

MOTIVATION REPORT FOR:

A COMBINED SPATIAL PLANNING AND LAND USE MANAGEMENT APPLICATION IN TERMS OF THE NKOSAZANA DLAMINI ZUMA MUNICIPALITY LAND USE MANAGEMENT BY-LAW (2016) READ IN CONJUNCTION WITH THE DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY LAND USE SCHEME 2020 FOR:

- THE PROPOSED SUBDIVISION OF REMAINDER OF ERF 181 IN TERMS OF SECTION 46 (g)
- THE PROPOSED TOWNSHIP ESTABLISHMENT OF THE PART OF REMAINDER OF ERF 181 BULWER IN TERMS OF SECTION 46 (i) READ WITH SCHEDULE 2 (3) e, and
- THE AMENDMENT OF THE SCHEME IN TERMS OF SECTION 46 (b) READ WITH SCHEDULE 2 (3) and (4) c and d.



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1 INTRODUCTION AND BACKGROUND

Dr. Nkosazana Dlamini Zuma Local Municipality (NDZ LM) has identified a need to develop a layout plan for a portion of the Remainder of Erf 181 Bulwer. The application site is located just outside the Bulwer town boundary, in Ward 10.

This application is prepared and submitted by Ziphелеle Planning and Environmental Consultancy on behalf of Dr. Nkosazana Dlamini Zuma Local Municipality (NDZ LM) as required by law. Accordingly, the application lodged in compliance with the municipal by-law, being the Dr. Nkosazana Dlamini Zuma Local Municipality Spatial Planning Land Use Management Bylaw (2015), which gives effect to the intended development application. The relevant sections of the By-law are indicated below.

1.1 The Applicable Municipal by-laws

Table 1 Applicable Municipal by-laws

LEGISLATION	RELEVANT CHAPTERS, SECTIONS, AND SCHEDULES
<p>Dr. Nkosazana Dlamini Zuma Municipality Spatial Planning and land use management by-law 2015</p>	<p><u>Chapter 4: Section 46</u> <i>Activities for which an application for municipal planning approval is required</i> <i>An application for municipal planning approval is required for –</i> <i>(a) the adoption of a land use scheme.</i> <i>(b) the amendment of a land use scheme.</i> <i>c) a Municipality’s consent in terms of a land use scheme.</i> <i>(d) the repeal of a land use scheme.</i> <i>I the development of land that is situated outside the area of a land use scheme, if the development constitutes an activity contemplated in</i> <i>(f) the extension or replacement of a building on land that is used for a purpose defined in Schedule 3.</i> <i>notwithstanding that municipal planning approval was not required at the time that the use of the original building for that purpose commenced.</i> <i>(g) the subdivision of land.</i> <i>(h) the consolidation of land.</i> <i>(i) township establishment.</i> <i>(j) the notarial tying of adjacent land.</i> <i>(k) the extension of a sectional title scheme by the addition of land to common property in terms of section 26 of the Sectional Titles Act.</i> <i>(l) the permanent closure of a municipal road or a public place.</i> <i>(m) the removal, amendment, or suspension of a restrictive condition of title or a servitude.</i> <i>(n) a material change to a Municipality’s decision on an application for municipal planning approval.</i></p>

LEGISLATION	RELEVANT CHAPTERS, SECTIONS, AND SCHEDULES
	<p><i>(o) the cancellation of a Municipality's decision on an application for municipal planning approval, except a decision to adopt or amend a land use scheme.</i></p> <p><u>Schedule 2</u></p> <p><i>Applications for municipal planning approval must be decided by the Municipal Planning Tribunal</i></p> <p><i>3. The Municipal Planning Tribunal must decide the following applications for municipal planning approval –</i></p> <p><i>(a) the zoning or rezoning of land in accordance with an existing zone.</i></p> <p><i>(b) the granting of consent in terms of land use scheme for land use.</i></p> <p><i>(c) approval for a development situated outside the area of the land use scheme.</i></p> <p><i>d) the subdivision and consolidation of land –</i></p> <p><i>(i) that involves a change of land use; or</i></p> <p><i>(ii) of which the end result is the creation of more than two new properties, excluding properties used exclusively for the accommodation of roads or other engineering services.</i></p> <p><i>(e) township establishment.</i></p> <p><i>(f) the notarial tying of adjacent properties.</i></p> <p><i>(g) the extension of a sectional title scheme by the addition of land to common land in terms of section 26 of the Sectional Titles Act.</i></p> <p><i>(h) the removal, amendment or suspension of a restrictive condition of the title –</i></p> <p><i>(i) that has not been imposed in terms of this By-law or a repealed municipal planning law; or</i></p> <p><i>(ii) that is not accompanied by the written approval of the person or entity in whose favour the condition is registered.</i></p> <p><i>(i) the permanent closure of a municipal road or a public place.</i></p> <p><i>(j) an application for municipal planning approval that has been referred to the Municipal Planning Tribunal by a Municipal Planning Authorised Officer.</i></p> <p><i>(l) a non-material amendment to a Municipal Planning Tribunal's decision on an application in terms of paragraphs (a) to (j).</i></p> <p><i>Applications for municipal planning approval that must be decided by the Municipal Council</i></p> <p><i>4. The following applications for municipal planning approval must be decided by a Municipal Council –</i></p> <p><i>(a) the adoption of land use scheme;</i></p> <p><i>(b) an amendment to wording of land use scheme, including development controls contained in it;</i></p> <p><i>(c) the zoning or rezoning of land in accordance with a new zone; and</i></p> <p><i>(d) the zoning or rezoning land by the Municipality to achieve the development goals and objectives of the municipal spatial development framework.</i></p> <p><i>(e) an amendment to an application in terms of paragraphs (a) to (d), prior to the approval thereof by a Municipal Council;</i></p> <p><i>(f) a correction to a decision of a Municipal Council on an application in terms of paragraphs (a) to (d) to correct an error in</i></p>

LEGISLATION	RELEVANT CHAPTERS, SECTIONS, AND SCHEDULES
	<i>the wording of the decision, correct a spelling error, update land description, or update a reference to a law, person, institution, place name or street name; and (g) a non-material amendment to a Municipal Council's decision on an application in terms of paragraphs (a) to (d).</i>

1.2 The Purpose of The Report

The report motivates for the approval of the SPLUMA application taking into consideration the need and desirability of the proposed township establishment and the amendment of the scheme. The motivation report considers all the relevant matters as contained in the municipal by-law under Schedule 4, Section 5 (*Lodging of application*). Most importantly, the report provides an assessment of the relevant policies and legislation to substantiate the need for this development application.

