planting/vegetation should feature as a vital structuring element. This is also a strategic way of reserving land for potential future development associated with the adjacent area – Cato Ridge Intermodal Hub.</td>
<td>NA</td>
<td>NA</td>
<td>• Agriculture 1</td>
</tr>
<tr>
<td>Agriculture medium impact</td>
<td>Low to medium intensity agricultural activities – expansive agricultural uses such as cultivation and crop production, intensive agricultural uses and related activities, small holdings and ancillary activities. Built form to consolidate near areas of common boundary at interface with key routes. Residential is permitted for residents of farm.</td>
<td>0.2</td>
<td>NA</td>
<td>• Agriculture 2 • Agriculture 1</td>
</tr>
<tr>
<td>Civic and Social</td>
<td>Full range of public and private health and welfare facilities, municipal and government administration and services, institutions and places of worship.</td>
<td>0.6</td>
<td>NA</td>
<td>• Institution 1 • Institution 2 • Institution 3 • Worship</td>
</tr>
<tr>
<td>Education</td>
<td>A full range of educational facilities either private or public including, infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings and recreational facilities.</td>
<td>0.4</td>
<td>NA</td>
<td>• Educational</td>
</tr>
<tr>
<td>Extractive Industry</td>
<td>Medium to high impact processes such as mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant.</td>
<td>NA</td>
<td>NA</td>
<td>• Extractive Industry</td>
</tr>
<tr>
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</tbody>
</table>
| General Industry | High impact industrial and business development, including general, light and service industry and business. | 1.5 | NA | • General Industry 1  
• General Industry 2 |
| Light Industry | Low to medium impact industrial and business development that permits manufacturing uses that are compatible with land uses permitted in adjacent sensitive land use zones, such as residential, mixed use and open space zones, i.e. manufacturing activities that usually do not involve significant vibration, noise, odour, or high volume of automobile and truck traffic. | 1 | NA | • Light Industry 1  
• Light Industry 2  
• Light Industry 4  
• Service Industry 1  
• Service Industry 2 |
| Logistics | Low impact logistics, light industrial and warehousing development. The built form is to respond positively to adjoining major routes and vegetation to be used for screening where appropriate. | 0.7 | NA | • Logistics 1  
• Logistics 2  
• Light Industry 1  
• Light Industry 3 |
| Mixed use core | High Intensity mixed use development with a strong sub-regional focus of development, including retail, office, commercial, civic and social facilities and medium density residential development and a strong focus on the quality of the public environment and visual appropriateness of built form.  
Within this use- an approximate 75% Commercial (offices and retail), 25% Residential split applies.  
Within the Commercial category, this is further split at 80% commercial, 20% Education and Social. Residential component at 80 DU/ HA. | 1.5 | 80 | • Mixed use 1  
• Mixed use 2  
• Mixed use 3  
• Limited Commercial 1  
• Limited Commercial 2  
• Limited Commercial 3  
• General Commercial 1  
• General Commercial 2  
• General Commercial 3  
• Educational  
• Medium Impact Mixed Use  
• Office Park 1  
• Office Park 2  
• Worship |
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| Mixed use low impact     | Low to medium intensity mixed use development with a strong focus on providing local social facilities and shops to support local residential thresholds in the area, a high quality of the public environment and visual appropriateness of built form. Within this use- 50% Commercial (offices and retail), 50% Residential split applies. Within the Commercial category, this is further split at approximately 80% commercial, 20% Education and Social. Residential component at 40 DU/ HA. The existing and proposed activity spines within the Functional Area Plan may allow for the uses proposed under this land use category. The various mixed-use nodes as represented on the Functional Area Plan may allow for the uses proposed under this land use category. | 0.5                              | 40                               | • Mixed use 1  
• Limited Commercial 1  
• Limited Commercial 2  
• Limited Commercial 3  
• Activity Spine/ Activity Node |
| Mixed use medium impact  | Medium intensity mixed use development with a mix of business, institutional, civic and social uses and medium density residential development and a strong focus on the quality of the public environment and visual appropriateness of built form. Within this use- 70% Commercial (offices and retail), 30% Residential split applies. Within the Commercial category, this is further split at approximately 80% commercial, 20% Education and Social. Residential component at 60DU/ HA. | 1                                | 60                               | • Medium Impact Mixed use zone  
• Mixed use 2, Mixed Use 3  
• Petrol Filling Station  
• Planned Unit Development |
