



# MZINGAZI VILLAGE TOWNSHIP ESTABLISHMENT PROJECT

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## EXECUTIVE SUMMARY

Mzingazi Village Township Establishment Project covers the amendment of the General Plan for Mzingazi Village and the settlement planning and township establishment of Meerensee 5 Interface Area all within uMhlathuze Municipality. The portions 49 and 54 of Erf 5333 are owned by the uMhlathuze Municipality. The site is in close proximity to the residential suburb of Mareense in Richards bay.

The IDP confirms that currently the municipality is dealing with a housing backlog of 10 000 in low income housing and 5000 of Social/Rental and Community Residential Units and the local municipality has sufficient bulk services (Water, Sewer, Stormwater and Electricity).

A Geotechnical analysis, covering Mzingazi Village, ward 1, was conducted by iLZ (Pty) Ltd. It concluded that the site's soils are generally suitable for proposed development. Based on this, Mzingazi village development concept seeks to provide an integrated housing solution that addresses various Human Settlement programmes. In this regard the current concept and layout plan highlights the following:

- Proposed residential and greenfield development zones;
- Proposed Social Housing component which includes;
- Proposed free standing units;
- Proposed serviced sites;
- Proposed public amenities and facilities.

# 1. INTRODUCTION

## 1.1. BACKGROUND

The KZN Department of Human Settlements in consultation with uMhlathuze Municipality, appointed Gabhisa Investment CC to assist with the planning and packaging of Mzingazi Village (MV), specifically addressing the following:

- Amendment to the existing Mzingazi General Plan
- In-situ planning of the balance of the settled but currently unplanned areas surrounding the area of the General Plan;
- Creation of new subdivisions within the greenfield portion within the Meerensee 5 area.

The Mzingazi Village is situated to the East of the City of uMhlathuze Municipality and the King Cetshwayo District (KwaZulu-Natal Province). Geographically, the site is located at 28°45'39.31"S and 32° 7'46.64"E in ward 1. It can be described as a mix of urban and small section of peri-urban settlement typology within Richards Bay. uMhlathuze Municipality forms part of King Cetshwayo District Municipality. The study area is located about 25km east of Richards Bay and bounded by Mzingazi Lake to the west in ward 1 and ward 2 to the south. The development site is located in relative proximity to employment (CBD). The following map shows the locality plan:

Figure 1: Locality Plan



In specific terms, Mzingazi Village Township Establishment Project consists of the properties:

- The area known as Mzingazi Village is currently located on Portions 49 and 54 of Erf 5333 and a portion of the Remainder of Erf 5333, Richards Bay. The properties are owned by the Municipality;
- The area referred to as Meerensee 5 located on a portion of the Remainder of Erf 5333, Richards Bay, which is owned by the Municipality and;
- A portion of land (Remainder of farm reserve no.4. no. 15823) that is owned by the State, and which was incorporated into the uMhlathuze Municipal area in 2016. It has been established that the Municipality has obtained power of attorney to act on behalf of the State, and this portion will therefore form part of the project boundary.

The Municipality approached the Department of Human Settlements with a funding application to assist in dealing with the numerous challenges being experienced in respect of the informal occupation of vacant land, encroachments as well as the unplanned densification of the area by way of unregistered subdivisions of the approved erven.

## 1.2. AIMS AND OBJECTIVES OF THE PROJECT

The project seeks to achieve the following among others;

- Revision of the existing Mzingazi General Plan;
- Analysis of the various planning influences to guide the location of houses and other critical land uses;
- To correct the historical land use distortions by suggesting appropriate social facilities and amenities;

- To introduce various forms of housing typologies that can assist towards addressing the housing backlogs including serviced sites, sites for social housing, sites for freestanding houses;
- To improve the disregard of planning controls including addressing structures built within the road reserves;

This report provides an overview of policy, socio economic profile, geotechnical assessment and the initial concept and layout plan covering these areas.

## 1.3. PLANNING PROCESS

The planning process comprises the following components

- Environmental assessment
- Geotechnical Assessment
- Engineering
- Land surveying
- Formulation of the Slope Analysis and Opportunities & Constrains Plan
- Formulating of the Draft Settlement Plan
- Compilation of the Town Planning Report & Layout Plan
- Layout plan
- Township Establishment
- Project Close Out

The next section of this report addresses the policy issues:

## 2. POLICY CONTEXT

This section discusses the various critical policy influences that should guide the development of the Mzingazi Village Township Establishment Project .

### 2.1. NATIONAL DEVELOPMENT PLAN

The National Development Plan recommended that; in order to address the current weaknesses of human settlements and housing policies and programmes, the following actions be taken:

- Systematically respond to entrenched spatial patterns across all geographical scales that exacerbate social inequality and economic inefficiency.
- Take account of the unique needs and potential of different rural and urban areas in the context of emerging development corridors in the Southern African sub-region before making decisions on developments.
- Review state housing policies to better realize constitutional housing rights, ensure that the delivery of housing is used to restructure towns and cities and strengthen the livelihood prospects of households.
- Support active citizenship and develop incentives through a range of interventions, which includes the establishment of social compacts.
- Planning for human settlements be guided by a set of normative principles that will create liveable, equitable, sustainable, resilient and efficient spaces including supporting economic opportunities and social cohesion.

To reshape human settlements by 2050, the National Development Plan proposes that:

- Inequalities in the land market that makes it difficult for the poor to access the benefits of life in towns and cities be addressed;
- Stronger measures to reconfigure towns and cities towards more efficient and equitable urban forms be adopted;
- Housing and land policies that accommodate diverse household types and circumstances be developed.

### 2.2. NATIONAL HOUSING CODE

The National Housing Code (as revised in March 2009) identifies the primary role of the municipality as taking all reasonable and necessary steps, within the framework of national and provincial legislation and policy, to ensure that the inhabitants within its area of jurisdiction have access to adequate housing on a progressive basis. This entails the following:

- Initiating, planning, facilitating and coordinating appropriate housing development.
- Promoting private sector development and playing the role of developer.
- Preparing a housing delivery strategy and setting up housing development goals.
- Setting aside, planning and managing land for housing.
- Creating a financially and socially viable environment for housing delivery.
- Facilitating the resolution of conflicts arising from housing delivery initiatives.
- Facilitating the provision of bulk services.
- Administering national housing programmes.
- Expropriating land for housing development

The aim of this plan is to assist the municipality in fulfilling the abovementioned role along the lines of the National Housing Code.

### 2.3. MEDIUM TERM STRATEGIC FRAMEWORK

As part of laying the foundation for transforming the functioning of human settlements and the workings of the space economy, the 2014 - 2019 Medium Term Strategic Framework focuses on reforms aimed at achieve the following:

- Ensuring that poor households have adequate housing in better living environments
- Supporting the development of a functionally and equitable residential property market
- Improving institutional capacity and coordination for better spatial targeting.

Over the 2014 to 2019 period, priority was given to:

- Scaling up the upgrading of informal settlements;
- Transfer of all title deeds for subsidy units;
- Developing a more coherent and inclusive approach to land;
- Implementing a coherent multi-segmented social rental-housing programme that includes backyard rentals;
- Dealing with affordable market with a particular emphasis on a constructive engagement and strengthening partnerships with the private sector to improve delivery;
- Consolidating the Development Finance Institutions (DFIs).

### 2.4. NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS

The National Department of Human Settlements MTSF Priorities Target for 2014/15 to 2018/19 are provided herewith.

- Assist 750 000 households in informal settlements to benefit from the Informal Settlements Upgrading Programme;
- Provide 10 000 CRU units;
- Reduce the title deeds backlog by at least 900 000;
- Develop 27 000 social housing units;
- Provide 35 000 affordable rental housing opportunities through the private sector (mine worker housing at 10 000; and private affordable rental 25 000);
- Provide a total of 2 200 informal settlements upgrades to Phase 2
- Assist in the provision of 563 000 individual units for the subsidy housing market;



## 2.6. DEPARTMENT OF HUMAN SETTLEMENTS, KWAZULU NATAL

The Department of Human Settlements; KwaZulu Natal intends contributing towards the national target by providing 200,000 housing units by 2020. The key focus during the period 2015/16 to 2019/20 is on the following aspects:

- Alleviation of slums in Kwa-Zulu/Natal;
- Ensuring job creation through housing delivery;
- Accelerating the Community Residential programme;
- Building the capacity of housing stakeholders especially municipalities;
- Promotion of home ownership and security of tenure

Primary MTSF Target	Secondary Target	5-Year Target	Annual Target
750 000 households in informal settlements upgraded to level 2 services	households located in 2 200 informal settlements	750 000	150 000
563 000 individual subsidy units (linked with title deeds target)	5 854 units for military veterans included	5 854*	1 951
110 000 Gap Housing	70 000 FLISP	70 000	14 000
	40 000 DFIs	40 000	10 000
35 000 Affordable rental through the private sector	10 000 mineworker housing	10 000	2 000
	25 000 affordable private rental	25 000	5 000
27 000 state led social housing	-	27 000	5 400
10 000 CRU	-	10 000	2 000
900 000 Title Deeds backlog eradicated	-	900 000	180 000
Total number of housing opportunities created by the state* (excl private rental and title deeds backlog)		1 460 000	293 801

Table 1: MTSF Priorities for 2014/2015 to 2018/2019

## 2.7. LEGISLATION IMPACTING ON HOUSING DELIVERY

Beyond the Constitution, since 1994, several laws have been promulgated relating to housing, which attests to the broad and complex nature of the housing terrain in South Africa. Below is a summary of the relevant laws relating to housing in South Africa.

### 2.7.1. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE)

This piece of national legislation gives effect to section 26(3) of the Constitution, which protects against evictions, is PIE. The PIE Act aims to safeguard against the eviction of occupiers living on both privately- and publicly-owned land.

The PIE Act is applicable to everyone who occupies land or property without the express or tacit consent of the owner or the person in charge of the land or property. This includes those who occupied land lawfully at some point in the past but who no longer have the consent of the owner to occupy the land in question, as well as to those who took occupation of land unlawfully in the first place. The law principles still apply to affluent tenants. Sections 4 and 6 of PIE stipulate a number of strict procedural requirements for evictions to be lawful, i.e. steps that must be taken in order to get an eviction order, which pertain to both private bodies and the state respectively. These requirements further allow courts to refuse to grant an eviction order where it would not be 'just and equitable' to do so, attaching special consideration to the personal circumstances of occupiers. Sections 4(6) and 4(7) of PIE state that a court must consider the rights and needs of certain vulnerable groups of unlawful occupiers before granting an eviction, which include the elderly, children, female headed households and the

disabled. A court will be reluctant to grant an eviction order if it is satisfied that homelessness will result and that there is no alternative accommodation available.

There are currently numerous unformalised households within the study area. This legislation is one of the profound instruments providing such households, a level of security.

### 2.7.2. Housing Development Agency Act (No. 23 of 2008)

The Housing Development Agency (HDA) was established to:

- Identify, acquire, hold, develop and release state, privately and communally owned land for residential and community development;
- Monitor progress in the development of land and property acquired for the purpose of creating sustainable human settlements;
- Undertake project management services, including providing assistance in respect of approvals required for housing developments.

They are an important stakeholder in this housing delivery process.

### 2.7.3. Rental Housing Act 50 of 1999 (Amended by Act 43 of 2007)

The Rental Housing Act is a piece of national legislation that regulates the relationship between landlords and tenants in all types of rental housing.

Section 7 of the Rental Housing Act provides for the establishment of provincial Rental Housing Tribunals to resolve disputes between landlords and tenants concerning 'unfair practices', which are defined

in section 1 of the Act as those acts or omissions by a landlord or tenant in contravention of the Act or practices prescribed as a practice unreasonably prejudicing the rights or interests of a tenant or a landlord.

Section 2(3) of the Rental Housing Act stipulates that national government *must* introduce a policy framework on rental housing that sets norms and standards intended to facilitate provincial and local government's efforts to promote rental housing. Further, section 3 of the Act empowers the Minister to introduce a rent subsidy programme to stimulate the supply of rental housing property for low-income persons.

There may well be a rental option within the housing delivery scenarios that the municipality is currently exploring and such option will have to be structured within the parameter of this legislation

#### **2.7.4. Planning related legislation**

##### **2.7.4.1. National Environment Management Act (No. 107 of 1998 As Amended)**

Section 24 of the Constitution provides the right to every person for a non-harmful environment and simultaneously mandates the government to protect the environment. The framework to enforce Section 24 of the Constitution is the National Environmental Management Act (Act 107 of 1998).

The NEMA defines the environment as the surroundings in which humans exist and includes the land, water and atmosphere. In addition, it includes the interrelationships, combinations, properties and conditions of all organisms that exist within the surroundings. This

extremely broad definition of the environment ties into the concept of integrated environmental management, which the NEMA promotes.

Furthermore, NEMA embodies all other Environmental Management Acts that assist in governing the environment of South Africa and globally. Other legislations that are embodied by NEMA are:

- National Heritage Resources Act (Act No: 25 of 1999)
- National Water Act (Act No: 36 of 1998)
- National Environmental Management Act: Air Quality, 2004
- National Environmental Management Act: Biodiversity Act (Act No: 10 of 2004)
- National Environmental Management: Waste Act (Act 59 of 2009).

This Acts plays a vital role in terms of decision-making as the competent authority cross reference with all the above mentioned Acts if they were consulted with during any assessment that falls under the ambit of NEMA.

