

**MEMORANDUM IN SUPPORT OF A COMBINED APPLICATION  
IN TERMS OF THE PROVISIONS OF THE eTHEKWINI  
MUNICIPALITY'S PLANNING AND LAND USE MANAGEMENT  
BY-LAW, 2021 FOR THE FOLLOWING:**

- (1) To subdivide Remainder of Portion 4 of the Farm Upper End of Lange Fontein No 980 into Portion 827 (of 4) and the Remainder.**
- (2) To subdivide Remainder of Portion 24 of the Farm Upper End of Lange Fontein No 980 into Portion 828 (of 24) and the Remainder.**
- (3) To consolidate Portion 827 (of 4) and Portion 828 (of 24) of the Farm Upper End of Lange Fontein No 980 to form Portion 829 of the Farm Upper End of Lange Fontein No 980 to be redesignated to Erf 1078 Waterfall on registration.**
- (4) To subdivide Erf 1078 Waterfall into Portions 1 to 11 & Rem of Erf 1078 Waterfall.**
- (5) To subdivide Erf 760 Waterfall into Portions 1 to 5 of Erf 760 Waterfall.**
- (6) To consolidate Portion 3 of Erf 760 Waterfall with Portion 3 of Erf 1078 Waterfall to form Erf 1079 Waterfall**
- (7) To rezone Portions 1 to 3 and 5 to 9 and the Remainder of Erf 1078 Waterfall from Rural Residential 1 to Medium Impact Mixed Use, General Commercial 1, Multi-level Self-storage, Planned Unit Development 5, Conservation and Road Reservation.**
- (8) To rezone Portions 2, 3 and 5 of Erf 760 Waterfall from Institution 3 to General Commercial 1, Medium Impact Mixed Use and Road Reservation.**

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**Prepared for**

**THE ELDORADO TRUST**

*(Registration No. IT 556 / 98)*

**&**

**WAHLBERG INVESTMENT HOLDINGS (PTY) LTD**

*(Registration No. 2011 / 010102 / 07)*

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**1. INTRODUCTION**

The Remainder of Portion 4 and the Remainder of Portion 24 both of the Farm Upper End of Lange Fontein No 980 are large adjacent properties situated on Inanda Road, also Provincial Main Road P255, where the provincial route enters into the core of the Waterfall commercial node. The latter being the interceptory point of Inanda Road (P255), Brackenhill Road and Link Road (P256). All are public transport routes with Inanda Road a class 2 route and Brackenhill and Link Roads Class 4 roads. Refer to the following Figure 1, an aerial illustration showing the location of the properties:



**Figure 1 : Location of Rem of Ptns 4 & 24 of Upper End of Lange Fontein No 980 and Erf 760 Waterfall**

The properties are situated in the development control area of the eThekweni Municipal Land Use Scheme : Outer West Sub-scheme in terms of which they are zoned rural residential 1. From a land use management perspective, the properties are also situated within the project area of the Greater Waterfall Functional Area Plan in terms of which they are in a central precinct identified for high density residential and mixed use development. Between the Rem of Portion 4 and the Watercrest Mall is Erf 760 Waterfall which is zoned institution 3 and is the site for a proposed new hospital.

The Remainders of Portions 4 and 24 of Upper End of Lange Fontein No 980 are registered to the ownership of The Eldorado Trust. The intention of the Trustees is to consolidate subdivisions of the 2 properties to form Portion 827 of the Farm Upper End of Lange Fontein No 980, to be designated Erf 1078 Waterfall on registration. It is then proposed that Erf 1078 be subdivided into Portions 1 to 11 of Erf 1078 and that those Portions will be rezoned as identified in section 8 of this application memorandum to establish a number of high density residential, commercial and mixed use development opportunities with associated private access roads.

Erf 760 Waterfall is owned by Wahlberg Investment Holdings (Pty) Ltd and there is an agreement with the Trustees of The Eldorado Trust to subdivide Erf 760 into 5 Portions so that: Portion 1 will remain zoned institutional 3 for the proposed hospital development; Portion 2 will be rezoned for commercial land uses; Portion 3 will be consolidated with Portion 3 of Erf 1078 Waterfall for the potential development of a motor dealership and related uses; Portions 4 and 5 will be for road purposes. Please refer further to section 9 herein.

To achieve the applicant's objectives, an application must be made to the eThekweni Municipality in terms of the provisions of Chapter 7 of the municipality's Planning and Land Use Management By-law, 2021. Elliott Duckworth Associates has been authorised by the two registered landowners to act as their agent in bringing this combined application. Please refer to the certified resolutions attached at Annex A.

### **3. THE APPLICANT, CATEGORY OF APPLICATION & PLANNING ENQUIRY**

Section 21 (4) (a) of Chapter 7 of the eThekweni Municipality's Planning and Land Use Management By-law, 2016 (**the By-law**) makes provision for the registered owner of a property to submit a land development application to the eThekweni Municipality. It is recorded that in this instance the applicants are The Trustees of the Eldorado Trust and Wahlberg Investment Holdings (Pty) Ltd.

The Eldorado Trust is the registered owner of the Remainders of Portions 4 and 24 of the Farm Upper End of Lange Fontein No 980 vide deeds of transfer No. T7595 / 2000 and T7314 / 2000 respectively. Wahlberg Investment Holdings (Pty) Ltd is the registered owner of Erf 760 Waterfall vide deed of transfer No. T34612 / 2019. Refer to the copies of the relevant title deeds attached at Annexes B, C and D.

Section 25 (1) of Chapter 8 of the By-law requires the municipality to categorise all land development applications. The applications proposed herein to subdivide, consolidate and rezone land, as described in the title of this combined application, fall under a Category 3 application in terms of sub-sections 28 (2) (b), (c) and (f) of the By-law respectively. Section 28 (2) (i) makes provision for these applications to be submitted as one combined application and processed as one proposal.

Section 22 of the By-law requires the applicant to consult the municipality in a preliminary planning enquiry prior to submitting a land development application. An online enquiry was submitted on 07 June 2023 via the eServices Portal for Land Development Applications and is referenced ENQ20230670006/OW. In response to the enquiry the municipality has authorized the conversion of the enquiry to a full application.

#### **4. THE APPLICATION SITE DESCRIPTION, SIZE, LOCATION AND OWNERSHIP**

The properties that form the subject of this combined application are described as; The Remainders of Portions 4 and 24 of the Farm Upper End of Lange Fontein No 980 and Erf 760 Waterfall. These properties are situated in Waterfall and front onto Inanda Road at a distance of approximately 6,5kms from the Hillcrest central business area.

The Remainders of Portions 4 and 24 of UEL No 980 are situated at 127 and 119 Inanda Road respectively, in the Outer West suburb of Waterfall. Erf 760 Waterfall is situated at 127A Inanda Road. The location of these properties in relation to the Watercrest Shopping Mall at the junction of Inanda Road and Link Road in central Waterfall is illustrated by the aerial photograph which is Figure 1 on the preceding page 2 of this memorandum.

The Remainders of Portions 4 and 24 of UEL No 980 measure 23,3794ha and 11,9476ha in extent respectively and are registered to the ownership of The Eldorado Trust. Erf 760 Waterfall measures 3,0ha in extent and is registered to the ownership of Wahlberg Investment Holdings (Pty) Ltd. Copies of the title deeds and SG Diagrams for those properties are attached at Annexes B, C and D and the details of the application properties are summarised in Table 1 which follows:



**Table 1 : Application Property Details**

<b>Property Description</b>	<b>Address</b>	<b>Owner</b>	<b>Area</b>	<b>Title Deed</b>	<b>SG Diagram</b>
Remainder of Portion 4 UEL **	127 Inanda Rd	The Eldorado Trust	23,3794ha	T7595 / 2000	S.V. 308 F.4
Remainder of Portion 24 UEL**	119 Inanda Rd	The Eldorado Trust	11,9476ha	T7314 / 2000	571 / 1943
Erf 760 Waterfall	127A Inanda Rd	Wahlberg Investment Holdings (Pty) Ltd	3,0ha	T34612 / 2019	1259 / 2013
** UEL = The Farm Upper End of Lange Fontein No 980 Please refer to title deeds & SG Diagrams attached at Annexes B, C & D.					