1.3 The Applicant

Ziphelele Planning and Environmental Consultancy (ZiPEC) acts as an "Applicant " on behalf of the landowner to prepare and submit the SPLUMA application as stipulated by the Municipal By-laws.

Refer to Annexure 1: landowner's consent

2 STRUCTURE OF THE REPORT

This report is structured as follows:

Table 2 Structure of the report

Section No	Description
Section 1	Provides brief background information and the purpose of the proposed development application.
Section 2	Provides how this report is structured for ease of reference.
Section 3	Provides details of the application site and a brief overview of the municipal context.
Section 4	Provides the details of the existing environmental features.
Section 5	Provides the key statistics relating to the Municipality.
Section 6	Provides the details of the proposed development application.
Section 7	Provides the details of applicable legislation and guidelines.
Section 8	Provides an assessment of the potential impacts.
Section 9	Provides the need and the desirability of the application.
Section 10	Provides the conclusion and recommendations

3 SITE INFORMATION

3.1 The Site Locality and Context

The site is located within the Bulwer town in the NDZ LM. The site is located along the existing provincial road (R617) which serves as a feeder from the N3 to southern Underberg leading to Lesotho via Sani Pass. The R617 also branches off onto the R612 which leads to Ixopo and joins with the National route (N2) to the south at Umzinto. **Refer to Annexure 3: Locality map**

The NDZ LM is predominantly rural, with 5 main towns within its boundary. These include Underberg, Himeville, Creighton, Bulwer, and Donnybrook. Bulwer and Underberg are the main urban centres approximately 38 km apart. Bulwer is the most strategically located centre which is centrally located with the potential to service the majority of the neighbouring communities. **Refer to Annexure 2: Context map**

3.2 The Property Information

The table below describes the property information of Remainder of Erf 181, Bulwer.

Table 3 Property Information

NO.	PROPERTY INFORMATION	
1.	Description of the property	Remainder of Erf 181 Bulwer
2.	Size	175.2797
3.	Ownership details	<p>According to the Certificate of Registered State Title (T 12039/09), the site is legally owned by the Provincial government of the province of KwaZulu-Natal. The Certificate of Registered State Title does not stipulate any conditions that may prohibit the application. Refer to Annexure 6: Certificate of Registered State Title</p> <p>The Municipality utilises the site in terms of the Donation Agreement (Dated August 2015). According to the Donation Agreement (T28130/06), the following special conditions are noted:</p> <p><i>"6.1 The said properties shall only be used for the Ingwe Municipality's development of residential sites, institutional and community purposes, and no other purposes unless prior written consent has been obtained</i></p>

NO.	PROPERTY INFORMATION	
		<p><i>from the Honourable MEC: Human settlements and Public Works and the KwaZulu-Natal Provincial Treasury.</i></p> <p><i>6.3 Ten (10) Hectares site will be reserved for the construction of a Hospital for the Department of Health.</i></p> <p><i>6.4 The Portion of the Remainder of Erf 181 Bulwer is to be retained by the Provincial Government which is currently being used as an Art Centre by the Department of Arts and Culture.</i></p> <p><i>6.5 The Donee will be responsible for all costs relating to the survey of the property for the Hospital Site, the Art Centre, and all transfer costs...."</i></p> <p>The abovementioned condition number 6.1 of the Donation Agreement (Dated August 2015) was amended in terms of the Addendum to the Donation Agreement – 2021, to read as</p> <p><i>"The said properties shall only be used for Dr. Nkosazana Dlamini – Zuma Municipality's (previously Ingwe Municipality) development of residential sites, institutional and community purposes, and commercial and industrial developments and for no other purposes unless prior written consent has been obtained from the Honourable MEC: Human settlements and Public Works and the KwaZulu-Natal Provincial Treasury.</i></p> <p>Accordingly, the proposed land uses are in line with the conditions contained in the Donation Agreement as mentioned above. Refer to Annexure 7: Donation Agreement</p>
4.	SG diagram number	1920/1989 Refer to Annexure 8: SG diagram
5.	GPS co-ordinates	29°47'50.2"S 29°46'21.8"E
6.	Current Zoning	The current zoning of the site is "Agriculture 1" in terms of the Dr. Nkosazana Dlamini Zuma Land Use Scheme (2020). Refer to Annexure 4: Existing zoning map together with Annexure 5: Zoning certificate
7.	Existing land uses	There is an existing art Centre on the site. The remainder of the land is undeveloped. Refer to Annexure 9: Existing and proposed land use map.

NO.	PROPERTY INFORMATION	
8.	Existing infrastructure	The existing infrastructure on the site is the R617 provincial road, power line, and water bulk pipelines. Refer to Annexure 10: Infrastructure map

4 ENVIRONMENTAL ASSESSMENT

4.1 Topographical and Hydrological Analysis

There is a valley within the application site of Remainder of Erf 181 Bulwer, which has steep slopes and renders some portions of the site undevelopable. This area has been demarcated as a conservation area. The areas that have gentle slopes have been utilised to accommodate the development area and forms most of the application site.

The Mkobeni River runs across the whole farm portion and a 32 m buffer from the river has been designated. This is done to ensure the protection of the natural resources and to avoid potential contamination by future developments. Refer to **Annexure 14: Topographical Survey**

4.2 Protected Areas

The site is bordered to the east by Xotshenyake Forest which has been declared a “protected area” in terms of the National Environmental Management: Protected Areas Act.

This application does not affect the existing forest as it is located outside of the area demarcated as a “protected area”. In addition, at this stage, there are no physical developments proposed within the site. The application is merely for the township establishment to formalise the sites.

Overall, there are no environmental triggers in terms of the NEMA Regulations, therefore this application does not require environmental authorisation in terms of NEMA.