Within the NEMA umbrella, all activities that requires an Environmental Authorisation is undertaken in line with the EIA Regulations, that was promulgated on the 07 April 2017 as amended. This EIA Regulations, 2017, are described in Government Gazette No. 40772 that all listed activities listed therein would require an Environmental Authorisation in terms of Listing Notice 1 (GNR 327), 2 (GNR 325) and 3 (GNR 324) as published.

The study area generally locates in close proximity to the coast and various critical environmental assets like the wetlands locate within the study area. These will require careful navigation in the planning of the area.

##### **2.7.4.2. Spatial Planning and Land Use Management Act, 2013**

The Spatial Planning and Land Use Management Act came into effect on 1 July 2015. The Act repeals several pieces of planning legislation including the Development Facilitation Act of 1995, Town Planning Ordinance of 1949 and other national planning related legislation. At a local level, it provides a framework for the preparation of area specific SDFs and Land Use Management System (LUMS) in line with the Municipal Systems Act and for the preparation of Bylaws.

The act is driven by the following objectives:

- Provide for uniform, effective and comprehensive system of spatial planning and land use management
- Ensure that the system of spatial planning and use management promotes social and economic inclusion.
- Provide for development principles and norms and standards.
- Provide for the sustainable and efficient use of land.
- Redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.

The following are principles of the Act that apply to spatial planning, land development and land use management:

- **Efficiency:** the principle of efficiency advocates for frugality in the use of resources such as land and optimal use of existing infrastructure.
- **Spatial sustainability:** the principle of spatial sustainability requires sustainable management and use of the resources making up the natural and built environment.
- **Spatial resilience:** the principle of spatial resilience advocates for the formulation of spatial plans that will help ensure the creation of sustainable livelihoods, particularly in communities highly vulnerable to climate change and concomitant natural calamities.

- **Good administration:** this principle suggests the adoption of an integrated approach in spatial planning and land development, particularly by all spheres of government.
- **Spatial justice:** the principle of spatial justice aims to redress the spatial imbalances of the past through improved access to land and efficient use of land.

## 2.8. MAIN PROJECT INFLUENCIES

### 2.8.1. About uMhlathuze Local Municipality

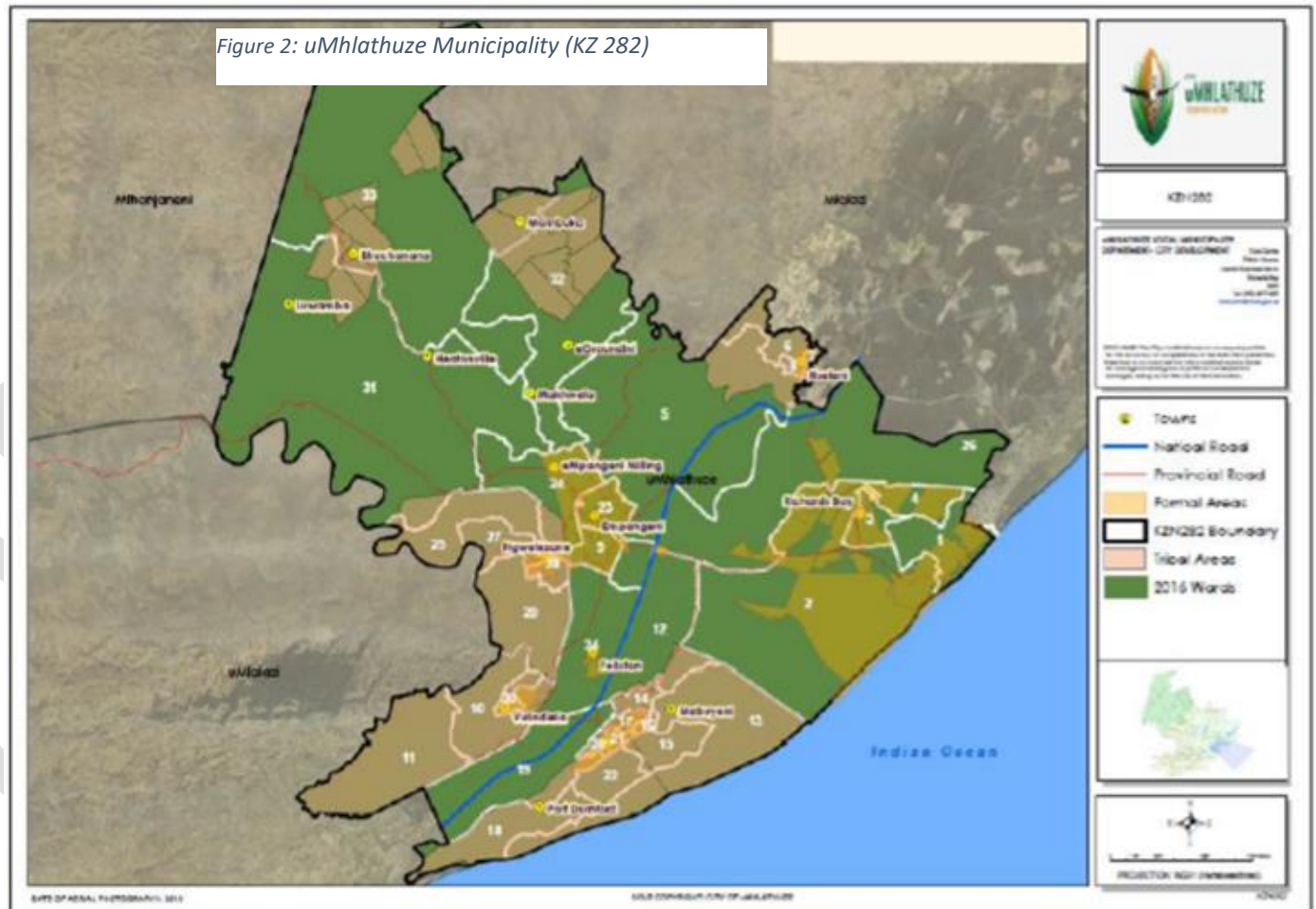
The development area situates within the City of uMhlathuze (KZ 282) which itself locates on the north-eastern coast of the province of KwaZulu-Natal, about 180 kilometers north-east of Durban.

The most significant economic centres in the Local Municipality and the District Municipality are Richards Bay and Empangeni.

UMhlathuze Municipality has identified 7 informal settlement projects that will be implemented in accordance with the requirements of the KZN Informal Settlements Eradication Strategy. Some of families within the identified settlements will have to be relocated to another project area due to unstable land conditions and some are situated within the flood lines. However, the relocation process will be the Municipality's last option. The municipality has vast areas of commercial farmlands as well as a number of areas that are significant from an environmental perspective. About 26% of land within uMhlathuze Municipality is under private ownership and 51% under Ingonyama Trust Board which is administered by Traditional Authorities.

The uMhlathuze Municipality aims to meet strategic outputs of Outcome 8 by:

- Promoting a variety of Housing Typologies and Densities to provide for all Demand Categories;



- Formalising emerging urban settlements and provide formal housing;
- Improving the living environment of households in the informal settlements through incremental access to basic services and structured in situ upgrading (where suitable);
- Creating other forms of tenure through Social Housing/Rental and building new Community Residential Units whilst upgrading the existing hostel blocks;
- Pursuing all available options for the release of suitable, well located state owned land for sustainable human settlements; and
- Enabling opportunities in the GAP market for households earning between R 3501-R 15 000 per month.

The study area is located in ward 1 under ward-councillor C. Langelihle. On-site, ward 1 is located on the north of ward 6. Mzingazi Village has a fully established ward committee in ward 1. War Rooms are an integrated service delivery structure comprised of government, municipality, CBOs, business and other stakeholders at ward level (wardbase1 2018:5).

The following diagram indicate ward members with each member representing each portfolio:

Figure 3: Ward 1 structure



## 2.8.2. The Informal Settlements Challenges in Umhlathuze

The summary of challenges that are associated with settlements within Peri-Urban and Infill Areas (non-formalised settlements) have been considered within the Umhlathuze Human Settlements Plan and can be further explained as follow:

- Lack of proper planning: Under ideal circumstances, settlement planning takes place prior to land allocation and development. The main objective of settlement planning being to ensure and promote sustainable communities and settlements taking into consideration environmental factors, climate change, geotechnical conditions, biodiversity, land legal and basic services issues. Non-planned settlements contribute to generally unsustainable communities and livelihood challenges.
- Limited basic services: Unplanned settlements are always subjected to limited services, since planning in these areas always come afterwards and inevitably create challenges for the design and installation of infrastructure. The provision of services in such unplanned areas is treated as in-situ upgrades which is a reaction to community needs with limited sources.
- Settlements are located in the high risk areas i.e. environmental sensitive, flood prone areas, wetlands and unstable soils, under power lines, on top of water pipes, sewer pipes etc.: Some structures within non-formalised settlements are located within the environmental sensitive areas and other high risk areas as listed where no formal planning and development would have taken place if planned.
- Undesirable Impact on food security: Land allocation also takes place for residential purposes without assessment of the agricultural value of the land. Sometimes good agricultural land is transformed and used for residential/settlement purposes. The high demand of residential land in the Traditional Council areas has led to a situation where residential development takes precedent in agricultural areas which has a significant impact to food security for humans.
- Undesirable Impact on prime land for grazing: The random allocation of land without proper guidelines and guiding development frameworks in the peri-urban/infill areas has also contributed to a shortage of grazing land. This has led to a situation where livestock associations from some of these areas are applying to the Municipality to lease land for grazing purposes.
- Insufficient land for future social and economic facilities due to random distribution of land: The majority of land that is allocated for residential purposes has led to an increase in population density in these areas. This means that, the demand for land for educational, health and economic facilities also increases. However, the major challenge is that in most cases such needs cannot be accommodated in these areas due to insufficient land being reserved for such purposes.

### 2.8.3. Umhlathuze Municipal Bylaw

The City of Umhlathuze Municipal Bylaw 2017 seeks:

- to provide for the establishment of the Municipal Planning Approval Authority, Municipal Planning Appeal Authority and the Municipal Planning Enforcement Authority;
- to provide for the adoption, repeal, review, extension and amendment of the Municipality's land use scheme,
- to regulate and manage spatial and land use planning and development,
- to provide for the categorisation of land development applications,
- to provide for processes and procedures for land development applications,
- to provide for appeals against decisions of the Municipal Planning Approval Authority;
- to provide for offences, penalties and enforcement matters;
- to provide for compensation and matters incidental thereto.

Category 1 land development applications for municipal planning approval include, amongst other :

- the establishment of a township or the extension of the boundaries of a township;
- the amendment of an existing scheme or land use scheme by the zoning or rezoning of land;
- development of land that is situated outside the area of a land use scheme as provided for in Item 3 of Schedule 2;
- the cancellation or partial cancellation of a Municipal Planning Approval Authority's decision on an application for municipal planning approval or application for an Amending General Plan, except a decision to adopt or amend a land use scheme;

- the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;

There are many other provisions to facilitate development within Umhlathuze City but importantly, the township establishment process will be undertaken in line with this bylaw.

### 2.8.4. Umhlathuze IDP

The municipal IDP Review 2018/2019 identifies the following seven informal settlements were identified for assessment and planning uMhlathuze Local Municipality.

- uMzingwenya River settlement
- Bhejane/Khoza (Nseleni) Traditional Authority areas
- **Mzingazi Agri-Village and Buffer Strip settlement**
- Mandlazini Agri-Village and Buffer Strip settlement
- Mkhwanazi (Vulindlela) Traditional Authority areas
- Ngwelezana Hospital
- Vulindlela

The total estimated Social Housing/Community Residential Unit backlog is 5000, which led to the Esikhaleni Hostels and the establishment of rental housing units in Richards Bay and Empangeni.

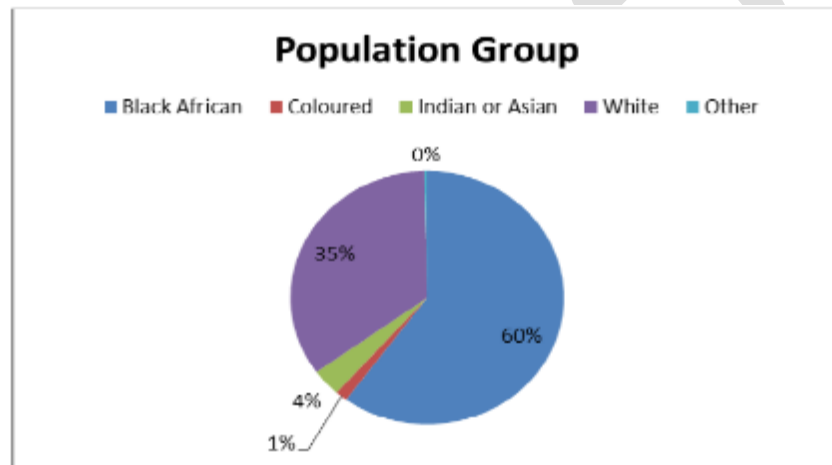


## 2.8.5. DEMOGRAPHIC PROFILE

### 2.8.5.1. Population and Gender Profile

The total population of ward 1 is estimated at 12 145 in terms of Census 2011. The figure below indicates that Black African Population group accounts for 60% of ward 1's population, followed by White Population group at 35% with the Indian and coloured population at 4% and 1% percent respectively. The percentage distribution provides a guide for housing. There is a fairly large proportion of females than males in all age groups, except for younger age groups where a proportion of males is higher than females.