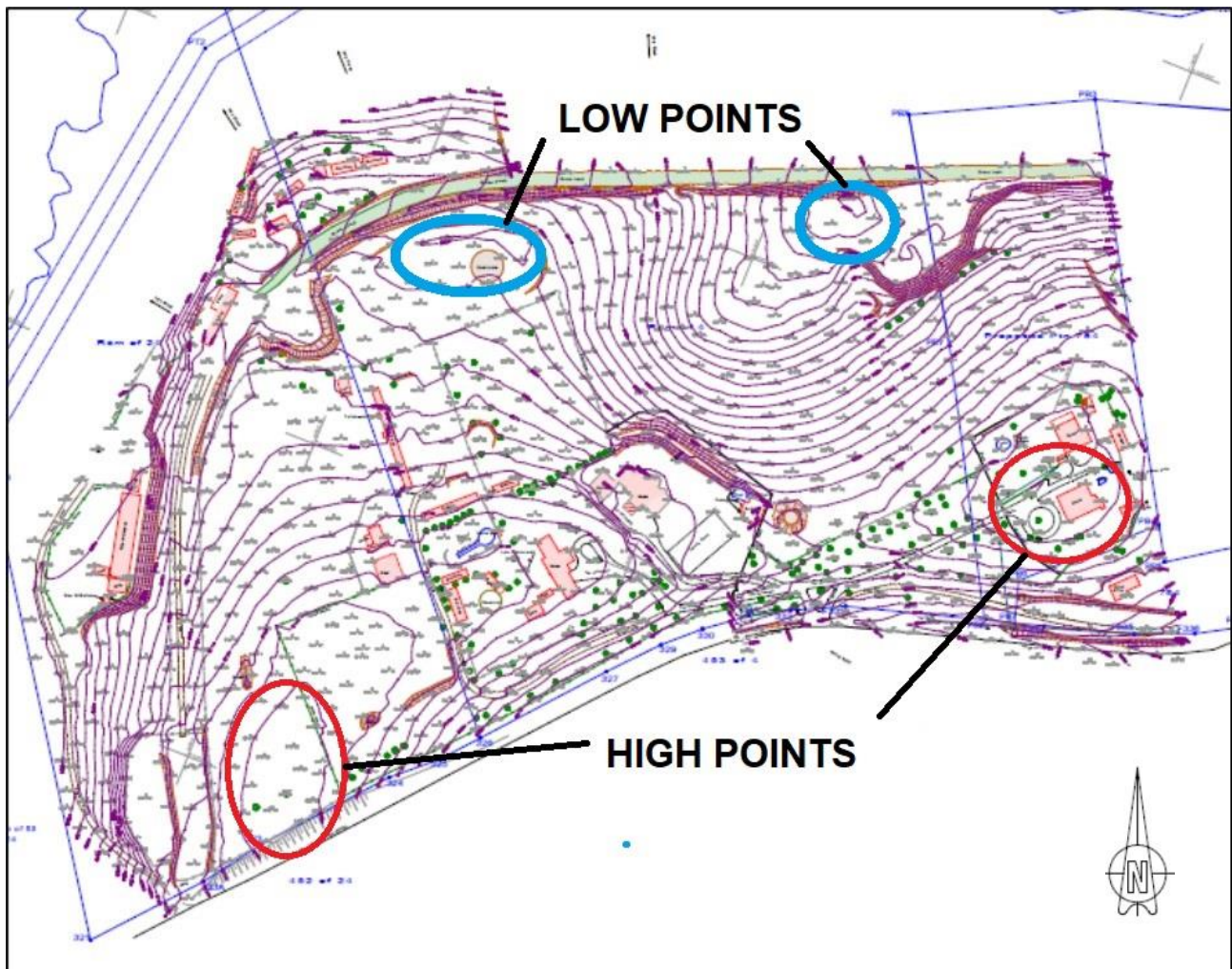
#### **4. PHYSICAL CHARACTERISTICS OF THE SITE**

The “site” as referred to herein is the consolidation of subdivisions of the Remainder of Portions 4 and 24 of the Farm Upper End of Lange Fontein No 980, which consolidation is to be designated Erf 1078 Waterfall on registration and which measures 32,1204ha in extent. Refer to the land surveyor’s consolidation plan attached at Annex F. Also included in the application site but not forming part of the consolidated Lot is Erf 760 Waterfall which is 3,0ha in extent and brings the total area of land forming the subject of this combined application to 35,1204ha.

Inanda Road forms the site’s southern boundary and the road frontage is approximately 600m. The Nkutu River forms the northern boundary and the site has over 1,3kms of river frontage. The entire Nkutu River valley is an identified environmental conservation area and protected by the municipality’s D’moss regulations and is proposed in this application to be included into a non-user conservation servitude. Refer to the land surveyor’s layout plan attached at Annex G.

The site’s topography is undulating and comprises two conical high points on the Inanda Road boundary at the western and eastern extremes of the site, as shown on the following Figure 2 which is an extract of a detailed survey of the site undertaken by Kim de Villiers & Associates, professional land surveyors. The full survey is attached at Annex E.

The high points are separated by a saddle which becomes an increasingly steep concaved surface as the site falls away northwards to the Nkutu River Valley.



**Figure 2 : Detailed survey showing physical characteristics of the site (Annex D)**

## 5. EXISTING LAND COVER

The site was historically a dairy farm, a racehorse training facility and equestrian center and whilst those activities have ceased, there are remnants of the dairy buildings, staff housing the training track and training rings. The main farmhouse and outbuildings in the center of the topographical saddle formation remain occupied and there are other dwellings on the southern half of Erf 760 Waterfall that also remain occupied for residential purposes. The position of the existing buildings is shown on Figure 2 above which is an extract of the detailed site survey and refer also to the full survey attached at Annex E and the subdivision layout plan attached at Annex G.

The balance of the site is vacant and the flatter areas are quite denuded of mature vegetation and still show signs of historical cattle grazing. The Nkutu River valley and flood plain occupy a large portion of the north boundary of the site. Although traversed by a major overhead power line and sewer pipeline, as shown on the survey at Annex E, the riverine features are protected D'moss conservation areas. Refer to the layout plan attached at Annex G and to sub-section 10.1 herein.

## 6. SITE ENCUMBRANCES

Noted in the title deeds for the application properties are a number of conditions relating to various servitudes for historical reasons, such as; water reserves, water pump stations, pump station sites, water pipelines and roads. Because the Remainders of Portions 4 and 24 of UEL No 980 are split Remainders, as described in the following section 8, many of the historical conditions have been brought forward in the title deeds and do not affect the application site at all. There are some more recent electrical and sewer services installed over the application properties which are all taken into consideration. The following Table 2 summarises the title deed conditions and the relevance thereof to the application sites and the SG diagrams referred to are attached at Annex K:

**TABLE 2: Summary of Title Deed Conditions**

<b>REM OF PTN 4 OF UEL No 980 Deed of Transfer No T7595 / 2000</b>			
<b>Condition</b>	<b>SG Diag Ref</b>	<b>In favour of</b>	<b>Relevance to Site</b>
B. Road servitude	2924 / 1946	Rem of Ptn 4 UEL	Is i.f.o the site
C. Water reserve servitude	2924 / 1946	Rem of Ptn 4 UEL	Is i.f.o the site
D. Pump site servitude	2924 / 1946	Rem of Ptn 4 UEL	Is i.f.o the site
E. Water pump servitude	7338 / 1951	Rem of Ptn 4 UEL	Is i.f.o the site
F. 3,05m EPTL servitude	4160 / 1953	Municipality	Not on the site
G. Pump site servitude	4388 / 1960	Ptn 78 Waterfall	Not on the site
H. 1,83m pipeline servitude	4388 / 1960	Ptn 78 Waterfall	Not on the site
i. 2,44m pipeline servitude	2646 / 1961	Municipality	Not on the site
j. 6m road servitude	1377 / 1974	Municipality	Brackenhill Rd
K. 22m OHTL servitude	96 / 2011	Municipality	Over D'Moss area
Annex A. 15m DoT Bldg Line		KZN DoT	To be respected

<b>REM OF PTN 24 OF UEL No 980 Deed of Transfer No T7314 / 2000</b>			
<b>Condition</b>	<b>SG Diag Ref</b>	<b>In Favour of</b>	<b>Relevance to Site</b>
B. 18,24m Road servitude		Municipality	Not on the site
C. 3,05m EPTL servitude	4160 / 1953	Municipality	Not on the site
C. Water reserve servitude	2924 / 1946	Rem of Ptn 4 UEL	Is i.f.o the site
D. Road servitude	3298 / 1975	Municipality	Not on the site
E. 22m OHTL servitude	97 / 2011	Municipality	Over D'Moss area
<b>ERF 760 WATERFALL Deed of Transfer No T34612 / 2019</b>			
2. Road servitude	924 / 1946	Rem of Ptn 4 UEL	i.f.o. the site
3. Right to water reserve	2924 / 1946	Rem of Ptn 4 UEL	i.f.o. the site
4. Pump site servitude	2924 / 1946	Rem of Ptn 4 UEL	i.f.o. the site
5. 22m OHTL servitude	Expropriation	Municipality	Not on the site
6. 2m omnibus for services		Municipality	On all boundaries
7. 15m KZN DoT Bldg Line		KZN DoT	To be respected
8. Inanda Rd Expropriation		KZN DoT	To be subdivided
9. 3m S&D servitude	106 / 2015	Municipality,	Over D'Moss area
10. 3m S&D servitude	612 / 2015	FRWSP, Erf 1024 & Ptn 771 UEL	Over D'Moss area

From the preceding Table 2 which summarises the title deed conditions it is indicated that most of those conditions do not affect the application site because they are brought forward from the original farm properties, being Portions 4 and 24 of UEL No 980 with Erf 760 Waterfall being a subdivision off the Remainder of Portion 4 of UEL No 980.

The conditions therefore affect either areas of the split Remainders that do not form part of the proposed consolidation, to be designated Erf 1078 Waterfall, or they are now servitudes over portions that have been subdivided and transferred from the original Farm. The SG Diagrams that are noted in Table 2 are attached at Annex K.

The site is traversed by overhead electrical powerlines within a 22m wide servitude and the sewer line connections from the Watercrest Mall. Link Hills Shopping Center and The Woods residential development in a 3,0m wide S&D servitude. However, none of those servitudes sterilize any part of the site from development because they fall within the area that is already restricted by the D'moss area. Refer in that regard to Section 10.1 of this application.

As per the above, there is a large area of the site that is within a defined D'moss area which encompasses the Nkutu River Valley and associated riverine environment. The provisions of Clause 9.5 of the Outer West Sub-scheme regulate development within any identified D'moss area, but there is no intention to develop any part of the delineated D'moss area. The defined D'moss area will in fact be protected by a non-user conservation servitude, as shown on the land surveyor's subdivision layout plan (Annex G). Further to that, a significant 5,6ha portion of Erf 1078 Waterfall will be rezoned from rural residential 1 to conservation.

The site is also subject to road expropriations by the KZN Department of Transport for the construction of the upgrade to Inada Road. The upgrade has been completed and the expropriations already form a part of the constructed road reserve. This application proposes to subdivide those expropriated portions off the site and transfer them to the Provincial Government. There is a 15m building line imposed to the expropriated boundary of Inanda Road (P255) and that building line has been taken cognizance of in the design of the site's subdivisional layout and will be observed in the future development of the land.

## **7. EXISTING ZONING OF THE SITE**

The site is situated in the development control area of the municipality's Outer West sub-region and in terms of the eThekweni Municipal Land Use Scheme : Outer West Sub-scheme the Remainders of Portions 4 and 24 of UEL No 980 are zoned rural residential 1 and Erf 760 Waterfall is zoned institution 3. The development controls for the rural residential 1 zone are presented overleaf. Those development controls freely permit a multiple unit development at a density of 1 unit per 4 000m<sup>2</sup> of net developable area, which when the D'moss areas and road expropriations are excluded is approximately 18,54ha. The potential yield of the Remainders of Portions 4 and 24 of UEL No 980 in terms of the existing rural residential 1 zone is therefore around 46 units.