5 DEMOGRAPHIC PROFILE

The following section analyses the key statistic to inform the suitability of this application within this locality. Please refer to **Annexure 11: Ward map**

5.1 Population distribution by gender

Table 4 below indicates the gender distribution within the municipality. It is evident that the gender distribution is uneven. The municipality has more males than females, however, Ward 10 is female dominated. The gender distribution provides an insight into the type of development that is required to address the social and economic needs of the communities.

Table 4 Population distribution by gender for the Municipality

Ward No.	Female	Percentage (%)	Male	Percentage (%)
1	3,573	54.50%	2,979	45.50%
2	3,059	48.90%	3,203	51.20%
3	2,273	45.50%	2,723	54.50%
4	4,986	55.10%	4,061	44.90%
5	3,957	55.60%	3,161	44.4%
6	5,479	53.50%	4,760	46.50%
7	3,996	53.70%	3,447	46.30%
8	4,541	54%	3,874	46%
9	4,068	53.90%	3,478	46.10%
10	4,161	53%	3,687	47%
11	3,850	52.90%	3,422	47.10%
12	3,646	51.30%	3,463	48.70%
13	2,998	53.10%	2,650	46.90%
14	4,196	51.80%	3,900	48.20%
15	3,489	53.70%	3,005	46.30%
Subtotal	45,224	46.60%	51,813	53.40%
TOTAL	97,037			

Source: Stats SA 2011

5.2 Employment Status by Ward

The information in Table 5 below indicates that in Ward 10 the number of unemployed and discouraged work-seekers is relatively low. This is expected considering that Bulwer as the town centre provides essential opportunities for employment and business activities. However, there is a need to create opportunities for growth and development in order to accommodate other neighbouring communities within the mainstream economy.

It should also be recorded that the number of employed within the entire municipality is low compared to the unemployed, discouraged work-seekers and other not economically active, collectively.

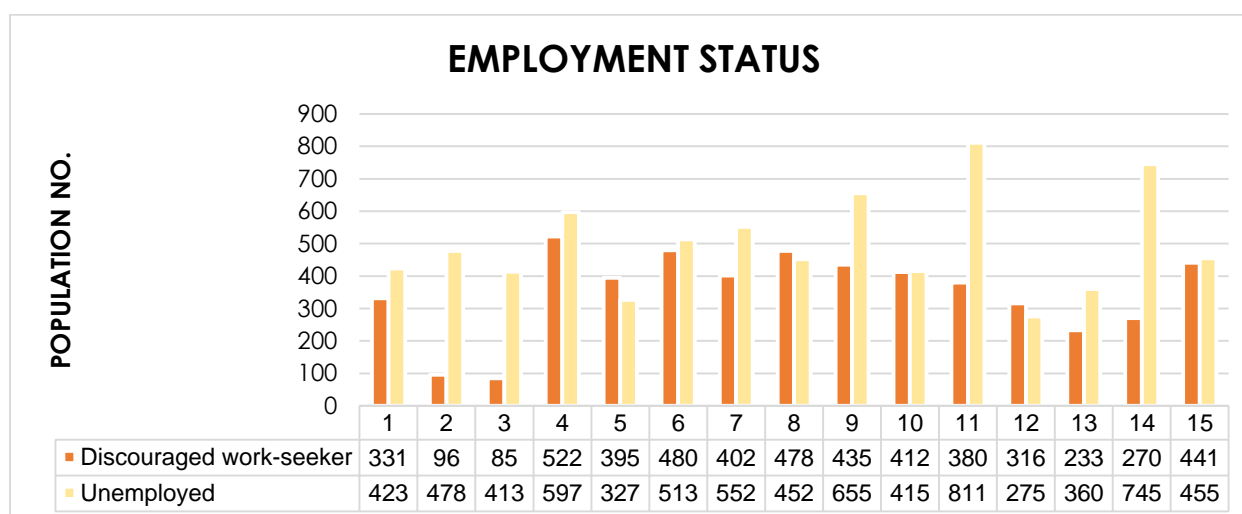
Table 5 Employment status by ward

WARD No.	Discouraged work-seeker	Employed	Other not economically active	Unemployed	Unspecified	TOTAL
1	331	674	2 047	423	0	3475
2	96	2 550	1 372	478	0	4496
3	85	2 693	647	413	0	3838
4	522	597	2 874	597	0	4590

5	395	229	2 587	327	0	3538
6	480	894	3 546	513	0	5433
7	402	832	2 382	552	0	4168
8	478	536	2 991	452	0	4457
9	435	492	2 508	655	0	4090
10	412	1 054	2 663	415	0	4544
11	380	716	2 214	811	0	4121
12	316	1 049	2 465	275	0	4105
13	233	563	1 928	360	0	3084
14	270	1 837	1 981	745	0	4833
15	441	863	1 953	455	0	3712
TOTAL	5276	15579	34 158	7471	0	62484

Source: Stats SA 2011

Figure 1 Employment Status



Source: Stats SA 2011

5.3 Annual income

According to Table 6 below, ward 10 consists of the highest number of low-income households specifically the no-income population compared to the rest of the wards within the municipality. The occurrence is in line with the employment status quo where it is evident that the number of unemployed (considered together with the discouraged work-seekers and other not economically active population number) surpasses the number of employed. In addition, there's a high number of low-income households within the entire municipality, sustainable and strategic development initiatives are required to address this issue.

