PREPARATION OF THE NSIMBINI-GOLOKODO DRAFT SCHEME:
ETHEKWINI MUNICIPALITY

CONSOLIDATED REPORT
MAY 2018
Table Of Contents

1 Introduction .................................................................................................................................................. 1
  1.1 PURPOSE ............................................................................................................................................... 1
  1.2 NSIMBINI / GOLOKODO ......................................................................................................................... 1
  1.3 SCOPE OF WORK .................................................................................................................................. 1
  1.4 STRUCTURE OF THE REPORT .............................................................................................................. 3

2 Section 1: Status Quo Analysis .................................................................................................................. 5

3 Introduction To A Land Use Scheme ........................................................................................................ 6
  3.1 LINK BETWEEN AN INTEGRATED DEVELOPMENT PLAN, SPATIAL DEVELOPMENT FRAMEWORK AND A LAND USE SCHEME ........................................................................................................... 6
  3.2 NEED FOR A LAND USE SCHEME ......................................................................................................... 7
  3.3 AIMS AND OBJECTIVES OF THE LAND USE SCHEME ......................................................................... 7
  3.4 CONTENT OF A LAND USE SCHEME ..................................................................................................... 8

4 Policy And Legislative Framework ........................................................................................................ 10
  4.1 LEGISLATIVE CONTEXT ....................................................................................................................... 10
    4.1.1 The Constitution ............................................................................................................................... 10
    4.1.2 Spatial Planning And Land Use Management Act .............................................................................. 11
    4.1.3 Environmental Legislation ............................................................................................................. 12
    4.1.4 Agricultural Legislation ................................................................................................................. 13
    4.1.5 Transportation ................................................................................................................................ 14
    4.1.6 Human Settlement Planning ......................................................................................................... 15
    4.1.7 Land ............................................................................................................................................... 15
    4.1.8 Traditional Communities .............................................................................................................. 16
  4.2 POLICY FRAMEWORK .......................................................................................................................... 16
    4.2.1 National Development Plan (Ndp) .................................................................................................. 16
    4.2.2 Breaking New Ground .................................................................................................................... 17
  4.3 PROVINCIAL SPATIAL PLANNING ....................................................................................................... 17
    4.3.1 Provincial Growth And Development Strategy .............................................................................. 17
    4.3.2 Provincial Growth And Development Plan ..................................................................................... 18
    4.3.3 Provincial Legislation ...................................................................................................................... 18
  4.4 LOCAL POLICIES AND PLANS .......................................................................................................... 19
    4.4.1 Ethekwini Integrated Development Plan ......................................................................................... 19
    4.4.2 Southern Spatial Development Plan ............................................................................................... 22
    4.4.3 Adams/Folweni Local Area Plan .................................................................................................... 23
    4.4.4 Nsibini Functional Area Plan ........................................................................................................ 23
  4.5 GUIDELINE DOCUMENTS .................................................................................................................... 24
    4.5.1 Cogta Guideline For The Preparation Of Schemes ....................................................................... 24
5. Nsibini / Golokodo Area Analysis

5.1 DEMOGRAPHIC PROFILE
  5.1.1 Population Size And Distribution
  5.1.2 Population Growth
  5.1.3 Household Numbers
  5.1.4 Gender Structure
  5.1.5 Age Structure

5.2 SOCIO-ECONOMIC PROFILE
  5.2.1 Employment
  5.2.2 Individual Monthly Income

5.3 SPATIAL STRUCTURE
  5.3.1 Road And Transportation Network
  5.3.2 Settlement Pattern
  5.3.3 Settlement And Population Density
  5.3.4 Housing Typologies

5.4 LAND LEGAL
  5.4.1 Beneficial Occupation Rights
  5.4.2 Pto's, Lease Agreements And Servitudes

5.5 IMPLICATIONS

6 Environmental Analysis

6.1 CLIMATE

6.2 TOPOGRAPHY

6.3 WASTE AND SANITATION
  6.3.1 Proximity To Major Hazardous Installation

6.4 ECOLOGICAL CHARACTERISTICS
  6.4.1 Vegetation
  6.4.2 Biodiversity Priority Areas
  6.4.3 Agricultural Potential

6.5 HYDROLOGY
  6.5.1 Drainage Lines And Wetlands And Their Proximity To Settlement
  6.5.2 Floodlines, Flood Plains And Wetlands
  6.5.3 Climate Change
  6.5.4 Existing Infrastructure And Services
  6.5.4.1 Residential Structures
  6.5.4.2 Risks Or Hazards To The Environment Posed By Future Development
  6.5.4.3 Implications For The Proposed Development
  6.5.4.4 Social Cost Of The Development

6.9 CONCLUSIONS AND RECOMMENDATIONS
7 Transportation Analysis

7.1 Review of Transport Planning Documents

7.1.1 C2 Rail Corridor Feeder Services Study
7.1.2 Second Umlazi Link And Inwabi Road Feasibility Study
7.1.3 Isipingo Lap
7.1.4 Nsimbini Golokodo Rural Functional Area Plan

7.2 Accessibility To The Study Area / Linkages

7.2.1 Regional Level
7.2.2 Local Level
7.2.3 Internal Level

7.3 Assessment Of Existing Local Transport Network

7.3.1 Mr35/Unnamed Road Intersection (Major Intersection 1)
7.3.2 Mr35/Unnamed Road Intersection (Major Intersection 2)
7.3.3 Mr35/Unnamed Road Intersection (Major Intersection 3)

7.4 Existing Public Transport Facilities And Services

7.5 Existing Pedestrian Facilities

7.6 Existing Traffic / Transportation Issues

7.7 Transport Proposals

7.8 Possible Intersection Upgrading Layout

8 Infrastructure Analysis

8.1 Water Supply

8.1.1 Regional Bulk Water Infrastructure
8.1.2 Local Water Infrastructure
8.1.3 Water Availability

8.2 Sanitation

8.2.1 Waterborne Sanitation Infrastructure

8.3 Storm Water

8.3.1 Existing Infrastructure

8.4 Electricity

8.4.1 Existing And Planned Infrastructure

8.5 Conclusions

9 Current Land Use Analysis

9.1 Residential

9.1.1 Single Residential

9.2 Business

9.2.1 Retail

9.3 Community Facilities

9.3.1 Educational Facility
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.3.2</td>
<td>Medical And Health Care Services</td>
<td>68</td>
</tr>
<tr>
<td>9.3.3</td>
<td>Protection Services</td>
<td>69</td>
</tr>
<tr>
<td>9.3.4</td>
<td>Cultural Facilities</td>
<td>69</td>
</tr>
<tr>
<td>9.3.5</td>
<td>Administrative Facilities</td>
<td>69</td>
</tr>
<tr>
<td>9.3.6</td>
<td>Institutional Care Facility</td>
<td>69</td>
</tr>
<tr>
<td>9.4</td>
<td>Sports And Recreation</td>
<td>70</td>
</tr>
<tr>
<td>9.4.1</td>
<td>Sport</td>
<td>70</td>
</tr>
<tr>
<td>9.4.2</td>
<td>Place Of Refreshment</td>
<td>70</td>
</tr>
<tr>
<td>9.4.3</td>
<td>Open Space</td>
<td>70</td>
</tr>
<tr>
<td>9.5</td>
<td>Transportation</td>
<td>71</td>
</tr>
<tr>
<td>9.5.1</td>
<td>Road Infrastructure</td>
<td>71</td>
</tr>
<tr>
<td>9.6</td>
<td>Land Use Mapping</td>
<td>71</td>
</tr>
<tr>
<td>10</td>
<td>Current Land Use Management Practices</td>
<td>75</td>
</tr>
<tr>
<td>10.1</td>
<td>Ethekwini South Scheme</td>
<td>75</td>
</tr>
<tr>
<td>10.2</td>
<td>Traditional Land Use Management Practices</td>
<td>75</td>
</tr>
<tr>
<td>10.3</td>
<td>Strategic Planning</td>
<td>77</td>
</tr>
<tr>
<td>11</td>
<td>Approaches To Different Land Use Areas</td>
<td>78</td>
</tr>
<tr>
<td>11.1</td>
<td>Rural Settlement Areas</td>
<td>78</td>
</tr>
<tr>
<td>11.1.1</td>
<td>What Needs To Be Managed?</td>
<td>78</td>
</tr>
<tr>
<td>11.2</td>
<td>Environmentally Sensitive Areas</td>
<td>79</td>
</tr>
<tr>
<td>11.2.1</td>
<td>What Needs To Be Managed?</td>
<td>79</td>
</tr>
<tr>
<td>12</td>
<td>Approach To The Nsimbini/ Golokodo Draft Land Use Scheme</td>
<td>81</td>
</tr>
<tr>
<td>12.1</td>
<td>Existing Scheme Areas</td>
<td>81</td>
</tr>
<tr>
<td>12.2</td>
<td>Area Based Plans</td>
<td>81</td>
</tr>
<tr>
<td>12.3</td>
<td>Existing Settlement</td>
<td>82</td>
</tr>
<tr>
<td>12.4</td>
<td>Ingonyama Trust Leases</td>
<td>82</td>
</tr>
<tr>
<td>12.5</td>
<td>Environmentally Sensitive Areas</td>
<td>83</td>
</tr>
<tr>
<td>13</td>
<td>Land Use Framework</td>
<td>84</td>
</tr>
<tr>
<td>13.1</td>
<td>Development Vision For Nsimbini/ Golokodo</td>
<td>84</td>
</tr>
<tr>
<td>13.2</td>
<td>Guiding Planning Principles</td>
<td>86</td>
</tr>
<tr>
<td>13.2.1</td>
<td>Spatial Planning Concepts</td>
<td>86</td>
</tr>
<tr>
<td>13.2.2</td>
<td>Spatial Planning Principles</td>
<td>86</td>
</tr>
<tr>
<td>13.3</td>
<td>Development Framework</td>
<td>88</td>
</tr>
<tr>
<td>13.3.1</td>
<td>Movement Framework</td>
<td>88</td>
</tr>
<tr>
<td>13.3.2</td>
<td>Nodal Framework</td>
<td>90</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>13.3.3 Environmental / Open Space Framework</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>13.3.4 Residential Framework</td>
<td>93</td>
<td></td>
</tr>
<tr>
<td>13.3.5 Commercial / Industrial</td>
<td>94</td>
<td></td>
</tr>
<tr>
<td>13.3.6 Social / Public Facilities Framework</td>
<td>95</td>
<td></td>
</tr>
<tr>
<td>13.3.7 Infrastructure Framework</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>13.4 Proposed Layout / Settlement Plan</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>13.4.1 Key Structuring Elements</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>13.4.2 Layout / Settlement Plan Approach</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>13.4.3 Future Of The Layout / Settlement Plan</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>14 Proposed Land Use Zones And Statements Of Intent</td>
<td>103</td>
<td></td>
</tr>
<tr>
<td>14.1 Environmental Zones</td>
<td>103</td>
<td></td>
</tr>
<tr>
<td>14.2 Residential Zones</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td>14.3 Civic And Social Zones</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td>14.4 Commercial / Business Zones</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>14.5 Industrial Zones</td>
<td>109</td>
<td></td>
</tr>
<tr>
<td>14.6 Transport Zones</td>
<td>110</td>
<td></td>
</tr>
<tr>
<td>15 Proposed Contents Of The Land Use Scheme</td>
<td>111</td>
<td></td>
</tr>
<tr>
<td>15.1 Proposed Contents And Structure Of The Scheme</td>
<td>111</td>
<td></td>
</tr>
<tr>
<td>15.2 Aspects To Be Covered By The Scheme</td>
<td>111</td>
<td></td>
</tr>
<tr>
<td>15.2.1 Zoning</td>
<td>111</td>
<td></td>
</tr>
<tr>
<td>15.2.2 Integrated Development</td>
<td>111</td>
<td></td>
</tr>
<tr>
<td>15.2.3 Impact Based Land Use Management</td>
<td>112</td>
<td></td>
</tr>
<tr>
<td>15.2.4 Intensity Of Development Within Zones</td>
<td>112</td>
<td></td>
</tr>
<tr>
<td>15.2.5 Development Of Land And Use Of Buildings</td>
<td>112</td>
<td></td>
</tr>
<tr>
<td>15.2.6 Land Use Management Overlays</td>
<td>113</td>
<td></td>
</tr>
<tr>
<td>15.2.7 Scheme Maps</td>
<td>113</td>
<td></td>
</tr>
</tbody>
</table>
1 INTRODUCTION

1.1 PURPOSE

The eThekwini Municipality has initiated a process towards the preparation of a Draft Land Use Scheme that will cover the Nsimbini / Golokodo area, located approximately 30km southwest of Durban.

The project will unfold in phases with a milestone report delivered for each phase. This document presents a status quo overview of the area and land use management and regulation within the study area. The intention is not to revisit all status quo elements, but to refer to and analyse those aspects that will affect the development of the scheme.

1.2 NSIMBINI / GOLOKODO

The study area viz. the Nsimbini-Golokodo settlement is located within the southern region of the eThekwini Metropolitan Municipality. The boundaries of the study area straddle between Ward 67 (previously ward 95) and Ward 94, and fall within the administrative boundaries of Sobonakhona-Makhanya Traditional Council. The area lies at an approximate latitudinal and longitudinal position of S30° 00' 03.76" and E30° 51' 31.65" respectively. It is situated approximately 30 kilometres southwest of Durban Central Business District (CBD) and 8 kilometres from Isipingo. The Ezimbokodweni River forms the northern boundary to the study area, with the MR 197 to the east and the Golokodo River to the south. The study area is to a certain extent sandwiched by townships such as Umlazi, KwaMakhutha and Folweni.

The Nsimbini/ Golokodo area has been identified as an important rural investment node within the eastern parts of the Adams/Folweni LAP. The study area is currently unplanned and is characterised by growing settlements that have not been formalised. The ongoing growth and densification of the area leads to challenges, such as pressure on the provision of infrastructure and services, environmental pressures and poor linkages to commercial and economic opportunities. As such, the eThekwini municipality identified the need to develop a scheme that will guide land use and the management of land use within the area.

1.3 SCOPE OF WORK

The scope of work for the preparation of the Nsimbini / Golokodo Land Use Scheme includes the completion of the following key milestones:

- Analysis of indigenous land use practices, particularly considering the rural / semi-urban nature of the study area.
- Undertaking a land rights audit to establish the nature and extent of land rights and a broad land use survey/characterisation, which will establish land uses taking place within the study area as a whole.
- Preparation of a Land Use Framework.
• Preparation of a Draft Land Use Scheme (map, clauses, systems and procedures).

• Preparation of management overlays and their integration into the scheme.

• Undertaking a public participation process as a means to secure public support and buy-in during both the scheme preparation process and its implementation.

The project will be undertaken with due cognizance of the existing information and current strategic planning initiatives of the eThekwini Municipality, particularly the Spatial Development Framework and the various local level spatial plans / land use management instruments. The scheme will also be formulated in line with the Spatial Planning and Land Use Management Act, (Act No. 16 of 2013).

1.4 STRUCTURE OF THE REPORT

The Status Quo Report is presented in sections ranging from a broad introduction to the study area and the scheme, to legislation and policy review, development trends and patterns within the study area, current land use analysis and the assessment of the existing land use management tools and practices (refer to Figure 1).

• The first section of the document introduces the project, covering, the scope of work and a brief contextual analysis of the study area.
• The second section reflects on the aims and objectives of a land use scheme and what the content should include.

• Section three provides the policy and legislative context, identifying and analysing policies and legislation that have implications for the development of the land use scheme.

• Section four undertakes an analysis of the study area, the local population trends, settlement patterns and land legal issues.

• Section five provides an overview of the natural environment and identifies sensitive areas that should be avoided.

• Section six provides an analysis of transportation and traffic in the study area.

• Section seven provides an overview of existing infrastructure services.

• Section eight provides an analysis of existing land use.

• Section nine reflects on the status of land use management systems within the study area.

• Section ten indicates the proposed approaches to the different land use areas within the study area.
2 SECTION 1: STATUS QUO ANALYSIS
3 INTRODUCTION TO A LAND USE SCHEME

The National Government enacted the Spatial Planning and Land Use Management Act (SPLUMA) in 2013, but the Act only became operative on 1 July 2015. The SPLUMA is a national framework legislation that introduces a uniform spatial planning and land use management system in South Africa. It provides for the sustainable and efficient use of land, whilst ensuring and providing for cooperative and intergovernmental relations between the three (3) spheres of government. It also seeks to redress the injustices of the past through an equitable spatial planning and land use system. Section 24 of the Spatial Planning and Land Use Management Act of 2013 (SPLUMA) specifies that a municipality must, after public consultation, adopt and approve a single land use scheme (LUS) for its entire municipal area within five years from the commencement of the act.

The SPLUMA defines “Land Use Scheme” as a document for the regulation of land use. It is an integral part of a system for regulating and managing land use and conferring land use rights. It regulates authorisation by a competent authority, and lawful development and/use of land. As such, a LUS has the force of law.

3.1 LINK BETWEEN AN INTEGRATED DEVELOPMENT PLAN, SPATIAL DEVELOPMENT FRAMEWORK AND A LAND USE SCHEME

A land Use Scheme for the Nsimbini/ Golokodo area forms part of tools available to a municipality for spatial governance alongside the Integrated Development Plan (IDP), Spatial Development Framework (SDF) and Spatial Planning By-Law.

As such, it cannot be in conflict with any of these documents, and the municipality may not take a decision in terms of the LUS that is contrary to the provisions of the SDF and the IDP.
3.2 NEED FOR A LAND USE SCHEME

The need for the project arises from a number of factors. These can be summarised as follows:

- Firstly, the municipality seeks to satisfy the legal requirements emanating from both the Municipal Systems Act and the SPLUMA, which require a municipality to prepare a Land Use Scheme as part of its municipal planning systems and procedures.

- Secondly, the municipality has a responsibility to encourage harmonious development within its area of jurisdiction. This includes the protection of property rights and ensuring that development occurs in a compatible manner.

- In addition, a scheme will promote sustainable land use and assist the municipality and other role-players to address environmental management issues.

In short, the preparation of the land use scheme forms an integral part of municipal planning and constitutes a progressive move towards the realisation of an ideal of an integrated, sustainable and coordinated development.

3.3 AIMS AND OBJECTIVES OF THE LAND USE SCHEME

The primary aim of the LUS is to regulate the use of land and buildings, and the nature, extent and texture of development through the allocation of a bundle of land use rights to each erf using a zoning system.

It facilitates coordinated, harmonious and sustainable development, in a way that promotes health, safety, order, amenity convenience and general welfare, as well as efficiency and economy in the process of development. Its objectives are as follows:

**FIGURE 3: AIMS AND OBJECTIVES OF A LAND USE SCHEME**

- Indicate what may or may not occur on particular areas of land.
- Provide land use certainty and boost investor confidence.
- Promote amenity, efficient land use practice and reserve land for essential services.
- Resolve conflict between different land uses and control negative externalities.
- Enable mix of convenient land usage, efficient movement processes and promote economic development.
- Protect natural and cultural resources, unique areas and land with high agricultural production potential.
- Provide for public involvement in land management decision processes.
- Provide for sound local regulation and enforcement procedures.
- Accord recognition to indigenous and local spatial knowledge, land use practices and land allocation practices.
- Facilitate social justice and equitable regulation of contested spaces.
- Reserve land for future uses where the need for location and extent is not certain at present.
- Protection of cultural resources, places of religious and cultural significance.
3.4 CONTENT OF A LAND USE SCHEME

A land use scheme is a legal document that should be able to assign land use rights for all the properties within the municipality’s area of jurisdiction. Regulations and restrictions on how such rights can be exercised should also be in place. Against this background, it is important that a scheme be very clear, comprehensible and provide certainty in decision-making. In order for the scheme to be well articulated, certain components should be covered to ensure that the scheme achieves its intended objectives effectively and efficiently.

These core components of the Scheme are as follows:

- Definition of the area to which it applies;
- Definition of the terminology used in the maps and clauses;
- Maps with accompanying clauses and any other information that the municipality considers necessary for illustrating or explaining the extent, content, provisions and effect of the scheme.
- Permitted land uses; land uses that may be permitted with the municipality's permission; and prohibited land uses.
- The extent to which land that was being used lawfully for a purpose that does not conform to the scheme may be continued to be used for that purpose and the extent to which buildings or structures on that land may be altered or extended.

The scheme will adopt a zoning approach. Zoning has historically been used to separate land uses, particularly incompatible land uses. It is thus necessary to zone properties and set it aside for a specific purpose and to separate different, incompatible land uses. The zoning will convey potential development rights, as stipulated in the scheme. Broad land use categories identified, will provide an indication of the types of zones required in an area. Each zone will be accompanied by a statement of intent, which is an aid to clarify the purpose of the zone.

The Municipality will manage development within each zone through a series of development parameters or scheme controls relating to each zone, as well as which land uses will be permitted within each zone. Conventionally, development parameters set out the maximum development permitted on a site. However, they may also be used to set out the desirable or minimum development allowed. The development parameters set out the uses within each zone includes:

- Minimum / maximum lot sizes;
- Building lines, side and rear space;
- Floor area ratio, coverage and height of buildings;
- Erf controls;
- Siting of building and access;
- Parking and loading requirements;
- External appearance of buildings.
In addition to the scheme controls, the scheme will include a set of clauses, which deal with general development issues.

The LUS may also include overlays, which may include environmental characterisation and/or detailed development plans the municipality may prepare for specific areas within its area of jurisdiction. Management areas usually require the imposition of a further set of development controls for existing zonings (management plans), in addition to the normal controls for the relevant zoning. Management overlays will contain the fine detail of how a management area will be developed and implemented.
4 POLICY AND LEGISLATIVE FRAMEWORK

Planning in South Africa operates within a legal framework, which strives to ensure that municipalities deliver their developmentally-oriented planning objectives in terms of Section 152 and 153 of the Constitution. A balance is required to be struck between the various and often competing social, economic and environmental interests, and public and private interests, situated between and at national, provincial, regional and local level. All development is expected to be sustainable. Property rights are managed through zoning as indicative rights of what is possible, which is then assessed and managed through environmental, planning and building plan processes. These processes seek to balance the exercise of rights and responsibilities of owners and the protection of the public interest.

4.1 LEGISLATIVE CONTEXT

4.1.1 THE CONSTITUTION

Municipal Planning is a function assigned to municipalities in terms of section 156 of the Constitution of the Republic of South Africa read with Part B of Schedule 4 and in terms of which municipalities have both executive authority and a right to administer to the extent set out in Section 155. There is no precise definition of exactly what aspects of planning are included under the term Municipal Planning. The Constitutional Court in a judgement given in June 2010 stated that:

"... the term [municipal planning] is not defined in the Constitution. But “planning” in the context of municipal affairs is a term which has assumed a particular, well-established meaning which includes the zoning of land and the establishment of townships. In that context, the term is commonly used to define the control and regulation of the use of land."

From this narrow ruling by the Constitutional Court, it is clear that Municipal Planning embraces other, as yet, undefined and untested aspects of planning. Under the 2000 re-demarcation of the country, “wall-to-wall” municipalities were created thereby including all intervening land between the towns or former transitional local councils, i.e. including the tribal areas and the commercial farmland. This established a new responsibility for the new municipalities, as they were now required to extend their planning well beyond that of the former towns.

Implications

The preparation of a land use scheme for the Nsimbini / Golokodo area is a practical implementation of this Constitutional mandate. Failure to do this may undermine local governance, particularly management and regulation of land use within the municipality’s area of jurisdiction.
### 4.1.2 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT

The Department of Rural Development and Land Reform has formulated the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA), in efforts to create a uniform and coherent national spatial planning and land use management system. The SPLUMA prescribed the basic contents of a Land Use Scheme and includes:

- **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 **register** of all amendments to such land use scheme.

The Spatial Planning and Land Use Management Act, Act 16 of 2013, includes specific guidance for the preparation of Land Use Schemes.

<table>
<thead>
<tr>
<th>Context</th>
<th>Intentsions</th>
<th>Scheme Contents</th>
<th>Regulations</th>
<th>By-Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Municipality must, after public consultation, prepare, adopt and implement a LUS within 5 years of the Act being brought into operation</td>
<td>- Municipality is primarily responsible for Land Use Management</td>
<td>- Scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;</td>
<td>- Submission of land development and land use applications</td>
<td>- Provides for establishment of Municipal Planning Approval, Appeal and Enforcement Authorities.</td>
</tr>
<tr>
<td>- LUS must be consistent with and give effect to Municipal SDF</td>
<td>- Primary instrument is the Land Use Scheme (LUS)</td>
<td>- A map indicating the zoning of the municipal area into land use zones; and</td>
<td>- Categories of land development and land use applications</td>
<td>- Provides for the adoption and amendment of a Land Use Scheme.</td>
</tr>
<tr>
<td>- All land development applications must be determined within context of the LUS</td>
<td>- Outlines minimum content of schemes.</td>
<td>- A register of all amendments to such land use scheme.</td>
<td>- Timeframes for Land development and land use applications</td>
<td>- Provides for applications for municipal planning approval.</td>
</tr>
<tr>
<td>- An approved and adopted LUS has the force of law and binds all owners and users of land</td>
<td>- Provides for the legal effect of land use schemes.</td>
<td>- Alignment of authorisations</td>
<td>- Application where no town planning or land use scheme applies</td>
<td>- Provides for appeals against decisions</td>
</tr>
<tr>
<td></td>
<td>- Enables the enforcement of schemes.</td>
<td></td>
<td>- Areas under traditional leadership.</td>
<td>- Provides for offences and penalties</td>
</tr>
<tr>
<td></td>
<td>- Provides for the amendment of scheme.</td>
<td></td>
<td></td>
<td>- Provides for compensation and matters incidental.</td>
</tr>
<tr>
<td></td>
<td>- Provides for the development of land.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Outlines matters to be addressed in Provincial legislation.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Implications**

The implication of the SPLUMA on Nsimbini / Golokodo depends on the extent to which this legislation will be applicable in KZN given its overlap with the provincial land use legislation. Nevertheless, Nsimbini / Golokodo will still need to meet the minimum requirements of the national legislation and conform to the national land-use management norms and standards. The scheme must also take into consideration the basic contents required for the preparation of schemes.
4.1.3 ENVIRONMENTAL LEGISLATION

4.1.3.1 NATIONAL ENVIRONMENTAL MANAGEMENT ACT

The National Environmental Management Act, No. 107 of 1998 (NEMA) specifies a list of land use changes that require an environmental authorisation in addition to any planning permission. Where one of these land use changes is envisaged there is effectively a duplication of procedures, one in terms of NEMA and another in terms of the applicable planning legislation, both requiring considerable public participation and engagement with relevant authorities. In approving development applications, municipalities and provinces tend to require an environmental authorisation from provincial Departments of Environment before processing planning requirements. In some ways, this is a sensible strategy to keep planning capacity back until it is clear that there is an environmental authorisation, but it is also an implied acknowledgement of the secondary status of planning legislation in the approval of land developments.

While the environmental function has been assigned in the Constitution as a joint responsibility of the national and provincial government, it has already been decided in case law by the Constitutional Court that the environment and planning are inextricably interlinked. One aspect may not be considered without the other. Furthermore, neither the national nor the provincial government has the capacity or local knowledge to undertake the necessary level of detail to ensure that all the requirements of these Acts are met on the ground. It is therefore necessary and desirable for municipalities to undertake environmental planning such as Strategic Environmental Assessment (SEA) and/or Environmental Management Framework (EMF).

4.1.3.2 SECTOR–SPECIFIC ENVIRONMENTAL LEGISLATION

There are a number of sector-specific environmental laws, some of which require sector-specific plans and/or other planning requirements that need to be integrated with a municipality’s actions and activities. Table 1 provides a summary.

Table 1: ENVIRONMENTAL LEGISLATION

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Organ of State</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER</td>
<td></td>
</tr>
<tr>
<td>National Water Act (Act No 36 of 1998)</td>
<td>National Department of Water Affairs (DWEA)</td>
</tr>
<tr>
<td>BIODIVERSITY</td>
<td></td>
</tr>
<tr>
<td>World Heritage Convention Act (No 47 of 1999)</td>
<td>National Department of Environment (DWEA) and designated Provincial Authority.</td>
</tr>
</tbody>
</table>
### Table: Legislation and Organ of State

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Organ of State</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Forests Act (Act No 84 of 1998)</td>
<td>National Department of Agriculture</td>
</tr>
<tr>
<td>The National Heritage Council</td>
<td>The National Heritage Council</td>
</tr>
<tr>
<td>The National Monuments Council</td>
<td>The National Monuments Council</td>
</tr>
<tr>
<td>National Heritage Council Act (Act No 11 of 1999)</td>
<td></td>
</tr>
<tr>
<td>National Monuments Act (No 28 of 1969)</td>
<td></td>
</tr>
</tbody>
</table>

### 4.1.4 Agricultural Legislation

#### 4.1.4.1 Subdivision of Agricultural Land Act

The Subdivision of Agricultural Land Act, Act 70 of 1970 requires the approval of the Minister of Agriculture for the subdivision of any agricultural land. Thus, again, there is a parallel process for an applicant wanting to develop farmland or agriculturally zoned land in urban areas, who has to get approval from both the Minister of Agriculture, via an application to the provincial Department of Agriculture Forestry and Fisheries, as well as the relevant planning authority.

As indicated above, there is a dilemma where the Minister of Agriculture, via the Subdivision of Agricultural Land Act, 1970 may dictate land use or for that matter prevent the municipality from carrying out its constitutional mandate to prepare a wall-to-wall scheme over the full municipal area.

This reluctance is understandable in that the Minister, with his department, is responsible for the overall food security of the country, and is perhaps understandably concerned that

---

Consent is required from the minister to give notice that a Scheme relating to agricultural land has been prepared for or submitted by a municipality and approval thereof. This implies that approval from Department of Agriculture is required firstly, before a scheme that includes agricultural land can be approved and adopted by Council.

The Ingonyama Trust Board is deemed a State Entity and is exempt from the Sub-Division of Agricultural Land Act, Act No. 70.
if he foregoes his veto, municipalities may embark upon unrestrained urban sprawl across fertile agricultural land.

Although the SPLUMA calls for wall-to-wall schemes, the implications of Act 70 of 1970 will have to be contextualised during the development of the Nsimbini / Golokodo Land Use Scheme. The National Department of Agriculture holds a database (Department of Agriculture, Forestry and Fishery’s Agis-Agri Data Base) of all land to which Act 70 of 1970 applies. This database will provide a clear indication of land that cannot be included in the Scheme but which will have to be dealt with through the formulation of applicable policy guidelines. Areas the needs to be released from this Act will also have to be identified, such as scheme extension areas in and around Kokstad that are subject to this act.

Other agricultural related legislation needs to be recognised by the scheme, such as legislation dealing with forestry.

### 4.1.4.2 OTHER AGRICULTURAL RELATED LEGISLATION

There are also a number of other agricultural related legislation that have an effect on land use management. These include the following:

- **Conservation of Agricultural Resources Act (Act No 43 of 1983),** administered by the National Department of Agriculture and Provincial Department of Agriculture;
- **Sustainable Utilisation of Agricultural Resources Bill, 2003,** administered by the National Department of Agriculture and Provincial Department of Agriculture;
- **National Forests Act (Act No 84 of 1998),** administered by the National Department of Agriculture;
- **National Veld and Forest Fire Act (No 101 of 1998),** administered by the National Department of Agriculture.

### 4.1.5 TRANSPORTATION

Land use and access and transport routes are closely linked to each other, since one will inform or follow the other. The construction of a new major access road will conversely lead to pressure for development near the interchanges. As such, integrated planning requires land use planning to consider transport planning and vice versa. Transport planning is undertaken in terms of the National Land Transport Act No. 5 of 2009 with a five year horizon. One of the underlying principles in section 4(1)(j) requires that:

*Land transport functions must be integrated with related functions such as land use and economic planning and development through, among others, development of corridors, and densification and infilling, and transport planning must guide land use and development planning.*

In terms of Section 18 (6)(f) of this Act, the Act also requires all planning authorities to coordinate their planning processes and to integrate transport and land use planning.
4.1.6 HUMAN SETTLEMENT PLANNING

The Constitution of the Republic of South Africa (Act 108 of 1996) is the supreme law of the country and establishes housing as a right. The housing delivery programme of the municipality is therefore sanctioned by the Constitution, and is intended to give effect to the right to housing as enshrined in the Constitution. The provision of housing is effected through the National Housing Act, (Act 107 of 1997) and the Social Housing Act of No 16 of 2008.

The provision of housing is normally undertaken by the municipal Housing Department with the support of the Planning and technical services departments. The Housing Sector Plan thus forms an integral component of the IDP, which guides housing delivery within the municipal area. The extent and the geography of housing need require the municipality to introduce pro-active zoning by identifying and reserving appropriately located and suitable land for housing development to introduce a range of housing products. This includes land earmarked for the upgrading and/or clearance of informal settlements.

4.1.7 LAND

4.1.7.1 INGONYAMA TRUST LAND

Ingonyama Trust Land is subject to the policies and legislation that governs all land administered by Ingonyama Trust Board. The Trust holds the land on behalf of the members of communities that occupy and use the land. The powers and functions of the ITB are contained in section 2A (2) of the Ingonyama Trust Act (Act No. 3 of 1994), which provides as follows:

“The Board shall administer the affairs of the Trust and the trust land and without detracting from the generality of the foregoing the Board may decide on and implement any encumbrance,
pledge, lease, alienation or other disposal of any trust land, or of any interest or real right in such land.”

4.1.8 TRADITIONAL COMMUNITIES

4.1.8.1 TRADITIONAL COUNCILS

The Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), provides for the recognition of communities and the establishment of Traditional Councils and leadership. These Councils have functional linkages, thus partnerships or operational connections between themselves and Municipalities. Traditional Councils have been given a voice in development matters and may now enter into partnerships and service-delivery agreements with Government in all spheres.

The Nsimbini / Golokodo study area falls under the Traditional Sobonakhona Traditional Council.

4.2 POLICY FRAMEWORK

4.2.1 NATIONAL DEVELOPMENT PLAN (NDP)

The National Development Plan (NDP) is a strategic policy introduced by the national government. It outlines the long-term vision for the future development of South Africa. The document acknowledges the spatial inefficiencies that characterise existing settlements and commits the national government to developing a national Spatial Framework as a policy framework to address these abnormalities. The NDP requires plans such as Land Use Scheme to respond directly to the area specific issues, including the following:

- Population movement patterns including migratory patterns between rural and urban areas.
- Impact of external factors such as globalisation and climate change on spatial planning and development within the Municipality.
- Public sector investment in economic infrastructure as a means to create a climate conducive to economic growth and development.
- Creating opportunities for rural communities to participate actively in the economy. This has serious implications for access to productive assets, particularly high potential agricultural land, skills development, etc.

