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MOTIVATION

IN SUPPORT OF APPLICATION

FOR

THE PROPOSED PHASED DEVELOPMENT OF LAND OUTSIDE THE HIBISCUS COAST PLANNING SCHEME, IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT NO. 16 OF 2013);

SUBDIVISION OF REMAINDER OF LOT 35 MARBURG NO. 4956, IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT No. 16 OF 2013);

AMENDMENT TO THE HIBISCUS COAST PLANNING SCHEME BY THE INCLUSION OF REMAINDER OF LOT 35 MARBURG NO. 4956 INTO THE HIBISCUS COAST PLANNING SCHEME, IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT No. 16 OF 2013);

AMEMNDMENT TO THE HIBISCUS COAST PLANNING SCHEME BY CREATION OF A SPECIAL ZONE FOR THE REMAINDER OF LOT 35 MARBURG NO.4956, IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT No. 16 OF 2013);

SITUATE IN THE HIBISCUS COAST MUNICIPALITY;

**REGISTRATION DIVISION - ET,
PROVINCE OF KWAZULU NATAL**

1. PURPOSE OF APPLICATION

This application is hereby submitted on behalf of the Nyenyezi Communal Property Association (NCPA) by Messr. Stott, Milton & Conway: Professional Land Surveyors, by resolution, for the following proposed developments on Remainder of Lot 35 Marburg No. 4956, namely:

- Proposed phased development situate outside of the Hibiscus Coast Planning Scheme, in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013);
- Subdivision of the Remainder of Lot 35 Marburg No. 4956, in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013);

- Amendment of the Hibiscus Coast Municipality Town Planning Scheme by the inclusion of the Remainder of Lot 35 Marburg No. 4956 and formally zoning of the property and Land Use Management Scheme of the Hibiscus Coast Municipality, in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013); and
- Amendment of the Hibiscus Coast Municipality Town Planning Scheme by the Creation of a Special Zone for the Remainder of Lot 35 Marburg No. 4956, in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013).

2. TERMS OF REFERENCE AND BACKGROUND INFORMATION

The property, the Remainder of Lot 35 Marburg No. 4956, is 77,42 Ha in extent and is situate contiguous to the Eastern Boundary of the Kwandwalane Tribal Authority and West of the Port Shepstone Central Business District (CBD). Current access to the property is via unnamed roads that connect the property to the National Road 2 (N2-22), which traverses through the centre of the property. The area for the proposed development is located in demarcated segments along the Eastern boundary of the site and comprises of elevated high terrain overlooking slopes to the Southern and Western boundaries (See Plates).

Apart from 17 existing communal houses, 29 existing disaster houses and 30 existing encroaching houses, the property is vacant and currently unused. Steep topography, as well as unnamed road servitude and remnant coastal grasslands, defines the boundaries in the low-lying areas of the property. Prior land use was predominantly agriculture, but the property has been left unmanaged for a number of years. Neighbouring land uses, adjacent to the property, consist primarily of the Merlewood Housing Projects and the Marburg Industrial Area to the East; the Kwandwalane Deep Rural and Peri-Urban Housing Projects to the West; the Lions Grove Housing Development, Umzimkulu River and Sugar Cane Farming to the North, and the Bhoboyi River in the South.

The proposed development will comprise of 154 Free Standing Residential Housing Units in a Settlement Pattern, a Community Hall, All Skills Training Centre, Educational Buildings for Early Childhood Development, Buy Back Recycling Centre, a Cash and Carry Centre, Petrol Service Station, Aquaculture Hatchery and Vegetable Tunnel Farming, for Light Industrial and Commercial Purposes to augment further local

economic growth, together with the associated infrastructure, as shown on the Site Development Plan, Drawing Number: M577SDP MK dated 17 December 2014. Approximately, 43,79 hectares of the property is to be used for the proposed development, with the remainder of the property being rezoned to conform to the development on the property.

The project is motivated on the following basis:

- Shortage of Housing in Marburg:

Although some of the land on the property was previously used for agricultural purposes; to date, such purposes have proven to be of limited socio-economic value for both the current property owner and local community members. Market research has indicated that, overall, there is a shortage of housing within the area that meets specific criteria. This shortage of housing is expected to increase over time with the incrementing growth rate of the local population, and thus in due cause, will inevitably drive the need and demand for further development to take place to accommodate this exponential growth rate.

In addition, according to the Hibiscus Coast Municipality (HCM) Spatial Development Framework (SDF), which is aligned to the development objectives and parameters of the HCM Integrated Development Plan (IDP); the property has been identified as a Secondary Development Node with a Primary Corridor (i.e. National Road 2 (N2-22)) traversing the site, as mentioned above. The property has been designated for Mixed Used Industrial / Low Key Commercial/Office/Residential. This will help promote future development in the area as the property is ideally located and is in close proximity to the Port Shepstone CBD.

Over the period, the need for development, including construction and housing, has increased significantly. The proposed development on the property will therefore not only provide housing and human settlement, which is much needed for the community members of the Nyenyezi Communal Property Association (NCPA), but also provide commercial and industrial opportunities to create local economic development and employment within the community.

- Socio-Economic Benefits:

In view of the above, the primary objective of this project is to establish a sustainable community livelihood for the stakeholders of the Nyenyezi Local Community on the property, through providing affordable housing, within a settlement pattern, that will be the first of its kind in South Africa, and will encourage investment for local socio-economic development growth, in terms of the Communal Property Association Act (Act No. 28 of 1996).

Since the land has been left to lie fallow for a number of years, as mentioned above, it has low agricultural potential and, thus, is considered suitable for development purposes (See Agriculture Potential Assessment Report). In addition to the construction of housing, and related infrastructure, as well as proposed community facilities, (i.e. a Buy Back Recycling and All Skills Centre, a Community Hall and Educational Facilities etc), the development of both commercial and light industrial facilities (Aquaculture Hatchery, Vegetable Tunnel Farming and Petrol Service Station), will also heighten the level of permanent employment opportunities in the area, where none currently exist.

Such opportunities include artisan and in-service skills training, which will lead to an influx of additional services, as well as capital revenue, into the local economy.

- Ecological Sustainability:

According to the Millenium Ecosystem Assessment Synthesis Report, that was published in 2005 and comprised of studies undertaken by over 1300 scientists worldwide, over 60% of ecosystems globally have shifted to a less desirable anthropocentric regime state. This implies that human development and economic activities have begun to become the main driving factor of global environmental change.

Therefore, the proposed settlement development on the property will also simultaneously be focused on ensuring that all existing ecosystem services are preserved through identifying the location and demarcating open private spaces

around the perimeter of these services on the property. To ensure that these ecological sensitive areas were identified clearly, the following preliminary assessments were undertaken, for both scoping and environmental authorization from the Department of Agriculture and Environmental Affairs, as namely:

- Identification of all riverine courses and associated wetland buffers, including the Boboyi River that traverses in the Southern regions of the property;
- Topographical Site Survey and Associated Slope Analysis;
- 1:100 Floodline of the Boboyi River;
- Natural Vegetation Identification and Demarcation; and
- Environmental Impact Assessment and Authorization with an approved Environmental Management Plan for development.

The property is also partially covered by indigenous forest and the proposed development will ensure a private open space system for the rehabilitation and restoration of the existing ecosystem services. In addition, the introduction of a contemporary recycling model, through the development and construction of a Buy-Back Recycling Centre, will further ensure socio-ecological sustainability, as well as local economic development.

Such a model will be based on the principles of the triple bottom line (i.e. planet, people, profit), in which local community members of both Nyenyezi and the surrounding local communities will be provided job opportunities to generate income through simultaneously recycling waste, thus minimizing the development's ecological impact on the surrounding natural environment.

In addition, the introduction of a proposed aquaculture fish hatchery facility and vegetable tunnel farming, to cultivate both tilapia and vegetable produce (see Agricultural Potential Report), will also be utilized to further encourage the triple bottom line principles of sustainability through supplying a food source with minimal impact of natural fish resources, while further encouraging local economic growth at grass roots level.