Figure 4: Population by Population Group Source: Ward Base Plan, 2019/2020

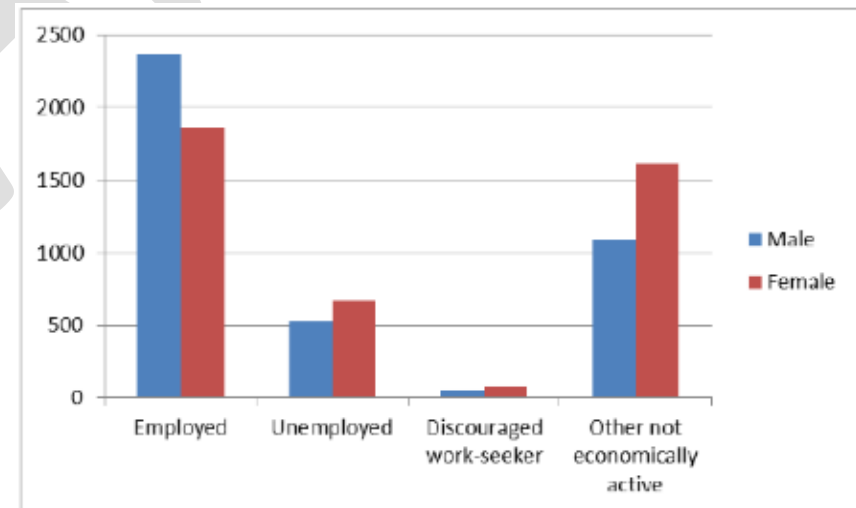


### 2.8.5.2. Education

Access to educational opportunities is a human right. This is one of the National Development Plan Goals. The South African Schooling Act (1996) made schooling compulsory for children aged 7-15 years, while the Education Laws Amendment Act (2002) set the age of admission into grade 1 as the year which the child turns seven. Below is a comparative overview of educational attainment and attendance by contributing factors such as population group, age group, sex is examined. There has also been a steady increase in the proportion of individuals who have attained a level of education higher than grade 12.

### 2.8.5.3. Employment Status

Figure 5: Employment by Gender



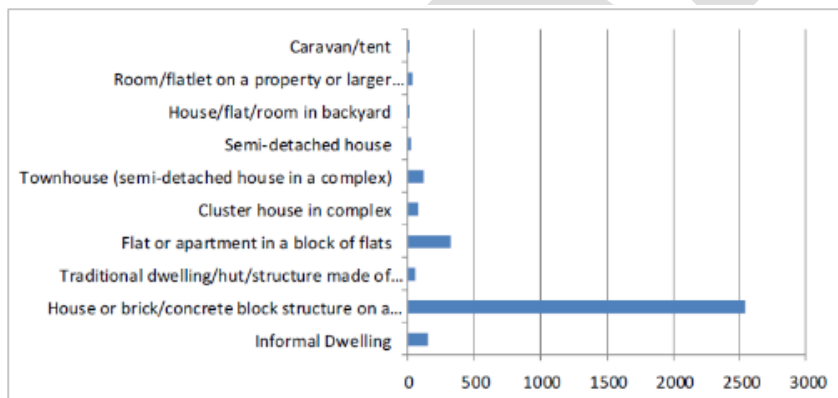
The diagram above indicates that a large percentage of population employed in ward 1 are males. There is a significant percentage of females which are not economically active. Females still remain a large percentage of the population that is unemployed in ward 1.

Ward 1 have relatively high proportions of households with owned and fully paid off their properties. The proportion of households who rent their dwellings is also high, while those which occupied rent free dwellings and those owning their homes but not yet paid off have proportions respectively lower.

#### 2.8.5.4. Household Services

Housing is one of the basic human needs and has both direct and indirect implications on lives of households including health, welfare and social status in communities. This section highlights Census findings relating to types of main dwellings and basic services which have important policy implications. The percentage of households living in formal dwellings is high, ward 1 is an urban ward in terms of its location and structure, hence a small percentage of informal dwellings is noticed.

Figure 6: Distribution of households by type of Dwelling



#### 2.8.5.5. Access to Infrastructure

##### 2.8.5.5.1. Access to Water and Sanitation Services

There is high number of households with access to piped water. Less than 500 households have indicated to have no access to piped water in ward. The municipality has a mandate to improve sanitation to its residents. The proportion of households that have flush toilets connected to sewer systems is relatively higher. Those which have flush toilet with septic tank are very low. There is still a notable proportion of households which still uses bucket toilet and pit toilets as means of sanitation within this ward.

##### 2.8.5.5.2. Access to Electricity /Energy

The households using electricity for lighting in this ward is relatively higher than those using candles. The proportion of households in ward 1 using electricity for heating is higher than those using other means of lighting. The proportion of households using electricity is relatively higher than those using other means of heating.

##### 2.8.5.5.3. Access to refuse removal

The proportion of households that have refuse disposal service where refuse is removed by local authority weekly is consistently high in ward 1, while those removed less often is less. There is a significant proportion of households who still uses own refuse dump as compared to those without refuse disposal.

#### 2.8.6. HOUSING DELIVERY PROGRAMMES WITHIN THE MUNICIPALITY

The Human Settlements plan for the municipality focuses on the following housing delivering programmes which are aligned to the National and Provincial plans:

##### 2.8.6.1.1. Integrated Residential Development Programme (IRDP)

- The programme provides for planning and development of integrated housing development. Projects can be planned and developed in phases and provides for a holistic development orientation.

##### 2.8.6.1.2. Rural Subsidy: Informal Land Rights

- The programme is used to extend the benefits of the housing subsidy scheme to those individuals living in areas referred to as “rural” area where they enjoy functional security of tenure as opposed to legal security of tenure.

##### 2.8.6.1.3. Community Residential Units (CRU)

- This programme facilitates the provision of secure, stable rental tenure for the lowest income persons who are not able to be accommodated in the formal private rental and social housing market. It also provide a framework for dealing with the many different forms of existing public sector residential accommodation, including Hostels Redevelopment Projects. CRUs provide affordable rental accommodation for those households whose total income is between R 800 and R 3500 per month.

#### 2.8.6.1.4. *Social Housing*

- The programme seeks to provide housing opportunity in a rental or co-operative housing options for low income persons at a level of scale and built form which requires institutional management and which is to be provided by accredited social housing institutions and in designated restructuring zones. Social Housing provide affordable rental accommodation for those households whose total income is between R 3501 and R 15 000 per month.

#### 2.8.6.1.5. *Upgrading Of Informal Settlements Programme (UISP)*

- The main objective of the programme is to give effect to Part 3 of the Housing Code: This programme emphasizes in situ upgrading over relocations and emphasizes an incremental, infrastructure-led approach. The key objective of this programme is to facilitate the structured in situ upgrading of informal settlements as opposed to relocation.

#### 2.8.6.1.6. *Upgrading Of Informal Settlements Programme*

- The programme facilitates the structured upgrading of informal settlements. It applies to in situ upgrading of informal settlements as well as where communities are to be relocated for a variety of reasons. The programme entails extensive community consultation and participation.

#### 2.8.6.1.7. *Finance Linked Subsidy Programme (FLISP)*

- The programme is for applicants whose total household income is above R 3 500 per month but below R15 000 per month. This subsidy is based on a sliding scale – the less your total

household income, the greater the subsidy. This subsidy provides a once-off down payment which is to be used as a deposit to secure a mortgage/bond from a commercial bank. Applications for FLISP subsidies are made to the Provincial Department of Human Settlements.

#### 2.8.6.1.8. *Priority Housing Development Areas (PHDA)*

- UMhlatuze Human Settlements Plan identifies various Priority Housing Development Areas (PHDA). Within these The Richards Bay PHDA is highlighted and includes the towns of Richards Bay, its suburbs, as well as Mandlazini and Mzingazi Agri-Villages.
- Richards Bay is a primary node in terms of the uMhlatuze Municipal SDF and is a prominent developing industrial centre of in South Africa that provides a centres of employment, industrial, residential, mining, offices, eco-tourism, nature reserve and commercial activity. The town is well positioned to take full advantage of the export of manufactured goods and raw materials by virtue of the Richards Bay Harbour. It is also regarded as a eco-tourism and nature reserve gateway and plays a dominant role in the provincial commercial and industrial sector.
- It highlights that a further area that requires priority housing intervention is the area between Mzingazi and Meerensee. It further highlights that a project in this area would have a multi-purpose of being an infill project and a catalyst to integrate the adjoining communities. Furthermore, the suitable development of this area could provide a much needed social and recreation facilities that are lacking in the Mzingazi area specifically.
- It notes that, the Richards Bay PHDA has a satellite campus of the University of Zululand as well as a uMfolozi TVET campus and the need for student accommodation is ever present

### 2.8.7. HOUSING DEMAND

Over the years there has been an influx of people from the rural to the urban areas of the uMhlathuze Municipality. The housing projects should be delivered primary in areas where there is a greatest need.

The following summary shows the Municipal housing backlog or potential beneficiaries per subsidy instrument is provided hereunder:

- Urban Greenfield low income housing: 10000 including Mandlazini and Mzingazi housing backlog
- Social/Rental and Community Residential Units: 5000
- Rural Housing: 6622 including slums clearance estimated at **2800**

Priority	Name	Instrument	Ward	Sites	Project Value	Start Date	Completion Date	Status
1	Mzingwenya Informal Settlement	NUSP	17,19 & 20	TBD	TBD	TBD	TBD	Sma Ngcobo Consortium has been appointed as Implementing Agent (IA) for the project. They have completed the Environmental Study and submitted the report to the municipality.
2	Nseleni Informal Settlement	NUSP	7 & 8	TBD	TBD	TBD	TBD	Municipality has requested funding for the project to the KZN Department of Human Settlement.
3	Mzingazi Informal Settlement	NUSP	1	2500 beneficiaries estimated	R 8 765 575 Over a	December 2018	TB	An inception meeting was held in December 2018. Gabisa Investment has been appointed as an IA for the project over a period of 3 years.

### 2.8.8. LAND CLAIM

The uMhlathuze Municipality area was subject to two land claims filed in accordance with the Restitution of Land Rights Act 22 of 1994. Combined claim filed by the Mbonambi/Mbuyazi and Mthiyane Traditional Authorities – Richards Bay. The original claims focused on the following areas:

- Mbonambi claim - extending from the Reserve 4 boundary in the North/East of Mzingazi Village incorporating the whole of Meerensee and the beach and bay area towards the south up to the bridge over the John Ross road near the northern turnoff to the harbour. This is the general area where the people of Mbonambi lived (comprising of Erf 5333, Richards Bay).
- Mthiyane claim - extending from the north eastern boundary of Reserve 6 to Lake Nsezi in the south (the whole of the original Reserve 6) incorporating various residential areas, the Central Business area, general industrial area and Mondli. (*uMhlathuze Local Municipality: Final IDP Review 2019/2020*)

### 3. VARIOUS PLANNING CONSIDERATIONS

#### 3.1. REVIEW OF LAND DESCRIPTION AND GIS MAPPING

The proposed development project has been earmarked to be undertaken in Mzingazi Village (MV) with the property description detailed below.

Area Marked	Site / boundaries	Project	Property owner	Town
<b>Mzingazi Village</b>	Portions 49 and 54 of Erf 5333		Municipality	Richards Bay
	Remainder of Erf 5333		Municipality	Richards Bay
<b>Meerensee 5</b>	Remainder of Erf 5333		Municipality	Richards Bay
<b>Portion of land</b>	Remainder of farm reserve no.4 no.15823		State	Richards Bay

Table 2: Land Description, Mzingazi Village, uMhlathuze LM

PROPERTY DESCRIPTIONS	SIZE
<b>Portions 49 and 54 of Erf 5333</b>	155 ha
<b>Remainder of Erf 5333</b>	86 ha
<b>Remainder of farm Reserve no. 4 no. 15823</b>	28 ha

Table 3: Property description

Records indicate that there is currently approved layout plan covering Portions 49 and 54 (DMS 1105118 and 1105119). The General Plan

covering Portion 49 is available as SG No. 210/2015 and the General Plan covering Portion 54 is available as SG No. 232/2015. In summary the land parcels reflected in the table above cover the following:

- ⇒ Portion **54 of Erf 5333** Richards Bay Registration Division GV Province of KwaZulu -Natal with an extent of 99,1247 (ninety nine comma one two four seven) hectares with reference to Diagram S.G No. 753/2014 held by certificate of consolidated Title No T14568/1979.
- ⇒ Portion **49 of Erf 5333** Richards Bay Registration Division GV Province of KwaZulu -Natal with an extent of 66,3139 (sixty-six comma three one three nine) hectares with reference to Diagram S.G No. 752/2014 held by certificate of consolidated Title No T14568/1979.
- ⇒ **Remainder of Erf 5333** Richards Bay, Province of KwaZulu -Natal with an extent of 3714,2445 (three seven one four comma two sixty six comma two four four five) hectares with reference to Diagram S.G No. 2602/1977.

### 3.2. Road network

The Mzingazi Village is easily accessed through Anglers road, being a major arterial connecting not just the study area to town but also providing direct connection to the adjoining municipality.