Of these NDP specific issues, the issue of reshaping towns, cities and rural settlements through spatial transformation across all geographic scales is of high importance and have implications for the preparation of the Nsimbini / Golokodo land use scheme. It emphasises the need to reduce sprawl and promote increased urban densities, reliable and affordable transport and a shift in job and investment to dense townships on the urban edge. It also recognises that there are rural areas that are densifying and have good transport links, but which require urgent intervention due to a lack of effective land use management.
4.2.2 BREAKING NEW GROUND

The national government’s comprehensive programme to address a range of housing needs is outlined in the National Housing Code and the recently introduced Comprehensive Plan for the Creation of Sustainable Human Settlements (commonly known as Breaking New Ground). The Comprehensive Plan for the Development of Sustainable Human Settlements (August 2004) provides detailed information on the programmes identified by the National Department of Human Settlements. It moves beyond the provision of basic shelter towards achieving the broader vision of integrated, sustainable and economically generative human settlement systems at both local and regional scales. Therefore, the scheme should:

- promote densification and integration in urban centres;
- enhance spatial planning in both urban and rural contexts;
- enhance the quality and location of new housing projects;
- supporting urban renewal programmes; and
- developing social and economic infrastructure.

4.3 PROVINCIAL SPATIAL PLANNING

4.3.1 PROVINCIAL GROWTH AND DEVELOPMENT STRATEGY

The KwaZulu-Natal Province development vision is outlined in the Provincial Growth and Development Strategy and Plan (PGDP). The PGDP is a primary strategy for KwaZulu-Natal that drives growth and development in the Province to 2035. It provides the province with a rational strategic framework for accelerated and shared economic growth through catalytic and developmental interventions, within a coherent equitable spatial development architecture, putting people first, particularly the poor and vulnerable, and building
sustainable communities, livelihoods and living environments (PGDS, 2011).

Concomitant attention is also given to the provision of infrastructure and services, restoring the natural resources, public sector leadership, delivery and accountability, ensuring that these changes are responded to with resilience, innovation and adaptability. The strategic goals and are reflected in Figure 4.

The PGDS identifies eThekwini as the primary node within the province. It is an urban centre with very high existing economic growth and the potential for expansion thereof. It also provides services to the national and provincial economy.

4.3.2 PROVINCIAL GROWTH AND DEVELOPMENT PLAN

A draft Provincial Growth and Development Plan (PGDP) has been developed on the basis of the PGDS as a means to translate the strategy into a detailed implementation plan, inclusive of a detailed activity level framework with targets and responsibilities assigned to the appropriate government department. The main purpose of this PGDP document is to begin the process of enabling the province to measure its progress in achieving the accepted growth and development goals.

The PGDP identifies spatial equity as one of its strategic goals and the implementation of ‘effective spatial planning and land management systems’ as one of its objectives. This objective refers to the current drive to implement wall-to-wall schemes in the province and the challenges. It specifically notes the challenges around Act 70 of 1970 and the subdivision of agricultural land, as well as the development of schemes in the rural components of municipalities.

4.3.3 PROVINCIAL LEGISLATION

4.3.3.1 KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT

The KwaZulu-Natal Planning and Development Act, (Act No. 06 of 2008), which commenced in March 2009, is the legislation currently operating parallel to SPLUMA in terms of land use management in Kwazulu Natal.

<table>
<thead>
<tr>
<th>Elements applicable to a scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Schemes – preparation, amendment and adoption</td>
</tr>
<tr>
<td>• The preparation of layout plans</td>
</tr>
<tr>
<td>• The alteration of Schemes</td>
</tr>
<tr>
<td>• Provides for provincial planning and development norms and standards</td>
</tr>
</tbody>
</table>

The PDA is being amended to align to the provisions of the SPLUMA.

4.3.3.2 KWAZULU-NATAL PROVINCIAL ROADS ACT

In addition to this national legislation, the KwaZulu-Natal Provincial Roads Act, Act No. 4 of 2001, requires approval of any changes in land use adjacent to a provincial road or within 500m of the intersection of a provincial road.

In Nsimbini / Golokodo, the MR 35 and P80 are two of the critical provincial roads traversing the areas. They play an important role in the
structure of the municipality, as well as development corridors or activity spines.

4.3.3.3 KZN NATURE CONSERVATION MANAGEMENT ACT
The KwaZulu-Natal Nature Conservation Management Amendment Act, Act No. 5 of 1999 provides for the declaration of protected areas and provides schedules of indigenous plants and animals.

<table>
<thead>
<tr>
<th>Elements applicable to scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Used to declare protected areas.</td>
</tr>
<tr>
<td>• Provides schedule of indigenous plants and animals.</td>
</tr>
</tbody>
</table>

4.4 LOCAL POLICIES AND PLANS

4.4.1 ETHEKWINI INTEGRATED DEVELOPMENT PLAN
The IDP is the principal strategic planning document that guides and informs all the planning, budgeting, management and as well decision-making within a municipality. eThekwini has developed and adopted this instrument in line with its constitutional mandate. It is also required that the achievements of the IDP are measured, in other words its successes needs to be accounted through Key Performance Areas (KPAs). At the national level, a set of 7 Key Performance Indicators (KPIs) have been put forward. The KPAs are one of the core components of the IDP and a way of ensuring that the strategic objectives of the IDP is achieved. The land use scheme can be seen as one of the effective ways through which a municipality is able to achieve its KPAs. The KPAs and their implications for the scheme are detailed below:

- Institutional development and transformation: This refers to continued development and push for improved services within the municipality. It identifies the need for creating a municipality with improved workplace skills development with emphasis aimed at achieving overall business strategy and high performance workforce. eThekwini envisage to creating a platform for growth, empowerment and skills development.

- Basic service delivery, which includes fast-tracking sustainable human settlements through housing and rural development program. This strategy specifically relates to the eradication of basic services backlog, including water, sanitation, electricity, refuse removal, roads and storm-water. On the other hand, it also aims at retaining levels of services and maintaining, upgrading and rehabilitation of infrastructure.

- Local Economic Development: The scheme will aim at facilitating development and boosting investor confidence by providing certainty to investors, developers and land rights holders as to how and what can be developed on a site and legal processes that need to be followed considering the LED strategy for the municipality.

- Municipal Financial viability and Management: The municipality has to serve its people efficiently by way of effective service delivery
and achieving its objective of revenue enhancement and creating a financially accountable and sustainable city.

- Good Governance and Public participation: The scheme provides an opportunity for public engagement to better the developmental landscape of the municipality through an informed discussion at development phase and operational phase.

- Cross Cutting Intervention: This refers to those issues that require a multi-sectoral response and thus need to be considered by departments. The scheme can ensure sustainable human settlement creation by facilitating sound spatial planning and ensuring the protection of environmental sensitive areas such as natural forests, wetlands and flood lines.

The scheme will also give effect to the provisions of SPLUMA and its municipal by-laws as formulated by the municipality. These two laws will together ensure that the scheme development aims at land use management that is effective in achieving spatial transformation.

IDPs are the product of an integrated development planning process and reviewed on an annual basis (with comprehensive reviews being undertaken every five years). In essence, IDPs are aimed at ensuring that all municipalities fulfil their developmental responsibilities awarded in terms of the Constitution and are accordingly a critical legal requirement in terms of the Act.

The municipality’s development vision is a core element of the development strategy as outlined in the IDP, which fulfils the requirements of the Municipal Systems Act. It is thus important that the land use scheme respond to the vision and objectives of the IDP.

eThekwini has also identified the following key strategic priority areas as part of their IDP:

![Figure 5: Strategic Priority Areas](image)

Source: eThekwini IDP, 2016/17
The eThekwini SDF is an overall strategic spatial development document that directs municipal wide spatial development in terms of desired development patterns, promotion of economic development in close proximity to residential developments, and conservation of valued environmental assets. The SDF directs the spatial expression of the municipal development vision and advocates for the creation of a spatial structure that enables integrated and sustainable development.

The eThekwini SDF was reviewed in 2016/2017. It seeks to facilitate the implementation of several strategies towards the achievement of the desired spatial vision of the municipal area. The key spatial proposals of the SDF includes the following:

- Sustaining the Natural and Built Environment;
- Spatial Development Strategy;
- Improving Accessibility;
- Economic Development Nodes and Corridors;
- Provision of Social Facility Nodes; and
- Strategic Infrastructure Planning and Implementation.

The SDF divides the eThekwini municipality into four spatial planning regions (Central, North, South and Outer West Spatial Planning Regions), which are informed by the SDF. Spatial Development Plans (SDPs) are prepared for each region and provides greater detail about future spatial planning and land use, environment, transport and

---

**Figure 6: eThekwini SDF**

[Map of eThekwini municipality showing spatial development framework]
infrastructure interventions required at a regional level. According to the SDF, the Nsimbini-Golokodo area falls within the South Region and the South Spatial Development Plan (SSPD) has been developed for this region.

4.4.2 SOUTHERN SPATIAL DEVELOPMENT PLAN

The SSDP was developed in 2009 and reviewed in 2014/15. The South Spatial Development Plan is one of the long-term plans within the Package of Plans that eThekwini Municipality has adopted. The main objectives of the SSDP include the following (SSDP 2014/15):

- To establish an understanding of the strategic role of the southern area within the context of the eThekwini Municipality;
- To ensure alignment of the SSDP with the other regional spatial/development plans as well as other municipal sector plans and municipal strategic processes that have spatial implication;
- To inform the broader Unicity Spatial Development Framework as well as providing guidance for subsequent local area plans and land use schemes.

A number of planning initiatives that have been undertaken in the past informs the SSDP. Its intention is to provide strategic direction for the future development of the southern region and to establish sufficient detailed direction to inform subsequent local area plans.
The SSDP covers an area in extent of 510km² and is divided into eight planning units. This includes the Adams / Folweni area, within which the study area is located.

4.4.3 ADAMS/FOLWENI LOCAL AREA PLAN
The Local Area Plan for Adams/ Folweni was developed in 2010. It identified Golokodo- Nsimbini as a Primary node.

In addition, it also identified the need to respond to the following:
- development pressure;
- intensifying rural settlement with no services or land use guidelines to manage the area;
- no institutions to administer the land allocation process.

A further detailed plan was undertaken for the Nsimbini/ Golokodo Functional Area, which forms the study area for this project.

4.4.4 NSIMBINI FUNCTIONAL AREA PLAN
The Nsimbini/ Golokodo Functional Area Plan was a further refinement of the Adams/ Folweni LAP and assisted in defining the role of Golokodo- Nsimbini in the Adams/ Folweni LAP area, the Southern Region and in a metro context. Nsimbini– Golokodo area was also identified as a priority Rural Functional Area Plan, intended to guide...
rural planning in the eThekwini Municipality. It identifies the following nodes and corridors:

- Primary Road: LAP level
- Secondary Road: MR 80
- Tertiary roads: P 152

The proposed hierarchy of nodes are as follows:

- Nsimbini as the primary node. The node currently accommodates government services in the form of police station, satellite clinic, and magisterial court.
- Secondary node: none
- Tertiary (Local service nodes): Various local service nodes have been identified.

4.5 GUIDELINE DOCUMENTS

4.5.1 COGTA GUIDELINE FOR THE PREPARATION OF SCHEMES

The KZN Department of Co-operative Governance and Traditional Affairs (COGTA) seeks to attain sustainable and equitable planning and development for the benefit of all in KwaZulu-Natal. To this end, they have undertaken to update the Land Use Management System (LUMS) Guidelines prepared in 2004. This review was prompted by the promulgation of the Planning and Development Act, Act No. 6 of 2008 and the time that has lapsed since the 2004 guidelines. The purpose of these guidelines is to assist planners in the preparation of Schemes.
5 NSIMBINI / GOLOKODO AREA ANALYSIS

5.1 DEMOGRAPHIC PROFILE

This section analyses the socio-economic environment of the study area. The socio-economic analysis provides direction for the distribution of basic services as well as the estimation of future needs based on population projections. The study area partly falls within ward 94 and 95 (which is now ward 67). However, statistical data from Census 2011 have not been modified to accommodate this change and still refer to ward 67 as ward 95 (refer to map 2). The 2011 Census data, as well as the 2010 and 2015 Eskom Household data.

5.1.1 POPULATION SIZE AND DISTRIBUTION

The study area includes portions of wards 94 and 67 (previously ward 95). The study area represents approximately 26% of ward 94 and 15% of ward 67. The population within the Nsimbini/Golokodo area is spread across 559.91ha of land.

According to the recently released Eskom Household data of 2015, the population can be estimated at approximately 7942 people or 2378 households. This is based on an average household size of 3.4, applicable to the eThekwini municipality’s average household size. However, if a household size of 5 is applied, which is more applicable to a rural area, the population is 11680.

MAP 2: WARD MAP
5.1.2 POPULATION GROWTH

Population projections are based on the Nsimbini/Golokodo FAP and Eskom 2015 Household data. The annual growth rate, as per the Census data, was 1.08% between 2001 and 2011. Assuming the growth rate remains the same for the next ten years, it can be estimated that in 2021 the population would grow to be in the region of 8843.

<table>
<thead>
<tr>
<th>Growth rate</th>
<th>2016</th>
<th>2021</th>
<th>2026</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GROWTH RATE BASE ON ESKOM 2015 DATA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.08%</td>
<td>7942</td>
<td>8380</td>
<td>8843</td>
</tr>
<tr>
<td>1.5%</td>
<td>7942</td>
<td>8556</td>
<td>9217</td>
</tr>
<tr>
<td>2%</td>
<td>7942</td>
<td>8769</td>
<td>9681</td>
</tr>
<tr>
<td><strong>GROWTH BASED ON FAP</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.08%</td>
<td>7422</td>
<td>7832</td>
<td>8264</td>
</tr>
<tr>
<td>1.5%</td>
<td>7422</td>
<td>7996</td>
<td>8614</td>
</tr>
<tr>
<td>2%</td>
<td>7422</td>
<td>8193</td>
<td>9047</td>
</tr>
</tbody>
</table>

Source: Nsimbini/Golokodo FAP, Eskom Household data (2015), own calculations

5.1.3 HOUSEHOLD NUMBERS

According to the Census 2011 data, the number of households in ward 94 was 6355, while ward 67 had 7940 households. The Nsimbini/Golokodo FAP estimated the number of households to be approximately 2183 in 2013. According to data from the Eskom Household survey of 2015, the number of households within the study area was 2378. This indicates an increase in the number of households in the area by 195 households between 2013 and 2015.

MAP 3: HOUSEHOLDS IN THE STUDY AREA
5.1.4 GENDER STRUCTURE

The following figure shows the gender ratio between males and females. As seen in the figure below, females outnumber males. There are approximately 52% females and 48% males in the study area.

Source: Nsimbini/Golokodo FAP, Eskom Household data (2010 and 2015), own calculations

5.1.5 AGE STRUCTURE

The study area can be characterised as having a very youthful population. This implies the need for various facilities and the need to focus on specific priority areas e.g. educational facilities, economic opportunities and possibly youth development programmes.

Source: StatsSA (Census 2011), Eskom Household data (2015), own calculations

5.2 SOCIO-ECONOMIC PROFILE

5.2.1 EMPLOYMENT

The figure below indicates that at least 34% of the population is struggling to find employment due to a lack of opportunities in the area. A large portion of the population is not economically active, while 17%
of the population is unemployed. These categories thus represents people that are not contributing to the economy.

**Figure 13: Employment**

5.2.2 **INDIVIDUAL MONTHLY INCOME**

The figure below indicates the individual monthly income of the study areas. It is evident that a large portion of the population does not earn any income. Furthermore, approximately 2895 people earn between R1–R400. This income bracket includes government grant recipients and is indicative of a state-dependant portion of the population. The individual monthly income indicates that a large portion of the population is living in poverty with low level of disposable income.

**Figure 14: Individual Monthly Income**

Source: StatsSA (Census 2011), Eskom Household data (2015), own calculations

5.3 **SPATIAL STRUCTURE**

5.3.1 **ROAD AND TRANSPORTATION NETWORK**

The Nsimbini-Golokodo area enjoys access to a national route viz. the N2 within a 5 kilometre radius. This route ensures that the study area is well linked at a regional scale with extra-municipal towns such as Port Shepstone in a southerly direction. The M35 is the main road, which traverses the study area, facilitating ingress and egress to the study area. This route runs in an east-west direction and slices the study area into two portions. It connects the study area with formal township...
areas such as Folweni to the west and Umlazi to the east and also with the R603.

Other main roads within the study area include the P152, which connects with the M37 in a south westerly direction. The majority of movement between Nsimbini-Golokodo and neighbouring settlements takes place along the routes alluded to above. The local road network linking different parts of the study area and facilitating access to each household is structured in an inefficient manner as it has grown organically without adherence to relevant road layout design guidelines, and thus lacks a clear coherent structure. The unavailability of adequate road infrastructure and the manner in which the dwelling structures are haphazardly scattered in space also poses access challenges.

5.3.2 SETTLEMENT PATTERN

The Nsimbini/Golokodo settlement has grown organically and did not benefit from formal planning or settlement design systems and procedures. It has grown informally and without a predetermined spatial structure; hence, its spatial morphology and settlement pattern reflects the impact of such informally. The growth neither followed policy prescripts nor has land use pattern evolved in line with the dictates of systems and procedures such as Land Use Schemes. The Nsimbini-Golokodo area ranges from rural to semi-urban in character, in that it falls under a traditional council and the dominant form of land use are homesteads, which are scattered across the area’s undulating topography. The manner in which these homesteads are scattered in space follows different logic from the orthodox spatial planning paradigms.

Rural settlements are spatially defined in izigodi, which is a traditional ward. It is often demarcated using ridgelines, rivers and other natural features and landmarks. The boundaries of izigodi are not clearly demarcated, but are identifiable through common knowledge among locals and traditional council members. The Induna, with the assistance of other traditional council members, is entrusted with the responsibility of allocating sites to individuals for different land uses. This includes land allocation to new community members or households, and for uses such as public facilities and commercial uses. The traditional council, among other things, ensures that community members respect and obey community rules. These include rules pertaining to access and use of land.

Spatial logic is established in terms of access to sufficient land to meet a household’s livelihood needs and the level of access to common resources. However, they are highly inefficient and uneconomical in terms of the delivery of services such as access roads, piped water and grid electricity. Land is allocated to each household and at times, there is very weak, if any, connection with the surrounding allocations. As such, the primary focus is not the development of a settlement, but meeting land needs of a household that has expressed land need.
Development issues are secondary. This gives rise to unequal site sizes, lack of uniformity in the shapes of sites, lack of space reserved for public facilities, services and road access, and general lack of spatial structure.

5.3.3 SETTLEMENT AND POPULATION DENSITY

The study area measures at a relatively high settlement density, in terms of rural standards. However, the relatively large nature of the sites, the haphazard nature of the distribution of households in space and the steep topography in certain areas constrains densification. The settlement occurs in the form of a number of clusters, defined by edges in the form of road infrastructure and natural features. The homesteads are relatively evenly dispersed across the study area. The homesteads generally cover a significant share of the study area, thus very few vacant spaces that are developable, exist.

The settlement density within the study area ranges between 1-30 households per hectare. The low-density areas, which ranges between 2-5 households per hectare can be translated into average site sizes of between 2000m²-5000m². These areas (indicated in dark green on map 4) are located furthest away from major transportation routes and in certain areas, it borders onto steep areas. Areas with higher densities range between 6-10 households per hectare. This translates into average site size of between 1000m² to 1666m². These areas (indicated in yellow on map 4) are generally located closer to the major transportation routes. There are only a few pockets of high-density developments (indicated in orange on map 4), where the average site sizes ranges between 666m² to 900m².

There is a clear trend that households seem to clusters along the transportation routes in the study area. It would thus seem that transportation routes are an important factor influencing the settlement pattern in the study area.

5.3.4 HOUSING TYPOLOGIES

The project areas is largely made up residential dwelling units, of which most comprise of a dwelling house and an outbuilding in the form of a rondavel.

**Figure 15: Dwelling Type**
The area also comprises of formal housing structures made of bricks, which have informal backyard shacks, while others are formal brick houses without any outbuildings. Traditional dwelling units represent approximately 16% of the residential dwellings in the area. These are traditional dwellings made of traditional material. Houses represent the majority of the dwelling units within the area (approximately 75%) (see figure 1).

5.4 LAND LEGAL

The entire Nsimbini / Golokodo area falls under the Ingonyama Trust and do not vest in individual owners. ITB holds the land on behalf of the members of communities that occupy and use the land.

5.4.1 BENEFICIAL OCCUPATION RIGHTS

Members of communities that occupy Ingonyama Trust land enjoy beneficial occupation rights protected in terms of the Interim Protection of Informal Land Rights Act, (Act No. 31 of 1996). These include residential, grazing and many other land use rights.

It is probably legally correct to hold that the notion of land ownership was not a rule of the indigenous legal system. Rights to land were never vested in an individual, but rather in a complex web of social groups, such as a family and the residents of an Izigodi, and clear rules existed to regulate the right of all members of a family, clan or tribe to the land occupied by the tribe.

5.4.2 PTO’S, LEASE AGREEMENTS AND SERVITUDES

Ingonyama Trust Land is subject to the policies and legislation that governs all land administered by the Ingonyama Trust Board. The Trust holds the land on behalf of the members of communities that occupy and use the land. The powers and functions of the ITB are contained in section 2A (2) of the Ingonyama Trust Act, which provides as follows:

*The Board shall administer the affairs of the Trust and the trust land and without detracting from the generality of the foregoing the Board may decide on and implement any encumbrance, pledge, lease, alienation or other disposal of any trust land, or of any interest or real right in such land.*

Section 2(2) of the Act requires the trust to be administered for the ‘benefit, material welfare and social well-being of the members of the tribes and communities’ listed in the schedule to the Act – all the tribes and communities residing on Ingonyama Trust land. The trustees are bound to adhere to this provision.

Section 2(5) provides that the trust may not ‘encumber, pledge, lease, alienate or otherwise dispose of’ any of its land or any real right to such land, without the prior written consent of the traditional or community authority concerned. Thus, the traditional authority (elsewhere called tribal authority) is able to control the use to which their land is put. The effect of this is that, as custodian of the land, the Trust enters into land use agreements, e.g., leases and the like, but it cannot do so unless and
until it has the written consent of the relevant traditional authority. In some cases, the Ingonyama Trust leases the land, or makes it available, under an appropriate agreement to a traditional authority, who, in turn, sub-leases it to a third party (ibid).

The same applies to Permission to Occupy (PTO’s). The latter are not surveyed and thus cannot be depicted spatially. It is the intention of Ingonyama Trust to identify all commercial establishments and upgrade them into long terms lease agreements. ITB also intends to survey all state uses and enter into lease agreements with the appropriate government institutions. It is understood that the Ingonyama Trust Board will not sell land outright, unless there are overwhelming and compelling reasons to do so. As a rule, it will either authorize the Minister of Land Affairs, or the KwaZulu-Natal Department of Traditional and Local Government Affairs under delegated authority to issue Permissions to Occupy under the KwaZulu Land Affairs Act 11 of 1992, or grant a lease for an initial period of 35 years, renewable for a further period of 35 years. Obviously, in special circumstances, the arrangements can be modified. The Trust can also grant servitudes.

5.5 IMPLICATIONS

An area’s current settlement pattern has particular implications for land use planning and the regulation of land use. Whether an area benefitted from formal planning or is unstructured and developed organically has an influence on the approach to be adopted in applying land use regulations that can actually be effective. The Nsimbini-Golokodo area generally does not have general plans or site specific cadastral that can be used to assign zonings and erf specific development parameters to them. Hence, the approach to be adopted will have to differ from conventional Land Use Schemes which are geared towards a cadastral based approach, generally applicable in urban contexts.

A more flexible and reality-based approach which acknowledges the dynamics in rural and semi-urban areas will be needed in order to maximise the efficacy of the Land Use Scheme in achieving its intended objectives.
6 ENVIRONMENTAL ANALYSIS

6.1 CLIMATE

The study area falls within the coastal climate zone with a mean annual rainfall range of 820mm to 1,423mm. The mean annual temperature of the area ranges between 22.0°C and 18.5°C. Frost is seldom an occasion in the area. Thus, the climatic condition for the area is moderate as it is not too hot in summer and not too cold either in winter making it a conducive place for dwelling. The rainfall pattern and distribution is also favourable for most crops.

6.2 TOPOGRAPHY

The study area is characterized by hilly terrain characterized by several undulating hills. The hilly nature of the site results in steep slopes and deep valleys though the top parts of the hills are gentle sloping (See Map 5). Small portions of the site mostly on the top parts of the hills totaling about 94ha have slope between 0-12%, about 103 ha have slope between 12-18% and about 200 ha having slope more than 25%. Thus more than half the area have slope greater than 25 percent. It is important to investigate the stability of the areas of steep slopes in planning any development especially residential developments for the area.
The topography also influenced the settlement pattern in the study area. Since it is generally rugged and hilly, most communities strategically aligned to the flatter areas along the top of ridges and plateaux-like terrain. Valley systems and flood plains have been avoided probably from experience of the harshness of such environments but most probably because intuitively, modern-day human settlements are often created along corridors of services and facilities.

There are certain challenges in respect of the topography on development activities that require large relatively flat open spaces. Due to the rugged terrain, malls and other commercial areas as well as institutional sites need to be carefully considered in full support of geotechnical investigation. Furthermore, the generally rugged topography may pose significant challenges to infrastructure development such as roads.

MAP 6: HOUSEHOLDS WITHIN 1:3 AND STEEPER SLOPE

There are households within the study area that fall within the slope area ranging from 1:3 and steeper areas, which has implications for the delivery of service infrastructure (see map 6).
The topography also poses certain implications on the proximity of development to drainage lines and wetlands. The deeply incised general character of the terrain makes the vertical distance between the rivers, streams and wetlands. However, it is unlikely that any of the existing homesteads will fall within the exclusion buffers of wetlands or within the 1:100 or even 1:200 years flood line. As such, the following needs consideration:

- Planning needs to consider all development impact on the rivers are wetlands of the area.
- The planning of settlements in particular must consider flood risks of the Ezimbokodweni River.

The results of the rugged terrain in the study area with steep slopes in relation to hydrology are as follows:

- The area is generally well drained with wetlands confined to the valley bottoms far removed from the settlements, which are invariably located at the top of ridges and plateaus in the area.
- Rivers and streams are confined to the valley bottoms far removed from settlement areas.
- Some households in the project area are likely to fall within the 1:100 years flood line of the Ezimbokodweni Rivers.

6.3 WASTE AND SANITATION

Domestic waste appears to be generated in very small quantities largely due to the relatively low settlement density. Refuse heaps that characterise dense settlements were not observed. Furthermore, commercial and industrial activities, which are major generators of refuse, are almost non-existent in the area. The study area is generally a clean environment with no significant issues relating to waste.

In respect to the impact of sanitation on the environment, the high density of the area in relation to the generally sensitive hydrological environment suggests that sanitation in the area needs to be the most appropriate if water contamination is to be avoided.

At this stage, it does not appear that the proposed development will significantly alter the population density of the area and thus current sanitation and waste situation in the area is not likely to change significantly. However, in planning the land use scheme, attention needs to be given to the provision of waste management sites and sites sewage infrastructure.

6.3.1 PROXIMITY TO MAJOR HAZARDOUS INSTALLATION

There is no major hazardous installation currently within or in close proximity to the project area. Furthermore, there are no known current or future programmes aimed at development installations that will constitute major hazards to the communities within or neighbouring the project area.
The scheme must ensure that industrial sites are not located close to areas designated for settlement, or services and facilities where there are likely to be high concentration of vulnerable groups such as hospitals, orphanages/old age homes, and schools.

6.4 ECOLOGICAL CHARACTERISTICS

6.4.1 VEGETATION

Vegetation type within the boundary of the site is covered by vegetation type classified as the KwaZulu-Natal Coastal Belt (see map 7). The nature of this vegetation on the site consists of degraded grasslands in isolated portions of the settlements and riparian bushes within some of the valleys and within the floodplain of the rivers.

Vegetation of conservation significance is limited within the settled areas. The only areas with vegetation worth conservation are the areas along the riverbanks especially on the southern segment of the site. These areas are characterized by a mixture of small valley forests and bushes. Few other areas also have small patches of grasslands. Thus, greater portion of vegetation is removed and transformed due predominantly to settlement activities and other uses such as subsistence farming (see Map 8). The areas that need to be excluded from active development are these areas on the southern portions along the river with relatively untransformed riparian vegetation.

MAP 7: VEGETATION
6.4.2 BIODIVERSITY PRIORITY AREAS

South Africa has ratified the International Convention on Biological Diversity, which commits the country, including KwaZulu-Natal, to develop and implement a strategy for the conservation, sustainable use and equitable sharing of the benefits of biodiversity. In the Province of KwaZulu Natal, Ezemvelo KZN Wildlife is the authority responsible for planning and management of biodiversity conservation.

As a means of complying with the requirements of the Convention on Biological Diversity, KZN Wildlife has developed management tools to manage the biodiversity resources in the province. The management of biodiversity in eThekwini Municipality is however, the direct responsibility of Environmental Planning and Climate Protection Department of the municipality. In order to ensure protection of the ecological integrity of the area, development exclusion zones have been established. These zones are shown in Map 8 and must be considered in the preparation of the scheme. A significant ecological consideration as far as vegetation is concerned is that, the grasslands are said to be near endemic to KZN which implies that at least 70% percent of the vegetation type in South Africa is found in KZN. It is observed from the vegetation map that most of the settlement occurs in these grassland areas.

MAP 8: DEVELOPMENT EXCLUSION ZONES DUE BIODIVERSITY

---

**Nsimbini Golokodo Scheme**

*Environmental*

Legend
- Project Boundary
- Main Roads
- Rivers
- KZN CBA Implaceable
- Dmoso
  - Extractive
  - Forest
  - Freshwater Wetland
  - Grassland
  - Recreational
  - Settlement
  - Thicket
  - Woodland

Scale: 1:20 000

Prepared For:
STRATEGIC SPATIAL PLANNING AND CLIMATE PROTECTION DEPARTMENT

Prepared By:
ETHEKWINI MUNICIPALITY

Prepared Date: [Date]

Reference No.: [Reference Number]

Note: The information contained in this document is for the sole purpose of providing a visual representation of the development exclusion zones. No liability shall attach to the local authority for any action taken in reliance on the information.
The implications are:

- The grassland in the project area occurs mainly on the flatter ridge-tops and along the upper slopes of the hills that characterise the area. It is this area that most transformation of this vegetation has occurred in the study area.

- Although the project is not expected to remove any grassland, it will be important to include as much of the grassland as possible into open spaces so as to conserve the endangered vegetation in the area.

6.4.3 AGRICULTURAL POTENTIAL

The entire area is graded as having high agricultural potential. This implies that the land can produce a good yield when put to agricultural use as evidenced in the subsistence farming activities undertaken within the valley systems.

Agricultural activities in the form of subsistence farming are currently being undertaken within the valley systems and along the banks of the two rivers but mostly on the southern section of the site.

MAP 9: AGRICULTURAL POTENTIAL AND TRANSFORMATION
Large scale or commercial farming is not possible due to the limited open spaces as a result of the density of the settlements.

6.5 HYDROLOGY

6.5.1 DRAINAGE LINES AND WETLANDS AND THEIR PROXIMITY TO SETTLEMENT

A number of drainage lines traverse the area with associated wetlands (see Map 10). Most of these wet areas are situated within the valley bottom. The area falls within the western catchment of the Mbokodweni River that runs along the eastern boundary of the site.

Also a tributary of the Mbokodweni River runs along the southern boundary of the proposed site. The main hydrological sensitive areas within these catchments are wetlands and areas around the rivers, which may be important habitats for rare plants and animal species. It was observed however that most of the wetlands within the valleys have undergone some form of degradation due to subsistence agriculture and encroachment by settlements. The extensive reticulation of drainage lines in the area can be seen in map 10.

MAP 10: HYDROLOGY
The rugged terrain has given rise to deeply incised landscape with steep slopes and deep valley systems. This has consequently resulted in varied degree of drainage lines some significant and major contributors to drainage in the area and some acting as collectors during periods of rainfall only.

6.6 FLOODLINES, FLOOD PLAINS AND WETLANDS

There are some sensitive sites and areas within the study area. These include flood risk areas which it would be assumed are located along the Mbokodweni River. This river system is also associated with wetlands some of which are suitable habitats or habitat types for animal species. Some households in the study area are located within environmental sensitive zones. The implications of the environmental constraints are:

- Areas within the floodlines and wetlands of the Mbokodweni River should be relocated to safer area (see Map 11).

.............Wetlands perform very important hydrological functions such as flood attenuation and the maintenance of water quantity and quality of river systems. These important ecological systems need to be protected and managed as effectively as possible. Wetland areas as well as areas within 100m of the river bank should be excluded from active development. In order to preserve the significant functionality of these hydrological bodies within the catchments, it is advisable to conserve these areas as passive or at worst active open spaces.
It is important that prior to the planning of specific developments, development specific assessments should be undertaken in order to determine the impacts of the development on these hydrologically sensitive areas.

- Development within the high priority biodiversity management zones (DMOSS) should be limited to eco-friendly activities (see Map 12).
- The area is agriculturally productive but with limited commercial opportunities due to the high settlement densities. However, small scale high productivity agricultural technologies could be explored.

6.7 CLIMATE CHANGE

Climate change is a worldwide phenomenon, affecting the environment, habitats and ecosystems. It is likely to manifest in a number of different ways according to local conditions. As a direct consequence, extreme weather events have been increasing in scale, frequency and intensity. Climate change in this context refers to changes in the modern climate, including the rise in average temperatures known as global warming, and extreme weather events such as floods and droughts that are likely to become more frequent and intense.

MAP 12: ETHEKWINI DMOSS
The impact of climate change will challenge the adaptive capacity and resilience of settlements, cities and regions especially with respect to infrastructure systems. Climate change in effect, affects settlement patterns and migration. The impact of climate change in rural areas and on agricultural production can lead to increased urbanisation of rural communities in search of employment in larger towns and cities. This is already evident in the study area, considering the growth experienced in the area. Other anticipated effects of climate change include:

- an increase in conditions that promote wildfires (hotter, drier and windier conditions);
- reduced rainfall resulting to reduction in water supply;
- decreased soil moisture resulting from less rain and higher temperatures;
- temperature impacts on agricultural activities; and
- a possible increase in the presence of disease vectors (such as malaria) in areas that were previously relatively disease-vector free.