- Compliance with IDP:

In compiling this application, due care and consideration was taken to ensure that the objectives of the Integrated Development Plans for both the UGU District Municipality and Hibiscus Coast Municipality are upheld; notably the provision of housing, commercial and light industrial development and socio-ecological sustainability. The proposed land use is therefore not in conflict with either of these IDP's, as the area is demarcated for urban development and is ideally located within close proximity to the National and Provincial Road systems.

3. DEVELOPMENT OPTIONS:

In view of the location of the property, and its immediate surroundings, three alternative options for land uses were considered for the property. These were:-

- *The No Development Option:*

This option implies that the Land Use Rights of the property and the use thereof are left unaffected, (i.e. that the property retains its present state of being vacant agricultural land). In relation to the primary development objective, as mentioned above, this option is deemed inadequate as it does not seek to maximize the potential social, economical or environmental benefits, which may accrue from the development of this site.

In addition, adopting this option would also result in further marginal agriculture as a negative long-term social externality. Therefore, it can be concluded that the *No Development Option* would not only prove to be undesirable, but also unsustainable and unlikely, as the value accrued in establishing both commercial and light industrial structures, as well as residential and community facilities, will subsequently outweigh the value of leaving the property in its current state.

- *Alternative Development Option:*

An *Alternative Development* option would primarily focus on considering developing the property for only commercial and light industrial uses, and exclude all community residential development. Conversely, since the application site was attained through a land restitution claim and the NCPA has the obligation to settle 53 family households on the property, in terms of the

Restitution of Land Rights Act (Act No. 22 of 1994), the Communal Property Association Act (Act No. 28 of 1996), and the NCPA Constitution, an *Alternative Development* option would therefore prove to be both uneconomic, undemocratic and unsustainable.

- Mixed Use Development Option:

The third and final option would comprise of the development of 154 free standing residential units with associated Aquaculture Hatchery/Vegetable Farming/Buy Back Recycling Centre/Skills Development Centre/Community Hall/Cash and Carry Centre/Service Station/ECD Crèche/Private Open Space. Such an approach has therefore been adopted as it was considered to be the most efficient in ensuring that all principles associated with the Triple Bottom Line approach are integrated to cement the foundation for a sustainable community development.

4. STUDY AND SITE CONTEXT:

- Site Locality

The property is situated within the Hibiscus Coast Municipality, Registration Division – ET, contiguous to the Kwandwalane Tribal Authority to the West, and the Umzimkulu River and Lions Grove Residential to the North, and the Port Shepstone Central Business District (CBD), Marburg Industrial Hub, and Merlewood Residential to the East respectively. Current access is via unnamed roads that connect the property to the National Road 2 (N2-22), Lions Grove/Marburg from the North, and Kwandwalane via District Road D2127 from the West. The Farm Remainder of Lot 35 No. 4956 is traversed by the National Road (N2-22). The property is outside and contiguous to the Hibiscus Coast Municipality Town Planning Scheme boundary.

On the 18th May 2005, the NCPA was granted Title to the Remainder of Lot 35 No. 4956 via Deed of Transfer T17509/2005 and S.G. Diagram No. Grant Vol. 88 Fol. 7. The property is 77,42 Hectares in extent and is situated approximately 3,00 km South of the Umzimkhulu River, 4,70 km West of Port Shepstone Central Business District and 2,71 km North West of the Marburg Industrial Hub (See Figure 1.1 below and Figure 1.2 on the next page).