PRIMARY		SPECIAL CONSENT	PRECLUDED				
<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Conservation area</li> <li>• Dwelling House</li> <li>• Riding Stables</li> <li>• Multiple Unit Development</li> </ul>		<ul style="list-style-type: none"> <li>• Agricultural Activity</li> <li>• Animal facility</li> <li>• Arts and Crafts Workshop</li> <li>• telecommunications infrastructure</li> <li>• Convention Centre</li> <li>• Crèche</li> <li>• Educational Establishment</li> <li>• Flea Market</li> <li>• Garden Nursery</li> <li>• Health &amp; Beauty Clinic</li> <li>• Institution</li> <li>• Nature Reserve</li> <li>• Pet Grooming Parlour</li> <li>• Private Open Space</li> <li>• Place of Public Entertainment</li> <li>• Recycling Centre</li> <li>• Special Building</li> <li>• Zoological Garden</li> </ul>	<ul style="list-style-type: none"> <li>• Action Sports bar</li> <li>• Adult Premises</li> <li>• Airport</li> <li>• Betting Depot</li> <li>• Boarding House</li> <li>• Builder's Yard</li> <li>• Car Wash</li> <li>• Chalet Development</li> <li>• Container Depot</li> <li>• Correctional Facility</li> <li>• Cemetery/crematorium</li> <li>• Direct Access Service Centre</li> <li>• Display Area</li> <li>• Escort Agency</li> <li>• Flat</li> <li>• Fuelling and Service Station</li> <li>• Funeral Parlour</li> <li>• Government/Municipal</li> <li>• Health Studio</li> <li>• Hotel</li> <li>• Industry – Extractive</li> <li>• Industry – General</li> <li>• Industry – Light</li> <li>• Industry – Noxious</li> <li>• Landfill</li> <li>• Laundry</li> </ul>	<ul style="list-style-type: none"> <li>• Mobile Home Park and Camping Ground</li> <li>• Mortuary</li> <li>• Motor Workshop</li> <li>• Motor Display Area</li> <li>• Motor Garage</li> <li>• Motor Vehicle Test Centre</li> <li>• Museum</li> <li>• Night Club</li> <li>• Office</li> <li>• Office – Medical</li> <li>• Parkade</li> <li>• Place of Public Worship</li> <li>• Reform School</li> <li>• Refuse Disposal</li> <li>• Restaurant / Fast Food Outlet</li> <li>• Retirement Centre</li> <li>• Scrap Yard</li> <li>• Shop</li> <li>• Student Residence</li> <li>• Transport Depot</li> <li>• Truck Stop</li> <li>• Utilities Facility</li> <li>• Veterinary Clinic</li> <li>• Warehouse</li> </ul>			
ADDITIONAL CONTROLS							
<ol style="list-style-type: none"> <li>1. All landscaping shall be to the discretion of the Municipality.</li> <li>2. Accommodation for motor vehicles to be provided on the erf as per Section 8</li> <li>3. Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality</li> <li>4.</li> </ol>							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO	
BUILDING LINE: FRONT	BUILDING LINES: SIDE AND REAR						
7.5 m	3.0 m	Not Applicable	4000 m <sup>2</sup>	2	20 %	0.20	

### **Development Facilitation Table for Rural Residential 1 Zone : Outer West Sub-scheme**

Erf 760 Waterfall was rezoned from rural residential 1 to institution 3 in June 2021 for the purpose of developing a new private hospital. Erf 760 Waterfall is 3,0ha in extent and the institutional 3 zone permits a FAR of 2,0 and so provides the potential for a 60 000m<sup>2</sup> health facility in a 3 storey building with a 75% site coverage, allowing a development footprint of 22 500m<sup>2</sup>. The development facilitation table for the institutional 3 zone is presented overleaf.

Since the rezoning of Erf 760 Waterfall to institution 3 a proposed 200 bed hospital with 2 500m<sup>2</sup> of specialized medical consulting rooms has been designed in some. Detail. The proposal does not necessitate the use of the full 3,0ha site and so this application proposes the subdivision of Erf 760 Waterfall into 5 Portions, 3 of which will be rezoned to integrate with the proposed development of Erf 1078 Waterfall.

ZONE: INSTITUTION 3						
<b>SCHEME INTENTION:</b> 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. <b>MAP COLOUR REFERENCE:</b> Burnt sienna cross-hatch tartan						
PRIMARY	SPECIAL CONSENT	PRECLUDED				
<ul style="list-style-type: none"> <li>• Conservation area</li> <li>• Crèche</li> <li>• Dwelling House</li> <li>• Educational Establishment</li> <li>• Government/Municipal</li> <li>• Health &amp; Beauty Clinic</li> <li>• Institution</li> <li>• Office – Medical</li> <li>• Private Open Space</li> <li>• Retirement Centre</li> <li>• Veterinary Clinic</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Arts and Crafts Workshop</li> <li>• Boarding House</li> <li>• telecommunications infrastructure</li> <li>• Cemetery/crematorium</li> <li>• Flat</li> <li>• Garden Nursery</li> <li>• Health Studio</li> <li>• Hotel</li> <li>• Mortuary</li> <li>• Museum</li> <li>• Office</li> <li>• Place of Public Worship</li> <li>• Reform School</li> <li>• Restaurant / Fast Food Outlet</li> <li>• Shop</li> <li>• Special Building</li> </ul>	<ul style="list-style-type: none"> <li>• Action Sports bar</li> <li>• Adult Premises</li> <li>• Agricultural Activity</li> <li>• Airport</li> <li>• Animal facility</li> <li>• Betting Depot</li> <li>• Builder's Yard</li> <li>• Car Wash</li> <li>• Chalet Development</li> <li>• Container Depot</li> <li>• Convention Centre</li> <li>• Correctional Facility</li> <li>• Direct Access Service Centre</li> <li>• Display Area</li> <li>• Escort Agency</li> <li>• Flea Market</li> <li>• Fuelling and Service Station</li> <li>• Industry – Extractive</li> <li>• Industry – General</li> <li>• Industry – Light</li> <li>• Industry – Noxious</li> <li>• Laundry</li> <li>• Mobile Home Park and Camping Ground</li> <li>• Motor Display Area</li> <li>• Motor Garage</li> <li>• Motor Vehicle Test Centre</li> <li>• Motor Workshop</li> <li>• Multiple Unit Development</li> <li>• Nature Reserve</li> <li>• Night Club</li> <li>• Parkade</li> <li>• Pet Grooming Parlour</li> <li>• Place of Public Entertainment</li> <li>• Recycling Centre</li> <li>• Refuse Disposal</li> <li>• Riding Stables</li> <li>• Scrap Yard</li> <li>• Student Residence</li> <li>• Transport Depot</li> <li>• Truck Stop</li> <li>• Utilities Facility</li> <li>• Warehouse</li> <li>• Zoological Garden</li> </ul>				
ADDITIONAL CONTROLS						
1. Accommodation for motor vehicles to be provided on the erf as per Section 8 2. Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR					
7.5 m	3 m	N/A	1800 m <sup>2</sup>	3	75%	2.00

**Development Facilitation Table for the Institution 3 Zone : Outer West Sub-scheme**

## 8. PROPOSED CONSOLIDATION

This application proposes the consolidation of subdivisions of the Remainder of Portions 4 and 24 of the Farm Upper End of Lange Fontein No 980 to form Portion 829 of UEL No 980, which is to be designated Erf 1078 Waterfall on registration of the consolidated site. Refer to the land surveyor's consolidation layout which is Plan No H840CONS dated 26 May 2023 attached at Annex F.

The Reminders of Portions 4 and 24 of Upper End of Lange Fontein No 980 are split Reminders whereby subdivisions of the original farms (Portions 4 and 24 of UEL) have left small road portions well to the north of the site as part of the existing Reminders. Refer to the SG Diagrams attached at Annexes B and C.

It is therefore proposed to further subdivide the Remainders so as to create the Portions to be consolidated and to leave the Remainders of Portions 4 and 24 of UEL as only those areas that comprise portions of road to the north of the Nkutu River. The consolidation plan attached at Annex F therefore shows the following:

- (1) Portion 827 (of 4) of UEL No 980 : The Remainder of Portion 4 of UEL No 980 is to be subdivided to create Portion 827 (of 4) of UEL No 980 measuring 21,9143ha in extent and leaving a Remainder of 1,4651ha which is north of the Nkutu River.
- (2) Portion 828 (of 24) of UEL No 980 : The Remainder of Portion 24 of UEL No 980 is to be subdivided to create Portion 828 (of 4) of UEL No 980 measuring 10,2061ha in extent and leaving a Remainder of 1,7415ha.
- (3) Portion 829 of of UEL No 980 : The consolidation of (1) and (2) above is to be designated Portion 829 of UEL No 980 and measures 32,1204ha in extent and is zoned rural residential 1 in terms of the eThekweni Municipal Land Use Scheme : Outer West Sub-scheme. Portion 829 of UEL No 980 is to be redesignated Erf 1078 Waterfall on registration.

## **9. PROPOSED SUBDIVISION AND REZONING**

As noted in the introductory section of this application, the purpose of consolidating subdivisions of the Remainders of Portions 4 and 24 of UEL No 980 is so as to establish one site that can be subdivided into a number of development opportunities for; high density residential, general commercial uses, mixed use, self-storage, conservation and private road access.

Erf 760 Waterfall which is currently zoned institution 3 is to be included not in the consolidated site but in the subsequent subdivision of the land into 10 development opportunities, a conservation area and private access roads. Attached at Annex G is a layout plan of the proposed subdivisions prepared by Kim de Villiers & Associates being Plan No H840LAY dated 26 May 2023 and which reflects the following:

- (1) Proposed Portions 1 to 3 of Erf 760 Waterfall : Erf 760 Waterfall is to be subdivided into Portions 1 to 5 whereby Portion 1 at 2,2421ha in extent is to remain zoned institution 3 and provide the site for a proposed private hospital development.



Portion 2 at 5 213m<sup>2</sup> in extent is to be rezoned from institution 3 to general commercial 1 and Portion 3 at 1 717m<sup>2</sup> in extent is to be rezoned from institution 3 to medium impact mixed use and consolidated with proposed Portion 3 of Erf 1078 Waterfall to form Erf 1079 Waterfall (refer to (3) below).