The anticipated effect of climate change means that many areas in eThekwini, as well as the study area, may experience incidents such as flood-risk, increased intensity of storm surges and river flooding, etc. Inappropriately located development can also result in exposure to flood risks and proper land use management and allocation processes thus become very important.

### 6.8 EXISTING INFRASTRUCTURE AND SERVICES

#### 6.8.1 RESIDENTIAL STRUCTURES

The community has poor residential structures some constructed with conventional building materials but the majority with mud bricks and others made of local natural resources such as mud and grass. The poor housing structures emphasize the need for the community to be provided with improved housing.

Roads are few and are gravel in nature. The roads are generally situated at the flatter parts of the terrain, which invariably are the apices of the ridges in the area. It is possible that the road network in the area is currently adequate to meet the transportation needs of the community since majority of households are located along the ridges and along the length of the roads network.

#### 6.8.2 RISKS OR HAZARDS TO THE ENVIRONMENT POSED BY FUTURE DEVELOPMENT

There are no significant environmental impacts that were identified during this assessment. Provided that an environmental management plan is prepared and implemented during construction of any proposed development, the impact of the development on the environmental is expected to be negligible.
6.8.3 IMPLICATIONS FOR THE PROPOSED DEVELOPMENT

Any future development must be undertaken in close participation of the beneficiary households. There are always the aspect of graves that may be disturbed, which may cause significant social upheavals. The mitigation for such impact is to undertake the study with the full participation of household heads.

6.8.4 SOCIAL COST OF THE DEVELOPMENT

The social cost of this development is low as the development is likely to improve upon the social conditions of the people. The proposed land use scheme would be favourable, since it will contribute to more harmonious and orderly development and a liveable environment for the community.

6.9 CONCLUSIONS AND RECOMMENDATIONS

Based on this synoptic environmental overview, the following significant environmental characteristics need to be considered.

- The site is characterized by clusters of undulating hills resulting in numerous valleys. A greater portion of the site have slope of more than 25%. The stability of these areas need to be geotechnically investigated in the planning of residential developments and areas more than 1:3 must be avoided.

- The study area has wetlands which are of hydrological and ecological significance. All wetlands and areas identified and the other hydrological and ecological sensitive areas should be incorporated into the conserved open spaces in the area. Generally, 100m buffers should be afforded all rivers and 15 to 30m buffers for wetlands within the various catchments.

- Vegetation within the site is largely transformed. However, small patches of vegetation along the rivers are relatively untransformed. These areas fall within the Durban Metros DMOSS areas meant for conservation. These areas may not be available for development. Care needs to be taken in the planning of developments to avoid negative impacts on the untransformed vegetation.

- In the planning of detail pockets of programs or projects, specific development assessments should be undertaken prior to or during the planning of such developments. This would determine if any of the proposed activities fall in the category of listed activities in terms of the EIA regulations under the National Environmental Management Act 107 of 1998, for which an environmental authorization may be required.

- The area is considered a highly productive agricultural potential. However, the potential of the agriculture in the area has been significantly reduced due to high settlement densities. Nevertheless, small scale semi intensive crop production can be promoted for households as a means of stimulating the local economy and augmenting household income.
Rural areas are typically sensitive to cultural resources especially graves. Developments of any kind should be sensitive to these cultural resources and must be preceded by a cultural heritage assessment.
7 TRANSPORTATION ANALYSIS

7.1 REVIEW OF TRANSPORT PLANNING DOCUMENTS

7.1.1 C2 RAIL CORRIDOR FEEDER SERVICES STUDY

Iliso Consulting Engineers was appointed by the eThekwiní Municipality to undertake the C2 Rail Corridor Feeder Service Study on behalf of the eThekwiní Transport Authority (eTA).

Figure 16: Illustration showing the Feeder Services to Isipingo

The study included the review of the eThekwiní Municipality’s Integrated Rapid Public Transport Network (IRPTN) demand forecast model, the conceptual design of an intermodal facility at selected stations and the conceptual design of the feeder routes.

The study indicated that Isipingo Station, which is the closest rail station to the study area under consideration is one of the major feeder stations along the C2 corridor.

Isipingo Station will be served by 23 feeder services originating in areas south of Isipingo such as Golokodo, Nsimbini, Adams Mission, Folweni, Kwa Makhuta and Umalzi and neighbouring areas such as Prospecton and Isipingo Hills. Of these services, at least 6 or 7 of these feeder services will be passing through the study area.

The illustration shows the routes and coverage of the Isipingo Feeder Services.
7.1.2 SECOND UMLAZI LINK AND INWABI ROAD FEASIBILITY STUDY

HatchGoba was appointed by the eThekwini Municipality to undertake a feasibility study for the 2nd Umlazi Link and Inwabi Road projects.

**Figure 17: Location of 2nd Umlazi Link**

The 2nd Umlazi Link will see a direct link being created between the Joyner Road/N2 Interchange and the MR35/Wanda Cele Road/Citrus Road intersection. This link will have a 4 lane undivided cross-section (two lanes in each direction) between the N2 and Wanda Cele with the same cross section extending along MR35 to Echwebeni Avenue in Umlazi Y Section.

This project is very much significant in that, it will provide an alternate direct access to the N2 from the study area and thus improve accessibility and connectivity.

7.1.3 ISIPINGO LAP

Arup was appointed by Black Balance Projects (2016) to undertake the traffic and transportation aspects of the Isipingo LAP. The study considered all aspect of the transportation network but placed significant emphasis on the public transport operation in the Isipingo CBD. Some of the key findings of the Isipingo LAP study that is related to this study are as follows:

- There are some 17000 passengers travelling on a daily basis from Isipingo and along the MR35 corridor to areas such as Philani Valley, Golokodo, Nsimbini, Folweni etc.
- The medium term plan would be the implementation of the IRPTN Feeder route services along the MR35 to the Isipingo CBD.
- In light of the daily passenger demand along the MR35 corridor the study identified a long term proposal for a rail line to service this area.
In April 2013, Gabhisa Planning had prepared the Nsimbini Golokodo Rural Functional Area Plan. Out of this study, the following key transportation issues/proposals were identified:

- The need to manage access along the main provincial routes of MR35 (P80) and Major Intersection 1.
- Provision of pedestrian sidewalks along the MR35.
- The provision of a pedestrian bridge across the Mbokodweni River on the eastern side of the study area. This bridge is to be located at the end of the Nsimbini North Access Road (Road 2483). Currently large stones and concrete blocks are used by pedestrians to cross the river.
7.2.1 REGIONAL LEVEL

At a regional level, access to the study area is via the N2 and R102, located to the east of the study area, and the R603, located to the south-west of the study area.

The N2 and R102 are Class 1 and 2 roads, respectively. They are located some 7 km to the east and provides linkages to Durban’s CBD, the South Durban Basin and Umhlanga in the north and Port Shepstone and Eastern Cape Province to the south.

The R603 is a Class 2 road. It is located some 5 km south-west of the study area. The R603 provides linkages to areas such as Amanzimtoti, etc., to the east and Pietermaritzburg to the west.

- The provision of a pedestrian/vehicle bridge over the MR35 some 350 metres to the east of the MR35/Major Intersection 1. This bridge will link the two areas either side the MR35 and allow for a safer crossing for pedestrians.
- Providing paved road/surfaces to all the schools in the area.
- Linking the areas south of the MR35 with new roads/paths internally to reduce reliance on the MR35.
7.2.2 LOCAL LEVEL

At a local level, access to the study area is directly via the MR35 and the Major Intersection 1. Access to the area is restricted due to the terrain and the Mbokodweni River.

The MR35 is aligned in the east-west direction and links the area to the neighbouring nodes and to the N2, R102 and R603. The P152 runs southwards from the MR35 and links the study area to the areas situated to the south and the M37.

7.2.3 INTERNAL LEVEL

Internal linkages within the study area is relatively limited. The study area could be defined into two areas, the area north of the MR35 and the area to the south. Formal direct access between the two areas is restricted to the intersection of MR35 and the Major Intersection 1 and the set of staircases at the eastern edge of the study area. The area to the north of MR35 has limited accessibility where the only formal access is the Nsimbini North Access Road (Road 2483) and a pedestrian staircase on the eastern edge of the study area. Road 2483 is a narrow road that is 4m wide.
Road 2483 however, links the entire northern area together. There is a pedestrian bridge just outside the study area to the north that crosses the river into Umlazi section. Apart from the formal access points there are a number of informal accesses onto the MR35.

The area to the south of the MR35 also has limited accessibility and has three formal road accesses and a pedestrian staircase on the eastern edge of the study area. The areas consist of five ridges and formal accessibility between the ridges is non-existent. Vehicles and in some cases pedestrians have to travel to the MR35 to access the neighbouring ridges.

7.3 ASSESSMENT OF EXISTING LOCAL TRANSPORT NETWORK

The study area has one major road that cuts through it which is MR35. There are about 3 major intersections and a multiple of illegal accesses. The MR35 has one lane in each direction with shoulders of approximately 1 metre, however, in some sections it has two lanes. The MR35 widens with dedicated turning lanes with the Major Intersection 1.

The MR35 is a Class 3 mobility route with a speed limit of 80 km/h.

No form of traffic calming measure is provided along the route. However, MR35 goes through a built up area where there is a lot of pedestrian activities. Dedicated pedestrian crossing points should be considered to be provided with all the necessary traffic-calming measures. The desire lines could assist in identifying the possible location for the dedicated crossing points.

The three major intersections located along MR35 have an intersection spacing of approximately 600 metres to the Major Intersection 2, which is to the west of the Major Intersection 1 and approximately 1 kilometre to the Major Intersection 3, which is to the east of the Major Intersection 1.

Within the study area, there is one signalised intersection which is the Major Intersection 1 and the other two intersections are priority controlled with MR35 being the priority road.
In order to determine the existing functionality of the road network, it was necessary to ascertain the current traffic performance of the traffic system within the study area. Manual traffic counts were undertaken on Thursday, 11 May 2017. These traffic counts were undertaken along the MR35 at the major intersections, as indicated in figure 23. From these traffic counts, the AM and PM peak hours were determined to be:

- AM Peak Hour – 06:15 to 07:15
- PM Peak Hour – 16:45 to 17:45

The traffic counts were used to determine the current level of traffic at the 3 major intersections.

The traffic volumes revealed that during the morning peak period 1 502 and 1 145 vehicles, respectively, enter and leave the study area from the west. Furthermore, 1 825 and 1 409 vehicles, respectively, leave and enter the study area from the east. However, during the afternoon peak period, 1 312 and 1 724 vehicles, respectively, enter and leave the study area from the west. Moreover, 1 531 and 2 090 vehicles, respectively, leave and enter the study area from the east.

7.3.1 MR35/UNNAMED ROAD INTERSECTION (MAJOR INTERSECTION 1)

The site observations as well as the analysis results indicate that the existing intersection
is currently operating satisfactorily with no approach worse than LOS C during both the 2017 AM and PM peak hours. Furthermore, there is acceptable delays and adequate spare road capacity available. Therefore, the status quo revealed that there are no capacity road or intersection upgrades required at this stage.

**Figure 25: MR35 / Unnamed Road Intersection (Major Intersection 1) Existing Geometry**

![Diagram of MR35/Unnamed Road Intersection (Major Intersection 1) Existing Geometry](image)

7.3.2 MR35/Unnamed Road Intersection (Major Intersection 2)

The site observations as well as the analysis results indicate that the existing intersection is currently operating satisfactorily with no approach worse than LOS C and D during both the 2017 AM PM peak hours, respectively. Furthermore, there is acceptable delays and adequate spare road capacity available. Therefore, the status quo revealed that there are no capacity road or intersection upgrades required at this stage.

**Figure 26: MR35 / Unnamed Road Intersection (Major Intersection 2) Existing Geometry**

![Diagram of MR35/Unnamed Road Intersection (Major Intersection 2) Existing Geometry](image)

7.3.3 MR35/Unnamed Road Intersection (Major Intersection 3)

The site observations as well as the analysis results indicate that the existing intersection is currently operating satisfactorily with no
approach worse than LOS A during both the 2017 AM PM peak hours. However, the south-west approach is operating at an unacceptable LOS E with significant delays during both peak hours. Therefore, the status quo revealed that due to capacity constraints there are capacity intersection upgrades required.

**Figure 27: MR35 / Unnamed Road Intersection (Major Intersection 3) Existing Geometry**

7.4 Existing Public Transport Facilities and Services

There is no commuter train service in the area and therefore rail does not seem to be the used mode of public transport within the study area. There are bus services in the area, however, during the site visit and on-site information gathering no bus service was observed.

The MR35 is a public transport route even though there is no formal public transport facilities within the study area. However, public transport lay-bys are provided on both sides of MR35 at a spacing of not more that 700m along the route, which is an acceptable walking distance.

**Figure 28: Location of Public Transport Lay-Bys**

This shows that passengers have relatively short distances to travel to board public transport. Public transport in a form a minibus taxis was observed travelling in the direction of Isipingo and Durban in the east and Umbumbulu in the west picking up and dropping off passengers.
along the way. A few passengers were observed waiting for public transport by the Major Intersection (1).

A formal public transport facility is provided at the Philani Mall along the MR35, situated to the east of the study area.

Figure 30: Nsmbini-Golokodo Study Boundary 2012 CPTR (Source: eThekwin Transport Authority)

bus taxis operate within the study area and there are 3 taxi ranks located deep into the study area (Current Public Transport Record (CPTR), 2012), as indicated in Figure 28. The MR35 route plays the role of collector-distributor road.

The MR35 is planned as a route for the Integrated Rapid Public Transport Plan (IRPTN). The road which forms the Major Intersection 1 is envisaged as a feeder route to the MR35 IRPTN Corridor; this is illustrated in Figure 29.

7.5 EXISTING PEDESTRIAN FACILITIES

The MR35 is extensively used by the pedestrians, i.e. school children, community centres, administration offices, churches, commuters and shoppers walking to the nearby Philani Mall. The site observations showed that there is a lot of pedestrian activity along the MR35. The
provided sidewalks are only limited to the public transport lay-by and leading up to the lay-by one could only observe footpaths.

Many pedestrians were observed walking on the narrow shoulder of MR35 and thereby sharing a roadway with the vehicles. The lack of sidewalks puts the pedestrians in harm’s way.

Consideration should be made to provide sidewalks of minimum width of 2 metres on both sides of the MR35 for the whole study area. These should be linked to the existing public transport lay-bys and up to the Philani Mall.

The sidewalks should be considered to be provided at least 3 metres from the travelled way and if that cannot be achieved, guardrails as a form of a protective barrier be installed.

7.6 EXISTING TRAFFIC / TRANSPORTATION ISSUES

The following issues could be raised:

- Limited formal linkage between the northern and southern areas of the study area.
- Limited formal access between the MR35 and the area to the north.
- Limited east-west access within the area south of the MR35.
- Nsimbini North Access Road (Road 2483) is a narrow road and is barely adequate for two cars to pass. The road pavement is in poor condition and there are areas with limited verge space for pedestrians.
- The lack of intersection sight distances at the Major Intersections 2 and 3.
- The capacity issue at the intersection of MR35 and Major Intersection 3.
- There is a high amount of pedestrian walking along the MR35, however, there are no pedestrian facilities along it. Pedestrian therefore walk on the main road.
- There is limited pedestrian facilities leading from the MR35 into the residential area.
- Lack of parking at the SASSA offices that is located just north of the Major Intersection 1.

7.7 TRANSPORT PROPOSALS

Taking into account of the status quo assessment, the following transport proposals are made:

- The connectivity from the MR35 into the residential area needs and between the northern and southern sides of the MR35 needs to be improved. This could be in the form of additional intersections, footpaths, staircases, bridges etc.
The connectivity within the southern side of the study area needs to be improved as part of the plan going forward. This may require additional roads and bridges.

The following pedestrian specific interventions are required:

- The construction of a pedestrian bridge over the river on the north eastern side of the study area. This will create a link to Umlazi Y section and onwards to the Philani Mall.
- The widening of the pedestrian sidewalk at the MR35 bridge towards the Philani Mall.
- The construction of pedestrian sidewalks along the MR35 and along all formal roads within the study area.
- Dedicated pedestrian crossing points with all the necessary traffic calming measures.
- The construction of staircases leading from the MR35 into the residential area.

- The provision of parking (on-street or off-street) at the SASSA office that is located north of the Major Intersection 1.

- The clearing of the vegetation at Major Intersections 2 and 3 to improve sight distances.

### 7.8 POSSIBLE INTERSECTION UPGRADING LAYOUT

The immediate possible intersection upgrade is the intersection of MR35 and Major Intersection 3 due to capacity constraints.
8 INFRASTRUCTURE ANALYSIS

8.1 WATER SUPPLY

8.1.1 REGIONAL BULK WATER INFRASTRUCTURE

eThekwini municipality receives most of its bulk water from the Umgeni Water Supply. The Ensimbini-Golokodo area receives their potable water from the Folweni and Ensimbini bulk water storage reservoirs.

The bulk water in both reservoirs originate from the bulk Umgeni Water Supply system. The water is pumped to a high point then gravitated to Chatsworth 1 pumpstation. The water is then pumped to Umlazi 2 reservoir and then pumped from there to Umlazi 6 reservoir. From the Umlazi 6 reservoir the water gravitates to the Emsimbini 1. The water gravitates to the Ensimbini Pumpstaion from where it is pumped to the Folweni reservoir. Both the Folweni and Ensimbini 1 reservoirs supply water to the existing reticulation network in the study area.

The Ensimbini bulk water storage reservoir has a capacity of 2.5 ML. A new reservoir of 9ML is currently under construction adjacent to the existing 2.5ML reservoir and is expected to be completed by October 2017.

A schematic representation the existing regional bulk water infrastructure supplying potable water to the Ensimbini-Golokodo community is presented below.

8.1.2 LOCAL WATER INFRASTRUCTURE

The study area already has an existing water reticulation network in place. Each household has a plastic water tank, which holds 200l of water of which each tank is connected to the water mains that are laid along the district road reserves (public land between the plots). The communal water mains supply between 15 and 30 consumers. The
water tanks are filled by an electronic bailiff unit that automatically channels water to the tanks and cuts off the water when the tank is full. A schematic diagram of the electronic bailiff unit system can be seen below.

**Figure 32: Electronic Bailiff Unit**

Due to the rapid development and increasing population within the area, many additional houses were built by the community themselves. As a result, many of the newer houses that were constructed after the water reticulation was in place have no official connection to the existing water distribution network. This resulted in many unauthorised connections to the existing water mains along the road. These illegal connections are mainly full pressure to individual households connections. Noteworthy, although the extent of the illegal connections is not known, they have a significant impact on the water availability in the area.

It was also noted that there are isolated areas within the study area that have metered connections.

### 8.1.3 Water Availability

According to the local residents within the area, water availability within the municipal network is intermittent. However, as mention previously, a new 9ML reservoir is currently under construction adjacent to the existing Ensimbini reservoir.

### 8.2 Sanitation

#### 8.2.1 Waterborne Sanitation Infrastructure

The study area has no waterborne sewage reticulation infrastructure in place. The current method of sewage disposal within the study area is the Urine Diversion System (UDDTs). The Urine Diversion System is a relatively low-cost sanitation solution and is currently the eThekwini Municipal Council’s choice for sanitation in the study area.
Municipality’s minimum level of service for sanitation disposal.

UDDTs are waterless toilet systems, where urine and faeces are separated at the source. Urine is piped into a urine soak-away pit, which is constructed below the ground. The double vault UDDT’s have two faecal vaults: one is in use while the other full vault’s faeces content is allowed to dry out and slowly decompose. Most of the pathogens dry off due to the drying process.

The newer houses that were built after the implementation of the UDDT’s have either no on site sanitation disposal or the residents have constructed their own pit latrines. These pit latrines poses a health risk to the community of they were not constructed properly according to standard SABS specifications.

It must be noted that currently there is no capacity at either Amanzimtoti WWTW or Ispingo WWTW to accommodate this area, should it be earmarked for waterborne sewage.

8.3 STORM WATER

8.3.1 EXISTING INFRASTRUCTURE

The natural topography of the region is made up of gentle rolling hills. The majority of the storm water runoff flows into natural watercourses and eventually discharges into the Ezimbokodweni River to the north and Golokodo River to the south.

Formal storm water infrastructure can be found on the existing P80 and P152 arterial roads that pass through the region and tarred roads within the residential area. The infrastructure consists of road kerbings that drains storm water into catch pits and inlet manholes, and discharged via headwalls.

During the site visits, it was noted that some sections of the existing storm water infrastructure are overgrown with vegetation, which hinders the flow of storm water and results in ponding.

The majority of the gravel roads within the region have minimal or no storm water infrastructure in place. Large sections of the gravel roads has experienced moderate to severe storm water erosion (see figure 33 below).

As the number of houses have increased over time within the region, some of these new houses were built directly below headwalls. The
headwalls were thus intentionally block to prevent storm water runoff to flow directly into the residents houses which in turn accelerated the erosion caused by the storm water that could not be discharged. Due to the increasing development within the study area, the amount of impermeable and semi-permeable surfaces have most likely also increased. The increase in hardened surfaces causes less storm water to infiltrate into the ground, which therefore increases the amount of runoff entering rivers and streams during storms.

Figure 35: Storm water erosion adjacent to V-drains

8.4 ELECTRICITY

8.4.1 EXISTING AND PLANNED INFRASTRUCTURE

The existing electricity infrastructure consists of an overhead 11kV medium voltage (MV) distribution network, 11kV/400V pole mounted transformers and an overhead 400V/230V low voltage (LV) aerial bundled conductor (ABC) network that supplies power to the established informal erfs. It appears from the survey that all the erfs in the proposed area has existing electricity connections. The area and households appears to be sufficiently electrified and any additional upgrades or supplies should be requested from the municipality by individuals who needs it.

Figure 36: Existing electrical infrastructure

There are areas with excessive vegetation overgrowth that needs to be cleared as it can cause damage over time to poles and conductors and complicate inspections and maintenance.
eThekwinini Municipality is the supply authority for this area and is responsible for the maintenance and management of the electrical distribution. Any future civil upgrades to the area must be coordinated with the municipality’s planning department and the positions of all the overhead line poles should be surveyed and coordinated with civil drawings.

The available electrical capacity of the 11kV line should be evaluated and provision should be made by the municipality for increases in electrical demand of once the area is improved.

According to the latest Eskom Transmission Development Plan 2016-2025 the eThekwini Electricity Network Strengthening is planned:

- Shongweni 2 x 500 MVA 400/132kV substation planned for 2024.
- 2 x Hector – Shongweni 1st and 2nd 400 kV lines planned for 2024.
- Inyaninga 2 x 500 MVA 400/132 kV Substation planned for 2027.
- Loop-in Isundu – Mbewu 400kV line into Inyanga Substation planned for 2027.

8.5 CONCLUSIONS

The findings of the engineering services study on the details and condition of the existing infrastructure can be summarised as follows:

- The Ensimbini and Folweni reservoirs supply potable water to the Ensimbini-Golokodo area;
- Most of the household within the study area have 200l water tanks connected to the existing water network. The supply of water to the tanks are regulated by an electronic bailiff unit that automatically cuts off the water when the tank is full;
- A new 9ML reservoir is under construction adjacent to the Ensimbini 1 reservoir as is expected to be completed by October 2017;
- Many houses within the study area have unauthorised connections into the existing water reticulation;
- The current method of sewage disposal within the study is the Urine Diversion System (UDDT’s);
- Storm water infrastructure is limited to the tarred roads within the study area. Sections of the existing infrastructure are outdated and ineffective due to the rapid development within the region;
• Various sections of the gravel roads within the study area have experienced severe storm water erosion due to lack of effective storm water infrastructure;

• According to the visit conducted, it appears that all the erfs within the study area have existing electrical connection.
FIGURE 38: EXISTING MUNICIPAL INFRASTRUCTURE
9 CURRENT LAND USE ANALYSIS

9.1 RESIDENTIAL

Land uses are based on existing land use typologies within the different areas identified in Nsimbini/Golokodo. A broad land use survey of Nsimbini/Golokodo was undertaken. The Draft National Land-Use Classification Framework that was recently developed by the Department of Rural Development and Land Reform was used as the basis of categorising land uses. This classification system provides for three varying levels of detail, namely a primary land use class (for example “Agriculture”), a secondary land use class (e.g. “Crop Production”) and a tertiary land use class (reflecting more details). The following table indicates the levels use for analysis purposes.

<table>
<thead>
<tr>
<th>LAND USE CLASSES</th>
<th>AREA_m²</th>
<th>HA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Land use class</td>
<td>Indicates total area for this primary class</td>
<td></td>
</tr>
<tr>
<td>Secondary Land use class</td>
<td>Indicates total area for secondary class</td>
<td></td>
</tr>
<tr>
<td>Tertiary Land use class</td>
<td>Indicates total area for tertiary class</td>
<td></td>
</tr>
</tbody>
</table>

Based on this classification system, existing primary classes in Nsimbini/Golokodo includes the following:

- Community Facilities
  - Educational Facilities
  - Medical And Health Care Services
  - Cultural Facilities

  - Residential
    - Single Residential
  - Sports And Recreation
    - Open Space
    - Sport
    - Place Of Refreshment
  - Business
    - Retail
  - Transportation
    - Road Infrastructure

The following analysis is based on the results of the land use survey conducted in the Nsimbini/Golokodo area and indicates the roughly the extent of each use.

9.1.1 SINGLE RESIDENTIAL

The predominant land use in the Nsimbini/Golokodo study area is of a residential nature. This land use includes detached dwelling houses, as well as additional dwelling units in some instances.
Residential use accounts for approximately 85% of the study area. Most of these dwelling houses have external lavatory systems in the form of free-standing pit latrines. It is also evident that the houses were spontaneously built, as there is a lack of obvious order and distribution in the settlement pattern.

**Table 4: Residential Uses**

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling house</td>
<td>3 168 367.37</td>
<td>316.84</td>
</tr>
</tbody>
</table>

**Figure 39: Examples of Dwelling Houses**
9.2 BUSINESS

9.2.1 RETAIL

Retail related land uses in the Nsimbini/Golokodo area include spaza shops, supermarkets and a market (livestock). This is due to the area being predominantly rural with limited formal retail stores. Nsimbini/Golokodo has a cluster of retail related land uses situated along the P152 road, as well as spaza shops.

MAP 14: RETAIL RELATED LAND USES

Spaza shops usually operate from a portion of the main house (e.g. garage or room), or from a container next to the house. They provide in the daily needs of people who can only afford to buy in small quantities and who cannot afford transport fees to large shopping centres. Such shops also serve as an additional form of income.

<table>
<thead>
<tr>
<th>BUSINESS</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>20 848.06</td>
<td>2.08</td>
</tr>
<tr>
<td>Spaza shop</td>
<td>10 876.27</td>
<td>1.09</td>
</tr>
</tbody>
</table>

TABLE 5: BUSINESS LAND USES
9.3 COMMUNITY FACILITIES

Land uses that are categorised as communities facilities includes educational facilities, cultural facilities, administrative facilities, medical and health facilities, institutional care facilities and protection services. These uses are reflected in the map below, which also includes sport and recreational land uses.

MAP 15: COMMUNITY FACILITY USES

9.3.1 EDUCATIONAL FACILITY

Land uses falling within this category include:
- Pre-primary education (Crèche);
- Primary schools;
- High/Secondary school.

The crèche’s are not indicated as separate land uses, since the dominant land use is residential, with the crèche being a secondary use on the same site.

TABLE 6: EDUCATIONAL FACILITY LAND USES

<table>
<thead>
<tr>
<th>Educational facilities</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-primary education</td>
<td>19 835.05</td>
<td>1.98</td>
</tr>
<tr>
<td>Primary and secondary education</td>
<td>95 552.76</td>
<td>9.56</td>
</tr>
</tbody>
</table>

9.3.2 MEDICAL AND HEALTH CARE SERVICES

The only existing health service facility found within the Nsimbini/Golokodo area is located next to the police station. It forms part of a cluster of government facilities. This clinic is located along the first major exit along the M35 road headed west.
### Table 7: Medical and Health Care Services

<table>
<thead>
<tr>
<th>Community Facilities</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical and Health Care Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinic</td>
<td>1 865.65</td>
<td>0.19</td>
</tr>
</tbody>
</table>

### 9.3.3 Protection Services

Protection services consist of the police station found next to the clinic within Nsimbini/Golokodo. It also forms part of a cluster of government facilities.

### Table 8: Protection Services

<table>
<thead>
<tr>
<th>Community Facilities</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police station</td>
<td>1 239.68</td>
<td>0.12</td>
</tr>
</tbody>
</table>

### 9.3.4 Cultural Facilities

Cultural facilities in Nsimbini/Golokodo include mainly religious centres, which include all uses and buildings associated with religious purposes, such as a church, chapel, temples, etc., as well as community centres.

### Figure 40: Example of Churches

![Figure 40: Example of Churches](image)

### Table 9: Cultural Facilities

<table>
<thead>
<tr>
<th>Community Facilities</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community centres</td>
<td>10 562.18</td>
<td>1.06</td>
</tr>
<tr>
<td>Religious centre</td>
<td>8 917.67</td>
<td>0.89</td>
</tr>
</tbody>
</table>

### 9.3.5 Administrative Facilities

Administrative facilities include Municipal administrative buildings (Municipal and government offices, courts, pay points and information centres), as well as post offices.

There is a cluster of government buildings just off the M35 and also includes a magistrate’s court.

### Table 10: Administrative Facilities

<table>
<thead>
<tr>
<th>Community Facilities</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal administrative offices</td>
<td>11 095.14</td>
<td>1.11</td>
</tr>
<tr>
<td>Post office</td>
<td>1 232.17</td>
<td>0.12</td>
</tr>
</tbody>
</table>

### 9.3.6 Institutional Care Facility

Institutional Care Facilities includes welfare facilities such as orphanage, children's home, shelter for homeless adults, reformatory and soup kitchens. In the study area, one orphanage has been identified.
**Table 11: Institutional Care Facilities**

<table>
<thead>
<tr>
<th>Community Facilities</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional Care Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orphanage</td>
<td>727.72</td>
<td>0.07</td>
</tr>
</tbody>
</table>

**9.4 SPORTS AND RECREATION**

The following secondary land use classes have been identified under Sports and recreation:

**9.4.1 SPORT**

Open space can generally be divided into two broad categories, namely passive and active open space. The open field found in the Nsimbini/Golokodo area is active open space that the children of the area use often to play sports and games. This is the only form of open space there is in the area.

**Table 12: Sport Facilities**

<table>
<thead>
<tr>
<th>Sports and Recreation</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor sports area</td>
<td>4 664.88</td>
<td>0.47</td>
</tr>
</tbody>
</table>

**9.4.2 PLACE OF REFRESHMENT**

Places of Refreshment in Nsimbini/Golokodo include drinking establishments, such as a nightclub and taverns. Such establishments are noticeable in the Nsimbini/Golokodo Lifestyle centre, which is a great attraction in the area. Other drinking establishments are operated from existing bottle stores, which would form part of the retail land uses.

**Table 13: Places of refreshment**

<table>
<thead>
<tr>
<th>Sports and Recreation</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of Refreshment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drinking establishment</td>
<td>16 518.86</td>
<td>1.65</td>
</tr>
</tbody>
</table>

Figure 39 provides an indication of the Lifestyle Centre located at the intersection of the MR35 (P80) and the P152.

**Figure 42: Lifestyle Centre**

**9.4.3 OPEN SPACE**

A large portion of land within the study area is vacant. Although this is classified as vacant land under the land use classification, a large component of this category will account for environmental areas or areas not suitable for development.

**Table 14: Open space**

<table>
<thead>
<tr>
<th>Sports and Recreation</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space</td>
<td>1 665 867.72</td>
<td>166.59</td>
</tr>
</tbody>
</table>
9.5 TRANSPORTATION

9.5.1 ROAD INFRASTRUCTURE

Road infrastructure is identified as one of the main land use classes in the area. The M35 (P80) runs through the area. Taxis are the only form of public transportation within Nsimbini/Golokodo. Only the main roads [M35 (P80) and P152] are blacktop roads.

### Table 15: Road Infrastructure

<table>
<thead>
<tr>
<th>TRANSPORTATION</th>
<th>Area (m²)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Infrastructure</td>
<td>556919.34</td>
<td>55.69</td>
</tr>
<tr>
<td>Road network</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9.6 LAND USE MAPPING

Map 14 on the overleaf depicts the land use map for the study area. It is based on the land uses, as per the Draft National Land-Use Classification Framework and discussed in the aforementioned sections. However, due to the fact that in some instances there are more than one use on a site, symbols were used to indicate the locality of some of these uses. It includes for instance spaza shops, crèches and informal trading.

It should however be noted that since the study area falls under a Traditional Council, it is subject to the traditional land allocation system. This system is used to allocate land and is undertaken by the local Induna. Land allocations are however, not based on any pre-determined standards, but have to be large enough to accommodate dwelling
units, as well as some other uses such as crop production.

A separate map (map 15) has also been prepared, indicating the land uses in relation to the settlement plan developed as part of the Nsimbini/Golokodo Functional Area Plan in 2013. This map indicates the area where new households have settled, thus where the settlement plan will be revised and updated in the next phase of the project.
10  CURRENT LAND USE MANAGEMENT PRACTICES

10.1  ETHEKWINI SOUTH SCHEME

eThekwini is in the process of preparing a set of Consolidated Schemes that will cover the entire Municipality and all Schemes should thus fall under one of the Consolidated Schemes. The proposed land use scheme for the study area will fall under the South Scheme, which is one of the primary consolidated schemes. The South Scheme is being developed incrementally, thus the land use scheme for the study area is not currently included in this scheme. It is however, imperative that the land use scheme for the study area aligns to the South Scheme.

The south scheme makes provision for a wide range of land-use control measures including the following:

- Definitions
- Space about Buildings
- Erf Control
- Floor Area and Coverage
- Reservation of Land
- Development Facilitation Table: Land Use, Zone and Development Parameters
- Parking and Loading Requirements

10.2  TRADITIONAL LAND USE MANAGEMENT PRACTICES

Traditional Leaders have played a significant role in land administration by making land use decisions for many years. Traditional Councils undertake land use management in the study area with the support of the Provincial Department of Cooperative Government and Traditional Affairs (COGTA) and Ingonyama Trust. COGTA and Ingonyama Trust play a supportive role, which involves issuing Permissions to Occupy (PTO) and lease agreements. The system is not based on any mapping, but collective memory. Settlement areas are clearly separated from grazing land and sites set-aside for public facilities is well known among community members. Boundaries are also not surveyed but shared among neighbours. The process does not provide for the participation of local government despite its responsibility for spatial planning.

