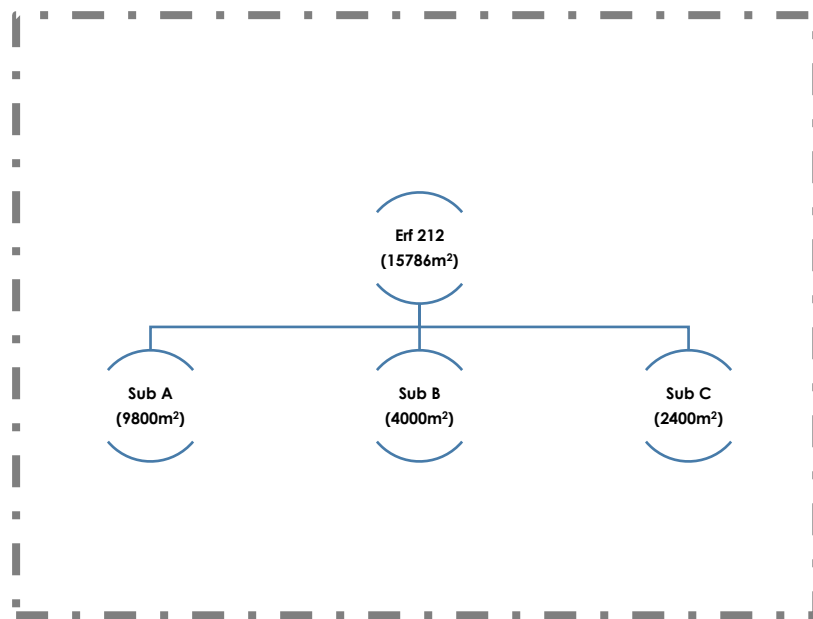


**ERF 212 EDGLEY
(SPLUMA)
APPLICATION FOR:**

SUBDIVISION & SPECIAL CONSENT



IN TERMS OF ETHEKWINI SPLUMA BY-LAW

CLIENT: **SENELISIO INNOCENT SHABANGU & PEPANA MTHEMBU**
PREPARED BY: **ZONKIZIWE TOWN PLANNING CONSULTANCY**



info@zonkiziwetpc.co.za
www.zonkiziwetpc.co.za

June 2022 Rev 0



Document Control

Zonkizizwe Town Planning Consultancy (Pty) Ltd	
Physical Address: 18 Devshi Road, Stanger Heights, KwaDukuza	
Postal Address: Postnet Suite #415, Private Bag X0001, Ballito, 4420	
Email: info@zonkizizwetpc.co.za	
Website: www.zonkizizwetpc.co.za	
Contact Person: Phumlani Gumede	
Contact Number: 073 530 1112	

Document Control		
Report title		SPLUMA application for: (1), Subdivision of Erf 212 Edgley to form Sub A, B & C of Erf 212 Edgley (2), Special consent for Place of Public Worship
Project number		Ztpc003/2022
Revision	Date	Revision details
0	June 2022	
Current revision	0	

Approval			
Prepared by:	O. Makgabo	Reviewed & Approved by	P. Gumede
Reg.	B&TRP, C/9373/2021	Reg.	MTRP, Pr.Pl n A/3105/2022
Signature		Signature	

Confidentiality Statement

Zonkizizwe Town Planning Consultancy (Pty) Ltd
All rights reserved

Copyright is vested in Zonkizizwe Town Planning Consultancy (Pty) Ltd in terms of the Copyright Act (Act 98 of 1978). This report is strictly confidential and is to be used exclusively by the recipient.

Under no circumstances should this report, or information contained therein be distributed, reprinted, reproduced or transmitted in any form or by any means, electronic or mechanical, without the written consent of Zonkizizwe Town Planning Consultancy (Pty).