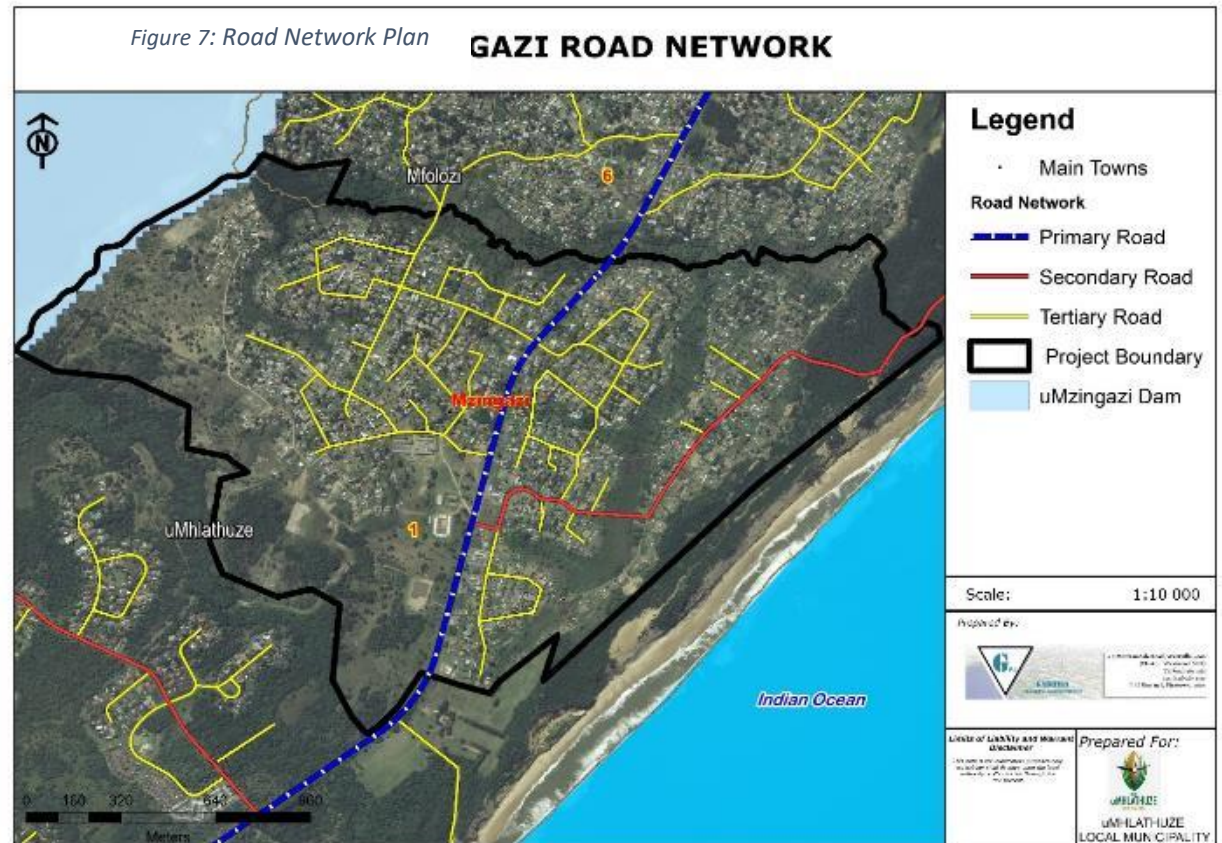
From road hierarchy point of view the study area consists of for four different levels.

- 20m road reserve as a bus route
- 10.5 and 12.5m linking roads
- 8m road reserve for residential access
- 6m road reserve for internal circulation

The SDF highlights that transport networks (corridors) are to be promoted as they are the catalyst in economic development. It further suggest that areas that are highly accessible have better opportunities for economic growth by increasing their market threshold. Good transport systems ensure reliable transport of goods - increasing investor confidence. Diverse goods and services located along the transport network allows for the generation of income by taking advantage of passing traffic.

In the context of the study area the municipal SDF identifies part of John Ross Highway (from Mzingazi Canal to Meerensee Suburb sections),

North Central Arterial and Anglers Rod as Secondary Corridors as they provide access and linkages between the nodes and the surroundings.

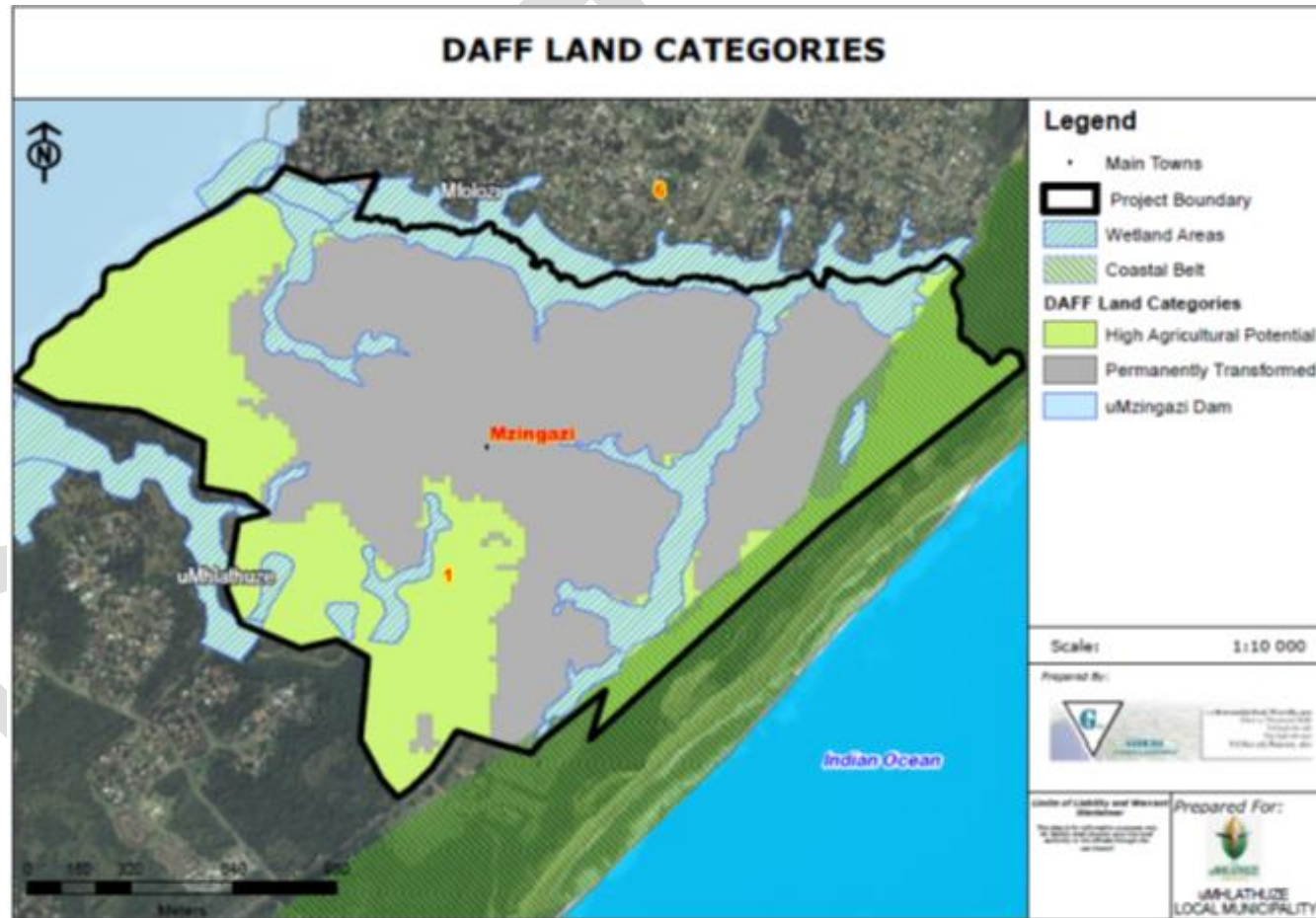


### 3.3. AGRICULTURAL POTENTIAL

Agricultural potential for the whole area in Mzingazi is classified as very high agricultural potential. However whilst the soil structure is suitable, significant land transformation has taken place over the years with informal housing densification taking place. Whilst vacant land parcels within this housing zone are deemed of high agriculture value it is important to balance this with the realities of pressures on the ground as elsewhere the consequential trend becomes land invasions. Having said this it will be important to identify suitable land parcels for small scale but meaningful agriculture activities. Such process will need to be guided by an Agriculture practitioner.

The following map shows the potential of Agricultural in ward 1.

Figure 8: Agricultural Plan





### 3.4. ASSESSMENT OF DENSITIES

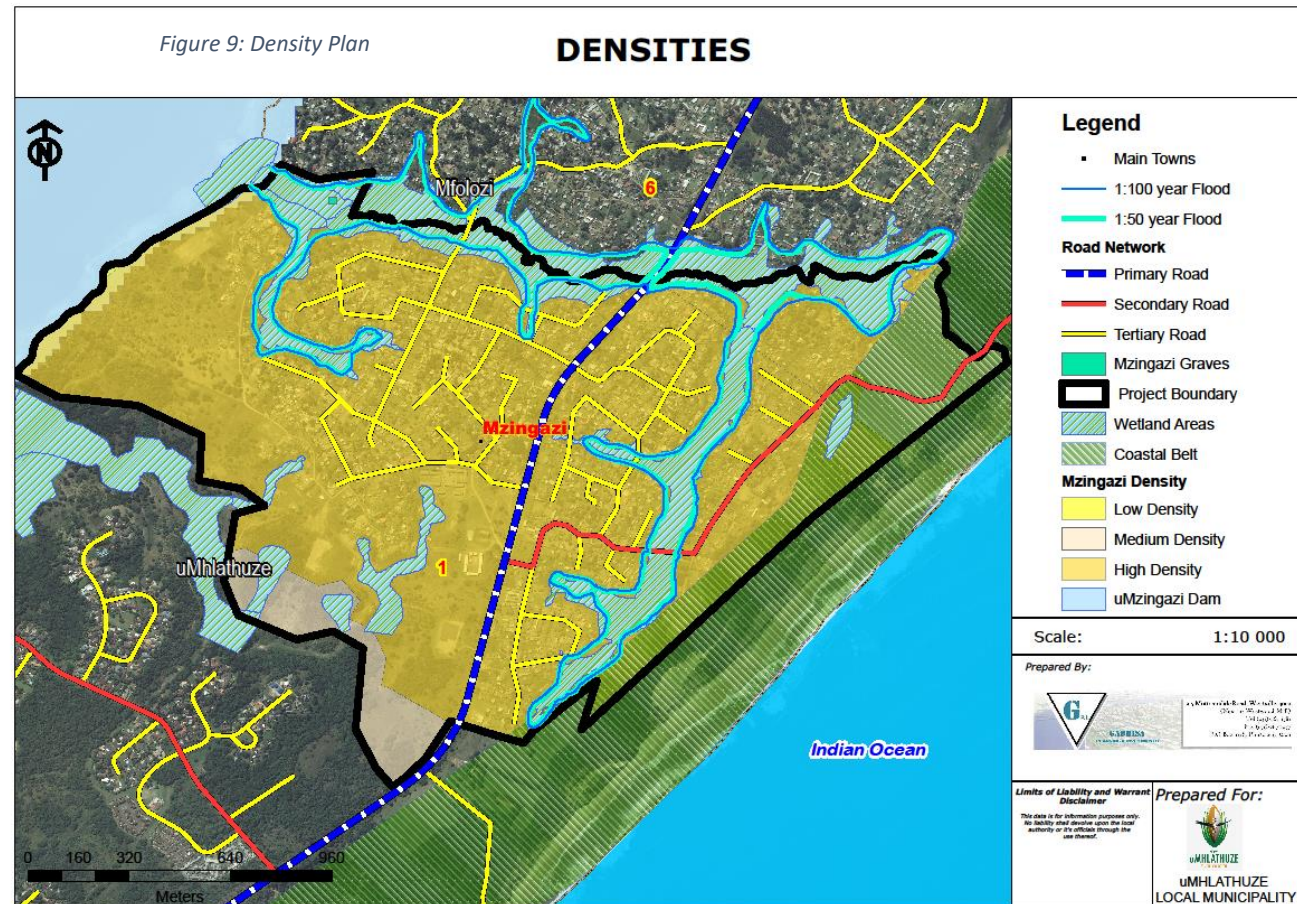
The study site stretches approximately 267 hectares across both open and built up land. It is covered by the natural vegetation and plantations. Most of these areas have been transformed to plantation and settlement and very little of this vegetation type remains.