Challenges facing Traditional Councils in this regard are as follows:

- Need to balance land tenure and use rights against need for development. The land tenure rights of the members of a community extend beyond a portion of land allocated to each household and include grazing, firewood collection, harvesting of herbs, etc.
• Changes in land use pattern including encroachment of settlement into high potential agricultural land. This occurs in a context where the government is calling for communities to protect agricultural land, and engage in food production.

• There is a lack of clarity on the factors that should be taken into account when allocating land for a range of uses. Some households are located on areas prone to flooding, community facilities are located on poorly accessible areas, uses with serious environmental impact are found within settlements.

• There is a lack of standards and norms for the allocation of different land uses. Traditional council areas have not benefited from spatial planning nor has the relevant authorities developed norms and standards for land rights allocation and an effective use of land. As a result, there is no common practice/pattern in the manner in which traditional councils deal with the issue of land allocation generally.

• Overlapping land rights arising from the lack of proper systems and procedures, and technical support. This is common in areas where a number of Permission to Occupy has been issued close to each other.

The general process of land allocation and land use management is as follows:

• Approval of the applicant.

• The applicant searches for a prospective portion of land where they would like to settle.

• Applicant must approach the Induna of that area with the request to settle, farm or invest commercial establishments.

• Induna verifies that land is available.

• The Induna communicates this request to the traditional council, which makes the decision on whether to grant the land.

• Induna notifies inkosi and points out boundaries in the presence of other tribe members (provides evidence in the event of a boundary dispute).

• The applicant (only applicants who are new to the area) is required to produce certain documentation, such as a marriage certificate, letter from former traditional council from which the applicant emanates. This letter must recommend that the applicant be granted land to settle.

• The plot sizes vary and landmarks are used to demarcate the plot sizes. In certain settlements, the plot sizes are determined according to the land use activities that a residential household wishes to practice within their plot e.g. burial space, subsistence farming, room for growth of family, etc.

• A fee (khonza fee) is sometimes required for the allocation of a site.
• The applicant is then taken to the allocated land where the prospective neighbours are consulted about accepting the applicant and site boundaries.

• Land allocated for grazing is accessible to all members of the Traditional Authority

The allocation of land for public facilities and larger commercial uses is generally as follows:

• The application is tabled before the TA Council.

• The inkosi and Council deliberates and scrutinise the application; thereafter a decision will be taken; the issue of whether a proposed development will be in the interest of the community is considered; if the community interests will be duly served, permission is granted

• The matter will then be referred to a specific isigodi where a proposed development is to take place; a meeting with the induna and local residents will be called in order for a decision to be taken on whether such a development is desirable; if the community agrees, a site will be identified

• The Department of Agriculture will assist with professional surveying of the site

• The allocation will be recorded in TA documents

• The ownership of the land remains with the Traditional Authority; the occupant (or an institution) retains the right to use and improve the land.

10.3 STRATEGIC PLANNING

Further to the existing land use management instruments analysed in preceding sections, land use management in the study area is undertaken at a broad strategic level through tools such as the Spatial Development Framework. The SDF is the principal spatial planning instrument, which guides and informs all planning, land management, development and spatial decision-making within the municipality. It provides a spatial interpretation of the strategies and projects already contained within the IDP. Furthermore, there also exists other local level strategic plans such as the Nsimbini/ Golokodo Functional Area Plan, which are also used to guide land use and development, in line with the municipality’s context specific vision for the area.
11 APPROACHES TO DIFFERENT LAND USE AREAS

There are a range of different land uses in the study area. The development of a scheme thus needs to respond to the unique attributes and land use management requirements of the different areas. It is proposed that the approach to the development of a scheme should accommodate all areas. The main landscapes that requires management in the study area include environmental sensitive areas and settlement.

11.1 RURAL SETTLEMENT AREAS

The proposed land use scheme should start to guide and manage development in the traditional communal areas, taking into account that traditional leadership is responsible for the allocation of land for different land uses within their areas of jurisdiction. The municipality must work closely with traditional leadership to develop systems and procedures for land allocation and land management. To this effect, interviews will be conducted with the community leadership aimed at understanding how land allocation processes are administered and the standards that are used in the study area. The information gathered will inform and guide the development of the land use scheme for Nsimbini / Golokodo.

11.1.1 WHAT NEEDS TO BE MANAGED?

The following are some of the main aspects that need to be managed through appropriate zones and policies:

- Settlements, through the preparation of settlement plans indicating spaces where different land uses may be located and areas where settlement is not permitted.
- Settlement growth through the delineation of settlement edges indicating the land required to accommodate further expansion and social development needs over a defined period of time (five to ten years). The edge will also be used to promote compaction. A clear indication of where growth should be encouraged or discouraged must be provided. This is to avoid the continuation of sprawl and location of settlements on land not suitable for development or provision of infrastructure.
- Land use allocation guidelines, building onto existing land allocation practices. This should include factors that should be considered when allocating land for different land uses.
- The consolidation of settlement as a means to create service thresholds: the municipality must be clear on where services need to be provided and the consolidation of settlements will enable the municipality to plan better for future service delivery and the provision of bulk services.
• Areas of that are considered undevelopable, such as flood lines, wetlands and areas that are too steep for development must be identified and avoided.

• Areas that are of biodiversity value also need to be managed accordingly by limiting or avoiding development in such areas.

• Land must be reserved and identified for social facilities, to ensure that sufficient land is set aside for community uses. Within nodal areas, the need for the location of businesses and social services must be clear.

**11.2 ENVIRONMENTALLY SENSITIVE AREAS**

**11.2.1 WHAT NEEDS TO BE MANAGED?**

Important environmental areas in the study area that need management include critically important biodiversity areas and water resources.

• Critically important biodiversity areas requires protection from development and/or wise use that are compatible with biodiversity objectives. There are Critical Biodiversity Areas along the southern and eastern boundaries of the study area. These include terrestrial and aquatic areas that are considered critical for meeting biodiversity targets and thresholds.

• Water resources, which includes the Mbokodweni River that runs along the eastern boundary of the site and a tributary of the Mbokodweni River runs along the southern boundary of the study area. The National Water Act (1998) recognises that water is a scarce resource and that there is a need for the integrated management of all aspects of water resources. The National FEPA project aims to achieve such integration with the National Environmental Management Biodiversity Act (2004). The implementation of the measures in this Act must be improved in the area, specifically in respect of the protection, conservation, and sustainable use of the water resource assets alluded to above. The proposed land use scheme will have to play a critical role in effecting such measures.
LAND USE FRAMEWORK
The Nsimbini / Golokodo study area exhibits a spatial system that is characterised by broad land use areas that mainly consist of residential uses, social facilities and a few commercial / retail activities. The area has grown informally and without a predetermined spatial structure. As such, the area’s current settlement pattern has particular implications for land use planning and the regulation of land use.

The lack of formal planning and formalisation of the area will require a different approach to the development of a land use scheme for the study area. A more flexible and reality-based approach, which acknowledges the dynamics in rural and semi-urban areas will be needed in order to maximise the efficacy of the Land Use Scheme in achieving its intended objectives.

12.1 EXISTING SCHEME AREAS

The Nsimbini / Golokodo Draft Land Use Scheme will form a part of the existing Southern Consolidated Scheme. eThekwini is in the process of preparing a set of Consolidated Schemes that will cover the entire Municipality. The proposed Nsimbini / Golokodo Draft Land Use Scheme will thus fall under the South Scheme, which is one of the primary consolidated schemes. The South Scheme is being developed incrementally, thus the Nsimbini / Golokodo Draft Land Use Scheme is not currently included in this scheme. As such, the proposed Land Use Scheme must align to the South Scheme.

12.2 AREA BASED PLANS

Where detailed planning has been undertaken in the form of local area based plans and functional area plans, these will also be used to inform the Land Use Scheme. The proposals suggested in such plans will ensure that the Land Use Scheme serves as a strategic planning tool that reserves land for essential uses in the medium to long term.

As such, it is important to consider the recommendations and strategic intent as outlined in the following strategic planning tools:
- Adams/Folweni Local Area Plan (LAP), which is one of the eight planning units within the South Spatial Development Plan.
- The Nsimbini / Golokodo Rural Functional Area Plan (RAFP).

**Figure 44: Nsimbini / Golokodo RFAP**

**12.3 EXISTING SETTLEMENT**

The study area has been settled to a large extent and forms part of a larger developed area. As such, existing settlement pattern has been determined and as part of the Nsimbini / Golokodo RFAP (2013), a settlement (land use) plan has been developed. However, as part of this process of developing a land use scheme, this settlement plan will be reviewed and updated to reflect the recent growth experienced in the area.

**Figure 45: Existing Settlement**

**12.4 INGONYAMA TRUST LEASES**

The land within the study area vests with the Ingonyama Trust Board (ITB). The ITB grants lease agreements to prospective land rights holders, who intend using ITB land for a various purposes. ITB surveys the leases they give out for non-residential uses.
These survey diagrams can also be used to assign zones to the respective lease land uses. Terms and conditions associated with these leases would have to be considered to ensure that land rights that have been allocated are not infringed by the Land Use Scheme.

The development of a Land Use Scheme thus needs to respond to the unique attributes and land use management requirements of the different areas. It should however be noted that the ITB was approached in respect of these leases in the study area, but the information could not be obtained at the time of this report.

12.5 ENVIRONMENTALLY SENSITIVE AREAS

The Land Use Scheme should be able to facilitate sustainable development. This can be done by ensuring that the Land Use Scheme prohibits or limits development in areas that are considered undevelopable due to environmental sensitivity.

Thus, the Land Use Scheme will identify undevelopable areas, where settlement should be avoided. It will ensure that development in such areas is prohibited. Furthermore, it will also identify areas where only certain limited low impact land uses, which are deemed compatible, would be permitted.

Buffers will be delineated around streams and wetlands, to ensure that households do not locate in hazardous locations where they may be susceptible to extreme weather patterns and associated catastrophes. These areas specifically relates to areas along the Mbokodweni River.
13 LAND USE FRAMEWORK

The Land Use Management Framework is a land use management instrument that bridges the gap between strategic planning (Spatial Development Framework, Local Area Plans and Functional Area Plan) and statutory planning (Land Use Scheme) by serving as a linkage between these planning and land use management instruments. It translates the strategic documents into a more detailed set of broad land use areas, before the formulation of the more detailed zones and clauses for the Scheme commences.

The intention of this section is to provide additional information and guidelines that will link the SDF or RFAP to the Scheme. It is formulated based on current land use and the spatial vision and development plans/proposals informing development in certain strategic areas within the municipality.

The Nsimbini/ Golokodo Functional Area Plan was developed for the study area in 2013 as a further refinement of the Adams/ Folweni Local Area Plan. It assisted in defining the role of Golokodo- Nsimbini in the Adams/ Folweni LAP area, the Southern Region and in a metro context. However, since the development of this FAP in 2013, the study area experienced an increase in population and an increase in household structures. As such, the initial settlement plan developed as part of the RFAP will be revised and updated to accommodate the increase in households. This settlement plan will form the basis of the land use scheme for the study area, which will form part of the next phase of the project.

13.1 DEVELOPMENT VISION FOR NSIMBINI/ GOLOKODO

The development vision for the Nsimbini/ Golokodo area should be located within a wider development vision outlined in the South Spatial Development Plan, the Adams/ Folweni LAP and the Nsimbini/ Golokodo Functional Area Plan. In line with these spatial development informatives the vision for the area are as follows:
ROLE AND VISION FOR THE SOUTH

Creation of increased employment opportunities, the upgrading of informal residential development and market activities, residential densification and retention of range of affordability levels, the protection, rehabilitation and appropriate integration of the natural environment, the development of more efficient appropriate agricultural activities, the upgrading and appropriate expansion of tourism activities, in particular also the development of inland opportunities.

ECONOMIC DEVELOPMENT IN THE SOUTH
- To generate additional economic development
- Additional appropriate industrial, business, commercial and agricultural development
- Extensive and appropriate usage of its tourism potential.

POPULATION AND ACCOMMODATION
- To provide additional residential accommodation.
- Infill and densification
- Relatively little expansion into present rural areas.
- Retain accommodation for range of affordability levels.
- Minor local expansion of present “urban edge”.

ACCESS, LINKAGE AND TRANSPORTATION
- Improved and appropriate accessibility to all areas.
- Better physical integration of the South into Metro
- Hierarchy of access corridors.

THE NATURAL ENVIRONMENT
- Natural environment to become a positive and integral part of the future development
- To be protected, rehabilitated and managed.

BUILT ENVIRONMENT
- To substantially improve built environment
- Guide private development and investment
- Effort is placed in the development of the public realm.

NSIMBINI GOLOKODO DEVELOPMENT OBJECTIVES

To create a functional and efficient spatial structure, taking into account the nature of development in the area.

To provide the community with the necessary public facilities and services and improving their quality of life.

To guide private and public investment to the most appropriate areas in support of the development vision for the area.

To ensure integrated and sustainable development

Functionality – to ensure optimal use of multi functional facilities

To provide efficient and adequate basic service infrastructure to the communities residing in the area.

To ensure accessibility within the area, as well as to the surrounding areas through proper road networks and linkages.

Cluster activities in nodal points.

To ensure that the natural environment is protected and enhanced and that development do not take place in environmental sensitive areas
13.2 GUIDING PLANNING PRINCIPLES

13.2.1 SPATIAL PLANNING CONCEPTS

The design of any settlement should embrace certain principles, which manifest themselves as important concepts and values that should guide the development of the area. The following spatial planning principles embraces the planning concepts alluded to herein:

- Ensuring that the conceptual framework is based on the community’s lived experiences and it does not fundamentally disturb the community’s social, economic and cultural stability.

- Acknowledging the study areas’ existing settlement structure and its unique attributes while adhering to relevant town planning standards.

- Linking the study area with the surrounding settlements to create a cohesive settlement.

- Providing the public facilities and services in the area in line with relevant guidelines on the provision of public facilities.

- Creating an integrated, sustainable and harmonious human settlement.

- Efficient utilisation of space as a means to achieve densification objectives. This is in order to optimise the use of scarce resources such as land and facilitate the efficient use of the service infrastructure, while also maintaining the character of the area.

- Unlocking the social and economic development potential of the community.

- Ensuring that no development occurs within buffers of watercourses and other environmentally sensitive areas. This will protect the inhabitants of the study area from natural catastrophes, such as such as floods. It will also facilitate the conservation and protection of the natural environment in line with sustainability imperatives and allow for the preservation of areas that can act as ecological infrastructure. This is in harmony with the municipality’s spatial vision, which suggests that all development proposals should be in line with the municipality’s environmental goals.

- The creation of an Integrated open space system that will ensure that a balance between development and conservation is created. The areas that are not suitable for development are consolidated into an integrated open space system.

- Intra and inter spatial and functional integration of developed areas in order to ensure continuity of built form and movement.

13.2.2 SPATIAL PLANNING PRINCIPLES

The municipality has to facilitate the development of a spatial system that is underpinned by various normative principles reflected in various
policy documents and pieces of legislation including the Spatial Planning and Land Use Management Act (Act 16 of 2013). The guiding principles are as follows:

13.2.2.1 SPATIAL SUSTAINABILITY

The principle of sustainability requires the sustainable management and use of the resources making up the natural and built environment. The life cycle costs of land development and its likely side effects on the environment, community, and the economy need to be understood and taken into account to sustain its benefits, while minimizing or mitigating any likely negative impacts. It should ensure that special consideration is given to the protection of prime and unique agricultural land.

In addition, the following should be promoted through this principle:

- uphold consistency of land use measures in accordance with environmental management instruments;
- promote and stimulate the effective and equitable functioning of land markets;
- consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
- promote land development in locations that are sustainable and limit urban sprawl; and
- result in communities that are viable.

13.2.2.2 SPATIAL EFFICIENCY

Currently settlements are characterized by segregation of land uses, urban sprawl and low-density development that cannot support public transport, or small businesses. This should be addressed through appropriate densification, as well as limiting the growth of settlements through the introduction of an urban / settlement edge. Land development must optimise the use of existing resources and infrastructure and decision-making procedures must be designed to minimise negative financial, social, economic or environmental impacts. Spatial efficiency can also be achieved through implementation of development application procedures that are efficient and streamlined and timeframes are adhered to by all parties.
13.2.2.3 GOOD ADMINISTRATION

This principle suggests the adoption of an integrated approach in spatial planning and land development, particularly by all spheres of government.

13.2.2.4 EQUITABLE DEVELOPMENT

The principle of equitable development requires that everyone affected by planning or development and land development actions or decisions must enjoy equal protection and benefits, and no unfair discrimination should be allowed. It also provides for socio-economic integration, which aims at the eradication of past spatial patterns.

13.2.2.5 INTEGRATED DEVELOPMENT

This principle finds particular expression in two areas. Firstly, it requires that the planning process is integrated, taking into account the often disparate sectoral concerns, policies and laws and their requirements, and reaching conclusions that are efficient and sustainable from a management and governance point of view. Secondly it requires an integrated ‘on the ground’ outcome, one that breaks down not only the racial and socio-economic segregation that characterize our country but which also look at spatial integration of different land uses, places of living with places of working and shopping and relaxing.

13.2.2.6 DENSIFICATION

Densification, which essentially refers to developments that promote higher density development within defined spaces including both rural and urban spaces through infill and/or redevelopment.

13.3 DEVELOPMENT FRAMEWORKS

13.3.1 MOVEMENT FRAMEWORK

A number of movement routes, providing linkages and access to different areas, traverse the study area. However, not all routes are the same in terms of the intensity of use and ability to attract investment, services, economic activities and settlement. These movement routes provide opportunity for corridor-type development, which is characterised by intense bands of high-density development and settlements, which tends to concentrate at points of high accessibility and along public transportation routes, where residential, commercial, industrial, institutional and recreational activities occur in close proximity. This approach can improve access to opportunities, and integrate communities with service provision, while also fulfilling a range of economic and social needs. Corridor development is associated with a system of transport facilities on key routes that work together as an integrated system to facilitate ease of movement.
Each route tends to exhibit a different function, with some routes combining route functionality in terms of accessibility and mobility.

In the context of the study area, the following roads and movement routes are considered important. These routes have also been emphasised in the Adams/Folweni Local Area Plan and the Nsimbini/ Golokodo Functional Area Plan:

- **Primary Road (corridor):** MR 80 (M 35) that runs in an east west direction through the study area. It also links the area to the neighbouring areas and to the N2, R102 and R603.

- **Secondary Road:** P 152 runs southwards from the M35 and links the study area to the areas situated to the south and the M37.

- **Local roads (12m)**
- **Access roads (6-8m)**
- **Local access paths (3m)**
- **Proposed linkage roads, which will improve connectivity to areas outside the study area.**

**MAP 19: MOVEMENT FRAMEWORK**

![Map of Nsimbini Golokodo Scheme](image)
There are certain interventions that could improve pedestrian movement in the study area that should be considered:

- A pedestrian bridge over the river on the northeastern side of the study area. This will create a link to Umlazi Y section and onwards to the Philani Mall.
- The widening of the pedestrian sidewalk at the M35 bridge towards the Philani Mall.
- The construction of pedestrian sidewalks along the M35 and along all formal roads within the study area.
- Dedicated pedestrian crossing points with all the necessary traffic calming measures.
- The construction of staircases leading from the M35 into the residential area.

13.3.2 NODAL FRAMEWORK

Nodes intend to give effect to the ordering and location of services and facilities, in a manner that promotes accessibility and efficiency in service delivery. As such, the clustering of various activities at appropriate and accessible nodal locations provides the municipality with a network/system of opportunity centres.

Nodes in the study area are aligned to and ties in with the Adams/Folweni Local Area Plan and the Nsimbini/ Golokodo Functional Area Plan. In order to effect further spatial integration, development should be focussed in these selected nodal areas, where both public and private investments should be concentrated.

Being points of maximum economic, social and infrastructure investment, as well as representing established patterns of settlement and accessibility, these nodes must be regarded as primary devices on which to anchor the structure of the spatial system.

<table>
<thead>
<tr>
<th>Type of Planning Areas</th>
<th>Functions</th>
<th>Type of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary (Sub-regional Centre)</td>
<td>Distribution and coordination point. Higher order level of goods and services. The location of the node within the study area should be easily accessible from transportation network.</td>
<td>Police Station, Hospital, Welfare Office, Schools, Community Hall, Post Office, Bank, Court, Comprehensive sport facility, Developed Economic Centre, Information Service Centre, Emergency Service Centre,</td>
</tr>
<tr>
<td>Tertiary (Local Neighbourhood Centre)</td>
<td>Serve to provide a convenient service to the village community. Relatively small and typically located at bus or taxi stops in area of intersection. These are meant to provide support services to commuters and local residents.</td>
<td>Mobile Clinic, Schools determined by population density, Community Halls determined by population density, Postal Services determined by population density, Basic Sport Facility</td>
</tr>
</tbody>
</table>
In the context of the study area, the following nodes have been identified:

- **Primary node**, located at the intersection of the M35. This node has a number of existing activities, such as a court, police station, clinic and a lifestyle centre. Other proposed uses that could be considered in this node in future include commercial activities and shops, Thusong (multi-purpose) centre and a service station.

- **Local service nodes**: There are a number of local service nodes that have been identified in the study area. The aim of these local service nodes are to provide a level of basic services to the surrounding communities. Local schools and tuck / spaza shops should locate in these nodal points.
13.3.3 ENVIRONMENTAL / OPEN SPACE FRAMEWORK

The spatial distribution of environmental areas of significance is considered vital to provide the spatial framework for future spatial development planning, particularly indicating those areas where development needs to be avoided or at best, carefully managed. This spatial structuring principle focuses on conserving the core biodiversity areas (wetlands, flood plains, steep slopes and special sensitive bio-diversity areas) where no development should take place and emphasises importance of the biodiversity corridors (buffer areas) which should link those core areas together.

These assets perform a substantial and significant role in conserving biodiversity as well protecting the quality of life of the residents of an area. The southern part of the study area, as well as the 1:100 year floodline are of specific importance.
13.3.4 RESIDENTIAL FRAMEWORK

The residential framework acknowledges the existing settlement pattern of the study area. Densities are varied, with higher densities along the M35 and in the north.

A varied approach to densities will have to be taken. Areas along the southern boundary tend to have lower densities, and are also located closer to environmental sensitive areas. These areas should thus be kept of a lower density nature to limit impact on environmental areas.
13.3.5 COMMERCIAL / INDUSTRIAL

Commercial / business and retail uses are to be concentrated within the proposed primary nodal point along the M35. This will become the focal point within the study area, where development and investment should be focussed.

The current scattered nature of commercial and retail activities provides, in essence, only in the daily needs of the community. The majority of existing spaza shops and local shops (supermarkets) should remain.

Opportunities for SMMEs and service industry should be promoted within the primary node. This could include mixed use opportunities.

Food gardens and small-scale agricultural opportunities should be promoted. This can contribute to food production for household consumption and extra for market sales. Localized food production can also contribute to local economies by creating jobs and producing valuable products.
13.3.6 SOCIAL / PUBLIC FACILITIES FRAMEWORK

Community facilities are important structural elements in the place making process. They should be deliberately used in combination with public space, to make memorable places and serve as landmarks. They are dependent upon public support and play an important integrating function in and between communities / settlements. They should therefore be “externalized”, by being located in places of high accessibility, and made accessible to the local and surrounding communities. In this way, they bring together people from a number of local areas and are not tied to the dynamics of any single community.

Community facilities are also significant attractors of people and development of settlements around them.

People tend to locate in areas that have social facilities nearby. It is clear that public facilities are pivotal prerequisites to ensure the creation of sustainable human settlements. As such, the land use scheme, as one of the key instruments in the sustainable human settlement creation process, needs to take cognisance of the public facilities and guide their location and the land use activities that should be encouraged around them.
13.3.7 INFRASTRUCTURE FRAMEWORK

The infrastructure framework deals with the proposed water network, sanitation, electricity network and storm water infrastructure. The proposals are based on the findings of the status quo phase and the envisaged future growth of the study area.

**Water infrastructure**

To cater for the waterborne sanitation infrastructure and supply of water to areas without water supply, the following scope of work is proposed:

- The construction of new reticulation pipeline infrastructure to areas currently without water supply;
- Refurbishment of existing infrastructure i.e. replacement of damaged pipelines with new pipeline where required;
- Replacement of fittings, couplings, valves etc.
- Construction of individual, metered semi-pressure connections (electronic bailiff units) for each property.

A map of the existing and proposed new water supply infrastructure is attached as Annexure A.
Due to the ongoing growth and densification of the study area, it is recommended that in the near future a conventional waterborne gravity sewer system be implemented. The main requirements for a proposed higher level of sanitation service system are water supply connection, sewer reticulation system, bulk sewer lines, sewer pump stations and wastewater treatment works.

Due to the vast area and high cost implications, it is recommend the sewage reticulation of the entire region to be done in 3 phases.

- Phase 1 will provide sewer reticulation in the northeastern portion. The sewer network will feed into a new bulk pipeline that will discharge into the existing Umlazi Z3 Waste Water Pump Station.
- Phase 2 will provide sewer reticulation in the northwestern portion of the study area that will feed into a new bulk pipeline and discharge into the existing Umlazi Z8 Waste Water Pump Station.
- Phase 3 will provide sewer reticulation in the southern portion of the study area south of the P80 arterial road. The reticulation will feed into the existing bulk pipelines across the Isipingo/Golokodo Rivers.

It must be noted that during the course of the study, it was determined that the Amanzimtoti WWTW does not have spare capacity for additional incoming sewage. A map of the proposed new sewer reticulation system with associated phases is attached as Annexure B.
Storm water Infrastructure

The rapid rate of development within the study area is inevitable changing the hydraulic properties of the region. Natural vegetation is removed and replaced by hardened surfaces, which results in less natural drainage and transpiration by the vegetation and an increase in storm water runoff. This leads to an increased risk of erosion whereby eroded topsoil and contaminated pollutants are being transported into natural watercourses that has a negative impact on the environment.

The designing and constructing a new storm water management system for the study area, that can optimally control storm water runoff, is recommended. The new storm water system should provide adequate capacity for future densification of the study area as the further densification of the study area is most definitely anticipated.

For this to be achieved, the following is recommended.

- The new storm water system should be designed and constructed according to the Ethekwini Storm water management guidelines in conjunction with the Guidelines for Human Settlement and Planning (Red book) and the South African Guidelines for Sustainable Drainage Systems.

- Concrete storm water pipes, manholes, catchpits, drains and headwalls should be constructed so as to effectively discharge storm water into natural watercourses.

- The minimum diameter of storm water pipes should be 300mm in servitudes and 375mm in a road reserve.

- Construction of attenuation facilities (infiltration trenches, detention ponds, artificial wetlands) at strategic locations so as to prevent increased runoff caused by impervious surfaces.

A map of the proposed storm water system is attached as Annexure C.
13.4 PROPOSED LAYOUT / SETTLEMENT PLAN

13.4.1 KEY STRUCTURING ELEMENTS

The proposed layout / settlement plan observe and respond to a number of key structuring elements, particularly since the study area is not a greenfield site. These structural elements can also be viewed as informants, which influenced the layout / settlement plan. They include:

- The geologically unstable and topographically steep areas of the site that prohibit development in such areas.
- The environmentally sensitive areas of the site that prohibit development in such areas.
- The primary road traversing the site and also the local access roads connecting different parts of the site and providing access to each household.
- The existing dwelling structures and facilities.
- The existing boundaries of each household.
- The existing land uses and their spatial location.

13.4.2 LAYOUT / SETTLEMENT PLAN APPROACH

The layout / settlement plan also aims to respond effectively to the status quo, currently prevailing on site through applicable land development solutions. As such, it considers and propose the following:

- Areas where there are existing dwelling units and where the settlement pattern already exists. The creation of sites considered the existing physical conditions of the study area and the existing pattern of development. The existing rights that households have to the pieces of land they occupy have thus been recognised. The intention was to, as far as possible, create sub-divisions that are aligned with the existing household boundaries.
- Areas that are undevelopable, such as steep areas, environmentally sensitive areas etc. These areas form part of the open space system.
- Areas where suggestions have been made for future land use purposes, such as in the primary node. Theses suggestion also take note of proposals set out on the Nsimbini/ Golokodo Functional Area Plan.

13.4.3 FUTURE OF THE LAYOUT / SETTLEMENT PLAN

Settlement plans are prepared to ensure that going forward the allocation and spatial organisation of land uses is done in a way that will result in efficient and sustainable development. These settlement plans provide an opportunity to take the scheme to a greater level of detail. They can be used to assign zones to the sites within the study area, as per the approved settlement plan. The settlement plan may have
vacant sites that have been earmarked for future expansion of the settlement.

The Land Use Scheme will play a pivotal role in managing land use in such areas and ensuring sustainable settlement growth within spatial planning dictates and in line with the development vision of the area. In essence, the settlement plan will indicate spaces where different land uses may be located and areas where settlement should not be permitted. It must also provide land use allocation guidelines, and serve as a tool to guide and manage development in the areas.
### 14 PROPOSED LAND USE ZONES AND STATEMENTS OF INTENT

#### 14.1 ENVIRONMENTAL ZONES

<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental and open space zones</td>
<td>Environmental and open space zones are intended to set aside land for important environmental services and recreational activities. It includes parks of differing sizes, green areas for bowling, ball sports, cycling, and green belts for walking and hiking. They provide for an adequate number of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities in accordance with recognized guidelines, appropriate thresholds and the requirements of the broader community and visitors. In addition, it also provides for important environmental areas, such as proclaimed parks, view sheds, open space system (e.g. water courses, wetlands, grasslands, and other natural habitats) and proclaimed conservation areas. It reserves land as part of a sustainable living environment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active open space</td>
<td>This zone accommodates a range of active pursuits - for the use and enjoyment of the public and may include ancillary facilities and buildings. It seeks to ensure that there is adequate land set aside and facilities provided to address the public and private sport and recreational needs of the broader community and visitors, and that such site are developed and maintained in accordance with appropriate public health and safety standards so that they may be optimally used. It includes the development and management of a hierarchy of public and private areas as part of the sustainable open space system, which includes independent or linked open space areas and green lung areas for sporting and recreational needs and associated activities of the local and visiting public and may include areas of passive open space where appropriate.</td>
<td>• Sports field (outdoor sports area)</td>
<td>• Private Open Space (To provide, preserve, use land or buildings for provision of active and passive recreational areas on privately owned land. Generally to promote private recreation, enhance aesthetical appearance and promote the maintenance of functional open space systems.)</td>
</tr>
</tbody>
</table>

• Statement of Intent: This is a zone for sporting and recreational needs and permits a limited range of associated development and may include ancillary facilities and buildings associated with the primary use of the land as public open space.
<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
</table>
| Passive open space  | This zone is intended to accommodate any open space owned and maintained by a public agency for passive recreational purposes that is used and enjoyed by the general public and may include ancillary facilities or buildings. Its aim is to set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for the passive recreational purposes. It includes the provision of independent or linked open space areas and green lung areas as part of the sustainable open space system for the passive recreational enjoyment of the broader community and visitors.  
  
  • Statement of Intent: This zone intends to provide land for the sustainable open space system consisting of isolated and linked open space areas as part a sustainable open space system and the municipality’s environmental services.                                                                 | • Environmental Management Services Including DMOSS and open space (streams, watercourses and wetlands, steep slopes etc.)                                                                 | • Public Open Space Reservation (Land that is reserved as open space for the use and enjoyment of the Public, once such area is in ownership of the Municipality and/or The Ingonyama Trust Board. Works as described in the Local Authorities Ordinance No. 25 of 1974, Sections 208 and 264, Sub-Sections (14-20) and 27 are permitted and may include public parks and gardens, recreational grounds, zoological |
| River Reserve       | This land is reserved to protect the riverine or water courses in areas immediately adjacent to the above and to minimize pollution and erosion but may used for passive recreation. All other uses are prohibited. The removal of soil and stones not permitted without the authority of the Municipality. The Municipality shall be permitted to install underground services.                                                                                                                                  | • Ezimbokodweni River buffer  
  • 1:100 year flood line                                                                                                                                                                                                                                           | • River Reserve (reservation)                                                                                                                                                       |
### 14.2 RESIDENTIAL ZONES

<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme and proposals from the Umnini Scheme</th>
</tr>
</thead>
</table>
| Rural Residential | • Statement of Intent: This zone is intended to provide, preserve, use land or buildings for Residential areas with a predominantly rural character and generally but not limited to being outside the urban edge. Providing for activities that are in keeping with the rural character of the area. | • Dwelling house | • Residential Traditional Council ≤ 3 du/ha (Min Erf 3300m²)  
• Residential Traditional Council 3 - 6 du/ha (Min Erf 1800 m²)  
• Residential Traditional Council 6 - 10 du/ha (Min Erf 1000 m²)  
• Residential Traditional Council 10 - 15 du/ha (Min Erf 650 m²)  
• Residential Traditional Council 15 - 20 du/ha (Min Erf 500 m²)  
• **Proposed:** Residential Traditional Council 20 - 30 du/ha (Min Erf 300 m²) |

This category of zones will be used to designate a full spectrum of residential options and other compatible land uses, yet the predominant land use shall remain residential. The zones will take into account differences in character, average site sizes and nature of use.