CONTENTS

(I) TABLE OF CONTENTS

SECTION A: INTRODUCTION..... 1

 1. Background 1

 2. The Application 1

 3. Property Descriptions, Title Deeds, Ownership, TD Restrictions, Servitudes & Bonds 1

 4. Site Configuration and Land Cover 2

 5. Purpose of this Report 2

SECTION B: CONCEPTUAL INFORMANTS 3

 6. Regional and Locality 3

 7. Current Zoning, Land Use & Development Controls 4

 7.1 Zoning 4

 7.2 Land Use 4

 7.3 Zoning Development Controls 4

SECTION C: EXISTING DEVELOPMENT 5

 8. Existing Development 5

 9. Proposed Development 5

SECTION D: PROPOSED SUBDIVISION & CONSENT 6

 10 Proposed Subdivision 6

 11. Proposed Consent 7

SECTION E: POLICY FRAMEWORK..... 8

 12. National Development Plan 9

 13. The Provincial Growth and Development Plan 10

 14. Provincial Norms and Standards 12

 15. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)..... 12

 16. The Integrated Urban Development Framework 16

 17. eThekweni Integrated Development Plan (IDP) 2021/2022 18

 18. eThekweni Municipal Spatial Development Framework (MSDF) 2021/2022 20

 19. The Outer West Spatial Development Plan (SDP) 22

 20. eThekweni Municipal Land Scheme (Outer West Sub-Scheme) 2021 23

 21. The National Building Regulations and Building Standards Act - 1977 23

SECTION F: MOTIVATION 24

 22. Consistency with Spatial Planning Policies..... 24

 23. Need and Desirability 24

 24. Impacts on Access and Traffic Generation 24

 25. Impacts on Engineering Services 24

 25.1 Access roads 24

 25.2 Sewage 25

 25.3 Water 25

 25.4 Stormwater 25

 25.5 Electricity 25

 25.6 Waste Removal 25

 25.7 Telecommunications 25

 25.8 Access to other Engineering Services 25



25.9 The Need to Relocate Existing Services	25
25.10 Existing Servitudes	25
26. Impact on The Environment and Heritage Resources	25
26.1 Environmental Impacts	25
26.2 Heritage Resources	25
26.3 Risk Assessment	25
27. Impact on Agricultural Resources	26
28. Socio-Economic Impacts	26
29. Impact on Public or Community Facilities	26
30. Comment from Relevant Stakeholders	26
31. Subdivision Compliance	26
32. Conclusion	27

(II) TABLE OF FIGURES

Figure 1: Regional and Locality Maps	3
Figure 2: Subdivision Layout Diagram	6
Figure 3: eThekweni MSDF 2021/2022	21

(III) PLANS

- PLAN 1.** Locality Plan
- PLAN 2.** Subdivision Diagram/Plan

(IV) ANNEXURES

ANNEXURE A: Application Form	28
ANNEXURE B: Special Power of Attorney	29
ANNEXURE C: Title Deeds	30
ANNEXURE D: Bond letters	31
ANNEXURE E: S.G Diagrams	32



SECTION A:

BACKGROUND

1. Background

The land development application that is being submitted to the eThekweni Municipality is for the Subdivision of Erf 212 Edgley located along Magaba Road and/or 74020 TRK, under the suburb of Dlwembe, district of Ilanga, eNtshongweni broader area in the Outer West Region of the eThekweni Municipality.

The landowner desires to separate the residential developments from the Church and the Church to have its own title deed. Therefore, proposal is to subdivide **Erf 212 Edgley** to form **Sub A of Erf 212 Edgley, Sub B of Erf 212 Edgley, Sub C of Erf 212 Edgley** and Special consent for a **Place of Public Worship** on proposed **Sub B of Erf 212 Edgley**.

2. The Application

Application (see *attached ANNEXURE A*) is lodged on behalf of the landowner(s) for:

- (i) The subdivision of Erf 212 Edgley to form
 - **Sub A of Erf 212 Edgley**
 - **Sub B of Erf 212 Edgley**
 - **Sub C of Erf 212 Edgley**
- (ii) Special Consent for: Place of Public Worship on proposed **Sub B of Erf 212 Edgley**

The Power of Attorney signed by "**Seneliso Innocent Shabangu – Executor over the Estate of the late: Pepana Mthembu**" is attached - **ANNEXURE B**.

3. Property Descriptions, Title Deeds, Ownership, TD Restrictions, Servitudes & Bonds

Copy of Title Deed for Erf 212 Edgley that includes the information outlined below, is contained in **ANNEXURE C**

Erf 212 Edgley	
Title Deed Number:	T12056/1975
Property Owner:	Pepana Mthembu
Property Size:	1.5787 Hectares
Title Deed Restrictions:	<ul style="list-style-type: none"> ▪ Condition D: With the benefit of the Use of Water Reserve No.1 of the Remainder of the said Lot R. as shown in the General Plan No. 67 x 11 <p>There are no title deed restrictions that prevents the subdivision and Consent application.</p>
Servitudes:	<ul style="list-style-type: none"> ▪ Condition B: The servitude of a Right of Way to the Umlass River through a certain piece of land in extent of 346 acre. The said servitude was created in the Deeds of Transfer No. 1843/1918 dated 27th July 1918. ▪ Condition C: The benefit of the use of all roads over the Remainder of the said Lot R. as shown the township General Plan. <p>The restrictions are noted, However, there are no servitudes that prevents the subdivision and Consent application.</p>
Bonds:	No bonds are registered over the properties. Affidavit confirming that there is no bond attached to property is contained in ANNEXURE D .



4. Site Configuration and Land Cover

Surveyor General Diagram for the application site is contained in **ANNEXURE E**.