In overall terms, the study area is a densely settled area. However these occur at different sections with some land parcels remaining completely vacant at the present moment. There could be a number of reasons for this densification but the following may explain this prevalent pattern:

- Low levies for high level of services found here
- Reasonable social facilities
- Simple transaction towards land allocation
- Good road network
- Good public transport system,

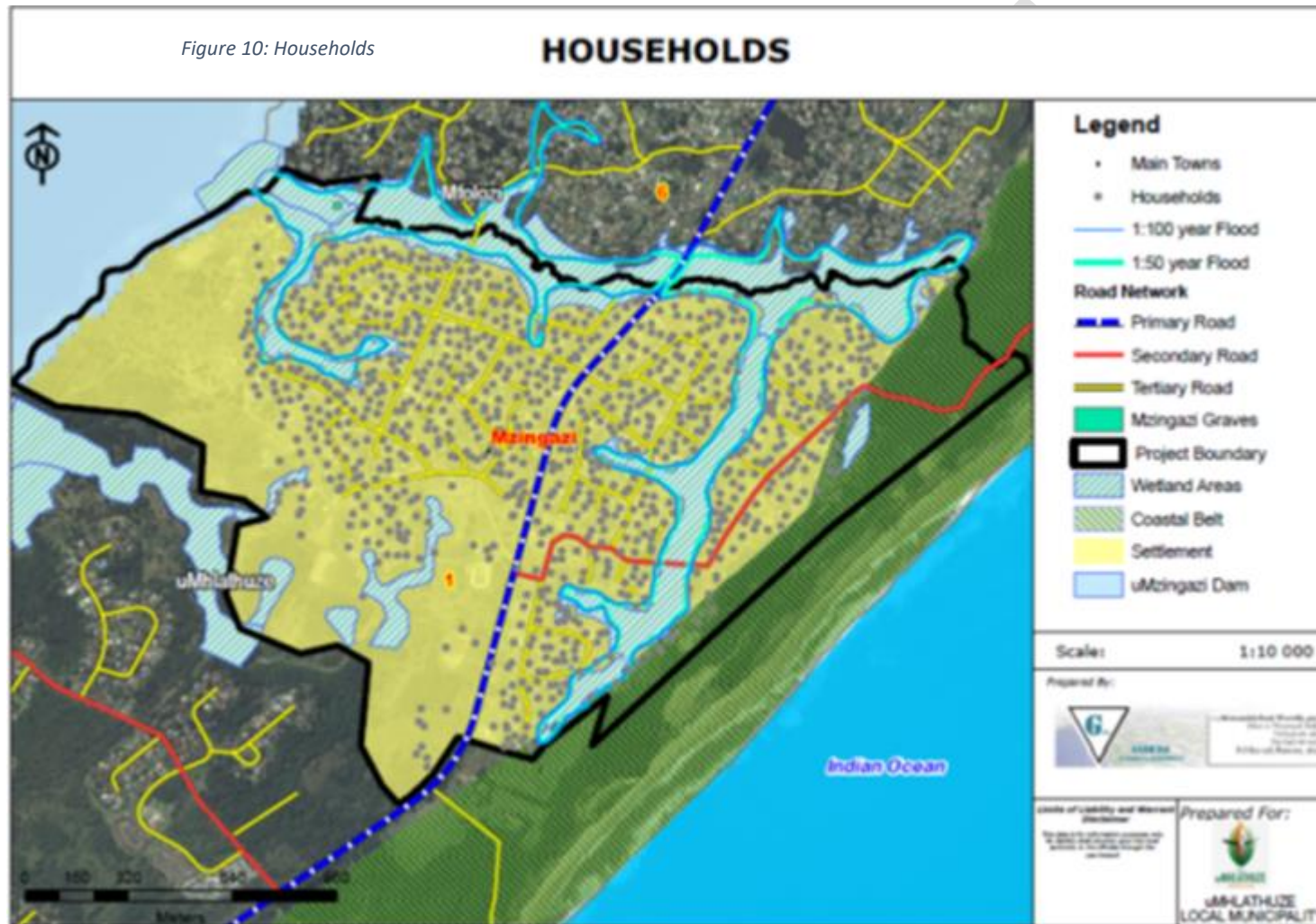
As it stands most sections of these areas, especially closer to the main roads are already estimated at densities of 30 dwellings per ha.

The challenge however is that this has been unplanned settlement to large degree as even the sub divisional plan previously prepared has



been ignored on the ground. Furthermore road access to each site is not always to planning norms. This may therefore, under current conditions, hinder the provision of full infrastructure necessary for this level of density. Hygiene and sanitation continue to be the biggest

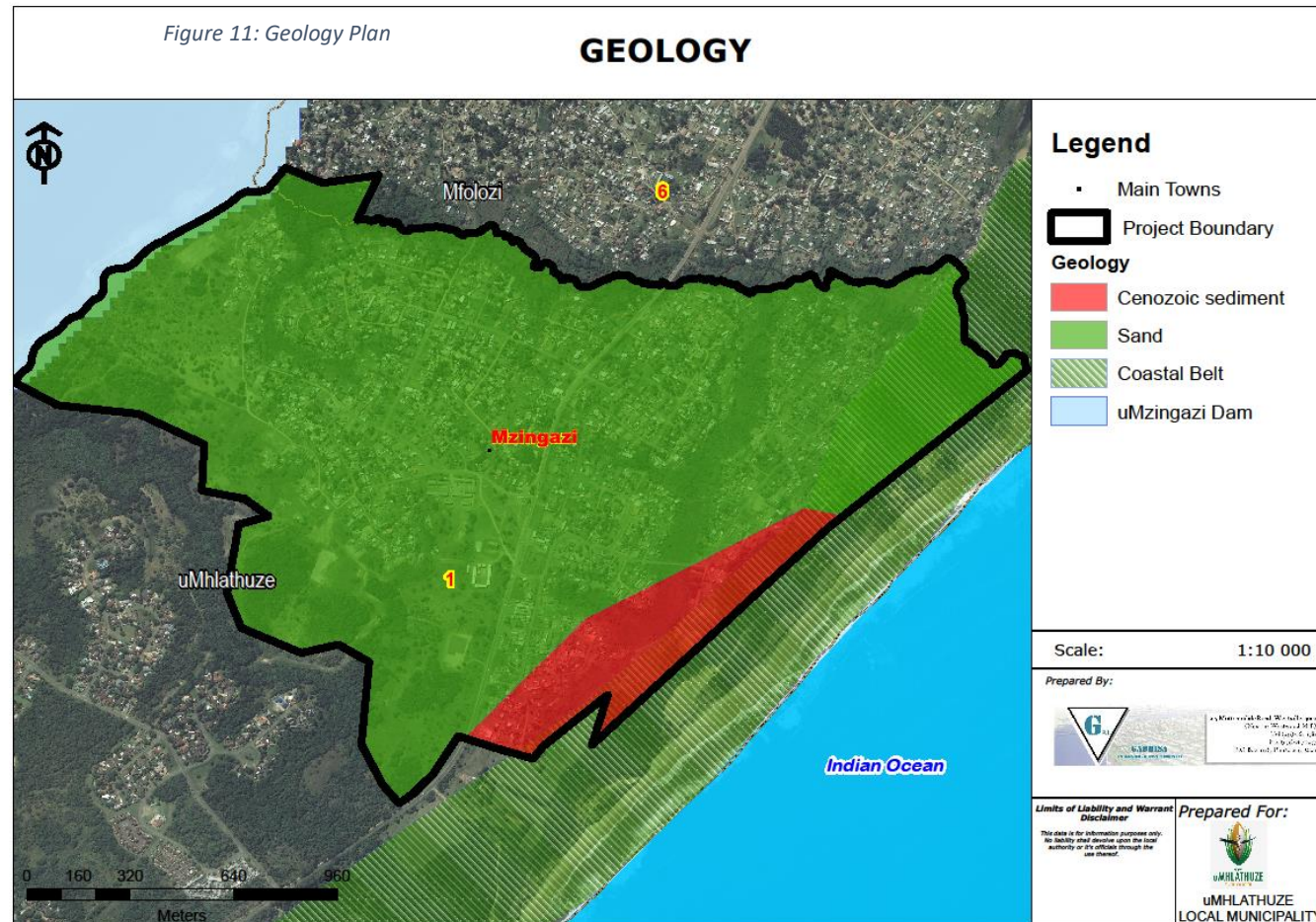
challenge. Attached map shows the assessment of densities in the study area.



### 3.5. GEOLOGY

The study area is characterised by the sand and the cenozoic sediment. It is bounded by the uMzingazi dam and the coastal belt.

The Mzingazi project area is also considered sensitive owing to wetlands and resultant ecosystem. In terms of biodiversity management, the area has been identified as threatened and therefore requires high priority management attention. The following map shows the geology plan



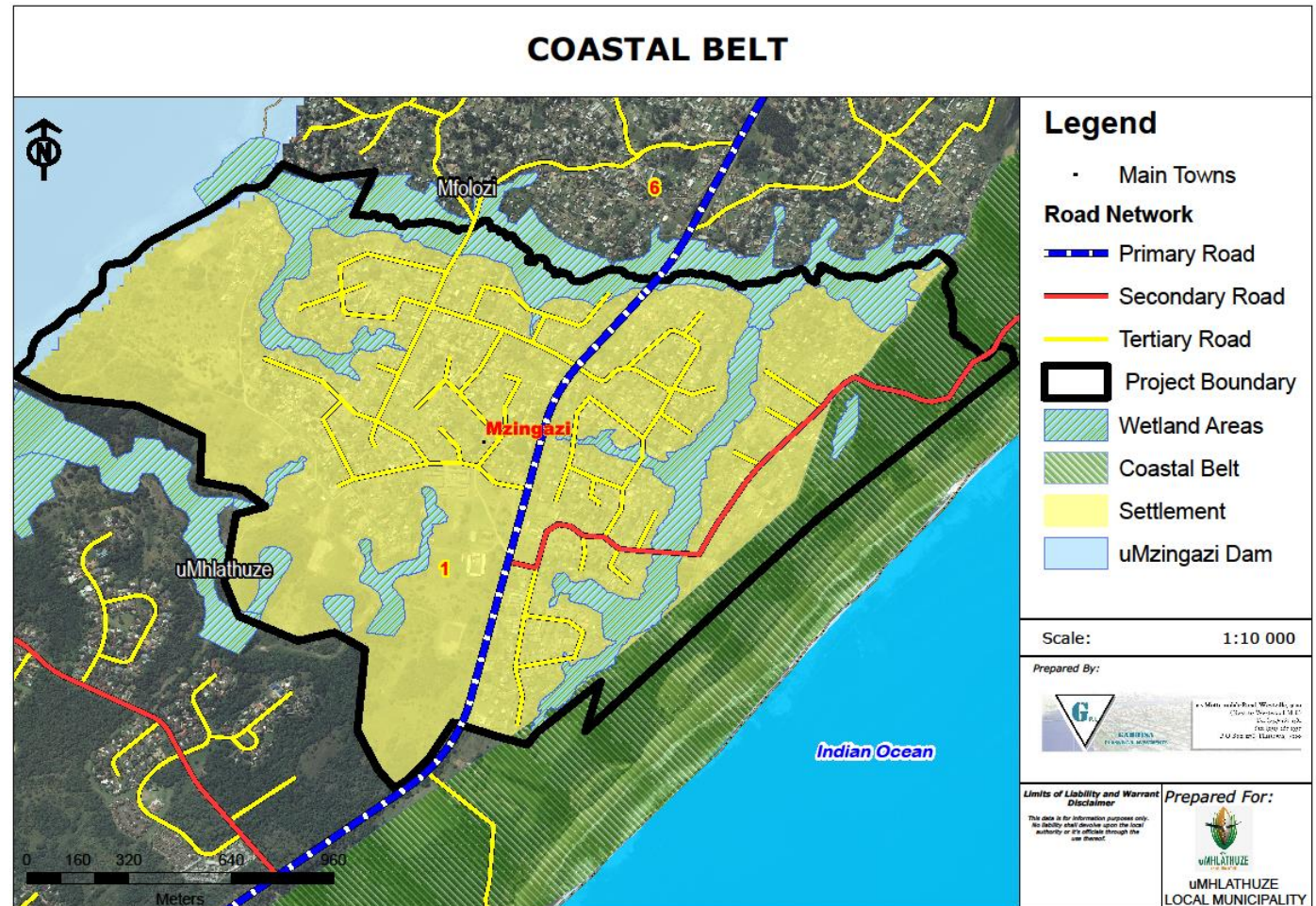
### 3.6. COASTAL BELT

The predominant vegetation type in Mzingazi is Maputaland Coastal Belt. The floral component of Maputaland Coastal Belt (CB1) comprises a variety of forest types both mesic and hygrophillous, thicket, primary and secondary grasslands.

Swamp Forest (FOa 2) is encountered within the wetland areas, water bodies and watercourse. Swamp forest and a number of the mesic vegetation forms encountered in this region have been identified as being “critically endangered” to “vulnerable” in terms of their conservation significance.

The edge of the lake is covered largely by swamp forest, papyrus and phragmites reed beds.