### 14.3 CIVIC AND SOCIAL ZONES

<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
</table>

This family of zones are intended to accommodate land that is utilized to provide for administrative or government buildings including education, health, pension offices, museums, libraries, community halls, prisons, juvenile facilities, cemeteries and crematoria. Its primary aim is to facilitate the provision of public facilities and delivery of
<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>social services. It also seeks to improve access to social and civic facilities in a manner that meets the needs of communities in the fields of health, education social and cultural services.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Education                   | This zone will be used to reserve land, which allows for the development of all educational facilities and associated buildings and recreational facilities. It intended to ensure that the area is provided with adequate range of educational facilities in appropriate and accessible locations, which are convenient to all users. This includes pre-primary, primary, secondary and tertiary educational facilities including adult education and training centres for the local and broader community. Statement of Intent: To provide, preserve and use land and buildings for educational purposes including pre-primary, primary, secondary and tertiary education and training facilities as well as the uses ancillary thereto as part of sustainable human settlements. | • Crèches  
• Pre-schools  
• Primary Schools  
• High Schools  
• FET colleges                                                                                                           | Education                                                                                                                                                  |
| Health and Welfare          | This zone provides for the full range of public and private hospital, medical centres, clinics and community care. It is intended to ensure that the health and social services requirements and facilities are located in convenient locations, which are conveniently accessible to all people. Statement of Intent: A zone that provides for the provision of all facilities associated with the administration, social, health and cultural well-being of the population of the area and includes uses and infrastructure associated with both public and private sector service providers. | • Clinic  
• Medical Centre  
• Hospital  
• Community care  
• Retirement facility  
• Orphanage                                                                                                           | Institutional (To provide, preserve, use land or buildings for Institutions such as hospitals, nursing homes, sanatorium, clinic, convalescent home, orphanage, retirement centre, or other buildings used as a public or private institution except those included in restricted building.) |
<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
</table>
| Municipal and government | This zone provides for municipal institutions and public facilities related to infrastructure and services, and include prisons and juvenile facilities. Its primary aim is to ensure that public institutional and administrative services including government services and administrative offices are located in an accessible location along or near a main transportation route.  
  • Statement of Intent: This zone is intended for buildings erected and used for National, Provincial and Municipal administration and general government services.                                                                                   | • Community halls (Community centre)  
  • Government offices  
  • Emergency services  
  • Police station  
  • Multi-Purpose Centres (Thusong)  
  • Traditional Authority offices  
  • Cemetery  
  • Tribal Court  
  • Pension Pay Points                                                                                                                                                                                                                                                                                                            | • Administration (To provide, preserve, use land or buildings for Public administration normally undertaken by National, Provincial and Local Government. Public buildings such as Library, Art Gallery, Museum and Information Centers. Authority uses such as Police Stations, Correctional Facility and Fire Protection.) |
| Worship                   | • Statement of Intent: This zone is intended to provide and reserve land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school, and other places of public devotion (such as sanctuaries for religious groups).                                                                                                           | • Religious centre                                                                                                                                                                                                                                                                                                                                     | • Worship (To provide, preserve, use land or buildings for a church, mosque, temple, chapel or other place for practicing a faith or religion and ancillary uses ordinarily associated there to.)                                                                                                                                       |
14.4 COMMERCIAL / BUSINESS ZONES

<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This group of zones allows the development of a range of complementary land uses for commercial, business, services, industrial, administrative and residential opportunities, which include informal trading in a single zone to enable a special mixture of development to occur. It seeks to create a balance between the natural and built environment through landscaping and areas of green space. It encourages, where appropriate the use of detailed urban design criteria to achieve specific urban environments and mix of uses. Some land use activities, such as shops that are run from a container, can be approved through a special consent and should be a temporary use. Commercial activities, such as corner shops within township areas can be zoned ‘limited commercial’ and should be controlled through appropriate height and coverage controls to ensure that the amenity of the neighbourhood is not affected. The municipality has an informal trader’s database with coordinates available. Informal traders have to be regulated by municipal by-laws and informal trading stalls can be included in the “Bus and Taxi rank” zone. An additional zone, such as a ‘market area’ can also be considered to accommodate this sector. In light of the problematic nature of informal traders, it is proposed that specific guidelines also be included in the scheme.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| General commercial   | This zone includes management of development within a typical central business district focus in a manner that accommodates a full range of compatible land uses including light industry, commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments. It provides for the design and economic mechanisms that encourage the appropriate development of compatible land use to form a focal point.  
  • Statement of Intent: A zone intended to provide for the use of retail, personal services, entertainment, offices, residential, public facilities and related commercial uses at medium intensities that normally comprise a town centre. | • Car wash  
  • Shop  
  • Shopping centre  
  • Supermarket  
  • Drinking establishment (tavern)  
  • Handling facility | • Business 1 (BL: 7,5m; SS: 2m; Min erf: 900m2; Height: 2; Coverage 60%; Far: 0.5)  
  • Commercial (BL: 7,5m; SS: NA; Min erf: 450m2; Height: 3; Coverage 80%; Far: 1)  
  • General Commercial (BL: 7,5m; SS: 3m; Min erf: 450m2; Height: 4; Coverage 50%; Far: 0.5)  
  • Limited Commercial (BL: 7,5m; SS: NA; Min erf: 450m2; Height: 4; Coverage 75%; Far: 1) |
| Limited Commercial   | • Statement of Intent: A zone that provides for a limited range of commercial activities, offices, restaurants, residential development at residential level intensities of development and with limited impacts. | • Spaza shop  
  • Shop | |
### 14.5 INDUSTRIAL ZONES

<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Zones</td>
<td>This category of zones will be used to designate and manage a range of industrial activities – from light industrial with limited impact on surrounding land uses to hazardous or noxious industry with high-impact and must be separated from other uses. This set of zones would include agricultural industry.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Service industry | The low impact industry zone accommodates light and service industrial uses that have limited impact such as warehouses, limited manufacturing and repairs. This zone will specifically be used to create opportunities for SMMEs in centres located within residential neighbourhoods.  
  - Statement of Intent: A zone that permits land or buildings for low impact mix of industrial activities and services and may be an interface to high impact industrial areas or as independent entities. | | |
| Vehicle repairs centre | Service Industry – allows light industry (BL: 7.5m; SS: 3m; Min erf: 900m2; Height: 2; Coverage 50%; Far: 0.5)  
  - Commercial activities such as factory shop, wholesale and shops are permitted at the discretion of the Municipality. Extractive and noxious industrial activities are prohibited on this zone. | |
### 14.6 TRANSPORT ZONES

<table>
<thead>
<tr>
<th>Possible Zones</th>
<th>Description and Statement of intent</th>
<th>Existing and future uses</th>
<th>Possible existing zone extracted from the South Scheme</th>
</tr>
</thead>
</table>
| Roads          | This zone will designate all formal roads, as well as proposed roads and road closures.  
• Statement of Intent: This zone makes provision for the protection of existing and proposed roads and road reserves as a means to enable an unhindered movement of vehicular and pedestrian traffic. | • Municipality road network | • Existing Road Reservation (Preserving reserves for existing and future roads.)  
• New Roads, Reservation and Widening of Existing Roads |

Areas set aside for the development of public transport facilities and terminals.
15 PROPOSED CONTENTS OF THE LAND USE SCHEME

15.1 PROPOSED CONTENTS AND STRUCTURE OF THE SCHEME

The Nsimbini –Golokodo Draft Land Use Scheme will form part of and be consolidated with the South Scheme. As such, it is proposed that the structure and content of the Nsimbini –Golokodo Draft Land Use Scheme be aligned to that of the South Scheme. There might however be certain sections where there is a need to propose changes or add additional clauses.

The structure of the South Scheme is as follows:

• Section 1: General
• Section 2: Definitions
• Section 3: Space About Buildings
• Section 4: Erf Control
• Section 5: Floor Area And Coverage
• Section 6: Reservation Of Land
• Section 7: Development Facilitation Table
• Section 8: Parking And Loading Requirements
• Section 9: Development Standards

15.2 ASPECTS TO BE COVERED BY THE SCHEME

15.2.1 ZONING

Zoning has historically been used to separate land uses, particularly incompatible land uses. It is thus necessary to zone properties and setting it aside for a specific purpose and to separate different, incompatible land uses. The zoning will convey potential development rights, as stipulated in the scheme.

Broad land use categories identified, will provide an indication of the types of zones required in an area. Each zone will be accompanied by a statement of intent, which is an aid to clarify the purpose of the zone.

It should be noted that since the area is under Ingonyama Trust, the zoning proposals are not attached to a cadastral property, but will merely be used as an indication of the proposed or anticipated use for that site.

15.2.2 INTEGRATED DEVELOPMENT

A ‘mixed use’ development is where fairly different forms of uses and developments occur on adjacent sites, and is usually seen in large coarse-grain zones such as ‘Commercial/Business’. ‘Multi-Use’ development is where different uses occur within a single site, for example in a Town Centre or large suburban shopping centre. Mixed Use and Multi-Use can both occur in the same zoning.
15.2.3 IMPACT BASED LAND USE MANAGEMENT

The impact of the use of land or buildings can be defined as the influence or effect that the uses, either individually or collectively, have on adjoining land uses and activities. The criteria for determining impact include:

- Vehicular and pedestrian traffic generation;
- Ratio of built form to natural environment;
- Range of use types;
- Intensity of land use;
- Bulk of the built form;
- Noise pollution;
- Visual consequences;
- The opportunity cost of designating the land for another use;
- The precedent the use sets for the use of surrounding sites.

The impact that a land use might have on the amenity of the surrounding areas must be carefully considered when freely permitted, consent uses and prohibited uses and development controls are identified.

15.2.4 INTENSITY OF DEVELOPMENT WITHIN ZONES

The intensity of development can be described in a number of ways. The most commonly used descriptions are:

- Density, in terms of number of dwelling units per hectare.
- Minimum or maximum lot sizes.
- Bulk, in absolute terms, or as a composite of coverage (the area of site that can be covered by buildings) and height.
- Floor Area Ratio (FAR), or the ratio of the total floor area of the building to the total area of the subdivision on which the building is, or is proposed to be, erected.

15.2.5 DEVELOPMENT OF LAND AND USE OF BUILDINGS

The Municipality will manage development within each zone through a series of development parameters or Scheme controls relating to each zone, as well as which land uses will be permitted within each zone as follows:

- Freely permitted: This category includes land uses that are considered compatible with the surrounding land uses and which may be permitted by the municipality. A building plan is often sufficient in this regard.
- Consent Use: This category includes ancillary uses that might have a more intrusive impact and may require special conditions to protect the amenity of the area or mitigate the impact of the proposed use.
• Prohibited Uses: This category includes land uses which are incompatible with the surrounding land uses, and which a municipality is precluded from considering.

Conventionally, development parameters set out the maximum development permitted on a site. However, they may also be used to set out the desirable or minimum development allowed. The development parameters set out the uses within each zone includes:

• Minimum / maximum lot sizes;
• Building lines, side and rear space;
• Floor area ratio, coverage and height of buildings;
• Erf controls;
• Siting of building and access;
• Parking and loading requirements;
• External appearance of buildings.

Management areas usually require the imposition of a further set of development controls for existingzonings (management plans), in addition to the normal controls for the relevant zoning. Management Area Plans will contain the fine detail of how a management area will be developed and implemented. These may include the following:

• vision and/ or policy statements;
• general and/or generic guidelines;
• specific schematic plans;
• Detail plan/ Master Plan/ Micro Spatial Frameworks.

15.2.7 SCHEME MAPS
Scheme maps provides the visual depiction of the scheme and forms part of the statutory scheme document. Colour notation is used to depict each zone, which is linked to the zones identified in the scheme document.

15.2.6 LAND USE MANAGEMENT OVERLAYS
Management areas are land that is deemed to require a level of special treatment (additional development controls and/or providing of guidance) over and above that provided by an underlying zoning. These areas will be indicated as an overlay to the land use scheme map, with area boundaries clearly demarcated. Management areas can also refer to single properties.
ETHEKWINI SOUTH SCHEME
ANNEXURE _NSIMBINI-GOLOKODO
DRAFT SCHEME

LAND USE SCHEME IN COURSE OF PREPARATION

DRAFT DOCUMENT
Version 2

MAY 2018
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  INTRODUCTION TO THE SCHEME</td>
<td>1</td>
</tr>
<tr>
<td>1.1 TITLE</td>
<td>1</td>
</tr>
<tr>
<td>1.2 RESPONSIBLE AUTHORITY</td>
<td>1</td>
</tr>
<tr>
<td>1.3 REFERENCE TO A MAP</td>
<td>1</td>
</tr>
<tr>
<td>1.4 PURPOSE OF THE SCHEME</td>
<td>1</td>
</tr>
<tr>
<td>1.5 AREA OF THE SCHEME</td>
<td>2</td>
</tr>
<tr>
<td>1.6 EFFECTIVE DATE</td>
<td>2</td>
</tr>
<tr>
<td>1.7 AMENDMENT TO THE SCHEME</td>
<td>2</td>
</tr>
<tr>
<td>1.8 INSPECTION OF THE SCHEME</td>
<td>2</td>
</tr>
<tr>
<td>1.9 STATUS OF THE SCHEME</td>
<td>3</td>
</tr>
<tr>
<td>1.10 ENFORCEMENT</td>
<td>3</td>
</tr>
<tr>
<td>1.11 TITLE DEED CONDITIONS</td>
<td>3</td>
</tr>
<tr>
<td>1.12 DEVELOPMENT CONTROL</td>
<td>4</td>
</tr>
<tr>
<td>1.13 ENVIRONMENTAL CONSIDERATION</td>
<td>4</td>
</tr>
<tr>
<td>1.14 DURBAN METROPOLITAN OPEN SPACE SYSTEM CONTROLLED AREA (D’MOSS)</td>
<td>4</td>
</tr>
<tr>
<td>1.15 APPLICATIONS</td>
<td>4</td>
</tr>
<tr>
<td>1.16 APPLICATION PROCEDURE WITHIN TRADITIONAL COUNCIL AREAS</td>
<td>5</td>
</tr>
<tr>
<td>1.17 OFFENCES</td>
<td>6</td>
</tr>
<tr>
<td>1.18 CONSENT</td>
<td>6</td>
</tr>
<tr>
<td>1.19 CONSOLIDATION OF LAND</td>
<td>6</td>
</tr>
<tr>
<td>1.20 SUBDIVISION OF LAND</td>
<td>6</td>
</tr>
<tr>
<td>1.21 REZONING OF LAND</td>
<td>7</td>
</tr>
<tr>
<td>1.22 COMPLIANCE WITH OTHER LAWS</td>
<td>7</td>
</tr>
<tr>
<td>2  DEFINITIONS</td>
<td>8</td>
</tr>
<tr>
<td>2.1 GENERAL DEFINITIONS</td>
<td>8</td>
</tr>
<tr>
<td>2.2 LAND USE DEFINITIONS</td>
<td>13</td>
</tr>
<tr>
<td>3  LAND DEVELOPMENT RIGHTS</td>
<td>22</td>
</tr>
<tr>
<td>3.1 USE OF BUILDINGS AND LAND</td>
<td>22</td>
</tr>
<tr>
<td>3.2 EXISTING USE RIGHTS</td>
<td>22</td>
</tr>
<tr>
<td>3.3 EXEMPTIONS</td>
<td>23</td>
</tr>
<tr>
<td>3.4 FLOOR AREA</td>
<td>31</td>
</tr>
<tr>
<td>3.5 COVERAGE</td>
<td>32</td>
</tr>
<tr>
<td>3.6 HEIGHT</td>
<td>32</td>
</tr>
<tr>
<td>3.7 BUILDING LINES</td>
<td>32</td>
</tr>
<tr>
<td>3.8 SIDE AND REAR SPACE</td>
<td>33</td>
</tr>
<tr>
<td>3.9 SITE DEVELOPMENT PLANS</td>
<td>34</td>
</tr>
<tr>
<td>4  AMENITY AND APPEARANCE OF BUILDINGS</td>
<td>36</td>
</tr>
</tbody>
</table>
4.1 EXTERNAL APPEARANCE AND APPROVAL OF BUILDINGS .................................................. 36
4.2 ADVERTISEMENTS ............................................................................................................ 36

5 PARKING ............................................................................................................................ 38
5.1 LOADING AND PARKING REQUIREMENTS ..................................................................... 38

6 RESERVATION OF LAND .................................................................................................. 42

7 LAND USE ZONES, LAND USES AND CONTROLS .......................................................... 44
7.1 ACTIVE OPEN SPACE ....................................................................................................... 44
7.2 BUSINESS 1 .................................................................................................................... 45
7.3 BUSINESS 2 .................................................................................................................... 46
7.4 CONSERVATION .............................................................................................................. 47
7.5 EDUCATION ................................................................................................................... 49
7.6 FUELLING AND SERVICE STATION ............................................................................ 51
7.7 INDUSTRY ...................................................................................................................... 52
7.8 INSTITUTION ................................................................................................................... 53
7.9 MUNICIPAL AND GOVERNMENT .................................................................................. 54
7.10 PASSIVE OPEN SPACE .................................................................................................... 55
7.11 RESIDENTIAL ................................................................................................................. 56
7.12 ROADS ............................................................................................................................ 57
7.13 SERVICES AND UTILITIES .......................................................................................... 58
7.14 TRANSPORT .................................................................................................................... 59
7.15 WORSHIP ....................................................................................................................... 60

8 DEVELOPMENT STANDARDS AND CONDITIONS .......................................................... 61
8.1 FUELLING AND SERVICE STATION ............................................................................ 61
8.2 POLICY FOR CONTROL OF TRAFFIC GENERATING SITES ............................................. 62
8.3 ENVIRONMENTAL CONTROLS ..................................................................................... 63
8.4 BASE TELECOMMUNICATIONS TRANSMISSION STATION (CELLULAR MASTS) ............ 65
8.5 SAFETY ............................................................................................................................. 67

ANNEXURE D: DEVELOPMENT STANDARDS ..................................................................... 71
8.6 DURBAN METROPOLITAN OPEN SPACE SYSTEM CONTROLLED AREA (D’MOSS) ............ 71

9 ANNEXURE A: TRADITIONAL COUNCIL CONSENT FORM ........................................... 73

10 ANNEXURE B: INGONYAMA TRUST TENURE OPTION APPLICATION FORM .................. 75

11 ANNEXURE C: PROPOSED GUIDELINES FOR LAND MANAGEMENT AND ALLOCATION .......................... 80

TABLE FOR RECORDING SCHEME AMENDMENTS .......................................................... 81
LIST OF TABLES

TABLE 1: PARKING REQUIREMENTS ................................................................. 38
1 INTRODUCTION TO THE SCHEME

1.1 TITLE
1.1.1 This Scheme shall be known as the Nsimbini / Golokodo Land Use Scheme in course of preparation.

1.2 RESPONSIBLE AUTHORITY
1.2.1 The Municipality shall be the only authority responsible for enforcing and carrying into effect the provisions of this Scheme.
1.2.2 The Sobonakhona-Makhanya Traditional Council and the Ingonyama Trust Board do play a role in the application processes.

1.3 REFERENCE TO A MAP
1.3.1 The Scheme Map comprises of a series of maps reflecting those areas that fall under Annexure ... of the South Scheme within the region including mapping of the Durban Metropolitan Open Space System Controlled Area for the region.

1.4 PURPOSE OF THE SCHEME
1.4.1 To enable the comprehensive management of all erven (both private and public sector) within the Municipality;
1.4.2 To enable a co-ordinated mechanism of land management between the municipal legislative provisions and the customary land use management practices upheld by the relevant Traditional Councils;
1.4.3 To promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and Municipal spheres of government from time to time; and
1.4.4 To promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments
1.4.5 To manage land-use rights, to provide facilitation over use rights, to manage urban growth and development, and to manage conservation of the natural environment, in order to:
   1.4.5.1 Achieve co-ordinated and harmonious development in a way that will efficiently promote public safety, health, order, convenience and to protect the general welfare of the inhabitants of the Municipality;
   1.4.5.2 Promote integrated and sustainable development through-out the area of jurisdiction;
   1.4.5.3 Promote sustainable environmental management, conserve and protect environmentally sensitive areas.
1.4.5.4 Promote all forms of development and growth through sound planning principles that would support a mix of land-uses managed in an appropriate manner.

1.4.6 Any application submitted prior to the adoption of this Scheme shall be assessed and finalised under the provisions of such former Scheme regulations, except if the applicant has in writing informed the Municipality that he / she withdraws such application.

1.4.7 Where the lawful utilization of land at the commencement of this Scheme does not comply with the zones of this Scheme, including the approval of an application under 1.4.6 above, the utilization shall be deemed not to constitute an offence.

1.4.8 If any provision of this Scheme is deemed invalid by any court of law, such provision shall be severed from this Scheme, but shall not affect the validity of the remaining provisions.

1.5 AREA OF THE SCHEME

1.5.1 Annexure … of the South Scheme applies to all erven within the jurisdiction of the South Region of the eThekwini Municipality (South Region) as shown on the associated Scheme Maps.

1.5.2 Where such a property is located under the authority of a Traditional Council, the boundary associated with any Lease area and/or Permission to Occupy (PTO) will be treated as a boundary to that property for the purposes of applying the provisions of the scheme.

1.6 EFFECTIVE DATE

1.6.1 The Land Use Scheme shall come into effect from the date that notice of adoption is published in the Provincial Gazette.

1.6.2 This Scheme applies to the Nsimbini / Golokodo Area, located within the Ethekwini Municipality and shall be known as Annexure … of the South Scheme.

1.7 AMENDMENT TO THE SCHEME

1.7.1 The Municipality may initiate an amendment of this scheme, and an owner of land may apply for an amendment of this scheme in accordance with procedures laid down in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Ethekwini Municipality: Planning and Land Use Management By-Law.

1.8 INSPECTION OF THE SCHEME

1.8.1 The Scheme (Regulations and Maps) are public documents and open for inspection by the general public at any reasonable time.

1.8.2 A register of all applications and decisions on the Scheme Regulations and Maps shall be kept and shall be available for inspection by any person or persons at any reasonable time.
1.9 STATUS OF THE SCHEME

1.9.1 A Scheme is binding on the Municipality, all other persons and organs of state, except in the event of a conflict with the provisions of an Integrated Development Plan that was adopted prior to the Scheme or amendment to the Scheme.

1.9.2 The provisions of the Integrated Development Plan will prevail over the provisions of a Scheme in the event of a conflict with the provisions of an Integrated Development Plan that was adopted prior to the Scheme or amendment to the Scheme.

1.9.3 The provisions of a Scheme that were adopted prior to the adoption of an Integrated Development Plan prevail in the event of a conflict with the provisions of the Integrated Development Plan.

1.9.4 A Municipality or any other organ of state may not approve a proposal to subdivide or consolidate land that is in conflict with the provisions of a Scheme.

1.9.5 A proposal to subdivide or consolidate land that is in conflict with the provisions of a Scheme is invalid.

1.9.6 This Land Use Scheme replaces all Town Planning Schemes within the area to which it applies. The legal status of an existing building or structure that has been lawfully erected before the effective date of the adoption, replacement or amendment of a Scheme in terms of the KwaZulu-Natal Planning and Development Act, 2008 (No. 6 of 2008) or the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) or any replacement legislation, is not affected by the adoption, replacement or amendment of the Scheme.

1.9.7 Land that was being used lawfully before the effective date of the Scheme, for a purpose that does not conform to the Scheme, may continue to be used for that purpose.

1.10 ENFORCEMENT

Unless provided for elsewhere in this Scheme, no person shall develop land without the approval of the Municipality and the Traditional Council, and such development shall be in accordance with any and all conditions set by the Municipality. Where development takes place without the approval of the Municipality and the Traditional Council or where such development is not in accordance with this scheme or any condition set by the Municipality and the Traditional Council, a Contravention Notice shall be served by the Municipality. Where a person fails to take action in terms of the Contravention Notice such person shall be guilty of an offence.

1.11 TITLE DEED CONDITIONS

1.11.1 Any Title Deed conditions imposed upon any erf shall prevail over the Scheme.
1.12 DEVELOPMENT CONTROL

1.12.1 Development controls are set in these Scheme Clauses for the areas, which will need to be complied with for any proposed development.

1.12.2 Development proposed in close proximity to service infrastructure and roads shall take into account the building restrictions required by the service authorities.

1.13 ENVIRONMENTAL CONSIDERATION

1.13.1 The Environmental Controls included in this scheme will be applied to all development applications in order to ensure environmental management is considered from the outset. This will endeavour to maintain the environmental integrity of the Municipality.

1.14 DURBAN METROPOLITAN OPEN SPACE SYSTEM CONTROLLED AREA (D’MOSS)

1.14.1 The Durban Metropolitan Open Space System (D’MOSS) is a layer of the Scheme and enforceable by the Municipality in consultation with the Deputy Head: Environmental Planning and Climate Protection. The implementation of this layer shall be in terms of subsection 9.XX of this Scheme.

1.15 APPLICATIONS

1.15.1 Applications within the identified scheme area, and subject to Traditional Council, will require approval from the Traditional Council before submission to the Municipality. Furthermore, should approval be granted from the Municipality, then approval is also required from the Ingonyama Trust Board prior to implementation.

1.15.2 At any time after the effective date no person shall:

1.15.2.1 erect a new building, or alter or add to an existing building or carry out any other proposed work, or

1.15.2.2 develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used on such date, or

1.15.2.3 use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected:

Until an application has first been submitted and authorised by the Traditional Council before submission to the Municipality.

Should approval be granted from the Municipality, then approval is also required from the Ingonyama Trust Board prior to implementation, provided that:

a) the Applicant is also required to obtain approval from the Municipality in terms of building regulations as required by law, unless exemption is applied for.
b) any authority granted by the Municipality shall remain valid for a period in accordance with the prevailing legislation granting of such authority; and

c) where any building or work referred to in any such Approval has not been substantially commenced within the said period or where an appeal has been lodged, within a period as specified in accordance with the prevailing legislation from the date of notification of the outcome of such appeal, or where there has been an interruption in the development of the building or land for a continuous period in accordance with the prevailing legislation, the said Approval shall automatically be considered to have lapsed and building operations or use of land shall not be commenced or recommenced unless new Approval has first been applied for and obtained.

1.16 APPLICATION PROCEDURE WITHIN TRADITIONAL COUNCIL AREAS

1.16.1 The area of Annexure... (Nsimbini Golokodo Scheme) that falls under the eThekwini South Scheme is shown on the Scheme Map.

1.16.2 Application Procedure in Traditional Council Area will generally follow the sequence indicated below:

1.16.2.1 Applicant applies to and obtains letter of Approval from Traditional Council (Appendix A for form);

1.16.2.2 Applicant applies to and obtains approval from the Municipality in terms of SDF, SDP and Scheme;

1.16.2.3 Applicant applies to and obtains lease approval from Ingonyama Trust Board (Appendix B for form);

1.16.2.4 Applicant prepares building plans and applies to the Municipality for approval thereof in terms of the National Building Regulations.

1.16.3 The following Schedule of Overlays will apply to the Scheme:

<table>
<thead>
<tr>
<th>Overlay Number</th>
<th>Description</th>
<th>Source of Information</th>
<th>Date of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Traditional Council Boundary</td>
<td>eThekwini Municipality</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>D’MOSS Boundary</td>
<td>eThekwini Municipality</td>
<td></td>
</tr>
</tbody>
</table>
1.17 OFFENCES

1.17.1 Any person who:

   1.17.1.1 contravenes or fails to comply with any condition set out in terms of any provision of this Scheme, or
   1.17.1.2 contravenes or fails to comply with any requirements set out in a notice issued and served in terms of this Scheme, or
   1.17.1.3 knowingly makes a false statement in connection with any provision of this Scheme shall be guilty of an offence.

1.18 CONSENT

1.18.1 The Consent of the Municipality is required when:

   1.18.1.1 the use that is proposed falls within the Consent column of the development facilitation table of this scheme;
   1.18.1.2 the use proposed is a Special Building;
   1.18.1.3 a use that is proposed is a precluded use in terms of the development facilitation table or any proposal that is in conflict with any provisions of the Scheme. It should be noted that the Municipality is bound to refuse such application.

1.18.2 In considering any Consent application referred to above, an approval from the Traditional Council will be required before submission to the Municipality.

1.18.3 In considering any Consent application referred to above, the Municipality shall take into consideration the impact of the proposed use on the surrounding area and may impose any conditions it deems necessary to protect the amenities of the area.

1.18.4 An application for Consent shall comply with the procedures set out in the Ethekwini Municipality: Planning and Land Use Management By-Law.

1.18.5 Any applicant aggrieved by a decision of the Municipality shall have the right of appeal in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law.

1.19 CONSOLIDATION OF LAND

1.19.1 Consolidation of land is where two or more Erven are combined together to form one new Erf, with boundaries to be approved by the Surveyor-General, and if necessary, the Traditional Council and Ingonyama Trust Board through their internal processes.

1.19.2 The new properties are to be registered with the Registrar of Deeds.

1.19.3 Any person or organization could initiate a process to consolidate land in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law.

1.20 SUBDIVISION OF LAND
1.20.1 The sub-division of land is when an Erf is divided into more than one Erven. It requires new cadastral boundaries, which must be approved by the Surveyor-General, and if necessary, the Traditional Council and Ingonyama Trust Board through their internal processes.

1.20.2 The registration of newly created Erven with the Registrar of Deeds.

1.20.3 Any person or organization could initiate a process to subdivide land in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law.

1.21 REZONING OF LAND

1.21.1 Means a process whereby the current zoning as indicated on the scheme map and the corresponding controls relating thereto in the scheme regulations are amended in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law.

1.21.2 APPLICATION PROCEDURE FOR LAND ADMINISTERED BY A RECOGNISED TRADITIONAL COUNCIL AND THE INGONYAMA TRUST BOARD

1.22 COMPLIANCE WITH OTHER LAWS

1.22.1 Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land, which is in conflict with any condition of title imposed in terms of the Act or any other law.

1.22.2 The owner of any Erf, which is subject to a condition of title, which is in conflict with any provision of this Scheme, may make application to the Premier for the alteration, suspension or removal of such condition.

1.22.3 The Scheme provisions shall apply over and above the Bylaws where they are more onerous than the Bylaws. Where the Scheme makes no provision, the Bylaws shall apply.

1.22.4 Any approvals or consents granted by the Municipality does not preclude the applicant from complying with any other legislative requirements of other national and provincial government departments.
2 DEFINITIONS

In this Scheme, unless the context otherwise indicates, any word shall, when used in this Scheme, have the same meaning as in these definitions, otherwise it shall have the meaning assigned to it in the relevant Municipal Bylaws and/or the Spatial Planning and Land Use Management Act No.16 of 2013.

2.1 GENERAL DEFINITIONS

**Area of Scheme**  
Means the area of the Municipality to which the Scheme applies.

**Approval**  
Means the written approval of the Municipality.

**Authority**  
Means the written authority given by the Municipality in terms of its statutory powers.

**Basement**  
Means the lowest part of any building which part is constructed with more than 50% of its volume below ground level. Ground level shall mean natural ground level, without any additional earthworks, as it existed prior to the conception of the building or development in question provided that it is used exclusively for the parking of motor vehicles and service installations.

**Building**  
Means any structure of a movable or an immovable nature for whatever purpose used, including any tank, swimming pool, or radio mast, telecommunications mast, and any wall, or close boarded fence more than 3 metres in height at any point, but excluding any wire mesh fence, open fence, post, steps, pier, fountain, fish pond, pergola, or other garden ornamentation. (South Scheme)

**Building Line**  
Means a line parallel to a fixed distance from any street, a public right of way or road reserve. (South Scheme)

**Bylaw**  
Means the bylaws or regulations of the Municipality in force in the area of the Scheme.

**Common Land**  
Means the portion of a medium density-housing site which is set aside for the use and enjoyment of all the occupants of the dwelling units on that site, and from which the public may be excluded.

**Consent**  
Means the consent, in writing, by the Municipality for any activity on, or use of land or buildings for which an application, in terms of the Land Use Scheme or the relevant legislation is required.
**Controlling Authority**

Means the authorised body appointed by legislation to administer a particular procedure, or requirements specified in such legislation.

**Coverage**

The area of land, which may be covered by buildings, as seen vertically from above and is expressed as a percentage of the area of the property.

**Date of Adoption**

Means the date upon which any provision of this Land Use Scheme was adopted by the Municipality in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law.

**Development Rights**

Means a development right which is conferred on land by virtue of its zoning; includes a pre-scheme or non-conforming use right and which may be subject to specialist studies.

**Dwelling Unit Curtilage**

Means a single defined area of land forming part of a Multiple Unit Development (medium density-housing site) comprising the land upon which a dwelling unit is erected or is intended to be erected, together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.

**Erection of a Building**

Means the construction of a new building or a structural alteration or additions to any building.

**Erf**

Means any piece of land, which has been allotted an individual description in the records of the Surveyor-General and includes a remainder and also any group of Subdivisions tied by a notarial Deed in Restraint of Free Alienation. (South Scheme)

**Existing Use Rights**

Means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Municipality at that date.

**Flood Line**

Means a line indicating the 1:50 or 1:100 year flood, as defined in the National Water Act, 1998 (Act 36 of 1998).
**Floor Area**

Means, except as provided in Section 3 the sum of a building at each floor level, and including wall thickness but excluding:

i. Any basement used exclusively for the parking of motor vehicles, service installations and storage;

ii. Private garages, covered parking and carports;

iii. In the case of Fuelling and Service Stations, the un-walled access ways and driveways covered by canopies;

iv. Staircases, lift shafts /lift motor rooms;

v. Corridors that are open to the elements on at least one side;

vi. Porte cocheres;

vii. balconies, patios, verandahs, porches and similar type of structures that are roofed but open to the elements on at least one side.

**Floor Area Ratio**

Means the ratio that is obtained by dividing the floor area of a building or buildings erected, or to be erected, on a site by the registered surveyed area of such site, that is:

\[
FAR = \frac{\text{total floor area of buildings}}{\text{total area of site}}
\]

**Frontage**

Means the length of the boundary of an Erf, which fronts onto an existing or proposed road.

**Ground Floor**

Means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.

**Height**

Means the number of storeys permitted in a building.

**Household**

Means a group of people who live together which may consist of one family, together with or without their domestic staff and with a maximum of four boarders.

**Ingonyama Trust Board (ITB)**

Means a schedule 3A Public Entity reporting to the National Minister for Rural Development and Land Reform “the Minister” as Executive Authority.

**Municipality**

Means the Ethekwini Municipality or any other subsequently appointed authority.
**Municipal Purpose**
Meaning: such purposes for which the Municipality requires the land to carry out its functions in terms of relevant legislation, or any other law.

**National Building Regulations**
Meaning: the National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act No.103 of 1977, as amended.

**Occupant**
Meaning: in relation to any building or structure and includes any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

**Owner**
Meaning: the registered owner of the land, which shall include the holder of a long-term lease or the holder of a land tenure right such as a permission to occupy certificate, deed of grant, leasehold, or initial ownership.

**Parking Garage**
Meaning: a place, excluding a road, street and on-site parking associated with a primary or consent use that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building and any ancillary use, which could be in the form of a recycling facility and a caretaker’s accommodation.

**Previous Scheme**
Meaning: a Town Planning Scheme or similar regulation, which governed and controlled the use of land, prior to the promulgation of this Land Use Scheme.

**Property**
Meaning: a formally registered property. However where a lease area or Permission to Occupy (PTO) is identified within a Traditional Council area, any reference in the scheme to property will also apply to such areas.

**Private Open Area**
Meaning: a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a multiple unit development site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit.