Table 6 Annual Income

WARD No.	No income	R 1 - 4 800	R4 8 01 - 9600	R9 6 01 - 1920 0	R19 2 01 - 38400	R38 401 - 768 00	R76 8 01 - 15360 0	R153 6 01 - 307200	R 3072 01 - 6144 00	R 6144 01 - R1 2 28 800	R1 228 801 - R2 457 600	R2 4 57 601 or more	Unspecified
1	215	72	175	485	329	155	81	31	25	2	1	0	0
2	351	66	158	782	775	362	167	99	51	14	9	12	0
3	315	104	214	915	730	327	188	94	61	35	4	8	0
4	258	135	321	549	429	137	40	24	10	2	3	0	0
5	152	88	275	476	334	75	26	23	9	0	0	0	0
6	374	201	316	545	499	186	82	35	14	1	2	1	0
7	246	98	183	563	405	157	74	33	17	3	1	4	0
8	272	141	264	475	433	112	49	30	17	5	3	2	0
9	104	21	43	133	64	50	40	14	7	0	1	0	14
10	400	149	248	581	467	171	122	88	30	1	0	2	0
11	290	75	159	442	360	190	133	61	21	7	3	4	0
12	163	56	152	530	528	188	69	47	15	0	0	3	0
13	221	77	156	322	327	124	83	26	24	9	2	2	0
14	220	126	198	671	618	232	142	101	60	9	9	6	0
15	96	59	150	343	98	59	25	16	9	3	0	0	5
Total	3677	1116	3012	7812	6396	2525	1321	722	370	91	38	44	19

Source: Stats SA 2011

5.4 Access to housing

Table 7 below displays the housing typology within the municipality. Ward 10 is amongst the Wards with a high number of traditional dwellings. The entire municipality has a high number of traditional housing typology. However, there is evidence of apartments, flats and cluster housing within the

municipality. This is an indication that similar development should be encouraged where feasible in order to ensure adequate access to different housing typology by different income groups.

Table 7 Access to housing

Ward no.	Traditional	House	Shack	Apartment	Flat in backyard	Cluster house	Unspecified	Other
1	1107	357	0	78	0	0	9	20
2	1073	1058	0	333	0	0	224	16
3	127	1248	117	0	0	0	1364	144
4	1749	112	0	14	0	0	0	23
5	1364	47	0	9	0	0	0	26
6	1595	147	0	288	0	66	0	161
7	1229	371	0	99	0	0	0	35
8	1434	162	0	33	148	0	0	22
9	1147	333	0	19	111	0	0	24
10	1079	851	0	76	0	0	0	102
11	918	669	0	0	40	0	0	0
12	1203	290	34	133	0	0	0	93
13	556	547	0	83	75	0	0	113
14	1000	791	0	88	0	0	0	100
15	1265	410	0	32	0	0	0	43
Total	16846	7393	151	1285	374	66	1597	922

Source: Stats SA 2011

The overall assessment from the demographics is that there is a need to improve the current status quo. This development has the potential to uplift communities in several ways.

6 DETAILS OF THE PROPOSED DEVELOPMENT APPLICATION

The proposed development application entails:

- The subdivision of land in terms of section 46 (g) of the NDZ Municipal Bylaws in order to subdivide remainder Erf 181 Bulwer
- The township establishment in terms of section 46 (i) of the NDZ Municipal Bylaws in order to extend the Bulwer town
- The amendment of scheme in terms of Section 46 (b) of the NDZ Municipal Bylaws to allocate suitable zoning for the proposed subdivisions
- The amendment of the scheme in terms of Section 46 (b) read with Schedule 2 (4) (c) and (d) of the NDZ Municipal Bylaws, to introduce a new zone “tourism” in order to achieve the municipal goals contained in the IDP.

The above is discussed in detail in the following sections.

6.1 Proposed township and zoning considerations

The planned township establishment is intended to give effect to the NDZ LM development goals. The development of the application site is equipped to accommodate an array of activities and densities while catering to future development needs. Accordingly, the following factors have been considered:

- Mixed uses (including varying densities) - to facilitate accessibility, mixed land uses as well as medium to higher density sites are located at crucial spots and along the major road.
- The proposed township has clustered uses based on their compatibility to create functional spaces that provide a safe and secure environment.
- To establish a safe and comfortable environment, residential ervens are surrounded by high-density uses.
- Public facilities are strategically placed in a way that they cause minimum interruption to other high-impact users and are easily accessible to the general public.
- In order to protect the natural environment, open spaces have been proposed along the riverine system and the necessary buffers are established to protect the environment.
- Road design takes into account the different functions and uses within the application site. The hierarchy of road includes a 14-meter road reserve that serves as an access route connecting the existing R617 to a commercial site, some residential sites, and social facilities. There is an 18-meter road reserve designed to service the industrial areas and interlinks the R617. There is a 10metre road reserve servicing the residential areas.

The road network has been planned to handle any future land-use change. **Refer to Annexure 13: Proposed zoning**

6.2 Proposed zonings

The following table discusses the proposed zonings including those that are not currently part of the Scheme i.e., “tourism”.

Table 8 Proposed zonings and development controls

Erf no.	Proposed Extent	Proposed zoning & Development Controls	Definition according to Dr. Nkosazana Dlamini Zuma’s scheme	Motivation in terms of the need and desirability
28	2751m ²	Residential 2 Height: 2 Storey Coverage: 30% F.A.R: -	This zone is intended to provide, preserve, use land or buildings for single residential use and Multiple Unit Developments in the form of dwelling houses and ancillary uses	This zoning has been found suitable as it can accommodate Medium to High-density residential and different housing typologies in line with the municipal scheme. This zoning is also compatible with the proposed surrounding zonings. The intention is to encourage uniformity within the neighbourhood.
29	2211m ²			
30	2000m ²			
31	2228m ²			
32	2709m ²			
33	2709m ²			
34	2691m ²			
35	3394m ²			
58	2525m ²			
59	2110m			
60	2469m ²			
61	2447m ²			
62	2247m ²			
63	2012m ²			
64	2066m ²			
65	2121m ²			
66	2129m ²			
67	2380m ²			
68	2032m ²			
69	2027m ²			
70	2172m ²			
71	2229m ²			
72	2227m ²			
81	3453m ²			
82	3375m ²			
83	2265m ²			
84	2584m ²			
86	2075m ²			