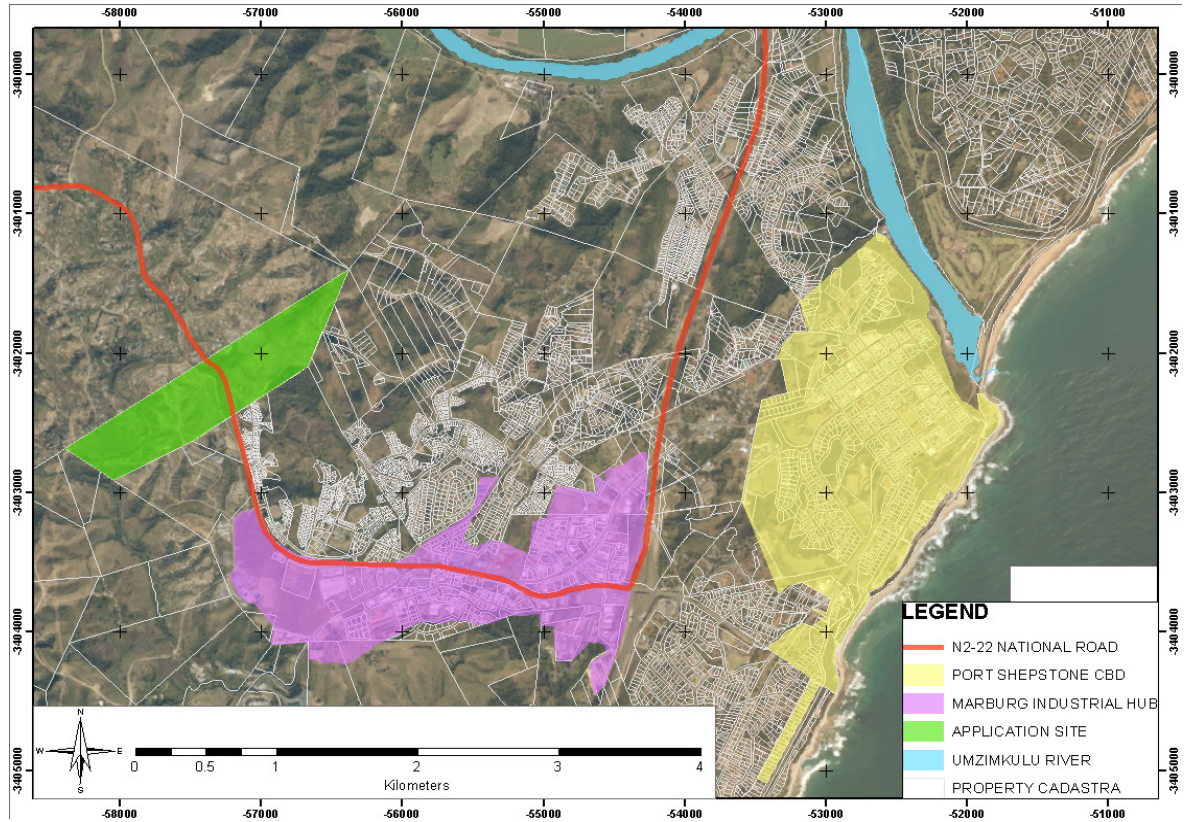


Figure 1.1: Locality Plan

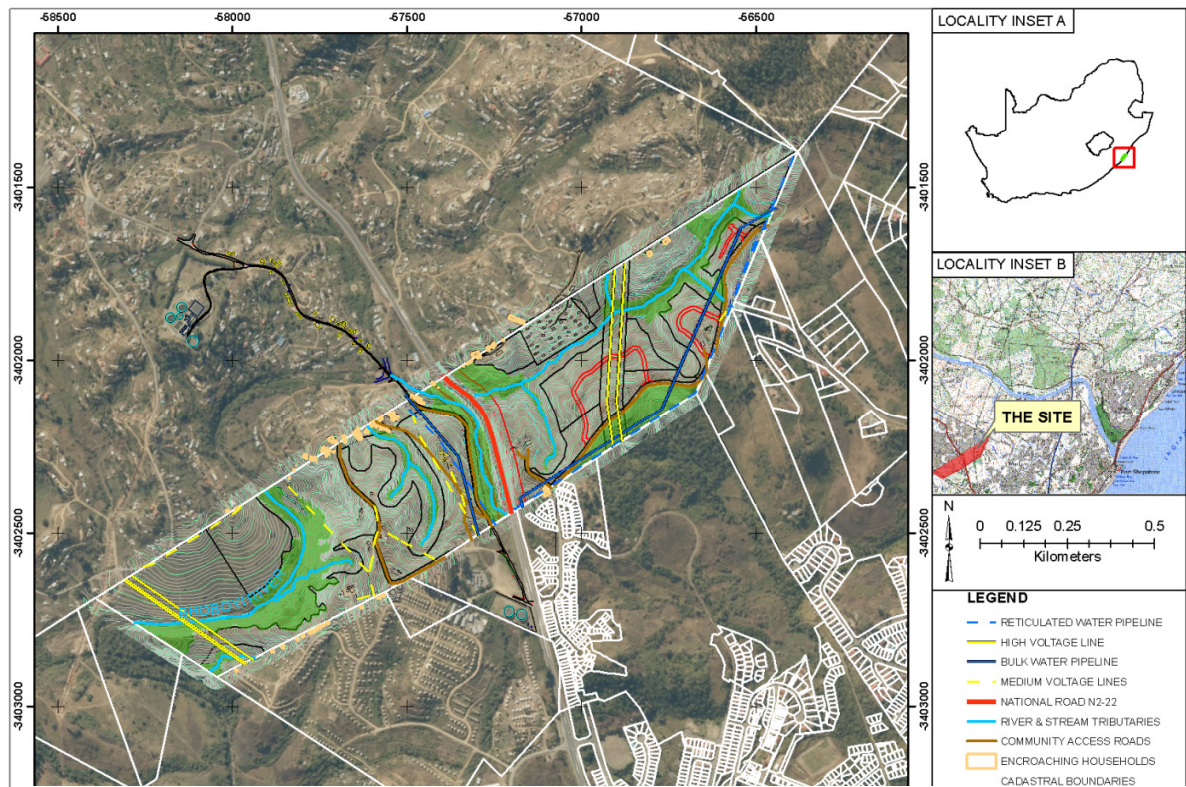


Figure 1.2: Site Locality Plan

- Land Development Area

The Land Development Area, as mentioned above, comprises of the Remainder of Lot 35 Marburg No. 4956, hereinafter referred to as “the application site”. It is the intention to develop the application site outside of the existing Hibiscus Coast Municipality Town Planning Scheme, and change the land use to the settlement for 154 Free Standing Residential Housing Units in a Settlement Pattern, a Community Hall / All Skills Training Centre, a Crèche for Early Childhood Development (ECD), a Buy Back Recycling Centre, a Service Station, Cash and Carry Centre, Aquaculture Hatchery and Vegetable Tunnel Farming.

In addition, the application site will also include Private Open Space, Encroachment Servitudes, Road and Pipeline Servitudes, Subdivision of the 29 Disaster Houses (See Memorandum of Agreement with Ugu District Municipality on page 9) and Framing of a General Plan for these housing units. Expropriation subdivision of the National Route 2 – 22 over the property is to be registered in the name of SANRAL.

(a) Development Components

The development of the application site will comprise a phased Free-Standing Residential development, consisting of 154 dwelling units; as well as Commercial Subdivisions for the development of the Community Hall / All Skills Training Centre / ECD Crèche / Service Station / Buy Back Recycling Centre / Aquaculture Hatchery and Vegetable Tunnel Farming, Conservation Servitudes near the Boboyi River and Private Access Roads, as well as Road and Pipeline Servitudes’, all situate on the Remainder of Lot 35 Marburg No. 4956.

(b) Title Deed

The application site is owned by the NCPA held vide Registration Certificate CPA/04/0672/A, Deed of Transfer T17509/2005 and S.G. Diagram No. Grant Vol. 88 Fol. 7, and is subject to the following restrictive conditions:

- A. (c) *“The said lands shall be liable without compensation to any proprietor or to any sub-grantee or lessee thereof, to the entry thereon by any*

person by order of the Colonial Government, to remove therefrom any coal or any other mineral that may be found thereon and also to the right of the Colonial Government to carry out such workings on or in the said lands as may be required for the removal or utilization of such coals or other minerals, and also reserving to the Colonial Government the right of entry on said lands, and removing therefrom such materials, not including timber or wood, as may from time to time be required for the construction and repairs of any part of any public road running through the said lands.”

- B. Subject to a water pipeline servitude 1,83 metres wide lettered ab on diagram G V No. 88/7 in favour of the Lower South Coast Regional Water Service Corporation (Ugu District Municipality) as created in Notarial deed of Servitude No. 92/1957S.*
- C. Subject to a pipeline servitude 2 metres wide the south-western boundary whereof is lettered npq on Diagram G.V. No. 88/7 in favour of the Lower South Coast Regional Water Services Corporation as created in Notarial Deed of Servitude No. K1328/77.*
- D. Subject to an electrical power transmission line servitude lettered fgh and jkm on diagram G V No. 88/7 in favour of the Electricity Supply Commission as created in Notarial Deed of Servitude No. K 142/1976.*
- E. Subject to an electrical power transmission line servitudes the centre lines whereof are lettered ab and de on diagram G V No. 88/7 in favour of the Electricity Supply Commission as created in Notarial Deed of Servitude No. K1285A/1971.*

(c) Memorandum of Agreement

On the 19th February 2009, the NCPA entered into a Memorandum of Agreement with the Ugu District Municipality for the purpose of constructing 29 low cost houses, (as mentioned above), for the victims of the recent floods in the area at the time, under the following conditions of agreement:

1. *The Nyenyezi Communal Property Association (NCPA) warrants that the land is not subject to any land claims in terms of the Restitution of Land Claims Act.*
2. *The land is required by the Ugu District Municipality for the purposes of constructing 29 low cost houses for the victims of recent floods in the area, which is to be known as the "Jesus Housing Development."*
3. *Ugu will cause the land to be surveyed to ascertain the extent which will be required for the construction of the low cost houses, which it is envisaged, will be in the region of approximately 18, 270 m². The parties agree to then enter into a Deed of Donation in respect of such surveyed Portion.*
4. *Nyenyezi Communal Property Association (NCPA) will donate the surveyed Portion of land to Ugu for purposes of such development.*
5. *The parties have agreed that pending the acquisition of land by Ugu, they:*
 - a) *Have the right to enter upon the land and cause the land to be surveyed to establish the extent required to construct twenty nine (29) low cost houses,*
 - b) *Have the right to enter upon the surveyed Portion of land and commence with the construction of the development prior to the transfer of the relevant portion of the land to Ugu,*
 - c) *Will do all things on the land which are necessary and required by law to be done in order to commence development construction.*
 - d) *Will assist the Nyenyezi Communal Property Association (NCPA) with the development of a business plan to develop that portion of land which remains underdeveloped after the twenty nine (29) low cost houses have been constructed, provided such development*

by the Association is for socio economic betterment of the community which the Association represents.

- e) Will financially assist in the development of the business plan mentioned in (d) above, to a maximum of Two Hundred and Fifty Thousand (R250 000,00) only.*
- f) Will facilitate negotiations between the Association and Hibiscus Coast Municipality, so that the Association may receive rates rebates and exemptions, with respect to developments it may purpose for the portion of land which remains underdeveloped by Ugu.*
- g) Will participate fully in the development of the Nyenyezi Communal Property Association's business plan, will include such plan in its development plans and to this end, will use its best endeavors to ensure that the Hibiscus Coast Municipality does the same.*

(d) Existing Servitudes

The application site is subject to the servitudes as set out in Deed of Transfer T17509/2005. All servitudes have been incorporated into the development proposal. A set of infrastructure servitudes navigate through the application site, namely: High and Medium Voltage Electrical Power Lines, as well as Bulk and Reticulation Pipelines. (See Layout)

(e) Zoning

The application site is currently not zoned, as it is not included in the Hibiscus Coast Municipality Town Planning Scheme and is considered agriculture, in terms of the Subdivision of Agricultural Lands Act (Act 70 of 1970).