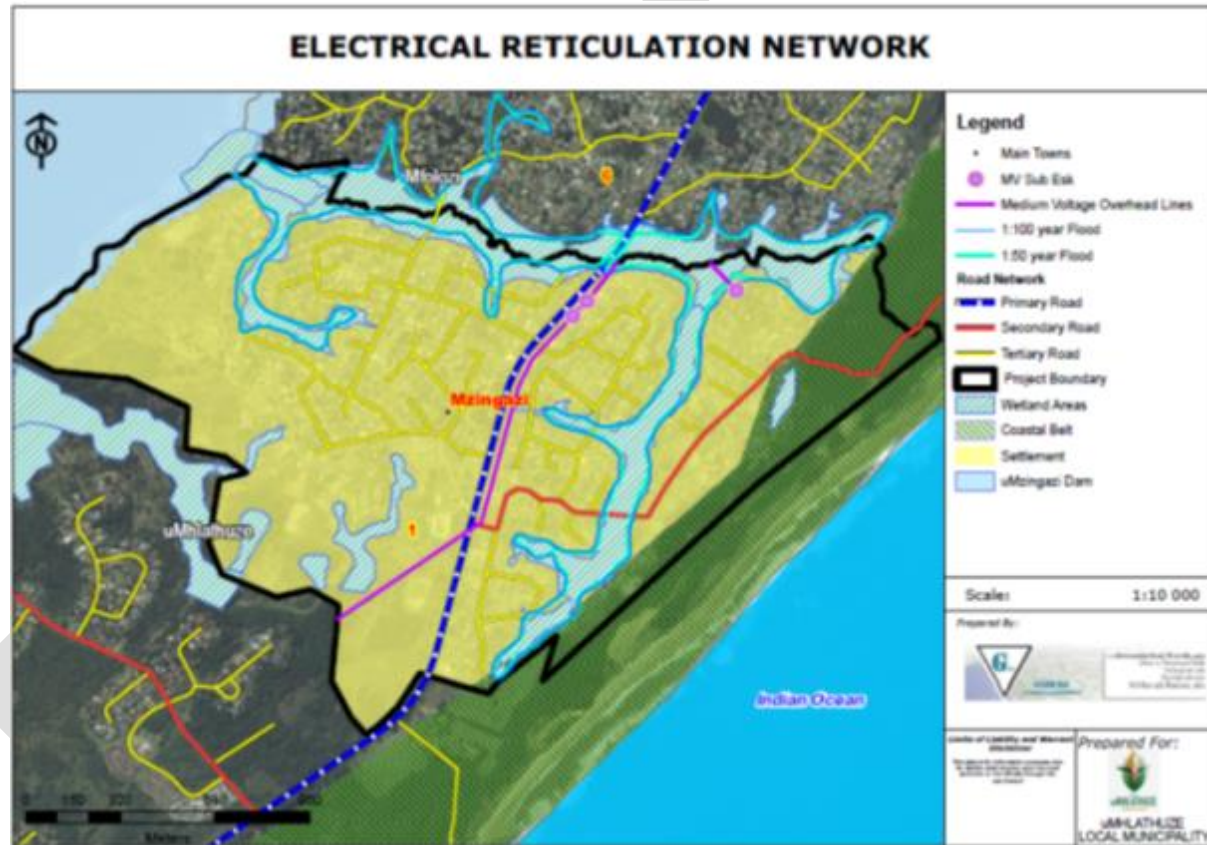
Figure 12: Coastal belt Plan



### 3.7. ELECTRICAL RETICULATION NETWORK

The study area has medium Voltage shows that households using electricity for lighting in this ward is relatively higher than those using candles.

Figure 13: Electrical reticulation network plan

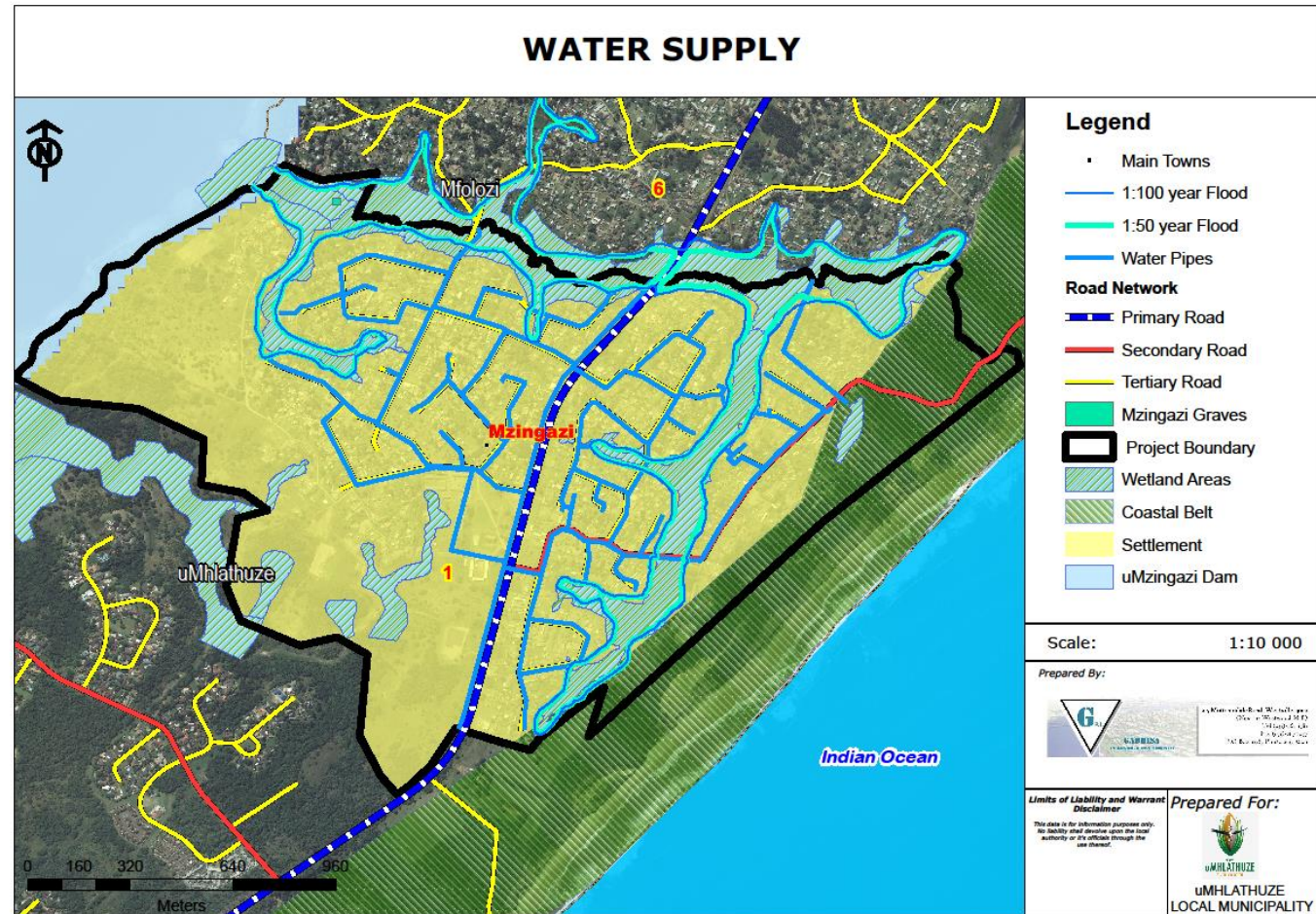


### 3.8. WATER

Firstly, Lake Mzingazi serves as Richards Bay's primary source of water supply, and extends from the suburbs into the tribal land around the project area. It follows that all activities that affect the yield and quality of water in the dam are likely to impact on the quantity and/or quality of water in the dam.

The responsibility for the water supply in Mzingazi Village area under the responsibility of UMhlatuze Water and Sanitation. The bulk water supply pipeline that transfers water. To reduce pumping and relieve pressure on the Northern Aqueduct, the uMhlatuze Water and Sanitation will implement the construction of the „Western Aqueduct“.

Figure 14: Water



### 3.9. WETLAND AND FLOOD-LINES

The study area consists of various environmentally sensitive zones which require protection. The sensitivity lies largely to the wetlands and reticulation of drainage lines in the area. The area requires high priority management attention.

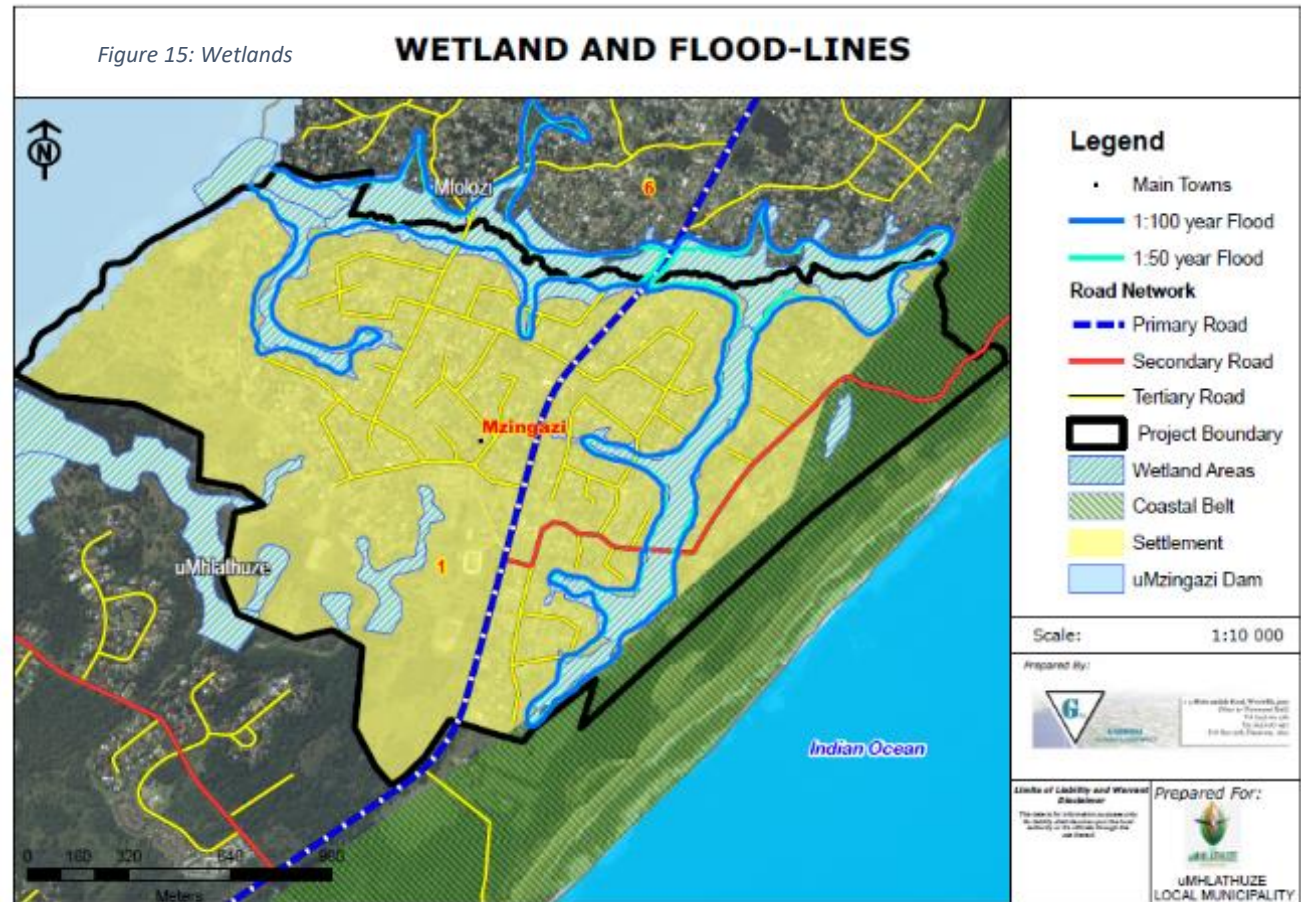
Catchment extensively transformed by urbanization, plantation forestry and communal agriculture.

Much of the catchment has been irreversibly impaired by transformation. Remaining biodiversity asset includes dry forest, swamp forest and wetlands. Informal settlement has spread along much of the lake threatening water quality because there is no sewage system. Water quality is moderate. Forestry has reduced water inputs.

According to the SDF, Lake Mzingazi is a freshwater body of national significance because of its size and location. Its functioning depends on the condition of the catchment. Important as a secondary nursery for crustacean species, including five prawn species, which require an open connection with the harbour be maintained. Lake Mzingazi once supported bird colonies, but no

longer. Forests on the southwest bank support a notable bird diversity. An important source of water for Richards Bay.

Figure 15: Wetlands



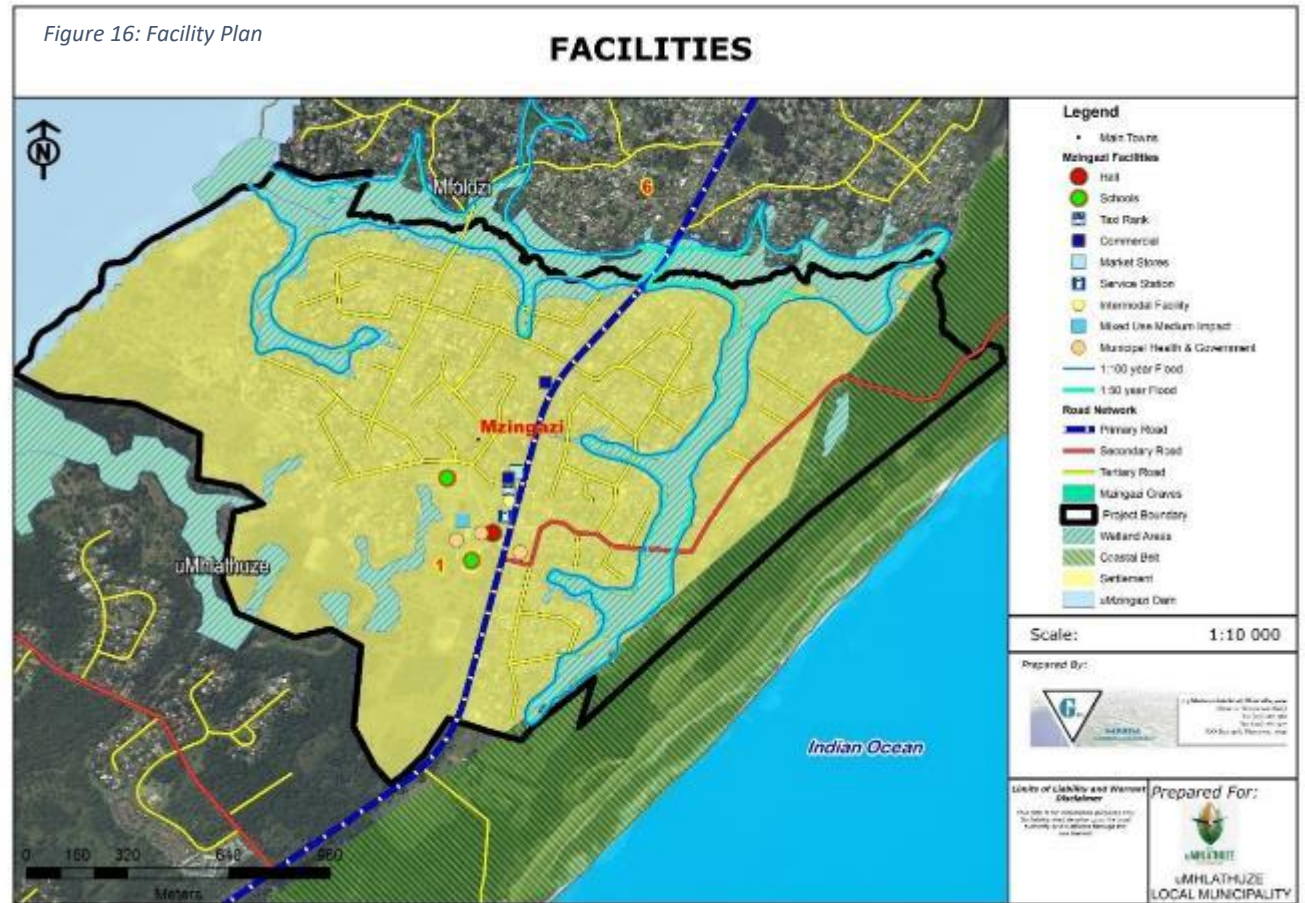
### 3.10. SOCIAL FACILITIES WITHIN STUDY AREA

The Mzingazi Village study area, was assessed to determine the current distribution of social facilities.