- (2) Proposed Portions 4 and 5 of Erf 760 Waterfall : Portions 4 and 5 of Erf 760 Waterfall are required for road purposes. Portion 4 is only 162m<sup>2</sup> but is a KZN DoT road expropriation for the widening of Inanda Road (P255). Portion 5 is 487m<sup>2</sup> and is created to provide road access to Portion 2 of Erf 760 Waterfall. Proposed Portion 4 of Erf 760 Waterfall is already reflected on the town planning scheme map as a zoned road reservation. Proposed Portion 5 of Erf 760 Waterfall will be rezoned from institution 3 to road reserve.
- (3) Proposed Portions 1 to 8 and the Remainder of Erf 1078 Waterfall : Portions 1 to 11 and the Remainder of Erf 1078 are the proposed subdivisions of the consolidated site that was described in the preceding section 8 and reflected on the land surveyor's consolidation plan No H840CONS attached at Annex F. Portions 1 to 8 are proposed development sites and will be rezoned from rural residential 1 to alternative land use zones as indicated below, other than Portion 4 which is to remain zoned rural residential 1 and occupied with the existing residential dwellings and outbuildings.
- (a) Portion 1 at 14 855m<sup>2</sup> in extent to be rezoned general commercial 1.
  - (b) Portion 2 at 6 197m<sup>2</sup> in extent to be rezoned general commercial 1.
  - (c) Portion 3 at 5 433m<sup>2</sup> in extent to be consolidated with Portion 3 of Erf 760 Waterfall to form Erf 1079 Waterfall measuring 7 150m<sup>2</sup> in extent to be rezoned medium impact mixed use.
  - (d) Portion 4 at 19 022m<sup>2</sup> in extent to remain zoned rural residential 1.
  - (e) Portion 5 at 4 085m<sup>2</sup> in extent to be rezoned multi-level self-storage.
  - (f) Portion 6 at 19 136m<sup>2</sup> in extent to be rezoned medium impact mixed use.
  - (g) Portions 7 and 8 at 5,7155ha and 11,88ha in extent respectively to be rezoned planned unit development 5.
  - (h) The Remainder of Erf 1078 Waterfall at 56 183m<sup>2</sup> in extent to be rezoned conservation.

- (4) Proposed Portions 9 to 11 of Erf 1078 Waterfall : Portions 9 to 11 of Erf 1078 Waterfall are required for road purposes whereby Portion 9 at 17 950m<sup>2</sup> in extent will form the central access road servicing the proposed development sites which are Portions 1 and 2 and Portions 4 to 8 of Erf 1078 Waterfall and Erf 1079 Waterfall, as described above. Portion 9 will be rezoned from rural residential 1 to road reserve and will be a private access road maintained by a Property Owners Association to be formed. Portions 10 and 11 are currently shown as road reservations on the town planning scheme map and are KZN Department of Transport road expropriations already forming part of Inanda Road (P255).

Attached at Annex H is a master plan of the Eldorado Estate development proposal prepared by Boogertman and Partners. The master plan (Revision Z) depicts the subdivisions and rezonings noted in this section 9. There is a schedule of the proposed subdivisions and the proposed zoning of each with the relevant bulk controls of each proposed zone and the resulting maximum potential yield of residential units or developable floor area. The schedule extracted from the Boogertman drawing is presented below:

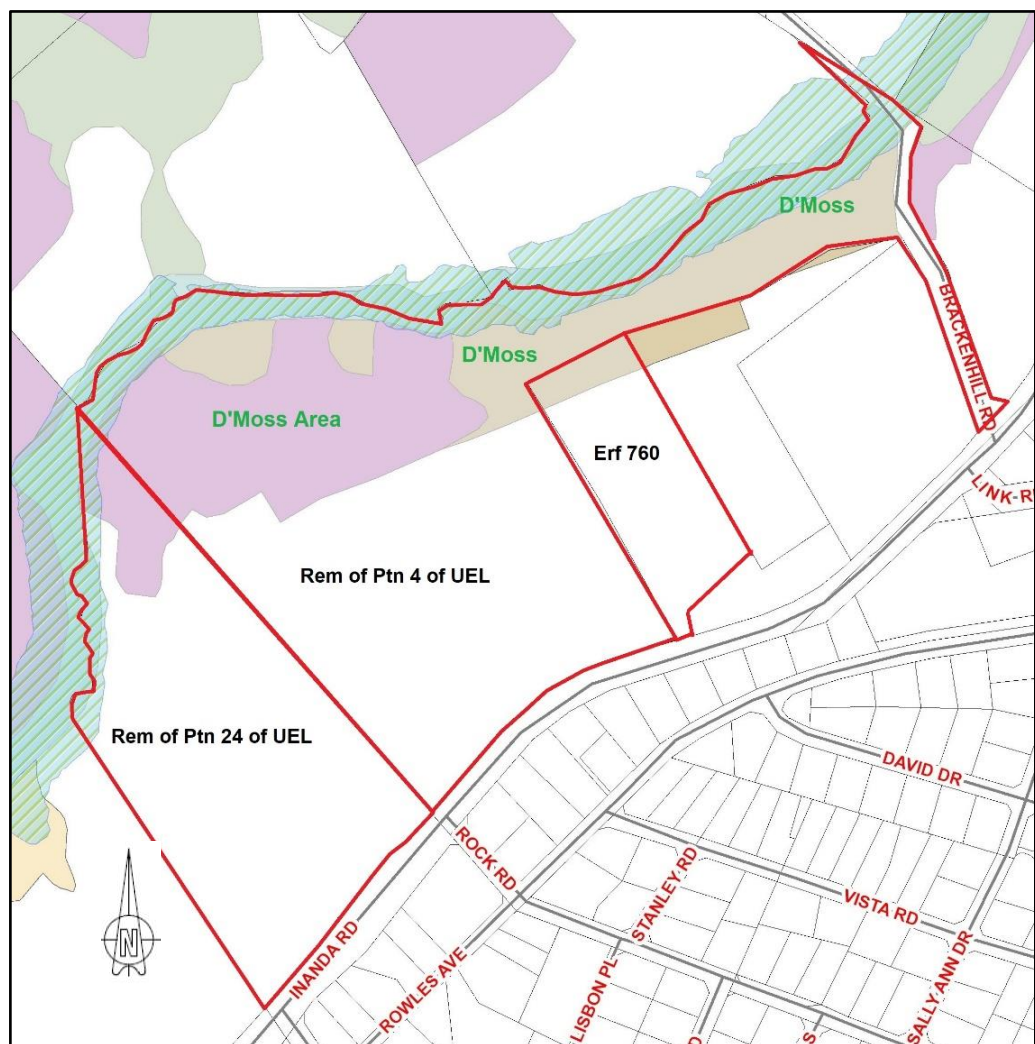
DEVELOPMENT SCHEDULE OF RIGHTS - ZONING							
PARCEL CLASSIFICATION			CONTROL MEASURES PER USE				
ERF NUMBER	PROPOSED ZONING	SITE EXTENT	HEIGHT	COVERAGE (%) / YIELD	COVERAGE (m <sup>2</sup> )	FLOOR AREA RATIO	GBA / YIELD
ERF 1079	Medium Impact Mixed Use	7149.85 m <sup>2</sup>	15m	50	3574.93 m <sup>2</sup>	0.5	3574.93 m <sup>2</sup>
PTN 1 of 760	Institution 3 (Existing)	22421.17 m <sup>2</sup>	3 Storeys	75	16815.88 m <sup>2</sup>	2	44842.34 m <sup>2</sup>
PTN 1 of 1078	General Commercial 1	14855.02 m <sup>2</sup>	3 Storeys	80	11884.01 m <sup>2</sup>	1	14855.02 m <sup>2</sup>
PTN 2 of 760	General Commercial 1	5213.23 m <sup>2</sup>	3 Storeys	80	4170.59 m <sup>2</sup>	1	5213.23 m <sup>2</sup>
PTN 2 of 1078	General Commercial 1	6197.13 m <sup>2</sup>	3 Storeys	80	4957.70 m <sup>2</sup>	1	6197.13 m <sup>2</sup>
PTN 4 of 760	Road Reservation (Existing)	162.25 m <sup>2</sup>	N/A	0	0.00 m <sup>2</sup>	0	0.00 m <sup>2</sup>
PTN 4 of 1078	Rural Residential 1 (Existing)	19022.23 m <sup>2</sup>	2 Storeys	20	3804.45 m <sup>2</sup>	0.2	3804.45 m <sup>2</sup>
PTN 5 of 760	New Road Reservation	487.29 m <sup>2</sup>	N/A	0	0.00 m <sup>2</sup>	0	0.00 m <sup>2</sup>
PTN 5 of 1078	Multi-level Self Storage	4085.12 m <sup>2</sup>	3 Storeys / 13.5m	50	2042.56 m <sup>2</sup>	1.5	6127.69 m <sup>2</sup>
PTN 6 of 1078	Medium Impact Mixed Use	19136.28 m <sup>2</sup>	15m	50	9568.14 m <sup>2</sup>	0.5	9568.14 m <sup>2</sup>
PTN 7 of 1078	Planned Unit Development 5	57154.67 m <sup>2</sup>	3 Storeys	50 Units/ ha	N/A	N/A	286 Units
PTN 8 of 1078	Planned Unit Development 5	118799.49 m <sup>2</sup>	3 Storeys	50 Units/ ha	N/A	N/A	594 Units
PTN 9 of 1078	New Road Reservation	17951.61 m <sup>2</sup>	N/A	0	0.00 m <sup>2</sup>	0	0.00 m <sup>2</sup>
PTN 10 of 1078	Road Reservation (Existing)	2332.88 m <sup>2</sup>	N/A	0	0.00 m <sup>2</sup>	0	0.00 m <sup>2</sup>
PTN 11 of 1078	Road Reservation (Existing)	53.31 m <sup>2</sup>	N/A	0	0.00 m <sup>2</sup>	0	0.00 m <sup>2</sup>
REM of 1078	Conservation	56183.88 m <sup>2</sup>	N/A	0	0.00 m <sup>2</sup>	0	0.00 m <sup>2</sup>
Grand total: 16		351205.44 m <sup>2</sup>		880 Residential Units			94182.92 m <sup>2</sup>

## 10. MATTERS RELEVANT IN DETERMINING THE MERITS OF THE CONSOLIDATION, SUBDIVISION AND REZONING OF LAND

The following sub-sections 10.1 to 10.6 are submitted in terms of section 44 of the By-law read together with schedule 1 which is aligned to section 7 of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and address those matters, where relevant, to which a municipality is expected to give consideration in deciding on a land development application of the nature set out in this application:

### 10.1 Impact on Environment, Socio-Economic and Cultural Heritage

**Environment** : As noted in section 6 of this application, the northern part of the site is subject to the municipality's D'moss conservation restrictions to the extent shown on the Figure 3 below. The D'moss area is approximately 14ha which is almost 40% of the total application site area of 35,1204ha.