Erf no.	Proposed Extent	Proposed zoning & Development Controls	Definition according to Dr. Nkosazana Dlamini Zuma's scheme	Motivation in terms of the need and desirability
87	2001m ²			
88	2004m ²			
53	4061m ²	Residential 3	This zone is intended to provide, preserve, use land or buildings for single residential use and Multiple Unit Developments in the form of dwelling houses and ancillary uses. Protection of the quality and character of a residential neighbourhood and the well-being of its residents limiting multiple uses of buildings to minimize adverse impact on the residential environment is zoning in line with the existing controls for medium density housing.	
54	4027m ²			
55	4029m ²	Height: 3 Storey		
56	4032m ²	Coverage: 35%		
57	4149m ²	F.A.R: 0,4		
73	5565m ²	Tourism	This zoning is currently not in the scheme. This development application includes the amendment of the scheme by introducing new zoning. The definition of the proposed tourism zoning is as follows: <i>"This zone is intended to provide for appropriate land uses and buildings to accommodate a range of recreational, entertainment, socio-cultural, accommodation and commercially related activities to</i>	The proposed tourism sites are strategically located to ensure accessibility and have attractive views. These sites may allow for a lodge, tourism offices and restaurant/ tea-room, and other related outdoor adventures linking to the nearby proposed open spaces. There is a need to provide more social and leisure facilities in rural-urban towns to provide opportunities and facilities for income generation, entrepreneurship, and the
74	5421m ²	Height: 3 Storey		
75	5638m ²	Coverage: 50% F.A.R: 0,50		

Erf no.	Proposed Extent	Proposed zoning & Development Controls	Definition according to Dr. Nkosazana Dlamini Zuma's scheme	Motivation in terms of the need and desirability
			<i>contribute towards the creation of a vibrant, harmonious and functional tourism environment".</i>	effective upliftment of semi-urban areas. The current zoning within the scheme does not offer a range of tourism opportunities as they only focus on conservation tourism.
40	2031m ²	General Commercial Height: 3 Storey Coverage: 80% F.A.R: 0,4	To provide, preserve, use land or buildings for medium/high impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.	This zoning allows for a range of compatible uses. This zone has the potential to accommodate uses such as commercial, business, residential, offices, restaurants, etc. As such, the proposal includes sites that are zoned general commercial strategically positioned along the R617 for ease of access and to attract investments. The zoning has the potential to attract land uses that will have a positive impact on the revenue collection by the Municipality.
41	3054m ²			
42	3799m ²			
43	4160m ²			
44	4334m ²			
45	3613m ²			
46	3303m ²			
47	3089m ²			
48	3.2ha			
77	3397m ²			
78	3378m ²			
79	3315m ²			
80	2808m ²			
18	1311m ²	Light Industry Height: 2 Storey Coverage: 50% F.A.R: 0,5	This zone is intended to provide, preserve, use land or buildings for low impact mix of industrial activities and services and maybe be an interface to high-impact industrial areas or as independent entities.	Economic development is one of the key focus areas within the Municipality and particularly within the main towns of the Municipality. Considering the population growth and the character of the Bulwer town which serves as a secondary node in terms of the Municipal
19	1131m ²			
20	1085m ²			
21	1622m ²			
22	1070m ²			
23	1066m ²			
24	1078m ²			
25	1092m ²			
26	1105m ²			

Erf no.	Proposed Extent	Proposed zoning & Development Controls	Definition according to Dr. Nkosazana Dlamini Zuma's scheme	Motivation in terms of the need and desirability
27	1471m ²			IDP 2020/21, there is a need for strategically planning for suitable land for future light industrial development. Accordingly, the application site has made provision for industrial space which will accommodate a range of uses permissible in accordance with the scheme.
1	2423m ²	General Industry Height: 3 Storey Coverage: 75% F.A.R: 1,5	To provide, preserve, use land or buildings for a full range of industrial uses where the emphasis is on bulk and heavy industry and where due cognizance must be taken of environmental impacts. Ensuring sustainable locations which accommodate the requirements for industrial activities and minimize their impact on surrounding uses.	
2	2106m ²			
3	2317m ²			
4	2528m ²			
5	2739m ²			
6	3885m ²			
7	2091m ²			
8	2376m ²			
9	2376m ²			
10	2376m ²			
11	2376m ²			
12	2219m ²			
13	3160m ²			
14	3446m ²			
15	3189m ²			
16	2095m ²			
17	2510m ²			
37	2363m ²	Service Industry Height: 2 Storey Coverage: 50% F.A.R: 0,50	To provide for land and buildings for low impact mix of industrial activities and services, warehousing and the associated activities that do not involve significant vibration, noise, odour, and high volume of vehicular traffic.	
38	1954m ²			
39	2214m ²			
52	2.3ha	Institution Height: 3 Storey Coverage: 60% F.A.R: -	This zone is intended to provide, preserve, use land or buildings for Institutions such as hospitals, nursing homes, sanatoriums, clinics, convalescent homes, orphanages, retirement centres,	The CSIR (2015) Guidelines were used to inform the location and the type of social facilities suitable for the study area. The Municipality already has a hospital (St Apollinaris Hospital) that has also been allocated a

Erf no.	Proposed Extent	Proposed zoning & Development Controls	Definition according to Dr. Nkosazana Dlamini Zuma's scheme	Motivation in terms of the need and desirability
			or other buildings used as public or private institutions.	<p>budget for further improvement (IDP 2020/21). For the Bulwer town to serve as a secondary node, such facilities need to be considered.</p> <p>Therefore, this proposal has made provision for a community health centre. The facility is well located and is close to the existing settlements.</p>
50	1.5ha	Municipal and government Height: 3 Storey Coverage: 50% F.A.R: 1,0	This zone is intended for buildings erected and used for National, Provincial and Municipal administration and general government services.	<p>The proposed Disaster / Emergency Centre is located along the R617 and clustered with other civic and social facilities within the subdivision. The township establishment layout has considered the SG. diagram already prepared for the Disaster centre (portion 4 of Erf 181, Bulwer). This disaster centre is located such that it is easily accessible directly from the provincial road during an emergency.</p> <p>The existing Art Centre will be allocated "Municipal and Government" zone.</p>
51	2ha			
36	1.8ha	Passive open space Height: 2 Storey Coverage: 15% F.A.R: 0,15	This zone is intended to provide, preserve, use land or buildings for the provision of passive recreational areas on publicly or privately owned land. Generally,	The open spaces are proposed in close proximity to steep slopes and sensitive environments e.g., close to the river.
49	3819m ²			
85	4.1ha			