The main objectives of the social analyses is:

- To accommodate a higher order of social, environmental and enterprise support services that promote sharing amongst the communities in an around Mzingazi.
- To create an environment where public, private and pedestrian movement integrate without loss of amenity or safety;
- To create a safe environment in all respects.
- To provide an environment and framework that is capable of change and growth over time;

The following map shows the facilities of Mzingazi Village in ward 1





The map shows the various social facilities which are summarised in the following table:

NAME OF FACILITY	NUMBER OF FACILITIES
Schools	2
Community Hall	1
Crèche	1
Taxi Rank	1
Commercial	2
Service Station	1
Intermodal facility	1
Mixed Use Medium Impact	1
Municipal Health and & Government	3
Worship sites/ Churches	2

Table 4: Facilities per Category: Ward 1

In specific terms the following are situated within the ward:

No.	NAME of Facility
1	Nhlazatshe Primary School
2	Sitholinlanhla Secondary School
3	Vusani Temple church
4	Apostolic Church in Mzingazi Branch
5	Zone 14 Hardware Shop
6	Dr Mkhulu Mngomezulu
7	Mzingazi Community Hall
8	Hilton Manor Guest House
9	Lungelo Youth Development Centre

Table 5: Existing Facilities

## 3.11. GEOTECHNICAL INVESTIGATIONS

### 3.11.1. Background

A full geotechnical investigation was conducted by ilanga Lezintaba Zolwandle (iLZ) Consultant. The geotechnical study was carried out in three phases;

- desktop study,
- field work which comprised excavation and profiling of test pits and dynamic cone penetration (DCP) tests,
- laboratory testing of soil samples.

The test pits were profiled by an Engineering Geologist and the test pits profile along with their cross-section. The following laboratory tests were conducted on representative samples from site:

- Foundation Indicators;
- Particle Size distribution
- Atterberg Limits

### 3.11.2. Investigation Results obtained

The field investigation showed the site to be underlain by thick soil profile of quaternary sands described as dry to wet, light brown, greyish brown to reddish brown, very loose to medium dense, intact, fine silty sand.

The Consultant noted that the site is located within a low-lying area which is a few metres above mean sea level and It is characterized by

relatively flat topography with some gentle slopes and is categorised as Intermediate Favourable Class for the construction of the low-cost government subsidy houses, provided cognisance is taken of the following geotechnical constraints:

- Areas of potentially collapsible soils;
- Erodibility of underlying material;
- Areas prone to flooding (marshy areas).

The lab results indicate mildly corrosive soil conditions. The results from the laboratory indicate that the colluvium soil has low swell potential while the underlying ferric rete and residual basalt has medium to high swelling potential.

The Consultant established that there was no groundwater seepage encountered in any of the trial pits put down for investigation. Excavation conditions on this site may be categorized as 'soft mechanical excavation' according to SANS 1200D "Classification of material for machine excavation" to a depth of about 1.5m.

The test pits were all near vertical and there was no evidence of side wall collapse while left open, therefore any possible trenches excavated to within the limits of the tests pit depths are expected to be stable. Acidity (pH) and electric conductivity of the soil contribute to the soil to have a corrosive characteristic.

### 3.11.3. Geotechnical classification

Figure 17: Geotechnical Classification of Urban Development

In terms of Geotechnical Classification of Urban Development, the terrain in the study area can be categorised as Intermediate Class 2A, 2E and 2L. Intermediate Class category means precautionary measures are to be taken as prescribed during design and construction. The terrain map associated with the classification system is indicated above. Based on the geology and the soil profiles encountered during investigation; the site class for Mzingazi Housing project area, is C2.



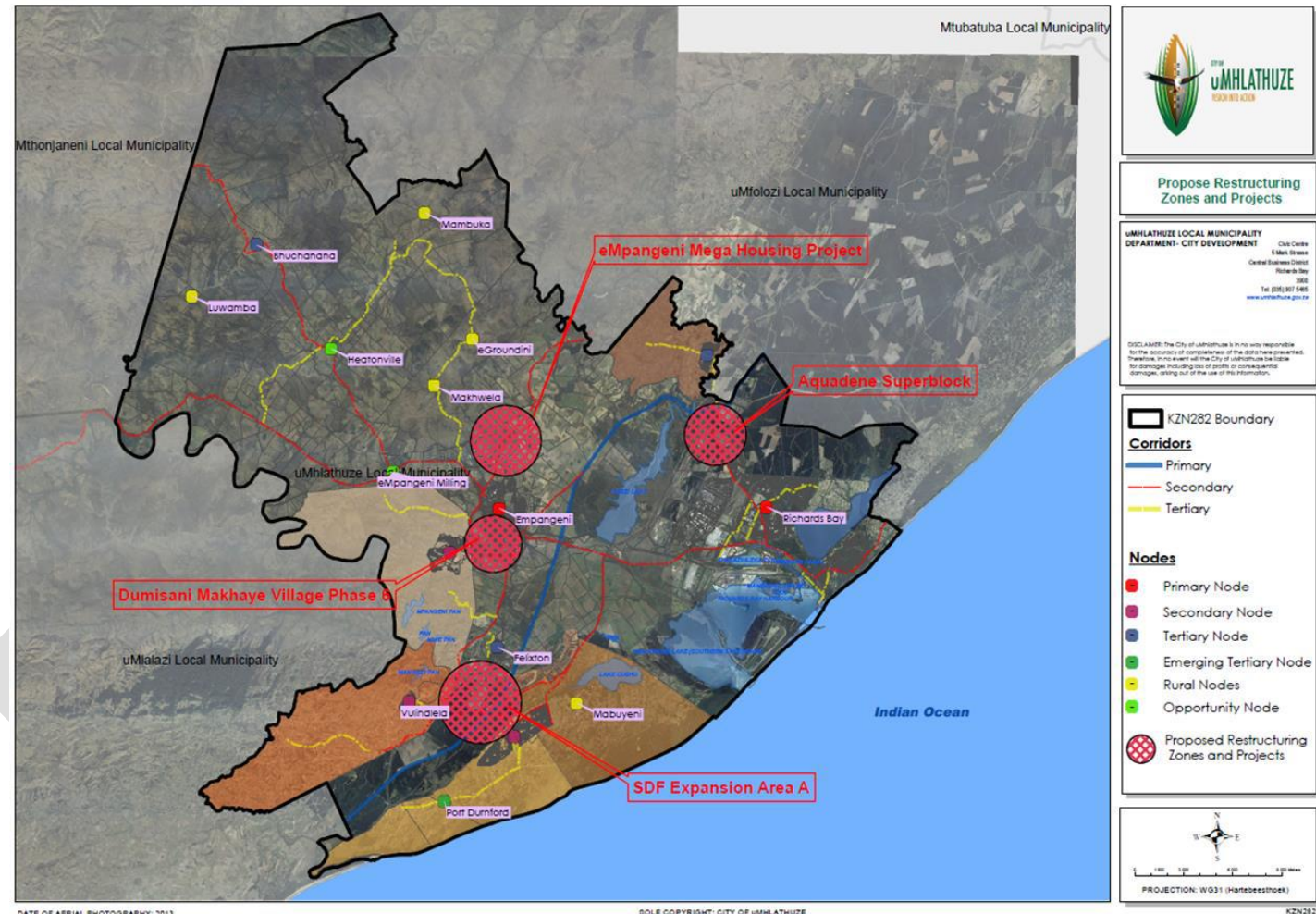
### 3.11.4. Foundations solutions as well as recommendations

The Geotech stipulated that the recommended foundation construction types in accordance with South African National Standard (SANS 10400-H: 2012 Edition 3) Part H; Foundations of C2 class could be any of the following options:

- Stiffened strip, stiffened raft or cellular raft
- Deep strip foundations
- Piled construction
- Soil raft (**recommended**)

It is recommended that the foundations for all dwelling structures be designed by a competent structural engineer. In addition, it is further recommended that precautions are taken in the construction of the block/brickwork, drainage and plumbing.

Figure 18: Density Plan



### 3.11.5. Overall geotechnical recommendation

- The geotechnical investigation performed has indicated that the proposed area is suitable for the construction of the RDP houses.
- The results of the geotechnical investigation and desk top study, carried out for Mzingazi Ward 1 Formalization, indicate the site to be underlain by Quaternary sands. It is possible that the ground profile varies at other areas on site where these investigations were not performed. Hence it is highly recommended that an experienced engineering geologist or geotechnical engineer is engaged to assess the foundation conditions during construction to ensure that the ground conditions are as anticipated and to make recommendations if conditions change.

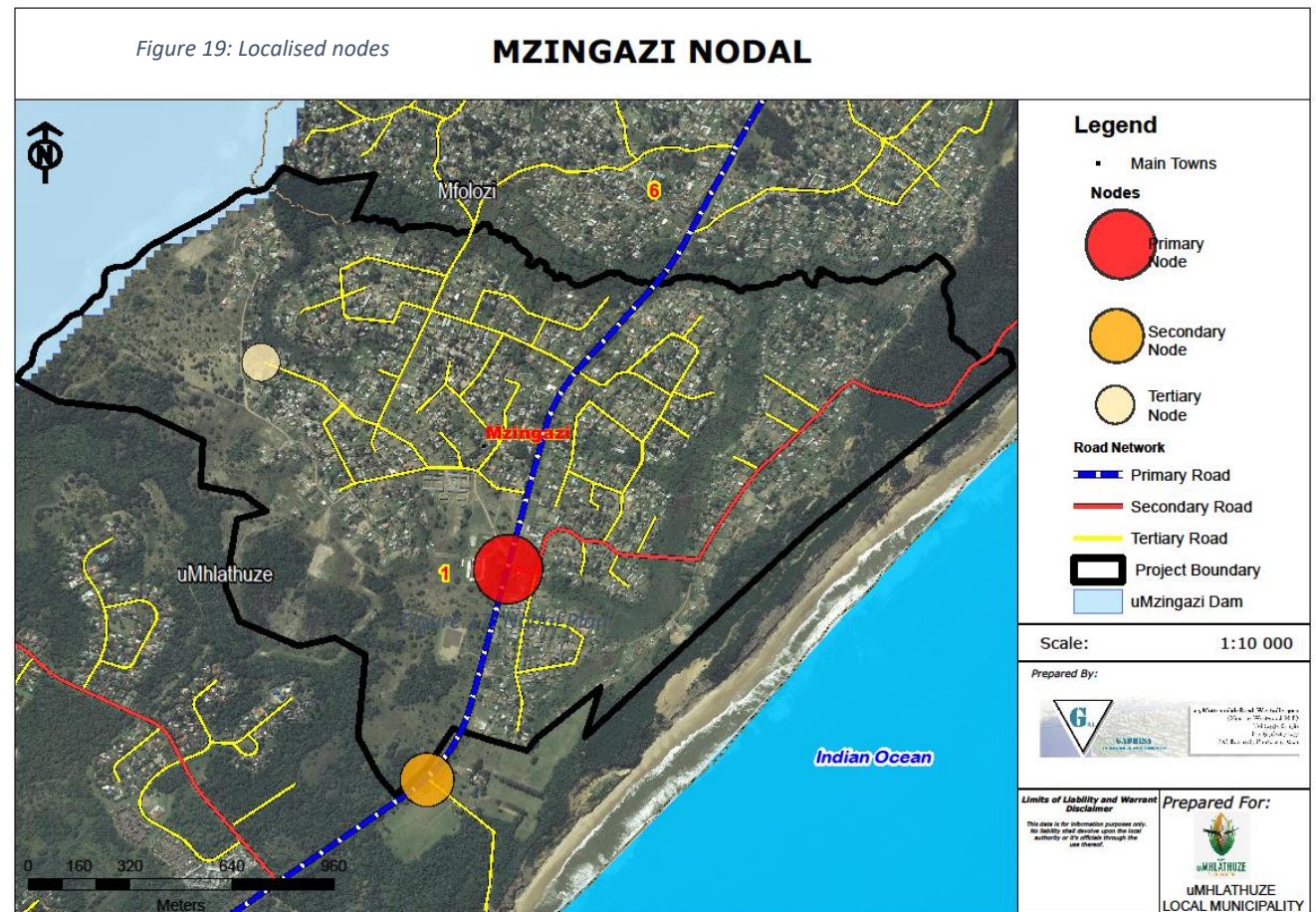
## 4. STRUCTURING THE STUDY AREA

### 4.1. MZINGAZI SPATIAL STRUCTURE

The municipal IDP identifies various nodes critical for the development of Umhlathuze as a whole. The study area situates in close proximity to the main node being Richards Bay CBD. The nodal plan of the Mzingazi land development suggests that:

- Growth is stimulated by the strategic location of the area to the Richards bay CBD.
- The various industrial operations located in the CBD perform a significant regional function and provide employment opportunities to many residents of the municipal area and beyond.