(f) Mineral Rights

The Mineral Rights are reserved, vide Deed of Transfer T17509/2005, to the State.

(g) Local Authorities

The application site falls within the jurisdiction areas of the Ugu District Municipality and the Hibiscus Coast Municipality.

(h) Existing Structures

15 individual existing dwellings have been identified as encroaching into the Western boundary of the application site and 29 low cost disaster houses, which were constructed by the Ugu District Municipality for the victims of the 2009 flooding. (With consent by the NCPA, who entered into a Memorandum of Agreement with the Ugu District Municipality, on the 19th February 2009).

(i) Compliance with Statutory Controls

Hibiscus Coast Municipality Town Planning Scheme

The application site is situate outside the Hibiscus Coast Municipality Town Planning Scheme and is considered agricultural land for development in terms of Section 1 of Part 1 of Schedule 1 of the KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008). In addition, the following acts are also relevant and apply to the proposed development:

- The Restitution of Land Rights Act (Act No. 22 of 1994);
- The Communal Property Association Act (Act No. 28 of 1996);
- Municipal Systems Act (Act No. 32 of 2000);
- Spatial Planning and Land Use Management Act (Act No. 16 of 2013);
- Conservation of Agricultural Resources Act (Act No. 43 of 1983);
- Deeds Registries Act (Act No. 47 of 1937);
- Electricity Regulations Act (Act No. 4 of 2006);
- Environmental Conservation Act (Act No. 73 of 1989);
- KwaZulu-Natal Provincial Roads Act (Act No. 4 of 2001);
- Land Survey Act (Act No. 8 of 1997);
- Minerals and Petroleum Resources Development Act (Act No. 28 of 2002);
- National Heritage Resources Act (Act No. 25 of 1999);
- National Water Act (Act No. 107 of 1998);
- National Environmental Management Act (Act No. 107 of 1998);

- National Roads Act (Act No. 54 of 1971);
- National Roads and Ribbon Development Act (Act No. 21 of 1940);
- Occupational Health and Safety Act (Act No. 85 of 1993);
- Subdivision of Agricultural Lands Act (Act No. 70 of 1970); and
- The Constitution of the Republic of South Africa (Act No. 108 of 1996);

Hibiscus Coast Municipality: Strategic Development Framework

The development is substantially in compliance with the Hibiscus Coast Municipality Spatial Development Framework in that it falls within the main area designated for future use as Residential, Commercial, Light Industrial, Public Open Space and Private Access Roads development, similar to the Marburg settlement.

National Building Regulations

All buildings within the development will be in accordance with all Municipality by-laws and the National Building Regulations.

5. SPATIAL QUALITY AND EXISTING LAND FORM

- Topography

The application site is quadrilateral in shape and is bounded to the West by Kwandwalane Tribal Authority; Alfred Location No. 15845; to the South; by Lot 3 Marburg Settlement; and to the East by Lot 4 Marburg Settlement and Merlewood. Generally, the topography of the application site is moderate to steeply undulating and is divided in two distinct units.

The portion to the North East of the N2-22 is located on the North Western side slope of a topographic spur characterized by bold convex hilltops and concave valley heads (See Plates). Along the South Eastern boundary a relatively wide flat valley bottom (tributary to the Boboyi River) defining the North Western boundary. The portion of the application site to the South West of the N2-22, includes hills and spur crests, which are generally flat to sub-rounded and which fall steeply to the Boboyi River Valley.

- Spatial Quality

This undulating topography assists in creating a sense of space with views of the surrounding area from the application site, as well as good internal views of the application site itself (See Plates).

- Natural Environment

The topography, soils and geology all contribute to the inherent natural environment, as well as to the resultant spatial quality of the application site. It is currently covered by grassland and trees, in which some indigenous preside, but mostly alien species and scattered/dwellings.

- Climate

The climate is generally temperate, typical of the KwaZulu Natal (KZN) South Coast; however, strong winds can occur.

- Natural Features

Natural features include the relatively steep slope in the middle of the application site, as well as a forest patch located primarily along the South-Eastern boundary of the application site, along the Boboyi River.

6. ANALYSES AND ASSESSMENT:

- Background Preamble

The NCPA, Registration CPA/04/0672/A, is a legal community entity that represents the dispossessed members of the Nyenyenzi Local Community, who were displaced as a result of the Natives Land Act (Act No. 27 of 1913) that came into effect on the 19th June 1913 in which it clearly states in Section 1(a) that:

“A native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a person other than a native, or any such land or of any right thereto, interest therein, or servitude there over.”

This act, along with other socio-economic discriminating legislation, were abolished shortly after first democratic election in 1994, in which the Restitution of the Land Rights Act (Act No. 22 of 1994) was promulgated to provide for the restitution of rights in land to persons or communities dispossessed of such rights after 19th June

1913. Accordingly, as stated in Section 42 D (2) of Chapter 4 of the Restitution of Land Rights Act (Act No. 22 of 1994), if the claimant is a dispossessed community the Minister may enter into an agreement with that community to:

“provide for all the members to have access to the land or the compensation in question, on a basis, which is fair and non-discriminatory towards any person, including a tenant, and which ensures the accountability of the person who holds the land or compensation on behalf of such community to the members of the community” (Section 42 D (2) of Chapter 4 of the Restitution of Land Rights (Act No. 22 of 1994)).

This provision was further endorsed in 1996 through the promulgation of the Communal Property Association Act (Act No. 28 of 1996), which made provisions for local communities, like the Nyenyezi Local Community, to acquire, hold and manage property through the establishment of a Communal Property Association, on a basis agreed upon by members of the community in the form of a written constitution.

On the 1st April 2004, the NCPA was formed and registered as a legal community entity and therefore was entitled to the above mentioned provisions. In addition, the NCPA is also entitled to the provision of receiving property or other assistance from the State in terms of an agreement, as well as the approval of this entitlement by the Minister of Land Affairs, so long as he/she is satisfied that the community is disadvantaged and that the decision to approve is in public interest, according to Section 2 (1) (c), 2 (1) (d) and 2 (2) of the Communal Property Association Act (Act No. 28 of 1996).

From this grant, the NCPA's focused its attention to restore and develop the land for 53 previously disadvantaged families of the Nyenyezi local community who were displaced by the above mentioned past discriminating laws, and to ensure they can sustain themselves through identifying potential areas for industrial and commercial purposes.

- Socio-Economic Assessment

In the third quarter of 2014, a community household census was undertaken, with the assistance of Community Liaison Officers (CLO), to identify the demographic dynamics of the 53 family households as a target group. This data was captured, through interviews with each family household, and tabulated in terms of population numbers, gender ratio, and employment levels (see Table 1 on the next page).

Number of Households	53
Estimated Population	617
Deceased Population	101
Net Population	516
Male Population (%)	38
Female Population (%)	43
Unemployed Population	506 (98%)

Table 1: Nyenyezi CPA Demographics (2014)

Prior to this census, a public participatory workshop was conducted on the 24th May 2014, to which the community stakeholders of the Nyenyezi CPA further identified the additional socio-economic challenges that have arisen as a result of the community's displacement, namely:

- *Limited Availability of Resources, Facilities and Funds:*

Prior to the granting of the Deed of Transfer for Lot 35 Marburg No. 4956 to the NCPA, the NCPA had limited availability of land that could be utilized for community development. Conversely, the NCPA had reclaimed 413 Hectares of agricultural farmlands, but they were unable to utilize the land for community development as such proposed developments would be contradictory to the Hibiscus Coast Spatial Development Framework and therefore would require consent not only from the Department of Agriculture, but also from the Ugu District and Hibiscus Coast Local Municipality as well.

In addition, it was further noted that the NCPA have been unable to reclaim more land as the Department of Housing and Human Settlement have been unable to indicate which portions of land the NCPA can be compensated for, thus leading to confusion and frustration.