**Figure 3 : D'moss over the site comprising Nkutu River, flood plain and environmentally important areas such as grasslands. (Source : Metro GIS)**

The D'moss area over the site will remain free of development and clause 9.5 of the Outer West Sub-scheme provides regulations that control development within any defined D'moss area and so will ensure the environmentally important areas of the site are protected. Clause 9.5.1 of the Outer West Sub-scheme states: *“Without the prior written approval of the Municipality, no person shall within a D'MOSS Controlled Area:-*

- (a) develop, excavate or level any erf; or*
- (b) remove any natural vegetation from any erf; or*
- (c) erect any structure of any nature whatsoever on any erf; or*
- (d) dump on or in any erf; or*
- (e) permit any domesticated animals to cause harm to flora and fauna or the environment generally; or*
- (f) carry out any work or undertake any activity upon any erf which may compromise the intention of D'MOSS as stated in the definition”*

In terms of (f) above, a D'moss controlled area is defined in clause 2.1 of the Scheme as: *“.....where, by reasons of natural biodiversity, the existence of flora and fauna, topography, or the environmental goods and services provided 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”.*

Notwithstanding that the municipality has adequate control mechanisms to regulate development within any defined D'moss area, the applicant still proposes to register a non-user conservation servitude over the delineated D'moss area over the site. Even further to that, the proposed Remainder of Erf 1078 Waterfall, measuring 5,6183ha in extent is to be rezoned from rural residential 1 to a conservation zone. Please refer to the Boogertman & Partners master plan attached at Anex H.

The remainder of the site outside of the D'moss area has been totally transformed over the many years that it has been used for cultivation, dairy farming, cattle and horse grazing, race horse training and other equestrian activity. There is nothing of ecological importance in the existing land cover outside of the identified D'moss area.

Although the extent of land to be developed is approximately 19ha it is situated within an urban area in terms of the definition thereof in the EIA regulations to the National Environmental Management Act. Hence the Surveyor General's allocation Erf designations to the consolidation and subsequent subdivision of the site. As a consequence, this application to consolidate, subdivide and rezone the land does not trigger any requirement for an environmental authorization from the KZN Department of Economic Development, Tourism and Environmental Affairs. Please refer to the following correspondence from EnviroPro confirming as such:



IN ASSOCIATION WITH INKANYEZI YETHU

082 568 3687  
josette@enviropro.co.za  
082 887 4362  
iain@enviropro.co.za  
P.O. Box 1391, Kloof, 3640  
031 765 2942  
086 549 0342

07 June 2023

Att: David Rowles  
Rowles Group Office  
T: 031 763 4433  
M: 083 400 0998  
E: [david@rpmg.co.za](mailto:david@rpmg.co.za)

Our Ref: EVP1567

**RE: ELDORADO PRECINCT – REZONING APPLICATION – ENVIRONMENTAL LETTER**

Dear David,

Enviropro has been requested to provide clarity on the requirement to undertake an application for Environmental Authorisation in the light of a rezoning application for the Eldorado Precinct.

In terms of the EIA Regulation (2014) as amended there are no listed activities within any of the three listing notices (GNR983, 984 and 985) that speak to rezoning applications. Rather the applicable listed activities speak to physical development where the applicable definition for "development" is:

*The building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;*

Therefore, provided that no development takes place there will be no listed activities in terms of the EIA Regulation (2014) as amended triggered during the administrative rezoning application.

Kind Regards

Dustin Bell  
Reg. EAP (2018/154); Pr.Sci.Nat #120430

The site is within 500m of a water course, the Nkutu River, therefore its development will require a water use license in terms of the regulations to the National Water Act, No 36 of 1998. This is a development requirement and not a pre-requisite for rezoning the property. Application will be made to the Department of Water and Sanitation at the appropriate stage in order to have building plans approved by the municipality.

**Socio-economic** : From a socio-economic perspective the proposed subdivision and rezoning of the application site and the subsequent phased development of proposed Portions 1 & 2 and 5 to 8 of Erf 1078 Waterfall, Portions 1 & 2 of Erf 760 Waterfall and Erf 1079 Waterfall have immeasurable benefits for the communities of the Outer West sub-region. The development proposals will also create substantial temporary and permanent employment opportunities in both the construction and operational phases.

The master plan of the Eldorado Estate attached at Annex H indicates on the schedule of proposed development rights that the mixed use component of the proposal could produce a maximum bulk of some 45 500m<sup>2</sup> of floor area with the residential component providing a maximum yield of about 880 residential units or approximately 48 500m<sup>2</sup> of floor area.

Using very conservative development costs of R15,000 / m<sup>2</sup> for residential development and say R10,000 / m<sup>2</sup> for commercial build the construction value associated with this application represents an investment in the Outer West sub-region in the order of R1,182 billion. That figure excludes the cost of associated service infrastructure and also excludes the construction of the hospital, that site already being zoned for an institutional use. The hospital at the preliminary design stage is some 15 700m<sup>2</sup> of floor area which would be a construction cost of around R300 million, bringing the Eldorado Estate development to an estimated construction value of over R1,4 billion.

With an estimated construction value of R1,4 billion plus the added infrastructure costs and the Inanda intersection upgrades that will be necessary, the Eldorado development falls easily within the eThekweni Municipality's R500 million threshold for catalytic projects. As such, this application has been introduced to the municipality's catalytic projects unit.

Statistics South Africa's latest figures indicate that between 10 and 15 direct construction sector jobs are created per R15 to R20 million investment. That would translate to approximately 950 to 1 050 new permanent employment opportunities that could be created in the development of the site, albeit over a number of years of implementation.

Added to the estimated direct construction jobs that could be created, a recent report of the South African Construction Industry Development Board claims that the direct job creation multiplier in the construction industry is about 2,4 formal sector jobs per R1 million investment. The development of the site in terms of the proposed zonings could therefore create an estimated 3 300 formal jobs within construction related businesses.

The employment creation noted in the above paragraphs relate to the construction phase of the site's proposed development, but permanent job opportunities are also created in the subsequent operational phase. Approximately 1 job / 30m<sup>2</sup> can be created in the commercial sector and therefore the maximum potential of 45 500m<sup>2</sup> of floor area could establish almost 1 500 permanent employment opportunities. Likewise, a 200 bed hospital can generate up to 600 full time employment opportunities.

The proposed 880 residential units are targeted at the entry level bonded housing market. From a social housing perspective the development proposal acknowledges that through historical separatist planning policies the Waterfall, Hillcrest and Kloof areas in general have never made any provision for affordable residential opportunities for entry level housing markets. As a result, many people employed in those centers are forced to commute long distances on a daily basis from the outlying traditional authority areas.

The lack of affordable housing opportunities in Waterfall, Hillcrest and Kloof is contradictory to the municipality's IDP to promote integrated development and holistic living environments. However, for the private sector to provide affordable housing to the entry level market it needs to be at a density that makes it economically viable to do so. The Woods development situated on Brackenhill Road is the first of its kind in the Waterfall area and that is a PUD 4 zone at 25 units per ha and is bringing 356 affordable housing units onto the market.

The two sites proposed to be rezoned to PUD 5 at a density of 50 units per ha could yield a maximum of 880 residential units. Those sites represent the last development opportunities in the Waterfall area able to develop to that nature of density because those sites have approved access to water borne sanitation and disposal to the Fisher Road private sewage treatment plant operated by Fisher Road Water Services Provider. Please refer further to the engineering report attached at Annex I.

The proposed PUD development sites therefore represent probably the last social / entry level housing opportunity in Waterfall and as a consequence their development potential needs to be taken full advantage of. This has been recognized in the Greater Waterfall Local Area Plan, as referred to in sub-section 10.5 herein.

**Cultural Heritage** : There is no cultural or historical significance associated with the site. It once formed part of the original Waterfall Farm on which the first township applications were made in the early 1950's. The site then became part of the agricultural hinterland to the core of the Waterfall township and has remained as what was historically proposed as an agricultural small holding. As such, once under the extended land use management scheme of the newly formed metropolitan area, the land was zoned rural residential 1 with a minimum Lot size of 4 000m<sup>2</sup> to reflect that agricultural background.

Notwithstanding the above, in terms of Section 38 (1) (d) of the National Heritage Resources Act, No. 25 of 1999, any person who intends to rezone a site in excess of 10 000m<sup>2</sup> must notify the responsible heritage resource authority and provide details regarding the location, nature and extent of the proposed development.

In this instance the responsible heritage resource authority is The Kwazulu-Natal Amafa and Research Institute who will be notified of this application in the public notification process as a relevant organ of state and who, in terms of section 38 (2) of Act No. 25 of 1999, have a period of 14 days to respond to the application proposal.



## 10.2 Impact on Surrounding Developments and Land Uses

The proposed subdivision, rezoning and subsequent development of the site will result in the transformation of a long standing largely vacant area of land measuring 35,1204ha in extent. A not insignificant gross build of 45 500m<sup>2</sup> of mixed commercial development and potentially up to 880 housing units plus a 200 bed hospital of some 15 700m<sup>2</sup> of floor area represents a substantial change to the built environment.

However, whilst this application will result in the gradual transformation of a hitherto large expanse of mostly vacant property, it is not expected to impact negatively on the surrounding land uses and existing developments. The following are of consideration in that regard:

- (1) The site is situated in the central precinct of what is described in the municipality's Spatial Development Planning and the Greater Waterfall Functional Area Plan (GWFAP) as an "urban node". The epicenter of the node is the intersection of Link Road and Inanda Road, which is directly in front of the Watercrest Shopping Mall and just 350m from the eastern extent of the site's Inanda Road frontage. The site therefore forms an integral component of the central Waterfal commercial precinct and in that planning context it could not be expected to remain as an "agricultural" area.
- (2) The site is situated between the Watercrest Mall and petrol filling station to the east, the former being a 48 000m<sup>2</sup> retail center, and the Cotswold Fenns development to the west, a residential development of over 567 residential opportunities comprising 3 storey flats and single dwellings. Opposite the Watercrest Mall is the 15 500m<sup>2</sup> Link Hills Shopping Centre and opposite the site's Inanda Road frontage is an enclave of single residential dwellings that the GWFAP proposes as future mixed use between Rock Road and The Walk which is directly opposite the Rem of Portion 24 of UEL No 980. West of The Walk and south of Inand Road is a large multiple unit development known as 101 on Acutt. Please refer to the following Figures 4 and 5 which show respectively the existing zoning of land in the area and an aerial view of the site and surrounds.