**Rear Space**
Meaning: the area between a line parallel to the rear boundary.

**Scheme**
Meaning: the land use scheme adopted by the Municipality in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law or any other national or provincial legislation.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheme Map</td>
<td>Means a map as defined in the relevant legislation and which forms part of this Scheme, including any Amendment thereof.</td>
</tr>
<tr>
<td>Side Space</td>
<td>Means the area between a line parallel to the side boundary.</td>
</tr>
<tr>
<td>Site Development Plan</td>
<td>Means a plan, which shows the proposed development of a property and any salient natural features thereof.</td>
</tr>
<tr>
<td>Storey</td>
<td>Means that part of a building which is situated between two floors, or if there is no floor above it, the underside of the ceiling. Such storey shall not exceed 4.5m in height for residential purposes and 5.5m for non-residential purposes save that:</td>
</tr>
<tr>
<td></td>
<td>a) spaces provided for lifts, elevators and similar rooms and architectural features and which are in proportion to the building shall not constitute a storey or floor;</td>
</tr>
<tr>
<td></td>
<td>b) in the event of a storey being higher than the height as indicated above, it shall be counted as two storeys;</td>
</tr>
<tr>
<td></td>
<td>c) a mezzanine shall not count as a storey;</td>
</tr>
<tr>
<td></td>
<td>d) basements shall not count as a storey;</td>
</tr>
<tr>
<td></td>
<td>e) a roof which may contain or support any room shall count as a storey.</td>
</tr>
<tr>
<td>Street Boundary</td>
<td>Means that boundary of a property, which is contiguous to a public street or public right of way or road reserve, whether existing, or for new street purposes.</td>
</tr>
<tr>
<td>Traditional Council</td>
<td>Means the Traditional Council of any land administered in terms of traditional land use practices and situated within the eThekwini Municipal Area, and includes the Ingonyama Trust Board where applicable.</td>
</tr>
<tr>
<td>Tribunal (or Municipal Planning Tribunal)</td>
<td>Means the Municipal Planning Tribunal established in terms section 38 of the Ethekwini Municipality: Planning and Land Use Management By-law.</td>
</tr>
</tbody>
</table>
| Usable Common Open            | Means the usable portion of the common land, which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-
recreational nature, but includes walkways, structures intended for recreational use and a children’s playing area or areas.

**Watercourse**  
Means:
- a river or spring;
- a natural channel in which water flows regularly or intermittently;
- a wetland, lake or dam into which water flows; and
- any collection of water which the Minister may, by notice in the gazette declare to be a watercourse,
- and a reference to a watercourse includes, where relevant, its bed and banks. (Source: National Water Act (No. 36 of 1998), as amended).

**Wetland**  
Means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports, or would support, vegetation, birdlife, etc. typically adapted to life in saturated soil. (Source: National Water Act (No. 36 of 1998), as amended)

**Zone**  
Means the area shown on the map by distinctive colouring, hatching, or edging, or in some other distinctive manner for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

### 2.2 LAND USE DEFINITIONS

**Agricultural Activity**  
Means premises used for the intensive production in any form whatsoever of poultry, game, birds, livestock, vegetables, timber production, fruit and allied products and includes any preparation, processing and or sale of these commodities and may include an abattoir.

**Agricultural Land**  
Means a portion land used solely for the growing of vegetables, trees, crops or flowers and activities and buildings related thereto.

**Ancillary Unit** (Additional dwelling unit)  
Means a self-contained inter leading group of rooms including not more than one kitchen designed for occupation by a single household or family with a total floor area not exceeding 80 square metres in extent.

**Base**  
Means any structure designed and used for the accommodation of telecommunications equipment used in the transmitting or receiving of electronic communications signals and includes a telecommunications mast.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Facility</td>
<td>Means a dwelling unit wherein a maximum of five bedrooms maybe used for the purpose of accommodation of guests without impairing the amenity of the adjoining properties.</td>
</tr>
<tr>
<td>Boarding House</td>
<td>A residential premises or part thereof in which long stay lodging is provided to more than five, but not more than fourteen persons, by the owner or operator who resides on the premises, provided that the number and extent of Boarding Rooms and the nature and extent of associated communal facilities shall be to the satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Means a building or land used for the washing and cleaning of vehicles for commercial gain and may include a valet service.</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Means land designed for the inhumation of corpses, including facilities for associated religious and administrative functions and may include a crematorium.</td>
</tr>
<tr>
<td>Child Care Facility</td>
<td>Means an undertaking involving the custody and care of a maximum of six children apart from their parents during the whole or part of the day on all or any days of the week.</td>
</tr>
<tr>
<td>Crèche</td>
<td>Means a premises or portion thereof used for the care of seven or more infants or young children during the day time absence of their parents or guardians.</td>
</tr>
<tr>
<td>Clinic</td>
<td>Means land or buildings used for the medical treatment of day patients, but excludes overnight facilities.</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>Means an area of land and/or water within which the conservation, due to the environmental sensitivity of the biodiversity present on, under and above the land surface or water body, of the scenic beauty, indigenous flora and fauna, or other naturally occurring material, water courses, topographical features and places of interest, is of primary importance.</td>
</tr>
<tr>
<td>Conservation Reserve</td>
<td>Means an area of land within which the conservation of the scenic beauty, indigenous fauna and flora, water courses, and other topographical features, places of historic or scientific interest and the like are of primary importance.</td>
</tr>
</tbody>
</table>
**Controlled Area**

Means any area demarcated upon the map where by reasons of the topography, the unsuitability or instability of the soil or other like reasons, development or building may be prohibited, restricted, or permitted upon such conditions as may be specified having regard to the nature of the said area.

**Convenience Store**

Means part of a building used in conjunction with a Fuelling and Service Station used primarily for the sale of convenience goods and that is subservient to that of a Fuelling and Service Station. Motor spares and accessories as well as promotional goods supplied by the oil companies may also be sold. The maximum floor area shall not exceed 200 square metres in extent, which shall include the convenience shop, storage areas associated therewith, refrigeration areas and food preparation areas.

**Crematorium**

Any premises where the deceased are burned to ash, and includes facilities for associated religious and administrative functions.

**Dwelling house**

Means a freestanding dwelling unit used as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith and as are customary used and incidental therewith.

**Dwelling unit**

Means a self-contained inter leading group of rooms including not more than one kitchen designed for occupation by a single household or family and may include outbuildings but excludes an ancillary unit/units.

**Flat**

Means a building or buildings with 2 or more storeys comprising of self-contained dwelling units, each having a separate entrance and forming part of one or more storeys.

**Fuelling and Service Station**

Premises used or designed for the sale of petroleum, oil, and other fuels and lubricants and accessories used in connection with motor vehicles, and includes an office and storeroom for use in connection therewith, together with facilities for the servicing and maintenance of motor vehicles, and may also include a Convenience Shop not exceeding 200m² and a caretakers accommodation.

**Funeral Parlour**

Means premises used for or intended to be used for the preparation and temporary storage of corpses, for the burial or cremation and may include uses ancillary thereto, but excludes a mortuary or crematorium.
**Guest House Establishment**

Means a dwelling house inclusive of an Ancillary Unit wherein a maximum of not more than 10 bedrooms may be used for the purpose of short stay accommodation for guests without impairing the amenity of the adjoining properties.

**Home Business**

Means the operation of a single non-impacting occupational activity in or in conjunction with a dwelling house by a bona fide residential occupant of that property, providing that the dominant use of the property concerned shall remain for the living accommodation of the occupants, and the property complies with the requirements contained in the Scheme Clauses for a home business. Home business does not include a shop.

**Hotel**

Means a facility offering lodging accommodation to the general public and proving additional services such as restaurants and fast food outlets, meeting rooms, entertainment and recreational facilities and may include a facility for liquor off-sales.

**Industry- Extractive**

Means an industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone or similar material from the land, and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted.

**Industry - Service**

Means a use which, in the opinion of the Municipality, is a small scale industrial activity incidentals to the needs of the opinion of the Municipality, will not interfere with the amenity of surrounding properties or be of nuisance value by virtue of their reason whatsoever, but excludes a "Public garage and "Filling station".

**Industry - Light**

Means an industry which can be carried out without causing nuisance to other properties or to the general public or without detriment of other use zones by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation or other causes.

**Industry - Noxious**

Means any industry or trade that by reason of fumes, gases, vapours, dust, smell, noise, vibration, or other causes, is deemed by the Municipality to be likely to become dangerous or harmful to the health, welfare, and amenity of the public.
Informal Trade Area  Means the selling of products or services from land not necessarily zoned for this purposes, in accordance with the relevant Municipal policy and/or bylaws.

Institution  Means premises used as a public or private institute including the administration thereof and a building used, designed or adapted as a hospital, home for the aged or for the mentally or physically disabled, frail care centre, nursing home, clinic, orphanage, crisis centre, and similar public or private facilities, and other uses which are incidental and ancillary thereto, but does not include a restricted building.

OR

Means premises designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private.

Land  Means any erf, plot, stand, farm portion, or agricultural holding and includes any improvement or building on the land, any real right or share in land and includes land in the area of a Traditional Council.

Mortuary  Means a building or part thereof where corpses are stored exposed for identification, and autopsies are performed but exclude a Funeral Parlour.

Motor Dealer  Means land or buildings used for the display and sale of motor vehicles and may include an ancillary motor workshop and offices.

Motor Garage  Means premises used for the major servicing and repair of vehicles such as: the overhauling and testing of engines; the rebuilding and testing of engines; panel beating and spray painting; and, ancillary to such uses, may include the display and sale of vehicles; washing and cleaning of vehicles, auto valet service; and the sale of motor spares and accessories.

Motor Workshop  Means premises used for the general repair and servicing of light motor vehicles, including auto-electrical repairs, the fitting and sales of fitted motor spares and accessories, auto valet services, storage and may also include an office, storeroom and display and sale of vehicles or towing broken down vehicles but excludes a Motor Garage.

Municipal / Government  Means premises used by or on behalf of the Government or Municipality for the purpose of carrying out of government or municipal functions.
| Nature-based Recreation and Tourism | Means recreation and tourism which is based on the natural attractions of the area, e.g. bird-watching, hiking, trail running, and photography, which does not conflict with the primary land use, namely nature conservation. This activity may contribute to the conservation of the environment and improve the well-being of the local community. |
| Nature Reserve | Means land declared to supplement the system of national parks in South Africa; protect areas with significant natural features, species, habitats or biotic communities; protect a particular site of scientific, cultural, historic, or archaeological interest; provide for its long-term protection and the maintenance of its biodiversity; provide for a sustainable flow of natural products and services to meet community needs; enable a variety of traditional consumptive uses; or, provide for nature-based recreation and tourism opportunities. |
| Night Club / Tavern | A building wherein music is played and dancing occurs, and may include eventing, fashion shows and the selling of beverages and food for consumption within the premises. 
Means a building or eating house in which the on-site consumption of liquor has been legalised by means of a liquor license issued in terms of the relevant legislation. |
| Office | Means a Building or part thereof used for the administration of any business, whether public or private. |
| Outbuilding | Means a building ordinarily used in conjunction with a dwelling house/dwelling unit /units, and for the garaging of private motor vehicles, a storeroom, private laundry, workroom and other such similar uses. |
| Parkade | A Building or any land used for the parking of motor vehicles for reward. |
| Place of Instruction | Means premises designed or primarily used as a school, technical college, lecture hall, institute or other educational facility and includes a crèche, convent or monastery, a public library, an art gallery, museum and gymnasion together with any associated land or buildings used for sporting purposes, and includes a hostel but does not include a reformatory. |
| Place of Public Assembly | Means land or a building used for social meetings, gatherings or recreation, but does not include a Place of Public Entertainment or Place of Public Worship. |
Place of Public Worship: Means land or a building used for public devotion and may include uses ancillary thereto.

Place of Public Entertainment: Means land or building used for public entertainment and includes but not restricted an aquarium, a theatre, cinema, music hall, concert hall, amusement arcade, skating rink, race track, sports arena, commercial exhibition, hall, billiard room, fun fair and casino, but does not include a night club.

Private Open Space: Means a sports ground, playing field or other open space of a club, firm, private person or other body, including buildings normally ancillary to recreational activities.

Public Open Space: Means an open space or reserve owned by the Municipality which the public has a right to use and enjoy, and includes all ancillary facilities and buildings.

Residential Building: Means a building on an erf or site, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with or without common ablution-, kitchen-, dining- and/or lounge facilities. Such definition includes but is not restricted to hostels, hotels, dormitories, communes, boarding houses, guesthouses (excluding converted dwelling houses and/or dwelling units), bed and breakfast and old age homes that may or may not include ancillary frail care facilities.

OR

Means premises designed or used primarily for human habitation which may include two or more Dwelling Units.

Restaurant/ Fast Food Outlet: Business premises used for the selling or supplying of meals or refreshments for consumption on or off the premises

Restricted Building: Means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or hospital, or reformatory.

River Reserve: Means land set aside to protect the amenity of the watercourse and to minimize pollution and erosion. It also fulfills the function of protecting riparian vegetation and associated biodiversity, providing local biodiversity corridors and as acting as a flood risk control area.

Road: Means land used for access purposes of which ownership is vested in the Municipality or a Controlling Authority and shall be regarded as a street.
for the purposes of building lines and servitudes. A lane, way, avenue, cul-de-sac, close, boulevard, drive, crescent and freeway shall also be regarded as a Road.

**Scrap Yard**
Means a building or land used for the dismantling, stacking, sorting, storing, preparation of, and resale of scrap materials.

**Semi-detached House**
Means a building other than a dwelling house comprising two (2) dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.

**Service Industrial Building**
Means a light industrial building catering specifically for the local customer, and includes a builder’s yard and allied trades, laundry, bakery, dairy, dry-cleaning and similar types of uses.

**Shop**
Means land used or a building used for retail or wholesale trade or business wherein the primary purpose is the selling of goods and services.

**Social Hall**
Means land used or a building used primarily for social assemblies, gatherings, meetings or recreational purposes.

**Spaza Shop / Tuck Shop**
Means a building or portion of a building or an outbuilding or structure (including a converted container) which may be linked to a residential building from which a range of low order goods such as fresh produce, confectionary products, beverages, limited quantities of staple foods, magazines, newspapers and similar goods are sold to its neighbourhood. It may be known as a spaza shop or a tuck shop.

**Special Building**
Any other type of building or use not specifically referred to in this set of definitions.

**Sport & Recreation (Sports Ground)**
Means a premises used for a sports ground, playing filed, golf course, athletic track, swimming pool, tennis court, squash court or other similar recreational buildings or use.

**Transport Centre**
Means land or buildings used in relation to transport as a depot, station, terminal, taxi rank or collection and distribution area for passengers and/or goods.

**Veterinary Clinic**
Means a place where animals are provided with medical care, and or the boarding of animals is limited to short-term care resulting from medical treatment, and may include an ancillary grooming parlour and a retail...
outlet restricted to the sale of veterinary and animal maintenance products.

**Warehouse**

Means buildings used for the storage of products or materials for distribution or collection, in relation to any wholesale trade, or in relation to any manufacturing industry.

**Landfill / Waste Disposal Site**

Means land used for the dumping of refuse and rubble, subject to such conditions as may be required by the relevant Controlling Authority and may include a waste sorting and recycling facility.

*Landfill:* A disposal site where solid waste, such as paper, glass and metal, are buried between layers of soil/dirt and other materials in such a way so as to reduce contamination of the surrounding land.
3 LAND DEVELOPMENT RIGHTS

3.1 USE OF BUILDINGS AND LAND

3.1.1 The types of buildings and land uses contemplated for this Scheme are defined in Section 2 of these clauses.

3.1.2 The extent and location of the various land use zones shall be as is set out on the current adopted Scheme Maps. Within each land use zone the defined buildings and land use activities contemplated are separated into three categories and listed for each zone in these Clauses. The categories of land use are:

3.1.2.1 Primary Uses: land may be used or buildings may be erected and used with the written authority the Municipality;

3.1.2.2 Consent Uses: land may be used or buildings may be erected and used only with the consent of the Municipality; and

3.1.2.3 Precluded / Prohibited Uses: those buildings and uses, which are expressly prohibited.

3.1.3 In approving any application the Municipality shall take into consideration the nature of the proposed use in relation to the character of the area and impose whatever conditions it considers necessary to protect the amenities of the neighborhood, subject to the right of appeal as is contemplated in terms of Ethekwini Municipality: Planning and Land Use Management By-Law.

3.2 EXISTING USE RIGHTS

3.2.1 Any existing building or existing use which is not in conformity with the Scheme, but for which authority was obtained from the Municipality or other responsible authority prior to the date of adoption, may be completed and continue to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the Municipality, and provided that:

3.2.1.1 Any such non-conforming existing building or use of land may be increased, on the Erf or site, by an amount not greater than 20% of the total floor area or area of use, as existed at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.

3.2.1.2 Any alteration or addition or change of use which, in the opinion of the Municipality, alters the character of an existing building or use of land, shall automatically remove such building or land from the category of "existing building" or "existing use".
3.2.1.3 Any existing building may be demolished and replaced by a new building on the same Erf and the existing use may continue in the new building provided, however, that the proposed new building shall contain no greater cubic content than the existing building provided also that the new building is in conformity with the other provisions of the Scheme. Any such new building shall be commenced, at least to the extent of completing the foundations of the new buildings, within a period of 18 months after the date upon which the demolition of the existing building is completed. Any failure to commence re-building within this period of 18 months shall be deemed to terminate the existing use.

3.2.2 Any alteration or addition or change which materially alters the character of an existing building or use of land shall automatically remove such building or use of land from the category of “existing building” or “existing use”.

3.3 EXEMPTIONS

3.3.1 Nothing in the Scheme shall prohibit or restrict:

3.3.1.1 The Winning of minerals and sand by underground or surface work without first obtaining the Consent from the Municipality and the Traditional Council.

3.3.1.2 The use of a Place of Instruction, Place of Public Assembly or an Institution as a Place of Public Amusement (entertainment), provided that such use is restricted to not more than twenty (21) days in each calendar year, and provided further that the written authority of the Municipality and the Traditional Council has been applied for and obtained. Such authority shall be granted by the Municipality if it is satisfied that the amenities of the neighbourhood are not interfered with in any way.

3.3.1.3 The use of a dwelling unit as a boarding house for not more than five persons. The use of a dwelling unit as a boarding house for more than five persons will require the written authority of the Municipality and the Traditional Council.

3.3.1.4 A Bed and Breakfast Establishment, Home Business, Home Industry, Tuck Shop / Spaza Shop and Medical Office may only be permitted from a Dwelling Unit.

3.3.2 Bed and Breakfast Establishment

The owner or occupier of the dwelling house in any residential zone is allowed to let a maximum of four bedrooms for temporary accommodation purposes. The primary use of the site shall remain residential in nature and the Bed and Breakfast Establishment shall, in the opinion of the Municipality, not negatively impact on the neighbourhood.

Nothing in the scheme shall prohibit or restrict the running of a Bed and Breakfast Establishment from a dwelling unit provided that:
3.3.2.1 The consent of the Municipality and the Traditional Council has been applied for and obtained; provided that the Municipality and the Traditional Council may waive compliance with the formal Consent procedure if the written consent of the immediate surrounding neighbours of each adjoining property is obtained and furnished to the Municipality and the Traditional Council.

3.3.2.2 A Bed and Breakfast Establishment shall not consist of more than five bedrooms for the use by patrons of the Establishment;

3.3.2.3 There shall be at all times on site, either the owner or manager who shall be responsible for the management of the establishment;

3.3.2.4 The building shall, in the opinion of the Municipality, conform to the appearance and definition of a dwelling house, so that upon the cessation of the use, the building shall be capable of reverting to the use as a dwelling house;

3.3.2.5 Parking for all guests shall be one bay per room, and parking for the vehicles of the owner/manager shall be provided on-site to the satisfaction of the Municipality.

3.3.2.6 No external advertising shall be permitted on the site other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0.20 m² in area. Any signage larger than the 0.20 m² will require an application to be made to the Signage Department.

3.3.2.7 If the use is discontinued for the period of greater than 18 months the Dwelling Unit, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Municipality.

3.3.2.8 After affording the applicant the opportunity of being heard, the Municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities.

3.3.3 Guest House Establishment

The owner or occupier of the dwelling house in any residential zone is allowed to let a minimum of five and a maximum of ten bedrooms for temporary accommodation purposes. The primary use of the site shall remain residential in nature and the Guest House Establishment shall, in the opinion of the Municipality, not negatively impact on the neighbourhood.

Nothing in the scheme shall prohibit or restrict the running of a Guest House Establishment from a dwelling unit provided that:
3.3.3.1 The consent of the Municipality and the Traditional Council has been applied for and obtained; provided that the Municipality and the Traditional Council may waive compliance with the formal Consent procedure if the written consent of the immediate surrounding neighbours of each adjoining property is obtained and furnished to the Municipality and the Traditional Council.

3.3.3.2 A Guest House Establishment shall consist of a minimum of five and a maximum of ten bedrooms, for the use by patrons of the Establishment;

3.3.3.3 There shall be at all times on site, either the owner or manager who shall be responsible for the management of the establishment;

3.3.3.4 The building shall, in the opinion of the Municipality, conform to the appearance and definition of a dwelling house, so that upon the cessation of the use, the building shall be capable of reverting to the use as a dwelling house;

3.3.3.5 Parking for all guests shall be one bay per room, and parking for the vehicles of the owner/manager shall be provided on-site to the satisfaction of the Municipality.

3.3.3.6 No external advertising shall be permitted on the site other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0.20 m² in area. Any signage larger than the 0.20 m² will require an application to be made to the Signage Department.

3.3.3.7 If the use is discontinued for the period of greater than 18 months the Dwelling Unit, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Municipality.

3.3.3.8 After affording the applicant the opportunity of being heard, the Municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities.

3.3.4 Home Business

The owner/occupier of a dwelling house in any residential zone is allowed to contribute to the local economy of the Municipality. Land uses that may be considered shall not in the opinion of the Municipality negatively impact on the neighbourhood. Industrial uses such as Panel Beating/Spray Painting/Motor related uses as well as Engineering land uses will not be allowed. For the purposes of a Home Business, a Spaza shop / Tuck shop may be permitted. Nothing in this scheme shall prohibit or restrict the occupier of a dwelling unit from carrying on thereon a home business, provided that:
3.3.4.1 The consent of the Municipality and the Traditional Council has been applied for and obtained; provided that the Municipality and the Traditional Council may waive compliance with the formal Consent procedure if the written consent of the immediate surrounding neighbours of each adjoining property is obtained and furnished to the Municipality and the Traditional Council.

3.3.4.2 The area to be utilized for the Home Business shall not exceed 40% or a maximum of 40m², inclusive of storage areas (whichever is the lesser) of the existing area of dwelling house existing on the site, and the predominant use shall remain residential;

3.3.4.3 The Dwelling Unit in which the Home Business is carried on must remain residential in appearance and character, and must at all time comply with the definition of “Dwelling Unit”;

3.3.4.4 On-site parking and loading facilities shall be provided to the satisfaction of the Municipality;

3.3.4.5 The hours of operation shall be to the satisfaction of the Municipality and shall be specified in the consent granted;

3.3.4.6 The Home Business must only be operated by a person who is the bona fide resident in the dwelling house and such person may be assisted in the business by not more than two people;

3.3.4.7 No external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,20 m² in area; Any signage larger than the 0.20 m² will require an application to be made to the Signage Department.

3.3.4.8 Storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for Consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;

3.3.4.9 Only one light delivery vehicle may be used for delivery or to dispatch goods or supplies;

3.3.4.10 After affording the applicant the opportunity of being heard, the Municipality, in consultation with the Traditional Council, may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business.
3.3.4.11 If the use is discontinued for the period of greater than 18 months the Dwelling Unit, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Municipality.

3.3.5 Home Industry

The owner/occupier of a dwelling house in any residential zone is allowed to contribute to the local economy of the Municipality. Land uses that may be considered shall not in the opinion of the Municipality negatively impact on the neighbourhood. Light industrial uses such as home based and small-scaled panel beating/spray painting and motor related uses may be permitted, but only with the consent of the Municipality and the Traditional Council.

3.3.5.1 Nothing in this scheme shall prohibit or restrict the occupier of a dwelling house from carrying on thereon a home industry, provided that:

3.3.5.2 The consent of the Municipality and the Traditional Council has been applied for and obtained;

3.3.5.3 The area to be utilized for the Home Industry shall not exceed 40% or a maximum of 40m², inclusive of storage areas (whichever is the lesser) of the existing area of the site, and the predominant use shall remain residential;

3.3.5.4 On-site parking and loading facilities shall be provided to the satisfaction of the Municipality and the Traditional Council;

3.3.5.5 The hours of operation shall be to the satisfaction of the Municipality and the Traditional Council and shall be specified in the consent granted;

3.3.5.6 The Home Industry must only be operated by a person who is the bona fide resident in the dwelling unit and such person may be assisted in the business by not more than two people;

3.3.5.7 No external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,20 m² in area; Any signage larger than the 0.20 m² will require an application to be made to the Signage Department.

3.3.5.8 Storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for Consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;

3.3.5.9 Only one light delivery vehicle may be used for delivery or to dispatch goods or supplies;
3.3.5.10 After affording the applicant the opportunity of being heard, the Municipality and the Traditional Council may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business.

3.3.5.11 If the use is discontinued for the period of greater than 18 months the Dwelling Unit, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Municipality and the Traditional Council.

3.3.6 Spaza shop / Tuck shop

The intention of Scheme is to allow the owner/occupier of a dwelling unit in any residential zone to sell goods required for essential day-to-day needs of the neighbourhood, in residential areas that are not adequately serviced by such a facility. The sale of goods is to take place through a window, doorway or hatchway only and shall not include a walk in shop. Such use shall not detract from the residential character of the neighbourhood, aesthetically or impact wise.

The operation of the Spaza shop / Tuck shop shall comply with the following conditions, to the extent that they may be applicable:

3.3.6.1 A Spaza shop / Tuck shop activity shall only be operated with the Consent of the Municipality; provided that the Municipality and the Traditional Council may waive compliance with the formal Special Consent procedure if the written consent of the immediate surrounding neighbours of each adjoining property is obtained and furnished to the Municipality and the Traditional Council.

3.3.6.2 The area to be utilized for the Spaza shop / Tuck shop shall not exceed 20m² of the area of the dwelling house and the dwelling house must remain residential in appearance and character, and must at all times comply with the definition of a “Dwelling Unit”;

3.3.6.3 No external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,20m² in area; Any signage larger than the 0.20 m² will require an application to be made to the Signage Department;

3.3.6.4 Entertainment facilities shall not be permitted within a Spaza shop / Tuck shop;

3.3.6.5 A Spaza shop / Tuck shop shall not involve the sale of alcohol or any other goods which in the opinion of the Municipality and the Traditional Council are unnecessary for the day to day needs;
3.3.6.6 A Spaza shop / Tuck shop must be operated in accordance with all relevant by-laws and other legislation of the Municipality, particularly the fire regulations;

3.3.6.7 The hours of operation shall be to the satisfaction of the Municipality and the Traditional Council;

3.3.6.8 The storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for Consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;

3.3.6.9 Only one light delivery vehicle may be used to dispatch goods or supplies;

3.3.6.10 After affording the applicant the opportunity of being heard, the Municipality and the Traditional Council may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business;

3.3.6.11 The owner/occupier the Spaza shop / Tuck shop may be assisted by not more than one other person;

3.3.6.12 In assessing any application, consideration shall be given to ensure that the location of the Spaza shop / Tuck shop does not compromise the principle of sound planning practice.

3.3.6.13 If the use is discontinued for the period of greater than 18 months the Dwelling Unit, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Municipality and the Traditional Council.

3.3.7 Medical Office

3.3.7.1 The intention of the Scheme is to allow the occupier / owner of a Dwelling Unit to convert the whole or any portion of a Dwelling Unit to a Medical Office for conducting the profession or occupation of a medical practitioner, dentist, veterinarian, traditional healer and such other profession or occupation of a like or allied nature. A Medical Office may only be permitted with Consent of the Municipality and the Traditional Council subject to the following conditions:-

d) The building shall be designed to harmonise with and in its external appearance, conform to the existing residential development.

e) A minimum of 25 % of the site area, including the parking area, shall be landscaped and maintained to the satisfaction of the Municipality and the Traditional Council.
f) Not more than six persons including practitioners and staff shall practice or be employed in that portion of the premises to which the Municipality’s Municipality and the Traditional Council’s Consent relates.

g) No external advertising shall be permitted on the site other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0,20m² in area. Any signage larger than 0,20m² will require an application to the Signage Department.

h) A veterinary clinic may include; the boarding of animals for short-term care resulting from medical treatment only, a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products considered ancillary to the veterinary practice.

i) Medical offices are for the provision of health services and may include laboratories associated therewith, but which do not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, chiropractors, homeopaths, traditional healers, or such similar practitioners.

3.3.8 Ancillary units (Additional dwelling units)

3.3.8.1 An ancillary units / ancillary units shall have a gross permitted floor area not exceeding 80m²;

3.3.8.2 The following shall apply when considering the establishment of an Ancillary unit:

a) There shall be no inter-leading doors between an ancillary unit and the main dwelling house, provided that the Municipality may relax this provision, if there is a need for an inter-leading door for health and safety reasons.

b) Ancillary unit / ancillary units may only be permitted where there is a single dwelling house on an Erf.

c) Ancillary unit/ ancillary units shall be restricted to living accommodation.

d) The Ancillary unit/ Ancillary Units may be detached or attached to other buildings on the property and may be two storeys in height.
3.3.8.3 The erection of a temporary building and the temporary use of land for a limited period, which the Municipality and the Traditional Council may determine, but not exceeding two years, where such building or use is ancillary to building or constructional works in progress on or adjoining the site, shall not be deemed to be a contravention of this Scheme; provided that the Municipality and the Traditional Council may:-

a) extend the two year period and, in doing so, may impose any conditions that it thinks fit; and

b) where the Municipality is of the opinion that such temporary building or structure or temporary use interferes with the amenities of the neighbourhood, existing or as contemplated by the Scheme, require the removal of the building or the suspension or cessation of the temporary use.

3.3.8.4 The placing of temporary structures in a road reserve for a municipal road provided such structure is ancillary to building works in progress on the road, or is necessary for the promotion of small business development.

3.3.9 Temporary Use

Notwithstanding any other provisions of this Scheme, the Municipality and the Traditional Council may authorise the temporary use of buildings or land contrary to the provisions of this Land Use Scheme for a defined period with or without conditions.

3.4 FLOOR AREA

3.4.1 No building shall be erected which will exceed the maximum floor area ratio, coverage and height requirements permitted for that zone.

3.4.2 In calculating the permissible floor area for any development, the following shall be excluded:

3.4.2.1 Any basement used exclusively for the parking of motor vehicles, service installations and storage;

3.4.2.2 Private garages, covered parking and carports;

3.4.2.3 In the case of Fuelling and Service Stations, the un-walled access ways and driveways covered by canopies;
3.4.2.4 Staircases, lift shafts /lift motor rooms;
3.4.2.5 Corridors that are open to the elements on at least one side;
3.4.2.6 Porte cocheres;
3.4.2.7 balconies, patios, verandahs, porches and similar type of structures that are roofed but open to the elements on at least one side.

3.5 COVERAGE
3.5.1 In calculating the coverage of any development, the following shall be excluded from the calculation of coverage:
3.5.1.1 Permeable carports;
3.5.1.2 Pergolas;
3.5.1.3 slatted timber decks;
3.5.1.4 swimming pools;
3.5.1.5 tennis courts; and
3.5.1.6 roof overhangs of equal to or less than 1,0 metres extending beyond the outside edge of the external walls or support beams shall not be included in the coverage

3.6 HEIGHT
3.6.1 Notwithstanding the requirements in respect of height, the Municipality may authorise by consent, the erection of a building of a greater height, if it is satisfied that such greater height will not result in any significant detriment to the amenities of the area, that such greater height is reasonable having regard to the topography and/or the uniqueness of the site and furthermore that the general intent of the height restriction imposed within the particular zone is not being deliberately circumvented by such application.

3.7 BUILDING LINES
3.7.1 All erven except where otherwise permitted in this Scheme, shall be subject to a 6 metre building line.
3.7.2 Where a building line is laid down no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back to take into consideration any such new road or widening.
3.7.3 The Municipality may, if the same is endorsed by the neighbouring property owners or alternatively by consent, relax the building line if compliance with the building line would seriously hamper the development of the erf, on account of the levels of the erf or adjoining land or the location of buildings already in front of the building line, or, any other special circumstances as determined by the Municipality.

3.7.4 The Municipality in its discretion may relax the building line if, on account of the levels of the erf or adjoining land or the propinquity of buildings already in front of the building line or any other special circumstances compliance with the building line would seriously hamper the development of the erf.

3.7.5 The Municipality may, in its discretion, relax the building line if the architectural effect will enhance the appearance of the street and contribute to public amenity.

3.7.6 Notwithstanding the foregoing provisions, the Municipality may exempt an applicant from applying for Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this Scheme, will result; provided that the prior written consent of the registered owner of all the affected properties, and such other properties as may directed by the Municipality has first been obtained. Where such written consent is not forthcoming, the applicant shall, in seeking the relaxation, be required to apply for the Consent of the Municipality.

3.7.7 Erven adjacent to the railway reserve, national road and provincial roads shall be subject to the building lines as imposed by the relevant bodies administering these. These are to be established by the applicant prior to building plans being submitted. The building restriction line may not be relaxed by the Municipality, without the consent of the Provincial Roads Authority.

3.7.8 Where road widening is proposed or where any road servitude exists, the building line restrictions is to take into account any such proposed road widening or road servitude, meaning the building line restriction shall be measured from the inner edge of the proposed road widening or road servitude.

3.7.9 Notwithstanding the provisions of the above clauses in the case of swimming pools, the building line shall be 1.0 metre; provided that where a pool is to be constructed so that any portion of it is within the building line, such pool shall be screened to the satisfaction of the Municipality.

3.8 SIDE AND REAR SPACE

3.8.1 Except where otherwise stated no building shall be erected nearer than 1.5 metre to any side boundary and rear boundary.
3.8.2 The Municipality may authorise the erection of single storey outbuildings on the side and rear boundaries of erven on Residential zones, provided the owners / occupiers of properties contiguous to the affected boundaries have indicated in writing that, they would have no objection to such authorization.

3.8.3 The Municipality may in any zone, permit in any zone any building to be erected closer to any boundary than the distance specified in these clauses if on account of the sitting of existing buildings or the shape, size or levels of the Erf, or other special circumstances, the enforcement of these controls will, in the opinion of the Municipality, render the development of the Erf unreasonably difficult. In considering any application under this clause the Municipality shall have due regard to any possible detrimental effect on adjoining properties.