○ *Unemployment due to lack of skills:*

From the demographic surveys undertaken from both the public participation workshop and the community liaison officers in the field, it is clear that the majority (approximately 98%) of the community members of NCPA are unemployed. This is mainly due to the reason that the majority of the community members have been classified as general periodic laborers, whose skills set are limited to periodic work (i.e. brick layering, blue collar industrial labour and domestic work).

○ *Poor Service Delivery of Basic Services:*

Due to the fact that the land use of Lot 35 Marburg No. 4956 has been utilized for agricultural purposes, there is limited infrastructure services currently present on the application site, thus discouraging many individual community members of the NCPA from developing adhoc households on the application site. Such infrastructural services included:

- Limited health care,
- no internet access,
- limited education support facilities (i.e. libraries, community hall) not within walking distance,
- limited transportation and rising petrol price,
- recreational facilities,
- limited sports and recreational facilities,
- limited skills training facilities.
- limited sewerage facilities
- people getting houses without proper toilets,
- limited construction and maintenance of roads and storm water,
- limited public transport infrastructure,
- limited water and electricity provision networks,
- limited development of public facilities

- Agricultural Potential Assessment

An agricultural potential assessment was undertaken by Dr. R. Mottram, in which the terms of the prevailing climatic and soil conditions and the agricultural potential of the area is classified as moderate. This assumes a reasonable level of agricultural management involving adequate fertilization, etc, being implemented. Locally, areas of high potential are present within the area in moist valley bottoms and on the river floodplains. Conversely, areas of low potential are present on the drought-prone shallow soils of upper-slopes and ridge-tops in places.

Crops, which can be successfully grown in the area include subsistence crops vegetables, beans, cabbage, etc. on the more sandy soils, and madumbies (Colocasia) on the moist clayey soil. Maize is and can be grown on a subsistence basis in much of the area (See Agricultural Potential Report).

- Environmental Assessment

An environmental scoping report with the Department of Economic Development Tourism and Environmental Affairs (EDTEA) will be undertaken for the basis of the Environmental Impact Assessment and Authorization. An Environmental Management Plan (EMP) for the development of the project will form part of the Environmental Authorization. The Department of EDTEA has permitted the environmental application to take the form of a Basic Environmental Impact Assessment.

- Geotechnical Assessment

Drennan Maud Pty Ltd has undertaken a preliminary geotechnical investigation, as required for this Application, in terms of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013), and recorded their findings as follows: The site has an area of approximately 77,42 hectares. It is roughly rectangular in shape and is covered by grasslands and numerous trees, some indigenous, but mostly alien species, and scattered / dwellings. The site is underlain by weathered Dwyka tillite bedrock which has been intruded by Karoo age dolerite. The majority of the study area is underlain by Dwyka Group Tillite, a glacial diamictite.

The Dwyka Tillite occurring across the site is typically moderately to completely weathered producing a pale yellow to light grey, soft to medium hard rock. Overlying the completely weathered tillite is residual tillite and overlying the residual tillite is a colluvium / top soil, which increases in thickness away from hill tops and spur ridges or elevated areas (See Geotech Survey Report).

- Slope Analysis and Proposed Developable Areas

The developable areas were calculated at 43,79 Hectares, after the geologically and environmentally sensitive areas were taken into account. The study area is covered by Dwyka Tillite bedrock, which has been intruded locally by Karoo dolerite sills and dykes. The Tillite does not generally have any well defined bedding planes and, therefore, it is less likely to experience slope instability.

It must also be appreciated that further slope instability may exist within the study area but which is currently being obscured by current land usage. It is important to be mindful of this during the construction phase.

7. PLANNING AND DESIGN PHILOSOPHY:

The design philosophy recognizes that the application site is located adjacent to the development of the Boboyi Housing project to the West, Marburg Industrial Hub to the East and Lions Grove and Merlewood Residential to the North. Hence, emphasis has been placed on ensuring that the design supports and is complimentary to the nearby development and the initiation of further local economic growth in the area.

The residential sites have been aligned in most cases, parallel or perpendicular to topography that reflects the application of basic engineering principles, thereby reducing servicing costs. Practical designs are presented without compromising planning norms.

- Overall Structure

The overall design comprises the following key elements:

- 154 Free Standing Development units located on the Northern and Central part of the site through maximizing the use of topography and linkages;
- The property is traversed by the N2-22 (National Road) where access may be gained.

- A Private Open Space System, to conserve the indigenous forest patch, will be located along the North Eastern section of the property;
- A project that will ensure the rehabilitation and restoration of the application site through the removal of any declared invasive alien plants and providing a landscape that caters for aesthetic, practical and ecological purposes.

- Farming
The previous farming practices on the application site were discontinued for a number of years, deemed as unviable. It is proposed to reintroduce aquaculture farming practices in the new development, together with associated tunnels for the growing of vegetables that will be irrigated.

- Interfaces
In order to maintain the integrity of the environmentally sensitive conservation reserves, access to the area will be controlled essentially for residents of the development, thereby facilitating the sustainability of the environmental reserves.

- Movement System
Access to the application site will be via unnamed access roads leading off the National Road N2-22. A 10,00m wide unmade road servitude to be registered in favour of the general public bisects the application site, however, there appears to be little demand for the construction of this public road under present circumstances. Access to the residential pockets is provided with internal private access Erven. With respect to pedestrian movement, there are no historical or traditional paths through the property that need to be acknowledged or retained.

5.5 Contact with the Natural Environment and Common Property

Through the provision of controlled natural open space areas, contact with the natural environment will always be maintained. There will be an interface of access between land uses. Maintaining contact with the natural environment within which development occurs is an essential principle of the proposed Site Development Plan. The importance of this contact relates not only to the conservation value of this land, but also to a spiritual relationship in the sense

that it allows people to be a part of the place in which they live. This contact also assists in providing people with the quality of environment in which they live.

8. THE LAYOUT PROPOSAL:

- Private Open Space

The application site has areas earmarked as Private Open Space, although relatively steep, appropriate landscaping under the guidance from both environmental and engineering perspectives, will transform the area into an ecological steward system.

- Commercial Component

There is a portion of the application site demarcated for Commercial activities on the North Eastern section of the property and will cater for the needs (Community Hall/Skills Centre, School for Early Childhood Development (ECD), Buy Back Recycling Centre, Service Station), for the upcoming commercial and light industrial developments within the region.

- Residential Component

The layout of the residential settlement has been influenced on the one hand by the importance of maximizing the scenic views and thus its marketability and the site and the opportunity to rehabilitate the Private Open Space and Commercial areas. It is proposed that the height be limited such that not more than two storeys will be permitted above the natural ground level in the individual freehold settlement plan.

- Education Component

The proposed development will focus on encouraging both Early Childhood Development (ECD) and Skills Development through the construction of an ECD School and All Skills Development Centers. The aim of these facilities will be to ensure empowerment of skills training for the unemployed youth population and the holistic psycho-social development of children within the surrounding proximity.

9. SUSTAINABILITY APPRAISAL

Sustainable development is considered a trans-disciplinary concept, which at its simplest form, constitutes the tripartite balance between economic growth, social equality and ecological integrity. Its definition implies the purpose that in trying to establish such a balance will ensure that the needs of current generations can be accommodated without hindering the ability of future generations to meet their own needs. The above mentioned project, therefore, will ensure the following sustainability benefits will be both efficiently and effectively endorsed, namely:

- Socio-Economic Benefits:

In addition to the provision of much needed housing, the project will also create a considerable number of jobs both directly and indirectly. For example, in the construction stage, there will be many job opportunities of a temporary nature, which will, wherever possible, be given to stakeholders at grass roots level. Once completed, the community will require ongoing management and maintenance, as well as permanent employment opportunities for domestic work, gardening and landscaping where currently none exist.