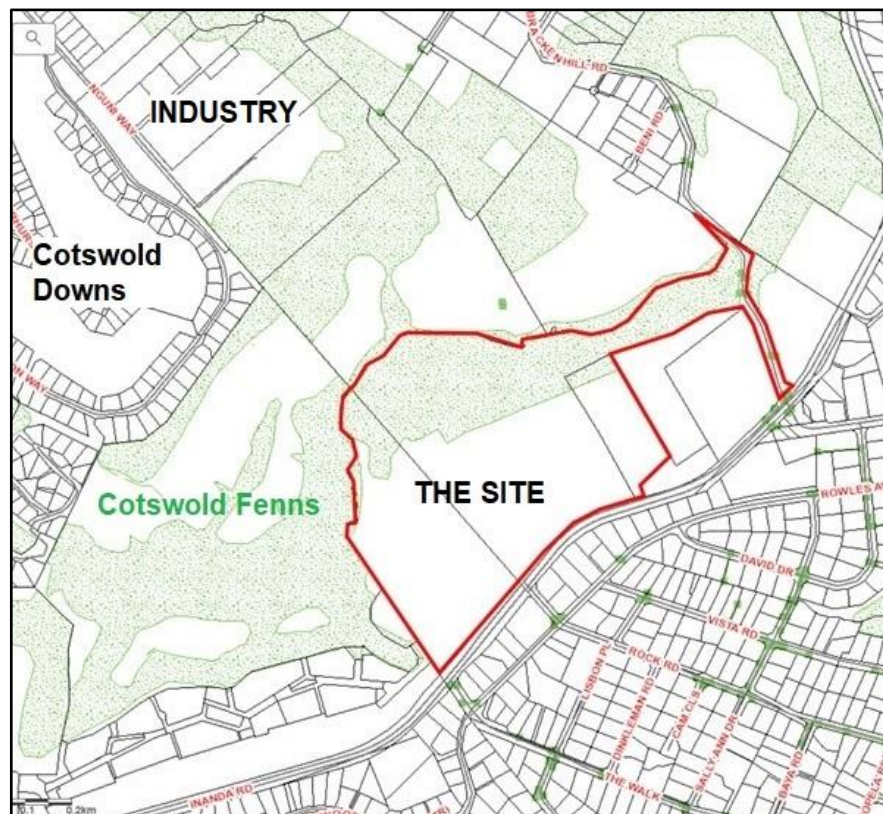


**Figure 4 : Existing land use zones in the area of the site (Source : Metro GIS)**



**Figure 5 : Aerial Photo of the site and surrounds (Source : Metro GIS Data)**

- (3) The preceding Figure 4 on page 22 is an illustration of the existing land use zones in the area around the site and shows that the commercial hub of the Waterfall Urban Node is all zoned general and limited commercial and is clustered around the Inanda Road / Link Road interceptor point. The site is a logical extension of that commercial node with a development potential equal in scale to the Watercrest Mall and the Link Hills shopping center juxtaposed the eastern extent of the site. This proposed extension of the commercial node is embodied in the GWFAP land use framework. Refer to sub-section 10.5.
- (4) To the north of the site is the Nkutu River, associated flood plain and riparian conservation area. The riverine environment separates the site from any future development to the north where the undeveloped land is all zoned rural residential 1 with a very low peri-urban density control of one dwelling per 4 000m<sup>2</sup> of net developable area. There is no water borne sanitation available to that large expanse of rural residential 1 zoned land and it is subject to substantial areas of D'moss conservation, as shown on Figure 6 below. Consequently the relatively undeveloped land north of the site is unlikely to be developed further than the existing zoning controls permit.



**Figure 6 : D'moss areas over and around the site (Metro GIS)**

- (5) Figure 6 above shows that the adjacent Cotswold Fenns residential development also has substantial areas of environmental protection. The latter together with Cotswold Downs golf estate and the D'moss over and north of the site encapsulate the intensity of the proposed mixed use development within a surrounding of extensive areas of environmental conservation whilst fronting onto the Inanda Road arterial corridor.
- (6) Although the extent of land that forms the subject of this application is some 35,1204ha much of that land is subject to D'moss development constraints which area is to be included into a non-user conservation servitude and the proposed Remainder of Erf 1078 Waterfall is to be rezoned conservation. There are also parts of the site which are outside of the environmental conservation areas but which are too steep for development or which are relatively inaccessible. The actual development footprint on the 35ha site is thus reduced to about 20ha or 57% of the site area, as shown on Figure 7 below.



**Figure 7 : Development portion of the site (20ha)**

- (7) The 43% of the site area that is to remain as conservation area as depicted on Figure 7 above further isolates the site's development from the surrounding area other than the commercial core to the site's east.

- (8) To the south of the site, across Inanda Road, is the south-western periphery of the Waterfall residential area wherein properties are zoned special residential and improved with single dwelling units. This residential density is to be retained in terms of the GWFAP although the enclave of residential properties between Rock Road and The Walk which interface with the site, are proposed in the FAP as a future mixed use precinct. The Walk and Rock Road are two of the proposed points of access from Inanda Road into the site. Refer to the TIA at Annex J.
- (9) The proposed development of the site ought not to impact on the residential amenity of the Waterfall suburbia south of the site because it is separated from the site by Inanda Road, a 40m wide dual carriageway which is a provincial class 2 arterial route. That road provides a formidable physical barrier between the site and the residential precinct.

It is therefore the applicant's submission that, taking into consideration paragraphs (1) to (9) above, the proposed subdivision, rezoning and subsequent development of the site as described in section 9 herein will not impact in a detrimental manner on the surrounding developments and land uses.

### **10.3 Impact on the Road Network**

The rezoning of the site to enable a mixed commercial and high density residential development as proposed in this application will clearly have a concomitant increase in traffic generation which will impact on the surrounding road network. The proposed development will necessitate new points of access off Inanda Road and the upgrading of existing accesses.

The potential impact of the application proposals from a traffic perspective is therefore the subject of a detailed traffic impact assessment (TIA) undertaken by David McFarlane and Associates, the full TIA report being attached at Annex J. The TIA provides the details of the estimated traffic generation from each of the proposed rezoned Portions of Erf 1078 Waterfall, as well as the proposed hospital development on Portion 1 of Erf 760 Waterfall which is already zoned for an institutional land use.

The potential traffic generation has been calculated on the maximum development bulk achievable on each proposed Portion of Erf 1078 Waterfall in accordance with the relevant development controls and so reflects a “worst case” scenario. The TIA attached at Annex J concludes as follows:

#### **SUMMARY OF FINDINGS**

The findings of this assessment are summarised below:

- What is proposed is the rezoning of a several properties off Inanda Road in Waterfall.
- The proposed land uses on the sites is mixed use from residential through to retail
- It has been demonstrated that the proposed development can be catered for by intersections along Inanda Road, with a new major new intersection opposite Rock Road and some modifications to the existing intersections.
- Being a high-income area, trips to the site will be predominantly by car. There will, however, be a significant demand for public transport.
- Pedestrian facilities will be in place throughout the precinct as well as along Inanda Road.

#### **RECOMMENDATIONS**

Our recommendation [from a traffic impact view point only] is that the proposed rezoning application be approved.

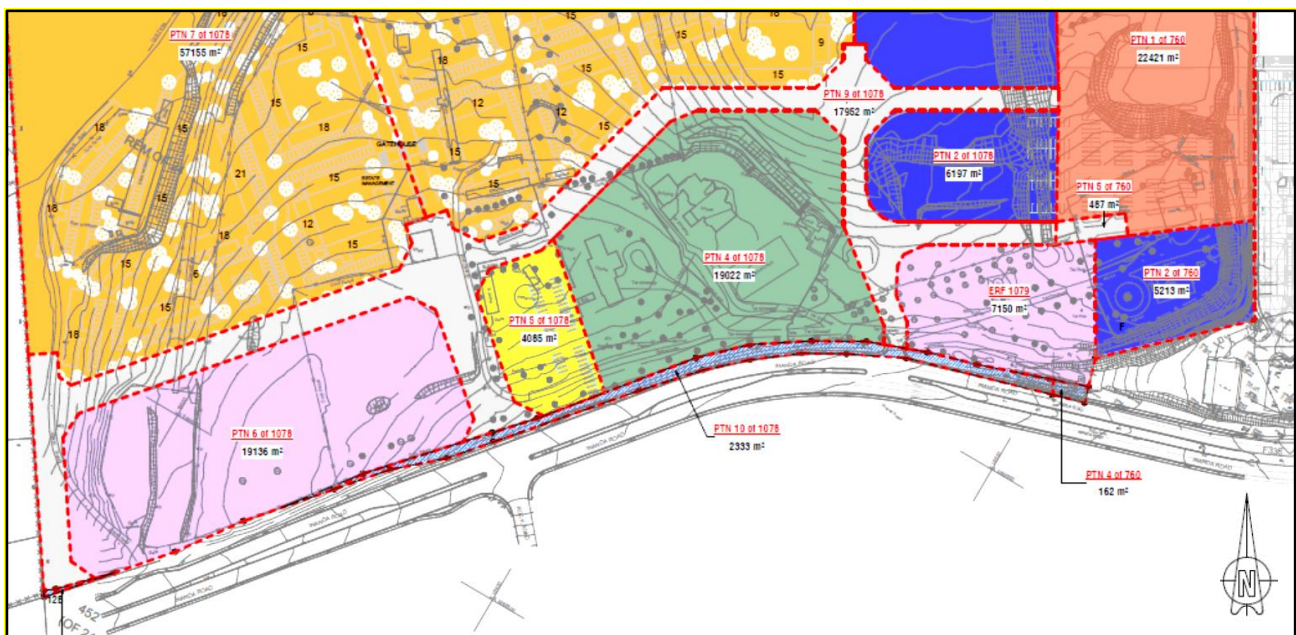
In terms of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001, all land development applications adjacent to any Provincial Road are required to be submitted to KZN Department of Transport for assessment prior to any development or registration taking place. Comment from KZN DoT on this combined application is included in the TIA report attached at Annex J.