The Richards bay area is experiencing development pressures, especially in relation to economic and housing developments. Being the primary node the CBD currently accommodates various regional facilities from which this development is likely to benefit.



The Strategic Development Rationale for the City of uMhlathuze seeks to develop the area with a hierarchy of nodes. The Strategic Development Rationale puts forward an incremental development approach, where the upgrading of existing services and provision of new services are focused in specific areas according to settlement and nodal classification.

The formalization of the site will provide the directives to shape the future urban form and will determine the priority areas for infrastructure service provision. This approach will also ensure that existing service levels are maintained and pressure on services is alleviated. This requires the cooperation of all levels of government and service providers, to ensure coordinated, focused and integrated efforts towards community upliftment and development.

The efficiency of the sub-region relates directly to the effectiveness of its movement system i.e. the ability to move goods and people within and beyond the municipal boundary and Mzingazi and Meerensee are key to this. These routes should be seen as activity and investment lines. The structure they give to the area is articulated in the form of movement patterns and systematic distribution of land uses in space.

The ordering and location of services and facilities, in a manner that promotes accessibility and efficiency in service delivery, is required. This is critical land use integration. As such, the clustering of various activities at appropriate and accessible nodal locations provides the Municipality with a network/system of opportunity centres. The concentration of activities in and around these areas will stimulate further development of higher order activities

Higher density settlements should be located along the main transportation routes and held together by a web of local access roads and public facilities:

- A convenient settlement improves the level of choice, encourages creativity and investment while a less convenient settlement imposes a lifestyle on people and results in unnecessary expenses.
- Settlements should provide a reasonable access to opportunities and facilities to all. It is neither possible nor desirable for settlements to be homogenous hence an emphasis on choice.

A more compact form can be achieved with the maintenance of a settlement edge in order to discourage development sprawling into natural resource areas. The settlement edge can be used to encourage more efficient use of existing underutilised land. It can also be used to manage the investment and characteristics of infrastructure levels according to the needs of communities and economic activities located within settlement edge.



## 4.2. URBAN DESIGN PRINCIPLES

The following presents the main principles that should enhance a desirable public space:

### *Accessibility*

This principle of accessibility is concerned with ensuring an ease in the movement system within and around the site and the ability of the public to effectively and efficiently access the area.

### *Sustainability*

The sustainability principle focuses on striking a balance between the social, economic and environmental systems within communities. Sustainability is also concerned about the continuation of land use measures, in accordance with environmental management instruments. It also give emphasis on sustainable developments that limit urban sprawl.

- *Sense of place*

This principle is concerned about ensuring that people feel comfortable where they live. It creates a sense of belonging. Human settlements are not just about developing sites, but introducing certain nodes where community interaction can take place, for residents to gather and relate amongst themselves.

- *Continuity*

Continuity within the proposed precinct is important, as a site must be well connected with its surroundings. Connections

should be designed to provide convenience and link areas to create livelier, safer and pleasant environments.

The designs in the next images represent an effort to establish spaces that will not only enhance the surrounding but also create new opportunities for sports, leisure and retail uses.

Within these new nodes the following concepts are strongly promoted

- *Sidewalks*

Sidewalks provide a critical component of pedestrian movement and safety. Where these are used, classic paving (concrete slabs, 120 mm x 110 mm) is proposed. In some cases this paving will be on both sides of the road.

- *Pedestrian Crossing*

Pedestrian crossings are proposed at critical areas where pedestrians are likely to cross the main roads, and at traffic calming areas.

Pedestrian crossing will be used for both traffic calming and as crossing areas for pedestrian.

- *Traffic calming*

Traffic circle, speed humps and other forms of speed reduction measures should be considered inside the centre to enhance the safety of students and pedestrians walking from one block to the other.



### *Greening*

With regard to landscaping, the municipality's parks department can play a major role in defining appropriate indigenous trees for planting inside the centre and along the main roads.

### *Lighting*

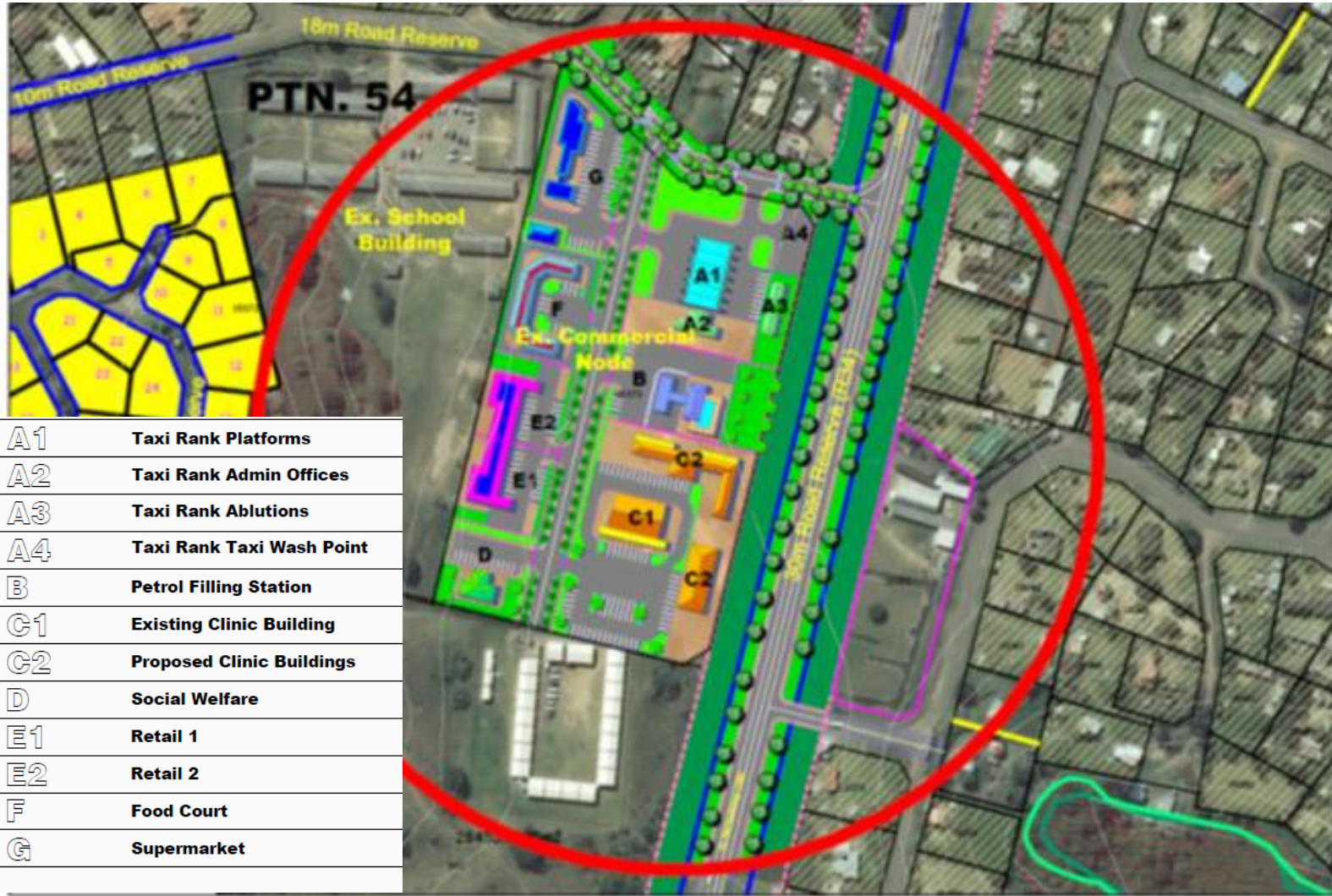
Appropriately designed street lights are suggested along the roads, paths and public spaces. This will contribute towards safety in the centre. Such appropriate design should consider what the municipality uses in the neighbourhood as well as appropriate themes.

### *Signage*

Appropriate signage contributes towards order and appearance of the area. The contrast is equally true in that unregulated signage can lead to filth and confusion. We suggest that the centre should consider appropriate local design for road signs and block directions. In the long run the municipality's bylaws on signage should be upheld.

4.2.1. The commercial node

Figure 20: Commercial node



4.2.2. The sports Node

Figure 21 Sports Node



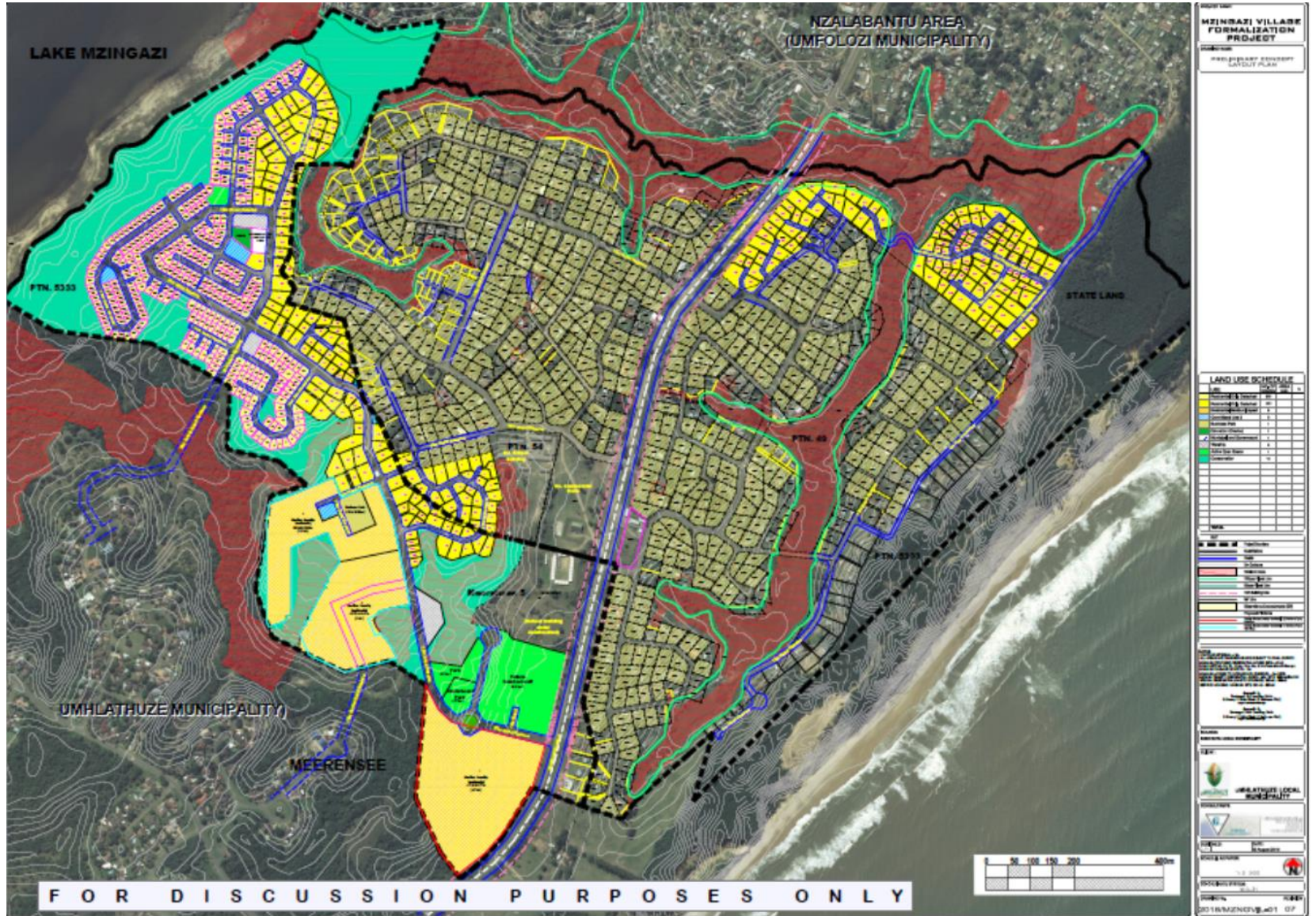
#### 4.2.3. The amended layout plan

The layout plan accounts for the following land uses

- 375 residential only detached
- 261 detached
- 3 medium impact
- 3 core mixed Use 2
- 1 business Park
- 1 Education (Creche)
- 3 Worship sites
- 1 Municipal and Government
- 1 Open Space
- 10 conservation

USE	NO. OF SERVEN	AREA (H)
Residential Only Detached	375	
Residential Only Detached	261	
Residential Medium Impact	3	
Core Mixed Use 2	3	
Business Park	1	
Education (Creche)	1	
Municipal and Government	1	
Worship	3	
Active Open Space	1	
Conservation	10	

Figure 22: Layout amendments



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