The construction and development of an all skills training centre will assist in initiating the empowerment of NCPA population to develop both key artisan and entrepreneurial skills focused on not only enhancing the quality of life for disadvantaged NCPA community members, especially the youth, but also for communities and businesses within the surrounding areas.

Overall, the influx population of Nyenyezi Community Members and households relocating to the application site, and the many job opportunities created by the various proposed developments, the Hibiscus Coast economy will benefit from the influx of capital generated from these developments and the services they will provide.

- Environmental Sustainability:

The proposed development will ensure the rehabilitation and restoration of the application site by removing any declared invasive alien plants whilst creating Private Open Spaces and Commercial Areas for indigenous species to thrive.

- Traffic Impact

A Traffic Impact Assessment has been prepared and awaiting approval by the Department of Transport, SANRAL and the Hibiscus Coast Municipality Department of Human Settlement and Infrastructure.

According to the Traffic Impact Assessment Report, the development has the potential to generate 134 additional trips during the AM and PM peak hours>

- Analysis revealed that the surrounding road network is currently operating at acceptable levels of service during both the weekday AM and PM peak hours and will continue to do so once the development traffic is added. There is therefore currently ample capacity available within the surrounding road links to accommodate the anticipated additional traffic to be generated by the proposed development;
- Access to the development will be via the existing D2127 district roads that currently run off the N2. The proposed access arrangements were reviewed and assessed, and subsequently deemed acceptable;
- The Minimum parking/loading bay requirement is a town planning item and hence the final amount of parking that is required will be determined using town planning's method of calculation;
- As this is a Rezoning Application, the Architects Layout has not yet been finalized and the extract internal road network has not yet been finalized. The detailed access arrangements, internal road network and the parking provision for the proposed development as a whole will therefore be dealt with at building plan submission;
- All internal roads must be designed in conjunction with the Guidelines for Human Settlement Planning and Design (Red Book);
- With regards to the movement of traffic within the development, it is recommended that traffic calming measures such as speed humps be introduced throughout the internal road network, particularly along the main access roads;
- In addition, a 1,5 metre pedestrian sidewalk should be implemented along all internal access roads; and
- The development is currently easily accessible by public transport users.

Overall, the proposed development does not present any insurmountable issues and is thus supported (See Traffic Impact Assessment Report)

- Floodline
A Floodline Certificate confirming that there is no development within the 1:100 year floodline has been prepared and issued by Bragge & Francis Consulting Engineers.

10. GENERAL PRINCIPLES OF THE KZN PDA:

- a) The proposed development falls within the development area of Hibiscus Coast Municipality, who facilitates this new settlement;
- b) Whilst the Port Shepstone area has not experienced significant illegal occupation of land, the formal development of this tract of land will prevent any settlement in this regard;
- c) The detailed Site Development Plan of the site has made effective use of the land, taking into account the environment, topographical and geo-technical characteristics of the site;
- d) The project will be complementary to and become integrated into the existing urban fabric of Port Shepstone. New residents will be able to benefit from the existing social, economic, institutional and physical facilities of the sub-region;
 - i. The project is not linked to any existing rural development. Nearby Rural dwellers will have an opportunity to benefit from the Scheme if they are gainfully employed by residents, and the Nyenyezi CPA;
 - ii. The proposal provides for residential development immediately adjacent to and integrated with employment opportunities;
 - iii. The locality of the site will ensure the full optimization as well as bulk infrastructure within the Hibiscus Coast region and social facilities within the

- surrounding area. Together with other developments the upgrading of bulk infrastructural services will be enhanced with Developers contributing a portion of the required funding;
- iv. A combination of land uses covering residential, community facilities (ECD School, Commercial retail, All Skills Centre, Aquaculture), and recreational private open space uses is proposed;
 - v. Whilst being of a relatively medium density (154 units) the development will minimize “urban sprawl”. Given the preference of South African society for freehold title;
 - vi. Historically distorted spatial patterns, which have arisen from both racial and socio-economic criteria, will not be perpetuated in this development;
 - vii. The Basic Impact Assessment concludes that the development is environmentally sustainable and can be considered sound land development practice. A full scoping exercise is being followed both in terms of this Application as well as the Environment Conservation Act application with all interested and affected parties being contacted and given the opportunity to participate and pass comment.
- e) All the firms involved in the project follow an affirmative action and skills development policy, which enhances the capacities of disadvantaged persons involved in land development. Labour intensive construction will also be utilized during the construction period;
- f) The proposed development complies with the requirements of the involvement of both government and non-government sectors in the development process, in that the private sector will act as contractors and developers with the Nyenyezi CPA *stet* undertaking ongoing administration;
- i. All functions, responsibilities and desired relationships of all sectors of the economy have been clearly established. The development is to be funded by the

Private Sector with the co-operation of all relevant public sector departments and officials that will determine the extent of Grant Funding.

- g) Information relating to this land development is as follows:
- i. Information is available to all persons likely to be affected at the offices of the Local Authority;
 - ii. The Designated Officer, as well as Municipal Planning Section, together with the Applicant, are available to provide guidance and information to interested and affected parties. The general public has also been invited to view the development proposals in an open forum;
 - iii. The scoping exercise carried out together with specific meetings of adjacent landowners and developers can only be seen as a transparent public participation exercise, which will promote trust and acceptance on the part of those likely to be affected;
 - iv. No fundamental rights set out in the constitution are being transgressed;
- h) The intention is to commence development as soon as the Application has been approved. The construction of the other phases will continue unabated in accordance with market demand when bulk services are available. The KwaZulu-Natal Planning and Development Act route has been chosen for this reason in order to expedite the administrative procedure;
- i) All forms of tenure are provided for in the development, in terms of the Constitution of the Nyenyenzi CPA and the Communal Property Association Act (Act No. 28 of 1996);
- j) The development will not place any demand on scarce resources and is being fully co-ordinated by the Developer and as the Nyenyenzi CPA.

11. COMPLIANCE WITH CHAPTER 4 PRINCIPLES:

- Section 28 (1) & (2) – Subject matter of land development objectives

It can be clearly seen from the information supplied in this Application that the land development objectives as set out in Section 28 of Chapter IV have been fully complied with.

It is deemed necessary to explain the degree of compliance with items 28 (1) (a) to (d) and 28 (2) since this would merely be a repetition of what is contained in the various reports which make up this Application.

12. ADVANTAGES OF THE DEVELOPMENT:

- Will provide housing and associated infrastructure at no cost;
- Will extend the boundaries of the existing Hibiscus Coast Municipality Town Planning Scheme in a logical and co-ordinated manner;
- Will create orderly development through the Application of the Hibiscus Coast Town Planning Scheme and Land Use Management System (LUMS);
- Will absolve the Hibiscus Coast Municipality from the internal reticulation maintenance of water, sewage, roads, storm water;
- Will create a considerable number of employment opportunities;
- Will improve the Municipality's rates base and increase Municipal revenue.

13. NEED FOR THE DEVELOPMENT:

- The primary goal of Need and Desirability is to ensure that land use development proposals are necessary for development purposes and desirable in the public interest, resulting in sustainable land utilization, which is publicly acceptable and relevant in terms of overall economic growth and development, convenience and benefit, at all levels. Need and desirability has always been a fundamental principle of most Planning and Development Acts (and enforced by Act No. 5 of 1998) and is used as a yardstick to formulate and assess development proposals.
- The primary issue is not whether the granting of development rights is in the interests of the Applicant, but whether it is in the interests of the broader community / society. This in turn, needs to be examined from two perspectives:

the degree to which the proposed development makes a positive input into the lives of affected people; and the degree to which its impact may impinge upon, or negatively affect, other people's rights.