Erf no.	Proposed Extent	Proposed zoning & Development Controls	Definition according to Dr. Nkosazana Dlamini Zuma's scheme	Motivation in terms of the need and desirability
			to promote passive recreation, enhance the aesthetical appearance, and the maintenance of open space systems.	The open spaces can be utilised low impact recreational activities.
76	8.5ha	Conservation To be determined by the Municipality	This is a zone that protects and conserves environmentally or historically important land, buildings or water bodies, or areas that are important ecological features. These areas normally form part of the sustainable open space system, which includes independent or linked open space areas and permits only limited and specific developments.	A conservation area has been designated near the river, to ensure that no developments occur close to the river as they will pose detrimental effects. This conservation area also links to the existing Xotsheyake forest. The conservation area gives an attractive view within the proposed layout and for the proposed tourism facilities sites

6.3 Proposed development controls (Tourism zone)

The following table indicates the proposed development controls of the proposed new zoning "Tourism"

Table 9 Proposed zones and controls for the tourism sites

<p>Statement of Intent: this zone is intended to provide for appropriate land uses and buildings to accommodate a range of recreational, entertainment, socio-cultural, accommodation and commercially related activities to contribute towards the creation of a vibrant, harmonious, and functional tourism environment.</p>	<p>Scheme map notation</p>	
	<p>Fill</p>	<p>Border</p>
	<p>7 Cantaloupe Background R:233, G:150, B:122</p> <p>8 With Light Blue Hatch R:151, G:219, B:242</p>	<p>Outline: Black R:000, G:000, B:000</p>

USE OF LAND AND BUILDINGS			
Permissible (A)	Consent (B)	Prohibited (C)	ADDITIONAL CONTROLS
<ul style="list-style-type: none"> • Curio shop • Caretaker's Dwelling • Chalet • Conservation area/land • Conservation tourism • Exhibition Centre • Heritage purposes • Health and Beauty Parlour • Hotel • Launderette • Office (limited to administration of the tourism facility) • Place of Public Assemble • Place of Public Amusement • Shop (as ancillary to the main tourism facility) • Tourism activities 	<ul style="list-style-type: none"> • Arts and Craft Workshop • Bar • Place of Instruction • Restaurant • Dam • Medium Density Housing • Residential Building 	<p>Land uses and buildings not listed in columns (A) and (B).</p>	<ol style="list-style-type: none"> 1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained 2. A shop is restricted to sale of day-to-day commodities and shall not exceed a total Floor Area of 100m² in extent. 9 3. A laundrette may be permitted for the exclusive use of the guests and staff. 4. A Health Studio may be permitted for the exclusive use of the guests and staff. 5. Subject to a sewage disposal system to the satisfaction of the Municipality. 6. All Medium Density Housing development shall be subject to the design requirements contained in clause 5.1 of the NDZ land use scheme 7. All landscaping shall be to the satisfaction of the Municipality. 8. No development will be permitted in or on flood plains, watercourses, and wetlands unless the necessary approval has been obtained from the relevant environmental department and the Municipality.
PARKING REGULATIONS			
1. Refer to Table 3: Parking requirements of the NDZ land use Scheme.			

2. The technical requirements for on-site parking shall be in accordance with clause 3.12 of the Scheme							
DEVELOPMENTAL CONTROLS							
Minimum Erf size	Units per hectare	Frontage	Building line	Side and rear	Height	Coverage	F.A. R
4000 m ²	N/A		7m	3m	3	50	0,50

7 APPLICABLE LEGISLATION AND GUIDELINES

7.1 Compliance with the Spatial Planning and Land Use Management Act No.16 Of 2013.

The table below indicates the alignment of the proposed application with the development principles of SPLUMA

Table 10 Alignment with the SPLUMA Development Principles

SPLUMA Principles	Description	Relevance to the application
a) The principle of spatial justice whereby-;	(i) Past spatial and other development imbalances must be redressed through improved access to and use of land;	The proposed township is situated within municipal-owned land, this allows optimum use of the land for a range of activities that were previously kept apart. Consequently, this will improve land use and contribute to sustainable planning.
	iii) spatial planning mechanisms, including land-use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;	The proposed township establishment is aimed to facilitate access to land by introducing new zonings that include a variety of uses including informal trading spaces and a taxi rank through a flexible zoning system.
	(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;	It is recorded that this application entails the improvement of land which has been left unoccupied and undeveloped for several years. As such, the proposed township development will positively contribute to the value of the land and nearby areas.

	<p>(i) promote land development that is within the fiscal, institutional, and administrative means of the Republic;</p>	<p>The development is undertaken within the land that is owned by the municipality to ensure existing resources are used profitably and within the means of the municipality.</p>
	<p>(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;</p>	<p>The proposed area for the township is not situated in the land that is regarded as prime or unique agricultural land. However, the identified environmental sensitive areas have been observed and protected.</p>
	<p>(iii) uphold consistency of land use measures following environmental management instruments;</p>	<p>The development has taken into account the existing environmentally sensitive areas and the necessary measures put in place to protect and preserve the environment.</p> <p>The township is designed to be ecologically sustainable, open spaces have been allocated to protect and enhance the quality of the environment</p>
<p>b) The principle of spatial sustainability;</p>	<p>(iv) promote and stimulate the effective and equitable functioning of land markets;</p>	<p>The commercial, industrial, and tourism land use will increase property value and ensure that the location encourages further economic growth, which may entice investors to steer development to Bulwer town.</p> <p>Ultimately, these zonings will stimulate the effectiveness of land markets through quick transactions as the land will be readily zoned for viable economic opportunities.</p>