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<td>Residential High Impact</td>
<td>Contains all types of residential development, generally medium to high densities with the provision of a wide range of services and activities but excludes industrial and trade uses. An average of 60 Dwelling Units per Hectare is expected within this area.</td>
<td>NA</td>
<td>40 - 80</td>
<td>• Special Residential 180; 200; 300; 350; • Intermediate Residential 1; 2; 3 • Planned Development 1; 2; 3; 4 • General Residential 1; 2; 3 • Educational • Private Open Space • Retirement Village • Institution 1</td>
</tr>
<tr>
<td>Residential Low Impact</td>
<td>Promotes the development of primarily residential uses with a low density, including detached and semi-detached units. There is also a limited number of compatible ancillary uses with a non-disruptive impact on neighbourhood amenity may be allowed. An Average of 15 Dwelling Units per Hectare is expected within this area.</td>
<td>NA</td>
<td>10 - 20</td>
<td>• Special Residential – 750; 900; • Educational • Private Open Space • Retirement Village • Institution 1</td>
</tr>
<tr>
<td>Residential Medium impact</td>
<td>A high incidence of residential land uses, generally at a medium density, with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience and excludes industrial and trade uses. An average of 30 Dwelling Units per Hectare is expected within this area.</td>
<td>NA</td>
<td>30</td>
<td>• Special Residential –750 • Intermediate Residential 1; 2; 3 • Planned Unit Development 1; 2; 3 • Educational • Private Open Space • Retirement Village • Institution 1</td>
</tr>
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</table>
| Rural /Traditional Settlement  | This includes the low intensity peri-urban/rural/traditional settlement where the primary land use is residential settlement, with supporting services and social facilities, on land that is in rural/peri-urban locations.  
An average of 8 Dwelling Units per Hectare is expected within this area. | NA                              | 1 - 15                         | • Rural Residential 1                                           |
| Transitional Settlement        | This includes informal and peri-urban settlements generally adjacent or near to formal urban areas.  
An average of 30 Dwelling Units per Hectare is expected within this area. | NA                              | 15-40                          | • Special Residential –300; 350; 750                          |
| Utilities and Services         | Provides for utilities and services, such as electricity substations (ESS), water treatment works (WTW), sewage disposal sites/ wastewater treatment works (WWTW), public utilities, pump stations, bulk stormwater, refuse sites and landfill sites. | 0.2                             | NA                             | • Road Reserve  
• Reservation of Land: Refuse Site; Sewage Disposal works; water works |
| Environment Management/Services| Establishment of a functional open space system that enables the ecosystems contained to operate effectively and in a sustainable manner in order to deliver services that benefit the local and broader community. Limited development. Need to be sensitive to the visual impact. This is found throughout.  
It is noted that in terms of the Functional Area Plan, there are certain areas identified for special protection, especially between development and the proposed nature reserve. These areas must be secured via appropriate mechanisms for the primary purpose of conserving the inherent biodiversity value occurring on these areas. Any development proposal or use may not | NA                              | NA                             | • Conservation  
• Private Conservation |
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</table>
| Open Space (amenity and system)              | Provides for sporting and recreational needs, including active and passive recreation such as sports fields, formal and informal parks and a limited range of associated facilities and development. This is found throughout. It is noted that in terms of the Functional Area Plan, there are certain areas identified for special protection, especially between development and the proposed nature reserve. These areas must be secured via appropriate mechanisms for the primary purpose of conserving the inherent biodiversity value occurring on these areas. Any development proposal or use may not conflict with this purpose and must be authorized by the EPCPD. | NA                              | NA                              | • Conservation  
• Environmental Conservation Reserve  
• Public Open Space |
| Mpumalanga Town Centre Precinct (no changes proposed) | A community focused shopping centre development established in terms of the Development Facilitation Act no. 67 of 1995, Chapter v Section 31 (2) on Portion of the Remainder of Portion 7 and Portion of Portion 18 (of 16) of the Farm Hammarsdale No. 6981 situated in the eThekwini municipality, commonly known as Mpumalanga Town Centre. | 0.5                             | NA                              | • Special Zone 12 |