- One of the reasons for the popularity of the Marburg area, as a place to live, is its excellent location in relation to the N2-22 (National Road), and surrounding areas, as well as to the many good social and recreational facilities provided within the town of Port Shepstone itself. Lot 35 Marburg No. 4956 has always emanated a village atmosphere in a temperate climate and a secure place for its inhabitants. Ideally located, the area offers all the treasures of the paradise that is Hibiscus Coast with its banana plantations, macadamia nut farms and sugar cane stretching as far as the eye can see, edged with beautiful sandy beaches. In addition, there are opportunities for fishing, surfing, horse riding, whale and dolphin watching. The surrounding area has shipwrecks, adventure sports, nature reserves like the Oribi Gorge, hiking trails, the Sardine Run, Crocodile Park, Wild Coast Sun Casino, Snake Park and arts and crafts, local markets and excellent choice of restaurants and the famous golf courses – Margate, Port Shepstone, Port Edward, Southbroom, Selbourne and San Lameer.
- Municipalities are required to undertake land use planning in terms of the Municipal Systems Act (MSA) (Act No. 32 of 2000) and the Land Use Management Systems (LUMS) Bill. In terms of the MSA, all Municipalities have prepared IDP's that *inter alia* contain a SDF. In turn, part of the function of the SDF is to outline a broad Land Use Management System (LUMS), which would specify all the actions a Municipality needs to take in order to manage the use and development of land. Land use schemes are a very important part of a Municipality's land use management system. One of the many areas requiring land use management in the Hibiscus Coast area is privately owned farmland.

The main aim of LUMS is to achieve two things:

- 1) Preventing uncontrolled development; and
- 2) Promoting desirable development.

LUMS Statistics show that 85% of land with development rights within the Planning Schemes in the Hibiscus Coast Municipality area have already been developed. This indicates that there is a need for additional development land within the greater Hibiscus Coast area.

In addition, the cumulative effect of several development villages located along the South Coast has the ability to generate a dynamic of its own with their inhabitants interacting in a wide number of social and recreational events and contributing greatly towards the sustainability of the local economy.

According to the Hibiscus Coast Municipality Housing Sector Plan, there are areas of the existing residential areas that require infill. There is a demand for middle to high income housing in the municipality and the areas identified on this SDF can possibly accommodate this kind of development. These areas are Ramsgate, Port Shepstone, Umzumbe and Margate Extension 3.

- In parallel to the issue of quality housing accommodation is that of employment opportunities. The development will offer a range of employment opportunities within its component parts. The provision of various work options on Lot 35 Marburg No. 4956 will impact substantially on the current trend of migration to areas outside the project area for work purposes.
- Private Open Space: The balance of the property not utilized for either Residential, Agricultural, Community or Commercial purposes is open space and will be designated Private Open Space. It is part of the Free-Standing Residential Development, which does not form part of any section and will be controlled by the Nyenyezi Communal Property Association (NCPA).

14. DESIRABILITY OF THE DEVELOPMENT:

The proposed development has a number of specific features that will create desirability.

- Local Benefits

The site occupies a very desirable location, close to Port Shepstone and the attractions of the South Coast. The proposed development will cause an influx of residents to the area, mainly in the form of those seeking a secure living

environment and all members of the Nyenyezi CPA. Such people bring money into the local economy and do not rely on any reciprocal draw from the local economy. These monies are channeled into the local community through job creation for builders and labourers and for permanent job creation in the form of maintenance, management and domestic help. The additional residents will boost commercial, service and industrial activity and will contribute to a substantial increase in rates income, levies and service charges that the Municipality's will collect. The construction and development of the All Skills centre, ECD and Buy Back Recycle Centre will also contribute to work integrated learning and job opportunity for in-service training.

- Housing Options – Landscaping and Topography

A full contour survey of the site at 1 m contour intervals has been undertaken by the Applicant in order to plan the development in the most environmentally sustainable manner. All units within the complex have been designed along the contours of the land so as to comply with the gradient requirements, as well as to capitalize on the views afforded from the site. It is clear that this type of housing typology is very common and in demand on the KwaZulu-Natal North and South Coast and is ideal for permanent residents and members of the Nyenyezi CPA.

- Alignment with Municipal IDPS

The development will contribute to the infrastructure of the UGU District Municipality and these physical contributions will not burden Local Government with additional costs for infrastructure. To the contrary, the Tax base and infrastructure related benefits will greatly enhance the capacity of both Municipalities to deliver on their IDP identified key issues. In terms of the Hibiscus Coast IDP's (Spatial Development Framework), Lot 35 Marburg No. 4956 has been identified as a secondary node and the proposed development reinforces the node while prohibiting urban sprawl.

- Hibiscus Coast Municipality Spatial Development Framework and Proposed Development Objectives:

The Spatial Development Framework provides a broad indication of where different types of developments should take place within the municipal area. It

provides a spatial guidance for development. The spatial framework is the structure, which allows for the development of a coordinated and integrated economic development strategy to harness and exploit opportunities on a large scale throughout the Ugu District Municipality.

An important feature of any spatial framework is the system of nodes and corridors, namely:

Primary Corridor - The application site is traversed by the N2-22 Freeway, which is a Primary Corridor linking to surrounding communities and serving the purpose of accessibility.

Rural Service Node – The application site is located within a number of nodes which are within acceptable walking distances to surrounding communities. These nodes comprise of Nyandezulu, Thongazi (KwaNzimakwe), Gcilima (KwaXolo) and St Faiths area (KwaMadlala). These are potential points for the location of multi-purpose community centres, such as the proposed Community Hall, ECD, and Skills Development centres.

Given the above descriptions of the application site, an application for provision to develop land outside a planning scheme will need to be structured in terms of Chapter 4 of KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008).

In addition, according to Section 38 (2) of Chapter 4 of the KZNPDA (Act No. 6 of 2008), the proposed rural community development project on Lot 35 Marburg No. 4956 requires the following preliminary assessments to be conducted, namely:

- A Geotechnical Report on the stability of all soil types with proposed precautions that would guide the location of individual houses within the property;
- A 1 metre contour interval slope analysis to determine 1:3 steep slopes that are not suitable for residential development;
- Soil fertility report for identifying all agricultural potential areas within the property;

- Circulation of the application to interested and affected Government Stakeholders for comment and approval;
- A Basic Environmental Assessment to determine the magnitude of all environmentally sensitive areas, together with an Environmental Management Plan guiding the sustainable development of the proposed residential dwellings/Community/Commercial and Aquaculture Developments.

- No conflict with Land Use Management/Development Control

The development will remain outside of the Hibiscus Coast Municipality Town Planning Scheme with a change of use and in addition to all other relevant controls in the Hibiscus Coast Municipality Town Planning Scheme for the proposed change of use as follows.

 - Residential Settlement at a density of 15 units per Hectare in the areas identified for human settlement
 - Development Controls for the commercial and light industrial areas/commercial/aquaculture/tunnel farming/community hall/ECD/Buy Back Centre/Skills Development centre to be taken from the Hibiscus Coast Municipality Town Planning Scheme.

- The Provision of Services
 - 1..1 Bulk Water Supply

There are existing water reservoirs located along the South Eastern boundary of the project site, which supplies water for every day needs through a network of bulk and reticulated pipelines, that traverse the project site along the South Eastern Boundary in the North, as well as across the mid-section of the project site. A new pipeline servitude and road for the new water main from the Bhoboyi Ugu Purification Works traverses the property to the South of the N2-22.

 - 1..2 Internal Water Reticulation

Reticulation mains will be sized for peak flows, including fire flow. Fire hydrants shall be to the type provided at positions and intervals by the UGU

District Municipality. Metered Unit connections will be provided to each dwelling unit.

1..3 Sewage Disposal

Sewerage disposal is provided for through waterborne, Septic tanks and French drain and Soak-Away pits for the low cost housing within the application site and surrounding residential development. Together with waterborne sewage where feasible.