	<p>v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;</p>	<p>The involvement of the relevant sector departments in the development initiative will be critical. The municipality will be responsible for the development of roads and the provision of the engineering services infrastructure, and these must be well budgeted for to ensure successful delivery of this development.</p>
	<p>(vi) promote land development in locations that are sustainable and limit urban sprawl; and</p>	<p>The application site is adjacent to an existing town and the proposal is intended as an extension to the town. This approach will limit the developments that are taking place organically in areas that are not viable.</p>
	<p>vii) result in viable communities;</p>	<p>For sustainable and viable development for the community, land development and planning need to ensure that the community is close to employment opportunities, social amenities, and basic services. This application is specifically aimed at creating such integration compatible facilities.</p>
<p>c)The principle of efficiency;</p>	<p>(i) land development optimizes the use of existing resources and infrastructure;</p>	<p>The application is within an area that has access to some services e.g., water and electricity. In addition, the land is under the ownership of the municipality. In this way, the proposed application guarantees optimal use of existing resources.</p>
	<p>(ii) decision-making procedures are designed to minimize negative financial, social, economic, or environmental impacts; and</p>	<p>The opinion is held that the application will not have a negative financial, social, economic, or environmental impact on the surroundings, as such, decision making</p>

		must consider these factors to ensure that the process is not prejudiced.
	(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;	It is the responsibility of all parties involved to adhere to the prescribed timeframes in terms of the bylaws and other relevant legislation such as PAJA to ensure that the process does not prejudice the applicant.
d)The principle of spatial resilience;	whereby flexibility in spatial plans, policies, and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks;	The proposed formalisation focuses on zoning that allows an array of land uses to avoid monotonous activities that are incapable of handling future demands. Accordingly, it is imperative that the land use zones allocated for this project area will create an environment that will be able to accommodate the current and future needs of the community without undergoing major adjustments in terms of planning policies.
e) The principle of good administration	(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;	The NDZ LM has a land use scheme that guides and regulates land developments within the municipality. It is important that all spheres of government and the relevant sector departments work together as contemplated in the IDP in order to achieve the development goals of the municipality as a collective.
	(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the	Integration and cooperation between the different levels of government will be crucial for the proposal to ensure the municipality achieves its goals.

	preparation or amendment of spatial development frameworks;	All departments responsible for providing comments must adhere to the set legislative processes and timeframes to ensure that the application is not comprised and delayed unnecessarily.
(iii) the requirements of any law relating to land development and land use are met timeously;		
(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that allow all parties to provide inputs on matters affecting them; and	<p>Effective procedures for public participation must be in place, to allow the affected communities and other parties to provide inputs on development applications and other matters affecting them. The public participation process undertaken as part of this township establishment application includes the following:</p> <ul style="list-style-type: none"> ○ Public consultation meeting ○ Publishing notices of the application ○ Displaying a site notice ○ Notices to the external departments/organizations ○ Notices to adjacent property owners 	
v) policies, legislation, and procedures must be set in order to place inform and empower members of the public.	Not applicable	

7.2 Provincial, District, and Municipal Policies and Legislation

This section considers the relevance of the Provincial, district, and municipal spatial planning frameworks to the application.

7.2.1 Provincial legislation and Policies

Table 11 Provincial legislation

Legislation/Policy	Objective	Relevance to the application
<p>2035 Provincial Growth And Development Plan 2019</p>	<p>The 2035 Provincial growth development plan’s vision cites: <i>By 2035 KwaZulu-Natal will be a prosperous Province with a healthy, secure, and skilled population, living in dignity and harmony, acting as a gateway to Africa and the World.</i></p> <p>The province of KwaZulu-Natal will maximize its position as a gateway to South and Southern Africa, as well as its human and natural resources so creating a safe, healthy, and sustainable living environment. It aims to abject poverty, inequality, and unemployment by ensuring all have basic services and attract foreign investors by the world-class infrastructure and a skilled labour force.</p> <p>2035 provincial growth and development plan aims to formalise Strategic Rural Nodes, which will include the dedicated establishment of new towns.</p>	<p>The local municipalities play a critical role in ensuring that the vision of the province is achieved as most of the projects take place at a local level. As such, the municipalities must always attempt to undertake initiatives that will have a positive impact even at provincial to national levels. The 2035 Provincial growth and development highlights the need for spatial planning to address the lack of economic opportunities/interventions for rural communities. It also supports the idea of strategic developments in rural nodes. Accordingly, this proposed township establishment responds to the identified gaps in terms of strategic developments that are required for rural towns.</p>

<p>KwaZulu Natal Draft Provincial Spatial Development Framework (September 2021)</p>	<p>The KwaZulu-Natal Provincial Spatial Development Framework categorises Bulwer as a small town that has potential and opportunities for developmental growth, and the following interventions are recommended.</p> <ul style="list-style-type: none"> ▪ Social inclusion areas to focus on investment in people rather than places. ▪ Promote provision of sufficient bulk infrastructure services (demand & supply) socio-economic upliftment, ▪ Promote as secondary node in support of corridor development. ▪ Promote compact urban development & combat urban sprawl. ▪ Promote focused investment & managed growth. ▪ Promote densification (brown agenda) & infill development. ▪ Provide economies of scale for effective & affordable service delivery. ▪ Infill where high levels of services are available (restructuring nodes). ▪ Increased residential density (number of dwellings). ▪ Promote socio-economic upliftment. 	<p>The Provincial SDF highlights the role that has to be played by the Bulwer town. One of the recommendations is to infill where high levels of services are available (restructuring nodes). The proposed development application, therefore, gives effect to these recommendations.</p>
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	<ul style="list-style-type: none"> ▪ Promote provision of sufficient bulk infrastructure services (demand & supply). ▪ Priority spending on infrastructural upgrading needs (new & maintain). ▪ Promote effective & efficient public transportation systems linked to multi modal facilities. ▪ Single land use management system (township formalisation). 	
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7.2.2 District Legislation and Policies

Table 12 District Policies and Legislation Alignment

Legislation	Objective	Relevance to the application
<p>Harry Gwala District Municipality 2021-2022 Integrated Development Plan</p>	<p>The Integrated Development Plan (IDP) of Harry Gwala District Municipality states that “by 2030 the Municipality will be a leading water services provider in the whole of KZN with its communities benefitting from vibrant agriculture and tourism sectors”. Hereunder is the envisaged developmental trajectory. In terms of the District IDP, Bulwer is categorized as a secondary node but treated as a primary node, having the potential for high levels of economic development, growth, and</p>	<p>The proposed development application gives effect to the intended development trajectory of Bulwer as contemplated in the District Municipality’s IDP. The proposal offers opportunities for an array of land uses that have the potential to enhance the economic and social position of the town and the municipality as a whole. This development will also encourage the District to channel its efforts towards the improvement of the infrastructure to ensure the functionality of the envisaged developments.</p>

Legislation	Objective	Relevance to the application
	expansion due to its strategic location once planned properly.	