3.8.4 No building shall be erected nearer than 1.5 meters to any side or rear boundary of the erf on which it is situated provided that:

3.8.4.1 No building or portion of a building intended to be used for the purpose of a residential building, duplex flat, maisonette, semidetached house or terraced house shall be erected nearer than 4.5 meters to any such boundary, and

3.8.4.2 Provided that the minimum side or rear space, as the case may be, shall be increased by 1,5 meters for the full height of the building for every storey above 3 storey’s of the building.

3.8.5 Notwithstanding clause 3.8.3, in commercial or industrial zones, the side space requirement may be waived at the discretion of the Municipality, except where it is necessary to provide access to the rear of the building for parking and loading purposes or where such buildings adjoin erven zoned for residential purposes.

3.8.6 Where access to parking courts is required, the side space of affected erven shall be calculated from the boundaries of such access road.

3.9 SITE DEVELOPMENT PLANS

3.9.1 The Municipality may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Scheme and as a requisite for development, instruct prospective owners/developers to submit within a specified period to the Municipality site development plans in respect of a specific area.

3.9.2 Any site development plan shall, as may be requested by the Municipality and to its satisfaction, acknowledge recommendations stemming from previous or current research conducted.

3.9.3 The Site Development plans shall amongst others provide for but not be limited to:

3.9.3.1 a to-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls, existing services, existing and proposed servitudes, etc.
3.9.3.2 the design and layout of proposals including details as to the functioning thereof;

3.9.3.3 a programme of development;

3.9.3.4 an Environmental Management Plan and landscaping proposals;

3.9.3.5 details of and programme for the provision of essential services including storm water, sewerage disposal, pollution control, electricity and solid waste disposal;

3.9.3.6 traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management; and

3.9.3.7 details as to the project management ownership, mechanisms, control and monitoring through construction phases till project completion.

3.9.4 Notwithstanding the aforementioned, and where in the opinion of the Municipality it will be in the interest of the public to do so, it may require that any site development plan be submitted to it.
4 AMENITY AND APPEARANCE OF BUILDINGS

4.1 EXTERNAL APPEARANCE AND APPROVAL OF BUILDINGS

4.1.1 The character, design and external appearance of buildings, and boundary walls, including the material used in their construction, shall be subject to the approval of the Municipality, and no building may be erected without the approval of the Municipality.

4.1.2 When considering any application, the Municipality shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials it is proposed to use.

4.1.3 In considering any application, it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for the preservation of indigenous flora, the planting or replacement of trees and the protection of water-courses, by means of conditions of approval.

4.1.4 Any person intending to alter, extend or erect a building shall submit such drawings as are required by the Municipality together with whatever other indications the Municipality may require.

4.1.5 Where the amenity of the area is, in the opinion of the Municipality, negatively affected by the conditions of any garden, building, boundary fence or wall, or any development or activity on any land in the area, the Municipality may serve a notice to the owner(s) of the property, on which the injurious condition exists, in order to take such action as may be necessary to abate the injurious condition. The said notice may specify the measures to be taken to abate the injurious condition and shall specify a period within which such measures have to be undertaken.

4.1.6 Any applicant aggrieved by a decision of the Municipality shall have the right of appeal.

4.1.7 The approval by the Municipality of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be an approval in terms of any other provisions of the Scheme in course of preparation or of the Building Bylaws/Regulations, which approval shall first be applied for and obtained before any building work is commenced.

4.2 ADVERTISEMENTS

4.2.1 No signage or advertisements shall be displayed or hoardings erected without the written authority of the Municipality. Any person proposing to erect any sign, advertisement or hoarding shall submit drawings, of any such sign or advertisement or hoarding to the Municipality for approval.
4.2.2 No hoarding or advertisement shall be permitted which is likely to cause injury to the amenity of the neighbourhood.

4.2.3 Nameplates not exceeding 0.2 m² in extent are not considered to fall under this heading. This clause does not apply to casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings, provided they are not, in the opinion of the Municipality, unduly ostentatious, and do not interfere with pedestrian or vehicular access or visibility.

4.2.4 A plan indicating maximum, minimum and partial control areas for the entire jurisdiction of the Municipality is administered by the Signage Department. All outdoor advertising shall be in accordance with the South African Manual for Outdoor Advertising (SAMOA), the Municipality’s signage policy and associated plans.
5 PARKING

5.1 LOADING AND PARKING REQUIREMENTS

5.1.1 Any person intending to erect, alter or extend a building or develop or use any Erf or site, shall provide loading and parking accommodation within the boundaries of the site as set out in Table 1 below, and shall submit proposals therefore in accordance with the requirements of this Scheme and to the satisfaction of the Municipality.

5.1.2 In all cases there shall be provided adequate space for vehicular access and manoeuvring and where necessary, a loading and unloading area with suitable access to the satisfaction of the Municipality.

5.1.3 Except with the prior approval of the Municipality, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises.

5.1.4 For any use or development not specified above, loading and parking accommodation shall be provided to the satisfaction of the Municipality.

5.1.5 Parking and loading areas provided for in this Clause shall be properly constructed to the satisfaction of the Municipality;

5.1.6 Parking areas shall be used exclusively for the parking or standing of vehicles lawfully coming thereon, and the Municipality and the public shall have free access thereto.

5.1.7 Public transport facilities shall be provided at the discretion of the Municipality in addition to satisfying the parking requirement. In this regard, the Municipality may relax the parking bay requirement to a maximum of 25% upon consideration of the public transport facilities proposed.

**TABLE 1: PARKING REQUIREMENTS**

<table>
<thead>
<tr>
<th>LAND USE TYPE</th>
<th>MINIMUM PARKING SPACE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding houses</td>
<td>1 bay per bedroom to be let</td>
</tr>
<tr>
<td>Car Wash</td>
<td>• 4 bays for every work bay</td>
</tr>
<tr>
<td></td>
<td>• 2 bays of 100m² office area</td>
</tr>
<tr>
<td>Clinics, Hospitals and Medical Centres</td>
<td>• 1 bay per bed for use of the facility,</td>
</tr>
<tr>
<td></td>
<td>• 2 bays for every 100m² of office area and 6 bays for every 100 m² of consulting area</td>
</tr>
<tr>
<td>LAND USE TYPE</td>
<td>MINIMUM PARKING SPACE REQUIREMENTS</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Loading will be provided to the satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Colleges/Universities/Technikons</td>
<td>1 bay/4 students + 1 bay/ classroom and office plus drop off facility.</td>
</tr>
<tr>
<td></td>
<td>Loading will be provided to the satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Crèche</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Crematorium</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Dwelling House</td>
<td>1 bay for a dwelling house; and</td>
</tr>
<tr>
<td></td>
<td>1 parking bay for each ancillary unit where applicable.</td>
</tr>
<tr>
<td>Dwelling Unit</td>
<td>1 bay per unit</td>
</tr>
<tr>
<td>Fuelling and Service Station</td>
<td>1 bay (17m x 4.3m) tanker loading bay</td>
</tr>
<tr>
<td></td>
<td>Workshop area: 4 bays for every working bay</td>
</tr>
<tr>
<td></td>
<td>Sales: 2 bays for every 100m² of proposed floor area (min. 2 bays)</td>
</tr>
<tr>
<td></td>
<td>Convenience shop: 6 bays for every 100m² of proposed floor area (min. 6 bays) with a loading bay of bay (9m x 3m)</td>
</tr>
<tr>
<td></td>
<td>Fast food outlet: 10 bays for every 100 m² of public accessible areas and 1 bay (9m x 3m) for loading.</td>
</tr>
<tr>
<td></td>
<td>Car wash: (within a Fuelling and Service Station): 4 bays for every working bay.</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>2 bays/100m² of proposed floor area</td>
</tr>
<tr>
<td>Government / Municipal</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Industry</td>
<td>1 bay/100m² of proposed floor area.</td>
</tr>
<tr>
<td>Institution</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Mortuary</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Motor Garage</td>
<td>2 bays per work bay</td>
</tr>
<tr>
<td>LAND USE TYPE</td>
<td>MINIMUM PARKING SPACE REQUIREMENTS</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Motor Workshop</td>
<td>2 bays per work bay and 2 bays per 100m² of the proposed floor area for ancillary uses.</td>
</tr>
<tr>
<td>Nightclub / tavern</td>
<td>To satisfaction of the Municipality.</td>
</tr>
</tbody>
</table>
| Offices                           | • 5 bay/ 100 m² of proposed floor area  
• Loading to satisfaction of the Municipality. |
| Orphanage                         | 2 bays per 100m² of the proposed floor area |
| Other uses                        | Determined by Municipality           |
| Place of Entertainment            | To satisfaction of the Municipality. |
| Place of Public Worship           | • 1 bay/ 10 seats or;  
• 10 bays/ 100m² whichever is the greater. |
| Primary School                    | • 2 bays/class room or office plus on-site drop off facility to satisfaction of the Municipality. |
| Residential Buildings             | 1 bay per 2 units                   |
| Restaurants                       | 10 bays for every 100 m² of proposed floor area. |
| Secondary School                  | • 2 bays/class room or office plus on-site drop off facility to satisfaction of the Municipality. |
| Shopping malls (excluding any residential component) | • Neighbourhood (< 5 000 m²): 7 bays/ 100 m² of the proposed floor area.  
• Community (5 000 - 15 000 m²): 6 bays/ 100 m² of the proposed floor area.  
• Regional (> 15 000 m²): 5 bays/100 m² of the proposed floor area.  
• Loading will be provided to the satisfaction of the Municipality. |
| Shops (single)                    | • 6 bays for every 100 m² of proposed floor area. (min. 6 bays)  
• Plus suitable loading and unloading areas. |
<table>
<thead>
<tr>
<th>LAND USE TYPE</th>
<th>MINIMUM PARKING SPACE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Halls</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Sport and Recreation</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Special Building</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Scrap Yard</td>
<td>To satisfaction of the Municipality.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>• 1 bay/ 100 m² PFA + 2 bays/100m² office area when ancillary to industrial use</td>
</tr>
<tr>
<td></td>
<td>• Loading to satisfaction of the Municipality.</td>
</tr>
</tbody>
</table>
6 RESERVATION OF LAND

6.1.1 The areas of land shown on the Scheme Map and listed in the Reservation of Land, of this scheme, is reserved for the purposes indicated. They shall not be used for any purpose that would conflict with the use for which they have been reserved, save that any such land may continue to be used for the purpose for which it was used on the effective date. Any land that is reserved in favour of the Municipality is subject to the requirements of the applicable legislation.

6.1.2 Where reservations for purposes such as public open space, road, National, Provincial and Local Government, railway or essential services appear on an Erf, no person shall erect a building or execute any other work on the reserved land save with the Consent of the Municipality after approval by the Organ of State concerned; provided that any existing land use or existing building may continue until such time as the Municipality has acquired and transferred ownership of the land in terms of the provisions of the Local Authorities Ordinance or any other relevant legislation. In granting its Consent under this clause the Municipality shall only permit uses that are of a temporary nature and it shall specify the date on which the Special Consent shall expire.

6.1.3. The following reservation areas area applicable within the land use scheme:

<table>
<thead>
<tr>
<th>COLOUR NOTATION</th>
<th>USE FOR WHICH LAND IS RESERVED</th>
<th>ADDITIONAL CONTROLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dark Green with White Hatch</td>
<td>ENVIRONMENTAL CONSERVATION</td>
<td>SCHEME INTENTION: Publically owned land dedicated to the conservation and management of natural areas of land and/or water for the ecosystem services that the areas provide and the biodiversity, which they support.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Within an Environmental Conservation Reservation, unless with the prior written authorization from the Municipality in consultation with the Deputy Head: Environmental Planning and Climate Protection and within the principles encompassed within the Scheme intention of this Reservation -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>→ No earthworks, sand winning, mining, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and storm water infrastructure (including evapotranspiration areas for on-site sanitation),</td>
</tr>
</tbody>
</table>

Etthekwini South Scheme: Annexure_Nsimbini / Golokodo: Draft Land Use Scheme (Version 2) May 2018
<table>
<thead>
<tr>
<th>RESERVATION OF LAND</th>
</tr>
</thead>
<tbody>
<tr>
<td>roads, tracks, driveways, walking or cycling trails, or dams, shall be permitted;</td>
</tr>
<tr>
<td>→ No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed to with the Municipality, shall be permitted;</td>
</tr>
<tr>
<td>→ No harvesting, collecting, cutting, hunting or otherwise damaging of indigenous flora or fauna and soil and water resources, shall be permitted;</td>
</tr>
<tr>
<td>→ No vehicles, motorized or non-motorized, other than on established roads, driveways or tracks, shall be permitted;</td>
</tr>
<tr>
<td>→ No pets or other domestic animals shall be permitted;</td>
</tr>
<tr>
<td>→ No use of the land, which may be detrimental to the intention of the Reservation, shall be permitted.</td>
</tr>
</tbody>
</table>
7 LAND USE ZONES, LAND USES AND CONTROLS

7.1 Active Open Space

<table>
<thead>
<tr>
<th>ZONE: ACTIVE OPEN SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF INTENT: To provide, preserve, use land or buildings for provision of active and passive recreational areas and to promote sport and recreation, enhance aesthetical appearance and promote the maintenance of functional open space systems.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIMARY (1)</th>
<th>CONSENT USES (2)</th>
<th>PRECLUDED (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Private Open Space</td>
<td>• Base Telecommunications Transmission Station</td>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>• Public Open Space</td>
<td>• Municipal / Government</td>
<td></td>
</tr>
<tr>
<td>• River Reserve</td>
<td>• Special Building</td>
<td></td>
</tr>
<tr>
<td>• Sport &amp; Recreation (Sports Ground and buildings used in connection therewith).</td>
<td>• Uses ancillary to the main use, at the discretion of the municipality.</td>
<td></td>
</tr>
</tbody>
</table>

ADDITIONAL CONTROL

- Land use within the active open space zone may not be changed without the prior consent of the Department of Environmental Affairs or any other authorised authority.

DEVELOPMENT PARAMETERS

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>DWELLING UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE SIDE AND REAR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Additional controls will apply if there are no site boundaries.</td>
<td>• Additional controls will apply if there are no site boundaries.</td>
<td>N/A</td>
<td>To the satisfaction of the Municipality</td>
<td>2</td>
<td>15%</td>
</tr>
<tr>
<td>• 6m to a municipal road if site boundaries exist.</td>
<td>• 1.5m to a municipal road if site boundaries exist.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ethekwini South Scheme: Annexure_Nsimbini / Golokodo: Draft Land Use Scheme (Version 2) May 2018
7.2 Business 1

**ZONE: BUSINESS 1**

STATEMENT OF INTENT: This zone is intended to provide, preserve, use land or buildings for medium to high impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.

**MAP COLOUR REFERENCE**

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Car Wash</td>
<td>• Base Telecommunications Transmission Station.</td>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>• Crèche</td>
<td>• Commercial Workshop</td>
<td></td>
</tr>
<tr>
<td>• Dwelling Unit</td>
<td>• Funeral Parlour</td>
<td></td>
</tr>
<tr>
<td>• Fuelling and Service Station</td>
<td>• Municipal / Government</td>
<td></td>
</tr>
<tr>
<td>• Office</td>
<td>• Institution</td>
<td></td>
</tr>
<tr>
<td>• Parkade / parking area</td>
<td>• Mortuary</td>
<td></td>
</tr>
<tr>
<td>• Place of Entertainment</td>
<td>• Motor Workshop</td>
<td></td>
</tr>
<tr>
<td>• Place of Instruction</td>
<td>• Nightclub / Tavern</td>
<td></td>
</tr>
<tr>
<td>• Public Open Space</td>
<td>• Place of Public Worship</td>
<td></td>
</tr>
<tr>
<td>• Residential Building</td>
<td>• Residential Building</td>
<td></td>
</tr>
<tr>
<td>• Restaurant</td>
<td>• Scrap Yard</td>
<td></td>
</tr>
<tr>
<td>• Shop</td>
<td>• Social Hall</td>
<td></td>
</tr>
<tr>
<td>• Sport &amp; Recreation / Sports Ground</td>
<td>• Special Building</td>
<td></td>
</tr>
<tr>
<td>• Veterinary clinic</td>
<td>• Warehouse</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m

  • Adequate space about buildings for future installation of services

**DEVELOPMENT PARAMETERS**

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE</td>
<td>SIDE AND REAR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Additional controls will apply if there are no site boundaries.</td>
<td>N/A</td>
<td>To the satisfaction of the Municipality</td>
<td>3</td>
<td>75%</td>
<td>1</td>
</tr>
<tr>
<td>• Additional controls will apply if there are no site boundaries.</td>
<td>N/A</td>
<td>To the satisfaction of the Municipality</td>
<td>3</td>
<td>75%</td>
<td>1</td>
</tr>
<tr>
<td>• 6m to a municipal road if site boundaries exist.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 7.3 Business 2

#### ZONE: BUSINESS 2

**STATEMENT OF INTENT:** This zone is intended to provide, preserve, use land or buildings for low impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.

#### MAP COLOUR REFERENCE

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Car Wash</td>
<td>• Base Telecommunications Transmission Station.</td>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>• Crèche</td>
<td>• Funeral Parlour</td>
<td></td>
</tr>
<tr>
<td>• Dwelling Unit</td>
<td>• Municipal / Government</td>
<td></td>
</tr>
<tr>
<td>• Office</td>
<td>• Institution</td>
<td></td>
</tr>
<tr>
<td>• Parkade / parking area</td>
<td>• Place of Instruction</td>
<td></td>
</tr>
<tr>
<td>• Public Open Space</td>
<td>• Motor Workshop</td>
<td></td>
</tr>
<tr>
<td>• Restaurant</td>
<td>• Place of Public Worship</td>
<td></td>
</tr>
<tr>
<td>• Shop</td>
<td>• Place of Entertainment</td>
<td></td>
</tr>
<tr>
<td>• Sports Ground</td>
<td>• Residential Building</td>
<td></td>
</tr>
<tr>
<td>• Veterinary clinic</td>
<td>• Scrap Yard</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Social Hall</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Special Building</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m

- Adequate space about buildings for future installation of services

#### DEVELOPMENT PARAMETERS

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE</td>
<td>SIDE AND REAR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Additional controls will apply if there are no site boundaries.</td>
<td>N/A</td>
<td>To the satisfaction of the Municipality</td>
<td>3</td>
<td>60%</td>
<td>1</td>
</tr>
</tbody>
</table>
## 7.4 Conservation

### ZONE: CONSERVATION

**STATEMENT OF INTENT:** A Conservation Zone is land (other than publicly owned land) dedicated to the conservation and management of natural areas of land and/or water for the ecosystem services that the areas provide, biodiversity that they support, and/or their landscape, historic or scientific interest values.

**MAP COLOUR REFERENCE:** Pale Green (R 144; G 238, B 144)

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Conservation Area</td>
<td>• Nature-Based Recreation and Tourism</td>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
</tbody>
</table>

### ADDITIONAL CONTROL

**GENERAL:**

- Parking to be provided on the adjacent Zone in terms of Section 5.
- Within a Conservation Zone, unless with the prior written approval from the Municipality after consultation with the Deputy Head: Environmental Planning and Climate Protection and within the principles encompassed within the Scheme Intention for this Zone:
  - No earthworks, development, sand winning, mining or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and storm water infrastructure (including evapo-transpiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams shall be permitted.
  - No landscaping or planting of any vegetation shall be permitted, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality.
  - No harvesting, collecting, cutting, hunting or otherwise damaging of indigenous flora or fauna and soil and water resources, shall be permitted, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality.
  - No vehicles, motorised or non-motorised, other than on established roads, driveways or tracks, shall be permitted.
  - No domestic animals shall be permitted where these are judged by the Deputy Head: Environmental Planning and Climate Protection to be having a significant environmental impact, e.g., but not limited to, they are causing harm to ecosystems through hunting, selective grazing or overgrazing or by causing soil erosion.
- Within a zone which flanks a Conservation Zone that forms part of the same parent erf, the area of the Conservation Zone portion may, by Special Consent, be taken into account in calculating the total potential permitted in terms of floor area, coverage, height, and density, on that portion zoned for developmental use and not for conservation purposes, provided that:
  - this does not, in the opinion of the Municipality, impact significantly on the environmental attributes the Conservation Zone aims to protect, compromise the overall development or interfere with the amenities of the area, existing or as contemplated by the Scheme; and
  - a 25-metre non-building buffer to the Conservation Zone portion shall be observed where such clustering occurs,

provided further that the requirements of exclusions from developable area, such as land which is:

- overstep;
- geo-technically unstable;
- subject to flooding;
- inaccessible;
- affected by servitudes;

or any other exclusions as determined by the Municipality, shall, other than with respect to environmentally sensitive areas, apply in determining the theoretical potential over the entire site.

- The Municipality may, at its sole discretion and in consultation with the Deputy head: Environmental Planning and Climate Protection, exempt an applicant from applying for the Special Consent where:
  - a 25-metre non-building buffer requirement is sought to be relaxed or dispensed with; or
→ the transference of floor area, coverage and height, and where the unit potential where the flanking zone is residential in nature, from a conservation zoned portion to the other zoned portion of an erf is sought; or
→ a smaller erf size than the designated zone minimum erf size is sought in the non-conservation portion and may be permitted under certain circumstances pertaining to that zone, provided that the prior written consent of the registered owners of each adjoining and opposite properties to the site and such other properties as the Municipality, in consultation with the Deputy Head: Environmental Planning and Climate Protection, may direct, has first been obtained.

The uses related to Nature-Based Recreation and Tourism shall be at the discretion of the Municipality in consultation with the Deputy Head: Environmental Planning and Climate Protection provided that such uses shall honour the intent of this Zone; provided further that they may include hides, viewing platforms and media centres used to enlighten the public of the attributes and benefits of the Conservation Zone.

<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPACE ABOUT BUILDINGS</td>
</tr>
<tr>
<td>BUILDING LINE</td>
</tr>
<tr>
<td>At the discretion of the Municipality</td>
</tr>
</tbody>
</table>
7.5 Education

### ZONE: EDUCATION

**STATEMENT OF INTENT:** To provide, preserve and use land and buildings for a full range of educational facilities, either public or private, including pre-primary, primary, secondary and tertiary education, training facilities as well as the uses ancillary thereto in line with the relevant government legislation, such as accommodation of students, educators and other staff of the educational establishment.

### MAP COLOUR REFERENCE

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Crèche</td>
<td>• Base Telecommunications Transmission Station</td>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>• Dwelling House*</td>
<td>• Boarding House</td>
<td></td>
</tr>
<tr>
<td>• Place of Instruction</td>
<td>• Institution</td>
<td></td>
</tr>
<tr>
<td>• Place of Public Assembly</td>
<td>• Municipal / Government</td>
<td></td>
</tr>
<tr>
<td>• Private Open Space</td>
<td>• Residential Building</td>
<td></td>
</tr>
<tr>
<td>• Public Open Space</td>
<td>• Restaurant</td>
<td></td>
</tr>
</tbody>
</table>

### ADDITIONAL CONTROL

- *A Dwelling House may be permitted to accommodate a manager, caretaker or security personnel.
- Residential building shall be limited to student and/or staff accommodation.
- Minimum standards for schools and higher education institutions as determined by the relevant government departments shall apply.
- Minimum site size for a crèche facility shall be 400m².
- Minimum erf area is to be the satisfaction of the municipality and the relevant Provincial Departments.
- On-site accommodation for motor vehicles to be provided on the erf for staff and visitors to the satisfaction of the Municipality.
- Subject to the provision of a site layout plan, which shall be approved by the municipality prior to development or expansion occurring.
- Restaurant must be directly related to the needs of the education facility and subject to prevailing liquor licensing legislation.
- *Height, coverage and FAR are not applicable to a Place of Instruction, as the coverage and the FAR is dependent on the minimum erf size and must be to the satisfaction of the Municipality.
- Minimum erf size for primary and secondary schools shall be as per the Department of Education Space Planning Norms and Standards for Public Schools.
- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 15m
- Adequate space about buildings for future installation of services.

### DEVELOPMENT PARAMETERS

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE</td>
<td>SIDE AND REAR</td>
<td>N/A</td>
<td>Refer to additional controls</td>
<td>3</td>
<td>60%</td>
</tr>
</tbody>
</table>

- Additional controls will apply if there are no site boundaries.
- 6m to a municipal road if
| site boundaries exist. | boundaries exist. | | | |
7.6 Fuelling and Service Station

<table>
<thead>
<tr>
<th>ZONE: FUELLING AND SERVICE STATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF INTENT: To provide, preserve, use land or buildings for a Fuelling and Service Station which shall be sited and designed so as to satisfy the Municipality that traffic entering and leaving the Erf will not adversely affect movement of pedestrians or vehicles on any public road or place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAP COLOUR REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY</td>
</tr>
<tr>
<td>• Car Wash</td>
</tr>
<tr>
<td>• Fuelling and Service Station</td>
</tr>
<tr>
<td>• Motor Workshop</td>
</tr>
<tr>
<td>• Public Open Space</td>
</tr>
<tr>
<td>CONSENT USES</td>
</tr>
<tr>
<td>• Base Telecommunications Transmission Station</td>
</tr>
<tr>
<td>• Motor Dealer</td>
</tr>
<tr>
<td>• Motor Garage</td>
</tr>
<tr>
<td>• Private Open Space</td>
</tr>
<tr>
<td>• Restaurant / Fast Food Outlet*</td>
</tr>
<tr>
<td>• Shop*</td>
</tr>
<tr>
<td>• Special Building</td>
</tr>
<tr>
<td>PRECLUDED</td>
</tr>
<tr>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

*Shop limited to a Convenience Shop and / or *Restaurant/ Fast-food outlet, which is permitted when ancillary to a Fuelling and Service Station and not to exceed a combined Floor Area of 200m².

The Municipality shall satisfy itself that adequate service arrangements can be made for this zone, especially with regard to disposal of sewerage, industrial waste and surface runoff.

A service station shall be so sited and designed that traffic entering and leaving the erf will not adversely affect movement of pedestrians or vehicles on a heavily trafficked public street or place.

For safety reasons all buildings should be set back from roads:

→ Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
→ Un-surveyed Main Roads: 30m measured from the centre line of the road.
→ Un-surveyed District Roads: 25m measured from the centre line of the road.
→ Un-surveyed Municipal Roads: 6m

Adequate space about buildings for future installation of services

**DEVELOPMENT PARAMETERS**

**SPACE ABOUT BUILDINGS**

<table>
<thead>
<tr>
<th>BUILDING LINE</th>
<th>SIDE AND REAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Additional controls will apply if there are no site boundaries.</td>
<td></td>
</tr>
<tr>
<td>• 6m to a municipal road if site boundaries exist.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>1800m²</td>
<td>2</td>
<td>60%</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Shop limited to a Convenience Shop and / or *Restaurant/ Fast-food outlet, which is permitted when ancillary to a Fuelling and Service Station and not to exceed a combined Floor Area of 200m².
7.7 Industry

<table>
<thead>
<tr>
<th>ZONE: INDUSTRY</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF INTENT: To provide, preserve, use land or buildings for low impact industrial activities and services that are not detrimental to the amenity of the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Wash</td>
<td>Base Telecommunications Transmission Station.</td>
</tr>
<tr>
<td>Dwelling Unit*</td>
<td>Cemetery</td>
</tr>
<tr>
<td>Fuelling and Service Station</td>
<td>Funeral Parlour</td>
</tr>
<tr>
<td>Industry - Service</td>
<td>Motor Garage</td>
</tr>
<tr>
<td>Industry - Light</td>
<td>Mortuary</td>
</tr>
<tr>
<td>Motor Workshop</td>
<td>Municipal / Government</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>Nightclub / Tavern</td>
</tr>
<tr>
<td>Public Open Space</td>
<td>Parkade</td>
</tr>
<tr>
<td>Scrap Yard</td>
<td>Place of Entertainment</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Place of Instruction</td>
</tr>
<tr>
<td></td>
<td>Place of Public Worship</td>
</tr>
<tr>
<td></td>
<td>Restaurant</td>
</tr>
<tr>
<td></td>
<td>Special Building</td>
</tr>
<tr>
<td></td>
<td>Sport &amp; Recreation</td>
</tr>
<tr>
<td></td>
<td>Veterinary clinic</td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

* A Dwelling House may be permitted to accommodate a manager, caretaker or security personnel.

For safety reasons all buildings should be set back from roads:

- Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
- Un-surveyed Main Roads: 30m measured from the centre line of the road.
- Un-surveyed District Roads: 25m measured from the centre line of the road.
- Un-surveyed Municipal Roads: 6m

Adequate space about buildings for future installation of services

<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPACE ABOUT BUILDINGS</td>
</tr>
<tr>
<td>BUILDING LINE</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>BUILDING LINE</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

- Additional controls will apply if there are no site boundaries.
- 6m to a municipal road if site boundaries exist.
- Additional controls will apply if there are no site boundaries.
- 1.5m to a municipal road if site boundaries exist.
- N/A
- To the satisfaction of the Municipality
- 3
- 75%
7.8 Institution

**ZONE: INSTITUTION**

**STATEMENT OF INTENT:** To provide, preserve, use land or buildings for Institutions such as hospitals, nursing homes, sanatorium, clinic, convalescent home, orphanage, retirement centre, or other buildings used as a public or private institution except those included in restricted building.

**MAP COLOUR REFERENCE**

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinic</td>
<td>Base Telecommunications Transmission Station.</td>
<td>Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>Crèche</td>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Dwelling House</td>
<td>Crematorium</td>
<td></td>
</tr>
<tr>
<td>Institution</td>
<td>Mortuary</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Municipal / Government</td>
<td></td>
</tr>
<tr>
<td>Place of Instruction</td>
<td>Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>Private Open Space</td>
<td>Place of Public Worship</td>
<td></td>
</tr>
<tr>
<td>Public Open Space</td>
<td>Residential Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restricted Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Special Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building and land uses not included in columns 1 and 2.</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m
- Adequate space about buildings for future installation of services

**DEVELOPMENT PARAMETERS**

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE SIDE AND REAR</td>
</tr>
<tr>
<td>Additional controls will apply if there are no site boundaries. 6m to a municipal road if site boundaries exist.</td>
</tr>
</tbody>
</table>
7.9 Municipal and Government

**ZONE: MUNICIPAL AND GOVERNMENT**

**STATEMENT OF INTENT:**
To provide, preserve, use land or buildings for National, Provincial and Municipal administration and general government services. Including land uses relating to public services, i.e. Police Services, Correctional Facilities, and Fire Protection, together with specialized uses that is not amicable within any residential environment.

**MAP COLOUR REFERENCE**

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery</td>
<td>Base Telecommunications Transmission Station.</td>
<td>Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>Clinic</td>
<td>Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>Crèche</td>
<td>Place of Public Worship</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td>Place of Public Entertainment</td>
<td></td>
</tr>
<tr>
<td>Dwelling House*</td>
<td>Social Hall</td>
<td></td>
</tr>
<tr>
<td>Institution</td>
<td>Residential Building</td>
<td></td>
</tr>
<tr>
<td>Landfill / waste disposal site*</td>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Mortuary</td>
<td>Restricted Building</td>
<td></td>
</tr>
<tr>
<td>Motor Workshop</td>
<td>Special Building</td>
<td></td>
</tr>
<tr>
<td>Municipal / Government</td>
<td>Veterinary Clinic</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Transport Centre</td>
<td></td>
</tr>
<tr>
<td>Parkade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place of Instruction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sports and Recreation (Sports Ground)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

- *A Dwelling House may be permitted to accommodate a manager, foreman, caretaker or security personnel.
- *A Landfill site is subject to an environmental Authorisation being obtained from the
- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m
- Adequate space about buildings for future installation of services

**DEVELOPMENT PARAMETERS**

<table>
<thead>
<tr>
<th>BUILDING LINE</th>
<th>SIDE AND REAR</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional controls will apply if there are no site boundaries. 6m to a municipal road if site boundaries exist.</td>
<td>N/A</td>
<td>To the satisfaction of the Municipality</td>
<td>6</td>
<td>80%</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
7.10 Passive Open Space

**ZONE: PASSIVE OPEN SPACE**

**STATEMENT OF INTENT:** To provide, preserve, use land or buildings as active and passive recreational areas and to promote recreation, enhance aesthetical appearance and promote the maintenance of functional open space systems.