1..4 Storm Water Management

Storm water drainage will be designed in conjunction with the geometric design of the streets and roads. All storm water from the roads, communal paved areas and from the Units will be collected and reticulated in a controlled manner with energy dissipaters and erosion controls and discharged to the nearest valley bottom, all subject to approval from the relevant authorities. Due to the erodible nature of the soils underlying the site, the use of soak pits on site for the disposal of storm water will be avoided.

1..5 Electricity

Access to electricity is provided to and within connection distances to the existing and proposed units vide high and medium voltage electric lines traversing the property by Eskom.

1..6 Solid Waste

The Applicant will provide a single site for the collection of refuse by the Hibiscus Coast Municipality as per the services agreement. The Nyenyezi Communal Property Association shall manage and administer the collection of the refuse from individual houses and buildings within the development to be deposited at the collection site according to the services agreement. The Collection Site will be situate and part of the Buy Back Recycling Centre.

- Fire and Emergency Services

The Hibiscus Coast Municipality, Ambulance Service and Public Service providers will provide fire and emergency services.

- Geotechnical Consideration
No development is planned on unstable ground. The development must be undertaken in accordance with the recommendations of Drennan and Maud Preliminary Investigation as specified in their report. (Reference 24567 dated 10th June 2014, Refer to Geotechnical Report pages 12 and 13)

- Environmental Approval
An environmental scoping process has been entered into with the Department of Economic Development and Tourism, and Environmental Affairs. A preliminary scoping exercise was complete at the date of submission of this Application and for the registration of interested and affected parties will be placed in the local newspapers. Several Departments requiring consultation have been consulted. The Department will hold a site inspection and advise if there are further issues requiring investigation prior to the issuing of a Record of Decision that will be received.

The preliminary environmental scoping exercise has not found any ecological or archaeological issues of significance that would prevent the proposed development from taking place. Lot 35 Marburg will be protected by fencing the neighbouring farm boundaries incorporating and preserving the entire biodiversity of the environmental corridor for free movement and future growth.

- Archaeological Survey
A specialist heritage study was undertaken and the project has received KZN Heritage Assessment Approval (AMAFa).

15. PHASING:

The development of the application site will be undertaken in two phases, namely:

Phase 1: 154 beneficiary houses with roads and services, together with subdivision of 29 Ugu Disaster Houses and Encroachment Servitudes to be set out according to the Settlement Plan, Community Hall, Buy-Back Recycling and All-Skills Training Centre;

Phase 2: Aquaculture Hatchery and Petrol Service Station

16. MANAGEMENT:

Overall management of the entire development will be undertaken by the Land Development Applicant (i.e. the Nyenyezi CPA). The management of the property will be undertaken by the Nyenyezi CPA. The contractual arrangements for the development of Lot 35 Marburg in terms of the NCPA Constitution will include management issues such as: (Refer to the next page)

- | | |
|---|---------------------------------|
| • Membership | • Quorum |
| • Levies | • Agenda at Meetings |
| • Conduct Rules | • Procedure at General Meetings |
| • Trustees and Powers of Committee Members | • Proxies |
| • Removal and Rotation of Committee Members | • Voting |
| • Chairman and Vice-Chairman | • Accounts |
| • Proceedings of Committee | • Service of Notice |
| • General Meeting of the NCPA | • Indemnity |
| • Notice of Meeting | • Control of Building Form; and |
| | • Maintenance of Unit |

The Articles of Association, attached to Service Level Agreement with the NCPA, will be prepared and registered with the Municipality and will address management issues such as the following:

- | | |
|--|-------------------------------|
| • Motor vehicles, use of driveways, parking areas and common areas | • Littering |
| • Refuse disposal | • Children |
| • Noise | • Activities on Communal Land |
| • Gardening | • Visitors |
| • Pets | • Business activities |
| • Signs and Notices | • General |

17. LAND CLAIMS:

The Kwazulu-Natal Land Claims Commission has verified that there are no land claims on the property as this property forms part of an awarded in terms of the Restitution of Land Rights Act (Act 22 of 1994)

18. SUBDIVISION OF AGRICULTURAL LAND ACT (ACT No. 70 of 1970)

The Department of Agriculture, Forestry & Fisheries has verified that the provisions of the Subdivision of Agricultural Land Act, Act No. 70 of 1970 are no longer applicable. See Correspondence.

19. MINERAL RIGHTS:

Correspondence from the Department of Mineral Resources & Energy Affairs is included.

20. REASONS FOR FOLLOWING THE KWAZULU NATAL PLANNING AND DEVELOPMENT ACT ROUTE:

In compliance with Section 1 (1) of Part 1 of Schedule 1 of the Kwazulu Natal Planning and Development Act; Act No. 6 of 2008, this project:

- Will contribute to the speedy provision and development of Lot 35 Marburg No. 4956.
- Will promote security of tenure in terms of community.

Both the Applicant and Hibiscus Coast Municipality believe that the project will make a substantial contribution to providing relatively varied homes on the property and will furthermore provide a substantial injection into the local economy. The time frames for Approval in terms of the applicable Legislation is as follows:-

- Consent from Agriculture in terms of Act 70 of 1970 – 3 months;
- Basic Environmental Impact Assessment – 12 months;

The total time period for the abovementioned activities, sequentially submitted could take as long as 12 months (with some activities running concurrently) to reach finality and a stage where development can begin. The stringent time constraints of the PDA have the potential to ensure an expedited delivery process, especially during a time

when funds are limited and interest rates will negatively impact on the end value of the development.

21. LAND USE MANAGEMENT SYSTEM:

The municipality has initiated a process towards the introduction of a wall-to-wall land use schemes as the basis for a land use management system. Hibiscus Coast Local Municipality will be managed by an edge-to-edge land use (planning) scheme Objectives of land use schemes are:

- To establish single regulatory land use management system that can be applied uniformly throughout each local municipality.
- To provide municipalities with tools from which they can draw to manage the use and development of land within their urban and rural areas as required.
- To integrate different regulatory land use management systems within the municipality.
- To address the concerns and issues of rural land use management. The rural component of a land use scheme should primarily be applied to ensure that prime agricultural land is protected, and that important areas of environmental significance and bio-diversity are protected.
- To give effect to the spatial development framework and the integrated development plan of a municipality. In this regard, the associated spatial development frameworks of Integrated Development Plans establish the broad framework for land use planning.

In terms of the Hibiscus Coast Municipality Town Planning Scheme, the Hibiscus Coast Municipality reviews its IDP as required by the Municipal Systems Act and all IDP's every 5 years. The preparation of the SDF forms part of the IDP and should be regarded as the basis for the land use management systems, as an aim of the Hibiscus Coast Municipality Town Planning Scheme is to reinforce the densification of the coastal corridor through the land use management systems and other policy interventions by the municipality such as Action Plans.

The Link between Spatial Planning and Land Use Management As Shown in the Hibiscus Coast Municipality Town Planning Scheme:

It should be noted that the SDF is a process that came out of the IDP. To be implemented properly, the SDF requires that a land use management system should be in place. In other words, the IDP identifies the need for development. In order for that need to be realized, the SDF guides development processes, i.e. deciding on where the development should take place having considered the environmental issues. For the development to actually happen, the land use management system has to be in place. This is done through the preparation of the land use schemes that manage, facilitate and control development to ensure that everything is done in an orderly manner. This also gives confidence to investors through proper zonings.

22. CONCLUDING REMARKS:

It has been shown in this report that from a geo-technical, planning, environmental and sustainability point of view, the site is suitable for the development as proposed. The high design criteria currently used by the Land Development Applicant will ensure that the proposed development is managed and maintained to the highest standards and will contribute a valuable and sustainable development contiguous to the Marburg area and the Hibiscus Coast Municipality, as a whole. The proposed development compliments the Hibiscus Coast Municipality's IDP in virtually all aspects. The proposed development will be managed by the Nyenyezi Communal Property Association for the Lot 35 Marburg No. 4956 Developments.

R M CONWAY
PROFESSIONAL LAND SURVEYOR

25th August 2015