#### **9.4 Resources Available for Implementation**

- (i) **Access** : The site has a 600m road frontage to Inanda Road which is a class 2 provincial main road (P255) and provides the only road access to the site. There are existing approved points of access, being; opposite The Walk intersection which serves Rem of Portion 24 of UEL No 980 and about 215m east of the Rock Road intersection providing access to Rem of Portion 4 of UEL No 980 and Erf 760 Waterfall. Both of the existing are full directional accesses.

The access arrangement proposed in the TIA attached at Annex J is to provide a new full directional signalized intersection at Rock Road which will be the primary access serving the site. The existing full access at The Walk will become a left-in-left-out access, as will the existing access to the east of Rock Road. Refer to Figure 8 below and the master plan attached at Annex H.

The proposed Inanda Road points of access will connect to an internal spine road as shown in the following Figure 8 which will provide access to the proposed Portions of Erf 1078 Waterfall, Erf 1079 Waterfall and Portions 1 and 2 of Erf 760 Waterfall. Refer also to Annex H. The internal access roads will be retained in private ownership and will be constructed and maintained by a Property Owners Association to be established, comprising property owners and body corporates within the Eldorado Estate development. See Annex H.



**Figure 8 : Access to the site from Inanda Road (Refer to the master plan at Annex H)**

The TIA attached at Annex J has analysed each of these proposed access arrangements in terms of functionality and impact on the road network, Inanda Road in particular. In terms of the provisions of section 21 of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001, access to a provincial road must be approved by the KZN Department of Transport. Refer to the TIA report at Annex J in that regard.



- (i) Sewage Disposal, Water, Stormwater and Electricity Supply : The site is situated within the central Waterfall area and is thus already serviced from the point of view of water and electricity supply. There is no water borne sewage disposal system readily available in Waterfall and the disposal of effluent in an affordable and sustainable manner represents the biggest challenge to development in the Outer West sub-region.

Fortunately the site falls within the contract area that is serviced by the Fisher Road sewage treatment plant. The latter is privately owned and operated under an entity known as Fisher Road Water Services Provider (Pty) Ltd (FRWSP) in which the eThekweni Municipality is a stakeholder. In terms of FRWSP's main agreement with the eThekweni Municipality, (as the water services authority for the area), there is a delineated contract area to which the plant provides a service.

The site is included within the approved contract area and the applicant has a contractual agreement for the disposal of effluent from the site to FRWSP. The latter have confirmed that there is adequate capacity to accept the estimated sewage demand, as calculated by Endecon Ubuntu (Pty) Ltd, professional engineering consultants, whose full report is attached at Annex I.

The engineer's report which is attached at Annex I provides high level calculations for water and sewage demand and the capacity of the existing bulk infrastructure. The report deals with all engineering aspects, including the broad policy to be applied in the management of stormwater drainage and the standards of internal road construction. Please refer further to Annex I.

- (ii) Waste Removal : The municipality's Cleansing and Solid Waste Department currently provides a refuse removal service to the area which will be capable of extending to service the general waste requirements of the proposed development of the site.

The non-residential developments will have to contract independently with DSW for the removal of commercial waste at the prescribed tariffs. Similarly, the proposed hospital, being a medical facility, will need to augment the municipality's commercial waste removal service with a specialist waste disposal operator who will be capable of collecting and disposing of medical waste at an authorized disposal site.

- (iii) Social Services ; The proposed rezoning and development of the site will result in the provision of primarily commercial land uses that will emerge in response to market driven demand. The nature of commercial development will therefore be different from the retail offerings at the Watercrest Mall and Link Hills Shopping Center and fulfil the need for big box retail merchants such as; building and plumbing merchants, builders' yards, tile merchants, wholesalers. Bearing in mind that there are massive social housing, informal housing and traditional settlements within a 5km radius of central Waterfall, the existing commercial hub makes no provision to supply that nature of market.

The proposed PUD 5 zone makes provision for a maximum of 880 residential units at the prescribed density of 50 units / ha. The PUD zone also makes provision for community related facilities to be included in the housing development to provide for example; pre-schooling / creches, recreation and fitness facilities, convenience shopping, community halls for gatherings, functions and worship.

Link Road in Waterfall is emerging as a corridor of social and medical related land uses in accordance with the land use proposals of the GWFAP. Those Link Road facilities and services, as well as the municipal clinic and library, are all within about 1,5kms of the site. There is a large vacant education zoned property on Link Road which is owned by the Provincial Government which provides the potential for primary and / or and high schooling facilities for the increasing Waterfall population.

## 10.5 The Municipality's Integrated Development Plan

The municipal IDP together with its Spatial Development Framework (SDF) provide the guidelines for decision making on land development applications. It is submitted that this combined application is aligned to the broader policies and intentions of the IDP and its associated SDF and as such can be considered as a category 3 application in terms of the eThekweni Municipality's Planning and Land Use Management By-laws, 2021.

The municipality's IDP introduces the management of planning and land use in the metro area through a hierarchical package of plans system. The hierarchy comprises: The IDP and its spatial development framework plan (SDF); spatial development plans (SDP) on a sub-regional basis; town planning schemes and local area action plans or functional area plans for specific areas of planning intervention.

The latest adopted review of the SDP for the Outer West planning catchment area identifies Waterfall as an "urban node". The purpose of an urban node is stated in the SDP as being to "*...provide convenient and efficient access to a hierarchy of commercial and community facilities.....*"

Being an identified urban node Waterfall is obviously the preferred location for the provision of goods and services to the sub-region and consequently the location for the more intensive development of commercial and community facilities and services. It makes good planning sense therefore to include the nature of the development proposed in this application as an extension of the core commercial center of the node where one expects to find the greatest concentration of facilities and services.

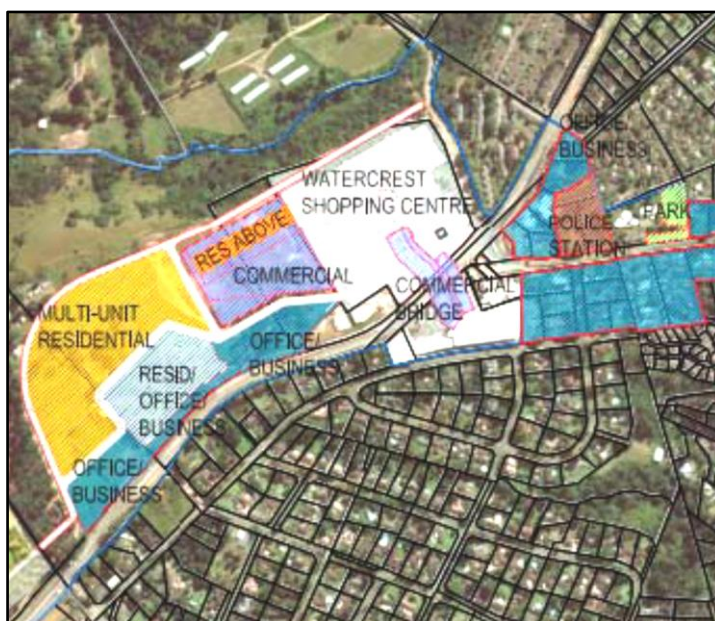
The Link Road / Inanda Road interceptory point is the core of commercial activity in Waterfall. The Inanda and Link Road arterials leading out of that core are then corridors of opportunity for the location of many forms of further commercial and community related land uses such as: medical, veterinary, places of worship, vehicle sales, maintenance and repairs, education, civic facilities such as the local library and clinic, old age homes and so forth.

In 2018 the municipality adopted the Greater Waterfall Functional Area Plan (August 2018) and that FAP is supportive of the proposed subdivision, zoning and development of the site. The development of the Watercrest Mall; the completion of the Inanda Road upgrade; the increased capacity of the Fisher Road sewer treatment plant and the extension of the FRWSP's contract area; the large extent of vacant / underdeveloped land in strategic central locations all contribute to the potential of the site for the application proposals.

In terms of the Waterfall FAP the site is situated within Precinct 1 which is the “Central Mixed-use Precinct” and the following is paraphrased from the GWFAP and illustrate that this application is entirely aligned with the intentions of the Local Area Plan:

*“.....where because of its accessibility, existing commercial centres, on-going land use transition and the availability of vacant land, the central precinct is anticipated to experience the most significant investment and development.”*

*“Given the accessibility to communities within the FAP project area, as well as surrounding areas and with the existing mix of land uses which include; residential, retail, office and social facilities, the central precinct fulfils the role of a town centre”.*



The status quo described above informed the FAP's development guidelines for key sites within the central precinct, which included the application site due to its extent and undeveloped state. The land use zones proposed in the FAP for the central area precinct and for the

site in particular included mixed-use, high density residential, commercial office and business, as shown on the accompanying extract from the GWFAP.

The FAP had acknowledged the proposed rezoning of a 3,0ha site to general commercial to extend the Watercrest Mall. That 3,0ha site would provide the potential for a further 30 000m<sup>2</sup> of retail development but that 3,0ha site, now Erf 760 Waterfall, was subsequently rezoned institution 3 for the proposed hospital development. The proposed general commercial 1 and low impact mixed use zones in this combined application provide a maximum floor area potential of 39 400m<sup>2</sup> and therefore closely approximate the extent of commercial floor area anticipated in the GWFAP for this western extension of the Waterfall core commercial node.

Added to the above, the Watercrest Mall site is 73 555m<sup>2</sup> in extent and accommodates about 48 000m<sup>2</sup> of floor area. There is therefore 25 500m<sup>2</sup> of undeveloped potential on that site which would theoretically form a large part of the 39 400m<sup>2</sup> of proposed commercial floor area on the application site, albeit to be developed for an entirely different market to a retail centre.