*- this refers to the potential bulks as represented in the Functional Area Plan, it does not relate to the Scheme controls. It is stressed that these bulks were used for the determination of infrastructure requirements and in no means indicate Town Planning Scheme Bulk controls. For the purposes of this report, the bulks in the FAP represent the highest possible bulk figure, however, zones of a lower bulk may be permissible.
The Mpumalanga Town Centre is already covered by Special Zone 12. No changes are suggested.
FIGURE 7: PRECINCT A3 LAND USES TO BE READ WITH TABLE 2
FIGURE 8: PRECINCT B1 LAND USES TO BE READ WITH TABLE 2
FIGURE 9: PRECINCT B2 LAND USES TO BE READ WITH TABLE 2
3.4 ZONES FOR SOCIAL FACILITIES

Although we have recommended the use of various residential and mixed-use zones (which include residential), layouts submitted by developers will have to identify sites for educational and social/community facilities and these must be zoned appropriately such as Education, Institution or Administration or reserved for various services. The number of schools and social facilities required has been estimated in the Functional Area Plan report for the Mpumalanga area and should be provided on this basis. This allocation of land for educational and social facilities is imperative as one of the primary functions of a Scheme is to ensure that sufficient land is reserved for these purposes to serve both current and future generations. Land identified for open space purposes should also be appropriately zoned to ensure its protection into the future.

3.5 DURBAN METROPOLITAN OPEN SPACE SYSTEM (D’MOSS) AS AMENDED

It is stressed that all plans, and in particular the zoning plans, shall be read with D’MOSS (as amended) as an overlay. All clauses in the Scheme as they relate to D’MOSS apply.

3.6 ADDRESSING CURRENT USE THAT MAY BE IN CONFLICT WITH THE PROPOSED ZONES

It is acknowledged that there will be uses currently in operation that do not align with the proposed uses. These “pre-Scheme Uses” must be permitted to continue. However, should the landowner decide to change the use, the new use will need to align with the proposed Scheme (as amended).

Existing uses that are in conflict with the current approved zones will need to be addressed through the normal enforcement mechanisms.

3.7 LEGAL REVIEW AND CONSULTATION

It is strongly recommended that the proposed zones and clauses set out in this report are reviewed by a legal expert to ensure that the zones are sound and that all terminology used is valid in terms of the law and does not conflict with other legislation.

As the Scheme issues have health, traffic and environmental implications it is also necessary that the Scheme proposals are fully reviewed by inter alia the Health, Environmental (Provincial, KZN Ezemvelo Wildlife, Metropolitan), Traffic (National, Provincial and Metropolitan) and Municipal Legal Department before being advertised for public comment.

Before advertisement for public comment it is necessary to liaise with and receive formal written comment from the following agencies:

- Councillors and Council Ward Committees
- All relevant Government Departments inter alia:
  - National and Provincial Roads
  - Education
  - Health
  - Housing
4 CONCLUSION AND WAY FORWARD

This report has outlined recommendations for the Draft Scheme for the Mpumalanga Northern Area. These recommendations have built on the work undertaken in the Mpumalanga Local Area Plan (2014).

The suggested way forward to take the proposals from this project forward are as follows:

- Obtain Council approval of the FAPs and Scheme recommendations
- When applications are received, the Mpumalanga Functional Area Plan in association with the draft Scheme toolkit will need to be used to assess the proposals
- Advertise the proposed amendments
- Adopt the proposed amendments