**MAP COLOUR REFERENCE**

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Conservation Reserve</td>
<td>• Base Telecommunications Transmission Station</td>
<td>• Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>• Nature Reserve</td>
<td>• Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>• River Reserve</td>
<td>• Special Building</td>
<td></td>
</tr>
<tr>
<td>• Controlled Area</td>
<td>• Sports and Recreation (Sports Ground)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Building and land uses not included in columns 1 and 2.</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

- Administration of passive open space is also subject to the relevant environmental management legislation.
- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m
- Adequate space about buildings for future installation of services

**DEVELOPMENT PARAMETERS**

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>BUILDING LINE</th>
<th>SIDE AND REAR</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
7.11 Residential

<table>
<thead>
<tr>
<th>ZONE: RESIDENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF INTENT: To provide, preserve, use land or buildings for residential purposes and ancillary uses. Protection of the quality and character of residential environment and the well-being of its residents under the management of a Traditional Council and the Ingonyama Trust Board. Business that comply with residential amenity such as a Bed and Breakfast Establishment, and Home Business at the discretion of the Municipality.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancillary Unit*&lt;br&gt;Boarding House**&lt;br&gt;Dwelling House&lt;br&gt;Dwelling Unit&lt;br&gt;Public Open Space&lt;br&gt;Residential Building</td>
<td>Base Telecommunication Transmission Station&lt;br&gt;Crèche&lt;br&gt;Institution&lt;br&gt;Place of Instruction&lt;br&gt;Place of Public Worship&lt;br&gt;Social Hall&lt;br&gt;Special Building</td>
<td>Building and land uses not included in columns 1 and 2.</td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROL**

- *A maximum of 5 Ancillary Units will be allowed as a free entry use (primary use). Consent will be required from the Traditional Council and the surrounding neighbours for more than 5 Ancillary Units, but will be limited to 10 units.
- **A boarding house accommodating more than five people will require consent from the Traditional Council and the surrounding neighbours.
- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m
- Adequate space about buildings for future installation of services

**DEVELOPMENT PARAMETERS**

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>DELLING UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE</td>
<td>SIDE AND REAR</td>
<td>≥20 du per hectare</td>
<td>500m²</td>
<td>2</td>
<td>60%</td>
</tr>
<tr>
<td>Additional controls will apply if there are no site boundaries.</td>
<td>6m to a municipal road if site boundaries exist.</td>
<td></td>
<td></td>
<td></td>
<td>To the satisfaction of the Municipality</td>
</tr>
</tbody>
</table>
7.12 Roads

<table>
<thead>
<tr>
<th>ZONE: ROADS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STATEMENT OF INTENT:</strong> This zone makes provision for the protection of existing and proposed roads and road reserves as a means to enable an unhindered movement of vehicular and pedestrian traffic. Proposed roads indicate approximate positions or reservations of land for proposed future roads and road widening.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAP COLOUR REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRIMARY CONSENT USES</strong></td>
</tr>
<tr>
<td>Existing Road</td>
</tr>
<tr>
<td>Future roads</td>
</tr>
<tr>
<td>Road reserves</td>
</tr>
<tr>
<td>Road Closure</td>
</tr>
<tr>
<td><strong>PRECLUDED</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Building and land uses not included in columns 1 and 2.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL CONTROL</th>
</tr>
</thead>
<tbody>
<tr>
<td>• National roads are subject to the rules and regulations of SANRAL.</td>
</tr>
<tr>
<td>• Provincial roads are subject to the rules and regulations of the Department of Transport. Local access roads and streets are subject to the rules and regulations of the Municipality.</td>
</tr>
<tr>
<td>• For safety reasons all buildings should be set back from roads:</td>
</tr>
<tr>
<td>→ Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.</td>
</tr>
<tr>
<td>→ Un-surveyed Main Roads: 30m measured from the centre line of the road.</td>
</tr>
<tr>
<td>→ Un-surveyed District Roads: 25m measured from the centre line of the road.</td>
</tr>
<tr>
<td>→ Un-surveyed Municipal Roads: 6m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SPACE ABOUT BUILDINGS</strong></td>
</tr>
<tr>
<td>BUILDING LINE</td>
</tr>
<tr>
<td>SIDE AND REAR</td>
</tr>
<tr>
<td>UNITS PER HECTARE</td>
</tr>
<tr>
<td>MINIMUM ERF SIZE</td>
</tr>
<tr>
<td>HEIGHT IN STOREYS</td>
</tr>
<tr>
<td>COVERAGE</td>
</tr>
<tr>
<td>FLOOR AREA RATIO</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

**Ethekwini South Scheme: Annexure_Nsimbini / Golokodo: Draft Land Use Scheme (Version 2)**

May 2018
### 7.13 Services and Utilities

#### ZONE: SERVICES AND UTILITIES

**STATEMENT OF INTENT:** This zone makes provision for sites and corridors reserved for the Municipality and other service delivery agents to supply services throughout the municipality. It includes waterworks, sewerage treatment works and associated infrastructure necessary for the Municipality to deliver clean potable water and manage disposal of sewage.

#### MAP COLOUR REFERENCE

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
</table>
| • Post boxes  
• Power station / sub station  
• Sewerage works  
• Reservoir  
• Water works and reservoirs  
• Electricity substations  
• Base Telecommunications Transmission Station | • None | • Building and land uses not included in columns 1 and 2. |

#### ADDITIONAL CONTROL

**DEVELOPMENT PARAMETERS**

<table>
<thead>
<tr>
<th>BUILDING LINE</th>
<th>SIDE AND REAR</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM Erf SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
</table>
| • Additional controls will apply if there are no site boundaries. 
• 6m to a municipal road if site boundaries exist. | • Additional controls will apply if there are no site boundaries. 
• 1.5m to a municipal road if site boundaries exist. | N/A | N/A | N/A | N/A | N/A |
7.14 Transport

<table>
<thead>
<tr>
<th>ZONE: TRANSPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF INTENT: This zone provides for the use of land or buildings for the operation of a service, which involves the transportation of goods or passengers by rail, air or road and other uses ancillary thereto.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAP COLOUR REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY</td>
</tr>
<tr>
<td><img src="image" alt="List of primary uses" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL CONTROL</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Office use is permitted in this zone when ancillary, for administration purposes, to a Transport Zone.</td>
</tr>
</tbody>
</table>

| For safety reasons all buildings should be set back from roads: |
| ![List of setback distances](image) |

<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPACE ABOUT BUILDINGS</td>
</tr>
<tr>
<td>BUILDING LINE</td>
</tr>
<tr>
<td><img src="image" alt="List of development parameters" /></td>
</tr>
</tbody>
</table>
7.15 Worship

### ZONE: WORSHIP

**STATEMENT OF INTENT:** To provide, preserve, use land or buildings for a church, mosque, temple, chapel or other place for practicing a faith or religion and ancillary uses ordinarily associated there to.

### MAP COLOUR REFERENCE

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>CONSENT USES</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Dwelling House</td>
<td>Cemetery</td>
<td>Building and land uses not included in columns 1 and 2.</td>
</tr>
<tr>
<td>Place of Public of Worship</td>
<td>Crematorium</td>
<td></td>
</tr>
<tr>
<td>Public Open Space</td>
<td>Crèche</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Place of Instruction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Funeral Parlour</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Institution</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Special Building</td>
<td></td>
</tr>
</tbody>
</table>

### ADDITIONAL CONTROL

- *Residential accommodation that is considered ancillary to the worship purpose may be permitted at the discretion of the Municipality and the Traditional Council.
- For safety reasons all buildings should be set back from roads:
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - Un-surveyed Municipal Roads: 6m
- Adequate space about buildings for future installation of services

### DEVELOPMENT PARAMETERS

<table>
<thead>
<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>UNITS PER HECTARE</th>
<th>MINIMUM Erf SIZE</th>
<th>HEIGHT IN STOREYS</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Line Side and Rear</td>
<td>N/A</td>
<td>To the satisfaction of the Municipality</td>
<td>2</td>
<td>50%</td>
<td>N/A</td>
</tr>
<tr>
<td>Additional controls will apply if there are no site boundaries.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6m to a municipal road if site boundaries exist.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8 DEVELOPMENT STANDARDS AND CONDITIONS

8.1 FUELLING AND SERVICE STATION

8.1.1 The layout of a Fuelling and Service Station including the siting of pumps, buildings and vehicular access or egress shall be to the satisfaction of the Municipality.

8.1.2 A Fuelling and Service Station having direct vehicular access to a major arterial road proposed arterial road shall not be permitted, unless approved in specific terms by the Municipality.

8.1.3 The following pre-requisites and conditions shall be observed whenever it is proposed to erect a new, or extend an existing Fuelling and Service Station:-

8.1.3.1 No vehicular entrance and exit to a Fuelling and Service Station shall be within 150 metres of a freeway interchange, 60 metres from an intersection with a road in the opinion of the Municipality is a major road or 20 metres from an intersection from any other road, unless approved in specific terms by the Municipality.

8.1.3.2 The frontage of a Fuelling and Service Station Erf shall not be less than 36 metres in length, unless approved in specific terms by the Municipality.

8.1.3.3 Dwarf walls or permanent structures to the satisfaction of the Municipality shall be erected on the street frontage of the Erf to confine the movement of vehicles into or out of the Fuelling and Service Station to authorised access and egress points.

8.1.3.4 No Fuelling and Service Station shall be established upon an Erf unless, in the opinion of the Municipality, it has adequate depth to enable all activities to be carried on clear of the street or road. Filler points for underground tanks shall be positioned to make it possible for tanker vehicles to stand wholly within the curtilage of the Erf when re-charging the tanks and for such vehicles to enter or leave the Erf in a forward direction.

8.1.3.5 No pump island shall be less than 5 metres from any boundary of the Erf and all traffic routes within the forecourt shall have a minimum width of 5 metres.

8.1.3.6 Any Fuelling and Service Station shall be sited and designed to satisfy the Municipality that traffic entering and leaving the Erf will not adversely affect movement of pedestrians or vehicles on any public road or place.

8.1.3.7 Parking accommodation for motor vehicles to be provided on the erf in accordance with the provision of this scheme.
8.2 POLICY FOR CONTROL OF TRAFFIC GENERATING SITES

8.2.1 The term "road" shall mean for the purpose of this policy, a way intended, prepared, or used for foot-passengers, riders and vehicles to travel on, inclusive of the full extent of its width notwithstanding that only a portion thereof may be in actual use for traffic purposes, and shall include a street. It shall not include an alley, land or passage used solely by foot-passengers.

8.2.2 The term "traffic generator" or "traffic-generating site" shall mean a site, business or activity whereon, or by reason whereof, a larger number of motor vehicles are required to leave or enter a public street or roadway, and shall include, but not be confined to, sites whereon petrol filling stations, parking garages, parking erven, churches, sports stadia, blocks of flats or shopping centres are established.

8.2.3 No vehicular entrance to, or exit from, a traffic generator should be permitted in the immediate vicinity of a road intersection, junction or interchange. In the case of an intersection or junction at grade, under rural conditions the distance from such entrance or exit to any intersection as defined in section 1 of the Road Traffic Ordinance No. 21 of 1966, measured parallel to the direction of travel along the road to which entrance or from which exit is afforded should not be less than 150 metres. Under urban conditions (as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940) this distance may be reduced, in which case minor street or 60 metres from an intersection with a major street. No such entrance or exit should be permitted within a distance of 150 metres from the limits of an interchange, which limits should be determined by the road authority. Any unavoidable reduction of these minimum distances should be regarded as justified only be exceptional circumstances, and as requiring safeguards such as the imposition and enforcement of special speed limits, acceleration and deceleration lanes or other traffic controls.

8.2.4 Direct vehicular or pedestrian entrance to or exit from a traffic generator, from or to important Provincial main roads should not be permitted, nor should such entrance or exit be permitted from or to freeways, expressways or heavily-trafficked through arterial main roads in urban areas.

8.2.5 No commercial premises with direct access to a flanking service road should be permitted unless direct pedestrian access from the main carriageway to such service road has been rendered impracticable.

8.2.6 No traffic generator should be permitted upon any site which, by reason of its proximity to and situation in relation to schools, churches, cinemas, bus depots, railway stations, major recreation grounds, beaches or other similar places which generate heavy pedestrian movements at certain times, is likely to create conflict between the vehicular traffic and the pedestrian traffic.
8.2.7 In considering applications for the establishment of petrol filling stations the need within the area of such stations, having regard to the location of other existing stations and the existing and/or contemplated development of the area should be taken into account. Any argument, based on the solo-site system, that all brands of petrol should be available within any particular area should not be taken into account.

8.2.8 The following standards should be adopted in considering the establishment of traffic generators:

8.2.8.1 Where separate entrance and exit are provided they should be placed at or near either end of a frontage or not less than 36 metres. The site should be of sufficient depth for the whole activity to be carried on clear of the street, and should in no case be less than 15 metres in depth. It should be in such area and so laid out that a waiting area is provided near the entrance large enough to accommodate vehicles awaiting service so that these do not queue in the public road.

8.2.8.2 The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height of eye being 1.37 metres, to an object 1.37 metres high.

8.2.8.3 No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.

8.2.8.4 Outside an urban area, buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.

8.2.8.5 Pump islands in petrol filling stations should not be less than 5 metres from the property boundary.

8.3 ENVIRONMENTAL CONTROLS

8.3.1 Environmental Requirements Applicable to all Land Use Zones:

8.3.1.1 Except as provided in 2 and 3 below, no development shall be permitted in environmentally sensitive areas including, but not limited to, flood plains, watercourses and wetlands, except within land set aside for Utilities and Services and Existing and Future Roads.

8.3.1.2 Notwithstanding the wetlands identified in terms of this Scheme, the following provisions shall apply:

(a) Any developments within or adjacent to wetlands and watercourses, either identified or not identified in terms of this Scheme shall be subject to any environmental authorisation and/or water use licence processes in terms of applicable legislation.
(b) No building or infrastructure shall be erected on any portion of land, which in the opinion of the Municipality is in a wetland or watercourse area as defined in this Scheme, unless Environmental Authorisation has been issued for these activities.

8.3.1.3 Where an erf may have a wetland, the Municipality may require the owner / applicant to appoint an independent wetland specialist to delineate the extent of the wetland using soil hydromorphic characteristics and establish appropriate buffers, and to indicate the delineation and buffers on the site plan or building plan.

8.3.1.4 In considering any application for development of land situated within a scheme area it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for protection of environmentally sensitive areas, by means of conditions qualifying approval of such development. Where possible, areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.

8.3.1.5 No activity listed in terms of the National Environmental Management Act (Act No. 107 of 1998 as amended) and the current Environmental Impact Assessment Regulations may take place without an environmental authorisation. This includes all areas designated as sensitive in the aforementioned legislation.

8.3.1.6 Environmental authorisation shall be obtained from the relevant authority prior to the submission of any application for development to the Municipality.

8.3.1.7 The Municipality shall at its discretion, include all conditions or part thereof contained in the Environmental Authorisation in its conditions of approval issued in terms of relevant Municipal Bylaws.
8.4 BASE TELECOMMUNICATIONS TRANSMISSION STATION (CELLULAR MASTS)

8.4.1 Statements of Intent

8.4.1.1 The Municipality, in considering proposals for the location of Cellular mast, shall be mindful of the need for the development of an effective and efficient communications system within the Municipal area. In this regard, the Municipality shall give fair consideration to the requirements of the Service providers to develop an effective and efficient communications system and to the protection of the community in which such installations are to occur.

8.4.1.2 The installation of Cellular mast shall be undertaken in such a manner that their impact upon the environment is minimized. The Cellular mast shall be as unobtrusive as possible thorough the choice of materials, colour, depth of silhouette and design which shall complement the aesthetics of the surrounding built and natural environment thereby minimizing the impact upon the environment.

8.4.1.3 In considering the appropriate location of a Cellular mast, the applicant should be conscious of sites of historic, cultural and architectural importance. Cognisance must be taken of the impacts installations may have upon open spaces, coastal regions and prominent ridges.

8.4.2 Locational Provisions

8.4.2.1 Due consideration must be given to the impact of Cellular mast on other developments and natural features, whether existing or contemplated by the Scheme and their location in relation to view corridors.

8.4.2.2 In the selection of a site for Cellular mast, consideration shall be given to the locational context of the proposed installation in respect of aesthetic suitability and environmental intrusion.

8.4.2.3 Antennae shall be installed on existing structures or existing masts.

8.4.2.4 The principle of multiple use of telecommunications masts by network providers, shall applied provided that a motivation for exemption from sharing may only be considered on the following basis:

a) that no existing Cellular mast or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant’s requirements;

b) that the existing Cellular mast is not of sufficient height or structural strength to meet the applicant’s engineering requirements;
c) that consideration shall be given to alternative sites where the cumulative RF emissions would exceed the maximum levels permitted should additional transceivers be attached to a mast or where the RF exclusion zone cannot be achieved;

d) that there will be electromagnetic interference resulting from more than one antenna positioned on a single telecommunications mast.

8.4.2.5 Permission to share an existing Cellular mast shall not be unreasonably withheld by the owner of that Cellular mast.

8.4.2.6 Every applicant seeking to locate a new Cellular mast or modify such Cellular mast, shall provide the Municipality with an inventory of the existing Cellular mast inclusive of the sites for which authority is being sought, within a 1 000 metre radius of the Erf on which it is intended to erect a Cellular mast.

8.4.2.7 When a cellular mast requires replacement, it shall be replaced with a mast designed to accommodate multiple carriers.

8.4.2.8 No Cellular mast shall be erected on an Erf, which in the opinion of Municipality, has been identified as containing a building or structure of architectural, cultural, historic, or artistic importance, nor in an area set aside for conservation purposes, whether natural, physical or social, provided that the Municipality may, by Consent, relax this provision if it can be shown that the erection of a Cellular mast, shall not detract from the architectural, cultural, historic, artistic, natural, physical or social value of the site.

8.4.2.9 Where possible, the equipment room forming part of the Cellular mast shall be sited to the rear of an Erf.

8.4.3 Visual Attributes

8.4.3.1 Visual amenity and visual aspects relating to the Cellular mast shall be at the discretion of the Municipality.

8.4.3.2 Consideration shall be given to the context of the Erf in relation to its surrounding environment when determining the height of the mast and selecting the type of camouflage appropriate to the area.

8.4.3.3 A rooftop antenna shall not protrude more than 6.00 metres above the highest point of the building or structure onto which it is erected, provided that the Municipality may, by Consent, relax this requirement. For the purposes of this sub-clause, lift motor rooms, air-conditioning plant and equipment rooms above the uppermost slab or roof of the building, shall be regarded as being the highest point of the building.
8.4.3.4 All forms of visible lighting on telecommunications masts shall be reduced to the minimum requirements for security as laid down by the South African Civil Aviation Authority with due regard for adjacent land uses.

8.4.3.5 No advertising shall be permitted on telecommunications masts, provided that where an antenna is to be installed on existing or proposed advertising structures, such advertising shall be to the satisfaction of the Municipality.

8.4.3.6 The equipment room shall be screened in such a manner that it shall be inconspicuous from public view by using landscaping or materials and colours consistent with the surrounding environment. All screening shall in any event be to the satisfaction of the Municipality.

8.5 Safety

8.5.1.1 The cellular network provider or network providers shall at all times comply with the requirements of the Department of National Health and the International Commission on Non-Ionizing Radiation Protection with respect to safety standards.

8.5.1.2 The application for the installation of a Base Telecommunications Transmission Station shall be accompanied by a notice of appointment of a certified engineer approved by the Municipality.

8.5.1.3 Reasonable measures shall be taken to restrict access to rooftop installations, other than for maintenance purposes.

8.5.1.4 Every cellular network provider shall, on an annual basis, submit a report in which the applicant demonstrates that, where authority has been granted by the Municipality, there is full compliance with the standards as determined by the International Commission on Non-Ionizing Radiation Protection.

8.5.1.5 All telecommunications masts shall comply with the standards as laid down by the South African Civil Aviation Authority.

8.5.1.6 Access to the Base Telecommunications Transmission Station installation shall be controlled to the satisfaction of the Municipality.

8.5.2 Environmental Issues

8.5.2.1 Applications for Cellular mast within sensitive areas, as determined by the National Environmental Management Act No. 107 of 1998 and the Environmental Conservation Act No. 73 of 1989, as amended from time to time, are required to follow the procedure as laid down in the Environmental Impact Assessment Regulations.
8.5.2.2 Where necessary, an Environmental Management Plan providing guidelines relative to Erf preparation, the construction phase and maintenance of the Cellular mast, inclusive of mitigating impacts on all facets of the environment, including the biophysical and social environment shall be submit as part of the application to erect a Cellular mast.

8.5.2.3 The applicant shall ensure that the Erf and areas around the Erf disturbed by construction are rehabilitated appropriately and to the satisfaction of the Municipality.

8.5.2.4 The cellular network provider or network providers shall decommission and remove a Cellular mast’ should:

(a) the Cellular mast constitute a danger to persons or property as determined by the Municipality;
(b) the Cellular mast becomes redundant in the event of changing technology;
(c) the Cellular mast is not operated for a period exceeding 18 months; and
(d) any other similar circumstances rendering the Cellular mast redundant.

8.5.2.5 The site shall be restored to its original condition and to the satisfaction of the Municipality.

8.5.2.6 Where there are two or more cellular network providers using a single mast, this provision shall not become effective until all cellular providers cease using the mast.

8.5.2.7 The site and Cellular mast shall be maintained to the satisfaction of the Municipality.

8.5.3 Planning Approval Procedure:

8.5.3.1 An application for the erection of and use of land for a Cellular mast shall be made in accordance with the requirements of the National Building Regulations and Standards Act No. 103 of 1977, Municipal Bylaws and the provisions of this Scheme. The submission of an application shall be preceded by consultation between the applicant or its agent and the Municipality in order to facilitate the processing of the application in an efficient and effective manner.

8.5.3.2 An application for the erection of a telecommunications mast and associated equipment and antenna shall be accompanied by the following documents:

a) An application form and the prescribed fee.
b) The prescribed number of copies of plans, of which two are in colour, indicating the location of the structure within the Erf, all existing structures on the Erf, adjoining properties and their associated structures, the elevation of the proposed structure, and any services present, proposed security measures for controlling access to the Erf concerned (particularly the fencing of the base station) and landscaping.

c) A locality plan indicating the location of existing telecommunications masts within a radius of 1 000 metres from the position of the proposed mast.

d) All copies of plans shall be drawn at an appropriate and legible scale.

e) A radio plan indicating the Coverage achieved within a 1 000 metre radius of the Erf.

f) A copy of the Record of Decision relating to the application from the Department of Agriculture and Environmental Affairs, failing which an environmental scoping report, or a letter of exemption from the Department of Agriculture and Environmental Affairs.

g) A certificate of approval from the South African Civil Aviation Authority.

h) In the case where multiple use cannot be achieved, a letter of motivation giving reasons for the inability to co-locate.

i) A letter of consent from the registered owner of the property granting consent for the application to be submitted to the Municipality.

j) Title Deeds where legislation requires their submission.

k) Photographs which present an indication of the impact of the proposed structure as viewed from key points around the Erf.

An application in terms of this clause is deemed to be an application submitted in terms of the applicable legislation, which requires the Consent of the Municipality.
8.5.3.3 An application for the installation of telecommunication equipment and antennae on an approved building or structure shall be accompanied by the following documents:

8.5.3.3.1 An application form and the prescribed fee.

8.5.3.3.2 The prescribed number of copies of a plan, of which two are in color, indicating the location of the equipment and antennae within the site, existing structure on the site, adjoining properties and their associated structures, the elevation of the structure, any services present, proposed security measures for controlling access to the equipment, antennae and landscaping to the satisfaction of the Municipality.

8.5.3.3.3 A copy of the Record of Decision relating to the application site from the Department of Agriculture and Environmental Affairs, failing which an environmental scoping report, or letter of exemption from the Department of Agriculture and Environmental Affairs.

8.5.3.3.4 A letter of consent from the owner of the property granting consent for the application to be submitted to the Municipality.

8.5.3.3.5 In the case of land to be leased from the Municipality, a copy of a letter of consent from the relevant Department.

8.5.3.3.6 Photographs, which present an indication of the impact of the proposed structure as viewed from key points around the Property.

8.5.3.3.7 Title Deeds where legislation requires their submission.

An application in terms of this clause is deemed to be an application submitted in terms of the applicable legislation.

8.5.3.4 An application for the increase in height of an approved telecommunication mast or for antenna erected at a greater height than the height that has been previously approved, or for an increase in the footprint of the Base Telecommunications Transmission Station shall require:

8.5.3.4.1 In the case of a mast, a Consent application as set out in sub-clause 7.1.6 (ii) hereof; and

8.5.3.4.2 In the case of antennae, the submission of a Building Plan application as set out in sub-clause 9.1.6 (iii) hereof.

8.5.3.4.3 The replacement of telecommunication masts, equipment and antennae on approved structures, shall be deemed to be regarded as maintenance and provided that there is no material change to the telecommunications mast, equipment and antennae on approved structures, no application shall be required.
ANNEXURE D: DEVELOPMENT STANDARDS

8.6 DURBAN METROPOLITAN OPEN SPACE SYSTEM CONTROLLED AREA (D’MOSS)

8.6.1 Without the prior written approval of the Municipality, no person shall within a D’MOSS Controlled Area:-

8.6.1.1 develop, excavate or level any erf; or
8.6.1.2 remove any natural vegetation from any erf; or
8.6.1.3 erect any structure of any nature whatsoever on any erf; or
8.6.1.4 dump on or in any erf; or
8.6.1.5 permit any domesticated animals to cause harm to flora and fauna or the environment generally; or
8.6.1.6 carry out any work or undertake any activity upon any erf which may compromise the intention of D’MOSS as stated in the definition.

8.6.2 No such approval shall be given unless, after due examination by the Municipality and subject to such conditions as may be specified by the Deputy Head: Environmental Planning and Climate Protection, the Municipality is satisfied that any such development, erection or other work referred to in paragraph (a) hereof can be carried out without materially permanently and/or temporarily degrading, destroying or negatively impacting on the integrity of the biodiversity found and/or environmental services generated within the D’MOSS Controlled Area of the erf.

8.6.3 For the purposes of any examination referred to in

8.6.3.1 paragraph (b) hereof, the applicant shall, where required by the Municipality, submit such plans or other supporting documentation as the Municipality may require.

8.6.3.2 Without affecting the generality of the foregoing, such plans and supporting documentation may be required by the Municipality to be certified as being correct by an appropriately recognised or registered Environmental Consultant.

8.6.4 Any conditions, which the Municipality may impose in terms of paragraph (b) hereof, may, but shall not be restricted to:-

8.6.4.1 restricting the form or nature of the building or structure;
8.6.4.2 limiting the size and/or shape of the building or structure;
8.6.4.3 prescribing or restricting the materials of which the building or structure is to be constructed;
8.6.4.4 determining the siting of any building or structure and of any soakpits or other drainage works;

8.6.4.5 prohibiting or controlling any excavation on the erf, the construction of any roadways, paths and other garden features;

8.6.4.6 prohibiting or controlling the removal of any natural vegetation;

8.6.4.7 prohibiting or controlling the use of the D’MOSS area by domesticated animals where these, in the opinion of the Deputy Head: Environmental Planning and Climate Protection may have a significant impact (of example, but not limited to, hunting and overgrazing) on the environmental attributes of the D’MOSS area;

8.6.4.8 controlling any other aspects which the Deputy Head: Environmental Planning and Climate Protection considers to be necessary.

8.6.5 In any approval or any conditions as may be specified by the Municipality above, the applicant shall enjoy a right of appeal to the relevant Appeal Authority in terms of National Planning legislation.
9 ANNEXURE A: TRADITIONAL COUNCIL CONSENT FORM

TRADITIONAL COUNCIL CONSENT

1. Description of site - _________________________________________________________
   __________________________________________________________________________

2. At a meeting held on ____________________________ at the ____________________________
   ____________________________ Traditional Council Office, the ____________________________
   Traditional Council
   resolved that it had no objection to the application to acquire rights to land by
   __________________________________________________________________________
   (give full particulars of the applicant)

   The form of tenure thereof to be agreed between the applicant and the Ingonyama Trust Board as
   land owner-in-law in terms of section 3 of the Ingonyama Trust Act, Act 3 of 1994, as amended. This
   consent is given in terms of section 2 (5) of that Act.

3. The Traditional Council confirms that all persons occupying or having an interest in the said Land
   have been consulted and have no objections to the proposals.

4. The applicant has been advised and confirms that he/she/it will not do anything or erect any
   structure on land until an appropriate tenure right has been agreed to and the necessary
   documents have been signed with the Ingonyama Trust Board.

Signed

____________________
CHAIRMAN
----------------------------------
MEMBER
----------------------------------
MEMBER
----------------------------------
SECRETARY
Notes:

1. The consent submitted to the Trust must be an original, on Traditional Council headed notepaper and with a Traditional Council date stamp.
2. Please provide a full legal description supported if possible by a site plan and co-ordinates.
3. This consent together with the Ingonyama Trust Board standard application form (ITB1) must be submitted timeously to the Secretariat, Ingonyama Trust Board 65 Trelawney Road / P.O. Box 601, Pietermaritzburg 3201.
10 ANNEXURE B: INGONYAMA TRUST TENURE OPTION APPLICATION FORM

Notes

• An original application form, completed in black ink, should be lodged by the applicant with the Secretariat, Ingonyama Trust Board, P.O.Box 601, Pietermaritzburg 3200. It may be delivered to 65 Trelawney Road, Southgate, Pietermaritzburg.

• Telephone queries may be directed to 033–846 9900.

• If more space is required for an adequate response, then additional information should be annexed and clearly referenced.

• In cases of applications involving new development it is the policy of the Board to initially grant a short term lease usually for a period of two years to enable applicants to obtain all necessary planning and environmental consents and to finalise any financial arrangements.

• Upon receipt of these consents the Board will consider the granting of a long term lease for a period of up to forty years. This lease may be renewed for a further period of forty years.

• To obtain information as to what planning and environmental consents are required references should be made to the Municipality within whose area the site falls.

• The application must be supported by the written consent of the relevant Traditional Council (if applicable).

SECTION A: SUMMARY INFORMATION

1. Particulars of Applicant  Indicate whether
   
   Individual
   Registered Company
   Close Corporation
   Other

Name of applicant.......................................................... Address...........................................................

Telephone number............................. Fax number..............................
Cell phone number..........................E-mail address..............................
If the applicant is a **registered company** or **close corporation** please provide the following details together with a copy of the certificate of confirmation issued by the Registrar of Companies.

- full name of the company or close corporation
- registration number
- address of registered office
- details of directors, shareholders or members

If the applicant is a non-profit organisation or co-operative then please provide a copy of the certificate of confirmation of registration.

Name of development consultant (if applicable)………………………………………………………………………………..

Address………………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………………

Telephone number............... Fax number....................

Cell phone number............... Email address....................

2. **Property and Tenure Description**

Municipality................................ Magisterial District................................

Cadastral Description of Property..................................................

Common Name of Property (as per Title Deed)..................................

Title Deed Number(s) and date(s) [including servitudes].........................

..........................................................................................................

Extent of site (in hectares or square metres)..........................................

Are there any registered land claims or expropriations to the best of your knowledge on the property concerned? ..........................................................

If yes, briefly supply details thereof..................................................

..........................................................................................................

Are there any other rights against the property such as servitudes, leases or Permission to Occupy?

..........................................................................................................

3. **Physical Characteristics**

Briefly describe the physical characteristics of the site e.g. level, hilly, sloping etc.

..........................................................................................................

4. **Land use**

Current activities on the site..........................................................................................................

..........................................................................................................
Briefly describe the land use on the surrounding properties………………………………………………………………………………………………………………………………………………………..
………………………………………………………………………………………………………………………………………………………..

5. What do you intend to use the site for:

- Residential
- Agricultural
- Commercial
- Institutional
- Place of Worship
- Other

(please specify)

SECTION B: DESCRIPTION OF DEVELOPMENT (IF COMMERCIAL OR INSTITUTIONAL)

1. Provide a detailed description of the nature of development for which the application is made (incl. nature of activity, sector, type, size, timeframe, construction materials used)

………………………………………………………………………………………………………………………………………………………..
………………………………………………………………………………………………………………………………………………………..
……

2. How many people will be employed? Summarise what their tasks will be.

………………………………………………………………………………………………………………………………………………………..
………………………………………………………………………………………………………………………………………………………..

3. What opportunities will the project create within the local community (e.g. employment opportunities, equity and share participation)

………………………………………………………………………………………………………………………………………………………..
………………………………………………………………………………………………………………………………………………………..

4. In what ways does the project conform with the ideals of Black Empowerment and Equity?

………………………………………………………………………………………………………………………………………………………..
………………………………………………………………………………………………………………………………………………………..

SECTION C: TYPE OF TENURE REQUIRED (PLEASE V TYPE REQUIRED)

1. (a) TYPE OF LEASE REQUIRED : (see note below)

    short term:
    long term:
**Note:** It is Board policy in the case of proposed new development to issue a short term lease for a period of two years to enable the applicant to obtain all necessary development planning and environmental consents and to organise any finance.

*Thereafter this will be converted into a long term lease. In the case of existing development the Board may consider the outright grant of a long term lease.*

(b) **SERVITUDE**

(c) **PURCHASE**

Note: The Board will only consider the sale of its property in exceptional circumstances.

2. **FULL NAMES OF PERSON AUTHORISED TO SIGN DOCUMENTATION**

........................................................................................................................................................................

ID NO.....................................................................................................................................................................

CAPACITY (e.g. director, company secretary etc.)

........................................................................................................................................................................

........................................................................................................................................................................

SECTION D: SITE AND LOCALITY PLAN

Please provide locality and site plans in order that the location of the site can be identified. If possible, surveyor’s co-ordinates should also be given. It is possible that a locality plan may be obtained from the relevant Municipality.

**SECTION E: TRADITIONAL COUNCIL CONSENT (WHERE APPLICABLE)**

It is a requirement of the Ingonyama Trust legislation that the formal consent of the relevant Traditional Council shall be obtained. This must be submitted with this application. A draft form of consent is attached hereto as form ITB 2.

*Note: This is to be completed only where the subject land falls within a proclaimed Traditional Council area. Applicants should confirm this with the Board’s Secretariat before approach is made to a Traditional Council.*

**SECTION F: SUPPORTING DOCUMENTATION**

Please submit a brief business financial plan together with any supporting documentation that you consider relevant. The following is an outline of the information which should be included in the financial plan.

Where will loan finance be obtained for the establishment and operation of the business? What will be the conditions of the loan, i.e. how much will be borrowed, at what rate of interest and on what terms of repayment? An estimate of the annual turnover and profit for the first year of operations should be included. Provide a cash flow for the first five years of operations. If the space provided is insufficient please annexe further details.
SECTION G: MUNICIPAL INTEGRATED DEVELOPMENT PLAN.

Every municipality in South Africa is required to produce an Integrated Development Plan (IDP), in which the municipality’s future is mapped over the short, medium and long term. Issues that are considered include spatial planning and economic development amongst others. Please submit to us a letter from the relevant local municipality stating that your business project conforms with their IDP and that the proposed use of the site is in accordance with their development planning schemes.

SECTION H: DECLARATION BY APPLICANT

I declare that all the information supplied in this application is true and correct.

Signed at………………………………….on this…………….day of ……………….2012

Signature of applicant………………………………………………
11 ANNEXURE C: PROPOSED GUIDELINES FOR LAND MANAGEMENT AND ALLOCATION

The following highlights key issues relating to different land uses, which the Traditional Council should consider when allocating land.

11.1.1 Residential and business land must not be allocated in the open space system or environmentally sensitive areas.

11.1.2 No development must be allowed on slopes steeper than 1:3 without a full geotechnical study and a certificate from a suitably qualified professional.

11.1.3 Placement of buildings in relation to roads should acknowledge the following set backs:

11.1.3.1 National Roads: 60m from edge of the fence line of the road.

11.1.3.2 Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.

11.1.3.3 Un-surveyed Main Roads: 30m measured from the centre line of the road.

11.1.3.4 Un-surveyed District Roads: 25m measured from the centre line of the road.

11.1.3.5 All other roads: at least 6m.

11.1.4 Allocation of residential uses:

11.1.4.1 Adequate space about buildings for future installation of services.

11.1.4.2 Residential development should be clustered to retain land for agricultural development, minimize impact on sensitive environmental areas, and facilitate efficient provision of basic services.

11.1.4.3 Cluster houses near intersections and places with good access to road network so that people can access public transport.

11.1.4.4 Access to individual houses off busy main roads should be limited.

11.1.4.5 Access off Provincial Roads requires the permission of the Provincial Department of Transport.
A further requirement is the keeping of a record of Scheme Amendments as they are adopted. The first entry would be the adoption of this Scheme.

<table>
<thead>
<tr>
<th>No.</th>
<th>Amendment Reference</th>
<th>Scheme Amendment Description</th>
<th>Date of Adoption</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td>Scheme Adoption</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>