The GWFAP notes numerous future key functions of the central precinct and the following are those key functions that are of most relevance to the proposed development of the site and further demonstrate the alignment of this application with the GWFAP:

- ❖ *Contribute to related job opportunities to areas outside of the direct project area. Sub-section 10.2 herein indicated an estimate of some 6 450 direct and indirect jobs could potentially be created through the proposed development of the site.*
- ❖ *Provide easy access for local residents to a wide range of retail, commercial and other services and employment opportunities;*
- ❖ *Facilitate entrepreneurship development, skills development and job creation locally thereby improving livelihoods on a local and regional level;*
- ❖ *Create temporary and permanent job opportunities in the project area, as well as in surrounding supportive services (See sub-section 10.2 and above)*
- ❖ *Accommodate business opportunities (industrial and commercial) created for local entrepreneurs;*
- ❖ *Establish more sustainable settlements through appropriate densification;*
- ❖ *Increase urban densities to support public transport and reduce sprawl;*

- ❖ *Provide more housing options within the project area for local and surrounding residents;*
- ❖ *Promote the availability of residential and employment opportunities in close proximity to or integrated with each other;*
- ❖ *Protect sensitive ecosystems and regional environmental resources i.e. Molweni and Nkutu Rivers;*
- ❖ *Maintain the quality of rivers and wetland functionality;*
- ❖ *Promote and accommodate an increase in public transport capacity and utilisation;*

Finally, the GWFAP expresses several goals associated with the central precinct and the following goal is related to future retail and industrial development and is of relevance to this application, especially as noted in the second bullet point:

<b>Goal 4: Guided Retail and Industrial Development</b>	<ul style="list-style-type: none"> <li>■ Optimise retail areas in terms of circulation, parking, infrastructure, landscaping and safety aspects;</li> <li>■ The existing commercial activity node in the area could be expanded to allow further commercial activity, supported by the envisaged higher density residential development;</li> <li>■ The limited informal trade activities within the precinct would also need to be structured and managed to integrate with the formal commercial activities; and</li> </ul>
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It is therefore submitted that this combined application to consolidate, subdivide and rezone land as identified in section 9 of this application memorandum is entirely aligned to the Greater Waterfall FAP. The latter is a detailed policy and land use framework strategy that must, as an integral component of the package of plans, comply with the broader intentions of the metro SDF and the Outer West sub-regional SDP.

## **10.6 The Municipality’s Town Planning Scheme**

The Greater Waterfall FAP went to quite some detail in the future zoning of land in that study area. As per the above sub-section 10.5 the site is situated within the GWFAP’s proposed central mixed-use precinct, wherein a variety of land use zones are suggested as being appropriate.

In the FAP's final analysis the "*Intended desired land uses and intentions for Precinct 1*" include the site in an area shown for; commercial, office / business, residential / business and multiple unit residential. The central precinct is also described in the GWFAP as a mixed use precinct and it is therefore submitted that the proposed zonings of this combined application are congruent with the land use framework intentions of the adopted Waterfall FAP.

The proposed medium impact mixed use and general commercial 1 zones do not preclude offices or residential flats and are therefore aligned with the GWFAP in which offices, business, commercial and residential are suggested land use zones on the site. Likewise the proposed PUD 5 zone reflects the "multi-unit residential" land use proposed in the GWFAP for a large portion of the site.

The development of the site is not a short-term implementation but rather a scenario that will be developed over a period of 10 to 15 years to reach full maturity. Circumstances and markets cannot be predicted over that sort of time frame, so the land use zones proposed are those that will provide the greatest flexibility for future development to react to market demands.

The master plan attached at Annex H shows there are 3 sites proposed to be rezoned to general commercial 1 and 2 sites proposed as medium impact mixed use. All those zones freely permit a variety of commercial / retail land uses as well as shops, offices and residential. The development controls for the proposed zones are included in Annex H. The extent of the general commercial 1 zone coupled with the medium impact mixed use zones ought not to be perceived as an over provision of commercial land use zones in this part of the precinct because:

- ❖ A goal of the GWFAP for the central precinct was to guide retail and industrial development and the precinct guidelines / intentions for future development to achieve that goal were expressed as including; "*The existing commercial activity node ...could be expanded to allow further commercial activity supported by higher density residential development*". The only feasible and rational expansion of the core commercial area is onto the site.

- ❖ The FAP therefore acknowledged the proposed rezoning of a 3,0ha portion of the site to general commercial 1 to extend the Watercrest Mall. That 3,0ha site would provide the potential for 30 000m<sup>2</sup> of retail development. The proposed general commercial 1 and medium impact mixed use zones in this combined application provide a maximum floor area potential of 39 400m<sup>2</sup> and therefore closely approximate the extent of commercial floor area anticipated in the GWFAP for this western extension of the Waterfall core commercial node.
- ❖ The Watercrest Mall site is 73 555m<sup>2</sup> in extent and the existing mall about 48 000m<sup>2</sup> of floor area. There is therefore 25 500m<sup>2</sup> of undeveloped potential on that site which would theoretically form a large part of the proposed 39 400m<sup>2</sup> of floor area the rezoning of the site would allow for.
- ❖ Table 3 which is included in Annex H provides a schedule of the proposed Erven to be created through subdivision, the proposed zoning of each, the maximum development bulk achievable and an intended development scenario. The latter is of course subject to change over the long term but represents the current conceptualisation of the development proposal. It also reflects that the proposed general commercial 1 and medium impact mixed use zones are intended to provide a very different commercial offering to the area than the existing retail centres such as Watercrest Mall and Link Hills Shopping Centre.

Section 15 of the By-law states that a land use scheme must give effect to and be consistent with the municipality's SDF and determine the use and development of land in a manner that will inter alia promote; economic growth, social inclusion, efficient land development. It is submitted that this application achieves the purpose and objectives of the land use scheme for the following reasons:

- (1) The proposal is fully aligned with the GWFAP as explained in the preceding sub-section 10.5 and because the GWFAP is a detailed and integral component of the municipality's package of plans it must be consistent with the SDF.



- (2) The application will result in significant economic growth within the Outer West sub-region as it results in an estimated investment in excess of R1,4 billion and provides the potential to create over 6 450 direct and indirect jobs.
- (3) The application promotes social inclusion through the provision of some 880 entry level housing opportunities within central Waterfall, hitherto devoid of any social housing other than the 356 units in The Woods development on Brackenhill Road. The PUD housing developments proposed will also have easy access to; employment opportunities created throughout the commercial developments within the Eldorado Estate, the Link Road corridor, the Inanda Road corridor to Hillcrest and will be within 10kms of the emerging sub-regional node at the Shongweni N2 freeway interchange. Inanda Road is a public transport route and there are bus stops and taxi ranking at the Watercrest Mall.

## **11. CONCLUSION**

This is a combined application to the eThekweni Municipality in terms of the provisions of Chapter 7 of the municipality's Planning and Land Use Management By-law, 2021 for the following consolidation, subdivision and rezoning proposals:

- (1) To subdivide Remainder of Portion 4 of the Farm Upper End of Lange Fontein No 980 into Portion 827 (of 4) and the Remainder.
- (2) To subdivide Remainder of Portion 24 of the Farm Upper End of Lange Fontein No 980 into Portion 828 (of 24) and the Remainder.
- (3) To consolidate Portion 827 (of 4) and Portion 828 (of 24) of the Farm Upper End of Lange Fontein No 980 to form Portion 829 of the Farm Upper End of Lange Fontein No 980 to be redesignated to Erf 1078 Waterfall on registration.
- (4) To subdivide Erf 1078 Waterfall into Portions 1 to 11 and the Remainder of Erf 1078 Waterfall.
- (5) To subdivide Erf 760 Waterfall into Portions 1 to 5 of Erf 760 Waterfall.
- (6) To consolidate Portion 3 of Erf 760 Waterfall with Portion 3 of Erf 1078 Waterfall to form Erf 1079 Waterfall.

- (7) To rezone Portions 1 to 3 and 5 to 9 and the Remainder of Erf 1078 Waterfall from rural residential 1 and Portions 2, 3 and 5 of Erf 760 Waterfall from institution 3 as follows:
- (a) Portion 1 of Erf 1078 Waterfall at 14 855m<sup>2</sup> to be rezoned general commercial 1.
  - (b) Portion 2 of Erf 1078 Waterfall at 6 197m<sup>2</sup> to be rezoned general commercial 1.
  - (c) Portion 3 of Erf 1078 Waterfall at 5 433m<sup>2</sup> to be consolidated with Portion 3 of Erf 760 to form Erf 1079 Waterfall measuring 7 150m<sup>2</sup> to be rezoned medium impact mixed use.
  - (d) Portion 4 of Erf 1078 Waterfall at 19 022m<sup>2</sup> to remain zoned rural residential 1.
  - (e) Portion 5 of Erf 1078 Waterfall at 4 085m<sup>2</sup> to be rezoned multi-level self-storage.
  - (f) Portion 6 of Erf 1078 Waterfall at 19 136m<sup>2</sup> to be rezoned medium impact mixed use.
  - (g) Portions 7 and 8 of Erf 1078 Waterfall at 5,7155ha and 11,88ha respectively to be rezoned planned unit development 5.
  - (h) Portion 9 of Erf 1078 Waterfall at 17 950m<sup>2</sup> to be rezoned to road reservation.
  - (i) The Remainder of Erf 1078 Waterfall at 56 183m<sup>2</sup> to be rezoned conservation.
  - (j) Portion 1 of Erf 760 Waterfall at 22 421m<sup>2</sup> to remain zoned institution 3.
  - (k) Portion 2 of Erf 760 Waterfall at 5 213m<sup>2</sup> to be rezoned general commercial 1.
  - (l) Portions 5 of Erf 760 Waterfall at 487m<sup>2</sup> to be rezoned to road reservation.

- (m) Portion 4 of Erf 760 Waterfall and Portions 10 and 11 of Erf 1078 Waterfall to remain zoned road reserve and forming part of the expropriated Inanda Road reserve.

The proposed consolidations, subdivisions and rezonings are described in sections 8 and 9 of this memorandum and section 10 deals with those matters that the municipality should take into consideration when deciding on a combined application of this nature.

Sub-section 10.5 herein deals in some detail with this application's alignment to the Greater Waterfall Functional Area Plan which is a local area plan adopted by the municipality in August 2018 to guide development and manage land uses in central Waterfall and the Inanda Road corridor. The development proposals are consistent with that local area plan and as such are aligned to the municipality's SDF.

Sub-section 10.6 notes that the proposals of this combined application achieve the purpose and objectives of the land use scheme as set out in Section 15 of the By-law.

The eThekweni Municipality is therefore requested to approve this combined application in terms of the provisions of section 46 of the By-law and such approval be subject to whatever conditions the municipality deems necessary to achieve the implementation of this catalytic development proposal that will have an estimated investment value in excess of R1,4 billion into the Outer West sub-region and potentially create an estimated 6 450 employment opportunities.

**ELLIOTT DUCKWORTH ASSOCIATES**

**June 2023**