7.2.3 Municipal Legislation and Policies

Table 13 Municipal legislation

No.	Municipal policy	Objective	Relevance to the Application
1.	Dr. Nkosazana Dlamini Zuma Integrated Development Plan 2020/21 review	<p>The municipal mission statement is recorded as follows: <i>Dr. Nkosazana Dlamini-Zuma Municipality will provide quality, sustainable basic services while promoting socio-economic development, community involvement, and the protection of the environment.</i></p> <p>Noted in the IDP is that Bulwer is one of the key nodes in the municipality. This indicates that the town has the potential to be a thriving town in terms of socio-economic conditions. Currently, the Municipality is facing several developmental challenges including (amongst other):</p> <ul style="list-style-type: none"> ▪ Service delivery and Infrastructure ▪ Social and Local Economic Development challenges; low level of skills development /opportunities; Spatial and environmental planning challenges. 	<p>The proposed township provides an opportunity for the municipality to address some of the challenges that have been identified in the IDP such as unemployment, lack of access to economic opportunities, low skills level, etc.</p>

No.	Municipal policy	Objective	Relevance to the Application
2.	Dr. Nkosazana Dlamini Zuma Spatial Development Framework 2019/20 Review	<p>The municipal spatial vision is recorded as follows: “<i>An equitable, sustainable municipality with vibrant communities, well-managed environment, and growing tourism and agricultural economy by 2040</i>”.</p> <p>According to the SDF Bulwer is identified as a pressure point for future commercial and social services land uses that are proposed as part of mixed land use zones and future urban expansion. In addition, Bulwer, Riverside, and Donnybrook are identified as secondary nodes and these areas already comprise good levels of economic development.</p>	<p>The proposed development application is in line with the SDF's vision in terms of maximizing economic opportunities and improving the socio-economic conditions of the community as well as ensuring access to a range of services.</p>

No.	Municipal policy	Objective	Relevance to the Application
3.	Bulwer Urban Regeneration Plan 2018	<p>The Regeneration/Precinct Plan provides a broad overview of the intended and suitable spatial growth of the town. It cites that the subdivision plan will be required to give effect to the identified opportunities of growth around the town.</p> <p>The plan covers the following objectives to establish spatial patterns of differentiated access to economic opportunities to inform spatial planning; identify sites suitable for medium to high-density residential, commercial, and industrial developments; Identify the extent and location of social facilities and amenities to be provided; Identify the location and extent of existing and potential future tourism activities and facilities; Incorporate spatial dimensions of biodiversity and natural resources in spatial planning.</p>	<p>This development application process is undertaken to give effect to the strategic interventions contained in the Regeneration/Precinct Plan.</p>

8 ASSESSMENT OF POTENTIAL IMPACTS

It should be recorded that there are actual land uses being proposed at this stage. The application merely focuses on the formalisation of the land through formal subdivisions of the land. As such, the overall assessment is that there are no impacts anticipated from this development application.

8.1 Existing and proposed surrounding land uses

The land-use patterns in the region are evolving in many ways. Given the current use of the area, the proposed land use corresponds to the current trends of Bulwer town. The proposed development application will complement the current development trend.

8.2 Socio-economic conditions

The demographics indicate an urgent need to promote socio-economic progress and development within the municipality. The Bulwer town needs further development and strategic interventions to maximise opportunities to enhance social and economic conditions. Therefore, this development will contribute positively in terms of the socio-economic conditions of the municipality.

8.3 Site bulk infrastructure

The site is in the area that is partially serviced by the Municipality, the necessary extensions and connections to the existing system will be carried out following the municipal by-laws. This development will require additional capacity. As such, this must be appropriately budgeted for by the municipality.

8.4 Natural environment

The proposed application site is currently undeveloped. The existing river crossing over the site will not be negatively affected by this application. A 32m buffer has been allocated to protect the environment. In addition, steep areas will serve as conservation to avoid any possible impacts on the environment.

9 NEED AND DESIRABILITY

9.1 Application Need

The municipality has identified gaps related to the low availability of land to perform activities that would uplift the communities and change the status quo. The IDP and the Bulwer Regeneration/Precinct Plan simultaneously identify the most pressing issues the municipality is facing, namely, the lack of infrastructure that attracts investors and delays in housing delivery, the

high rate of unemployment and low economic growth; lack of transformation in the tourism sector; lack of incentives to attract investors; low level of skills development and opportunities, unsustainable development practices and loss of natural capital. Accordingly, this application intends to address the above issues by making available the land that can accommodate some of the activities that will help deal with some of the challenges that have been identified in the municipal policy documents.

9.2 Desirability

The desirability of this application is assessed based on the following key factors: location and accessibility, socio-economic contribution, and alignment with the municipal development plans.

9.2.1 Location and Accessibility

The strategic location of the site is desirable from an accessibility standpoint. The site is easily accessible by the local and surrounding communities. An important role of the Bulwer region is that it is very close to the main route (R617), therefore it has a high level of visibility and accessibility, this is a strategic position to attract investment.

9.2.2 Socio-economic development

The main challenges facing Bulwer, are the high unemployment rate, unsustainable development practices, and relatively low economic growth. The development application has the potential to attract opportunities that could help address some of these challenges through the availability of land to undertake activities that would service community needs and contribute to the socio-economic development of the municipality.

9.2.3 Alignment with municipal development plans

The development application is a response to the IDP's vision and strategic interventions contained in other municipal developments as alluded to in this report. As such, this application is well aligned with the intentions of the municipality, and it also aligns with the development direction highlighted in the provincial policies.

10 CONCLUSION

It is submitted that this application has considered the matters relevant to the submission of the development application as prescribed in the municipal bylaws. The municipality as well as the relevant departments are encouraged to support this development application considering the significant positive spin-offs that may emerge following the approval.

Accordingly, it is recommended that this application is approved based on its merits.