▪ The Erf 212 Edgley

- **S.G No.:** 478/1840
- **Size:** 1.5787 Hectares in extent.
- **Road Frontage:** Magaba Road (74020 TRK).
- The subject site is surrounded by the following unregistered road servitudes on all sides of the property
 - 74203 TRK
 - 74208 TRK
 - 74021 TRK
- **Land Cover:** has an existing building utilized as church and residential purposes
- **Gradient:** The gradient or slope of the property slightly sloppy, however, there is no difficulty in gaining access to the property by walking or driving

5. Purpose of this Report

The purpose of this report is to motivate and apply for; subdivision and Special Consent and as such, this report will

- (1) Provide details of the location, physical characteristics, its existing use, zoning and describe and illustrate the nature of existing land uses in the vicinity of the site.
- (2) Provide detailed motivation for the proposed subdivision and use and demonstrate that such development will not impact negatively on the surrounding areas.
- (3) Demonstrate compliance with the requirements of the Spatial Planning and Land Use Management Act of 2013 (SPLUMA), (Act No. 16 of 2013), eThekweni Municipality: Planning and Land Use Management By-Law, 2016, eThekweni Integrated Development Plan (IDP), eThekweni Municipal Spatial Development Framework (MSDF) 2021-2022, The Outer West Spatial Development Plan (OWSDP), and eThekweni Municipal Land Use Scheme: Outer West Sub-Scheme.



SECTION B: CONCEPTUAL INFORMANTS

6. Regional and Locality

(Refer to Plan 1: Regional and Locality Maps a&b for clear visibility)

The application area; Ntshongweni area is located on the outer western region of the eThekweni Municipality, within KwaZulu-Natal province. The subject site is situated within the Edgley Township, situated under the suburb of Dlwembe and Langa District. The main access to the site is from Magaba Road (74020 TRK). The site is in close proximity to Ntshongweni Dam and has the Ntshongweni Community Church within its parameters. The GPS co-ordinates for the location of the proposed application are 29°50'03.1"S and 30°40'31.8"E.



The site is accessible through Magaba Road/ (74020 TRK) by walking and by vehicle. The subject property falls under Ward 7 and the sister neighboring areas with active nodes within the eThekweni Municipality are Hammersdale and Mpumalanga (refer to the locality map below).

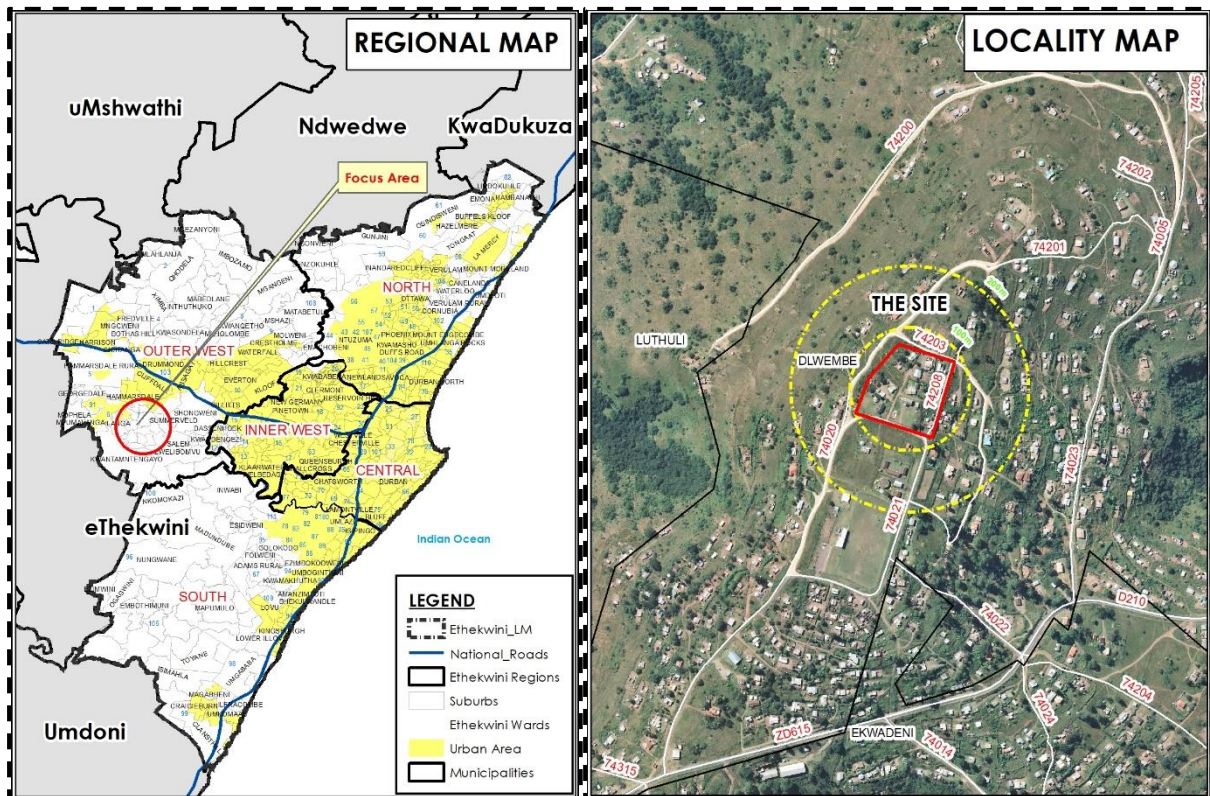


Figure 1: Regional and Locality Maps



7. Current Zoning, Land Use & Development Controls

7.1 Zoning

The application site is currently zoned as follows:

- Erf 212 Edgley: - **Land Use Management Holding Area**

7.2 Land Use

The application site is used as follows:

- Erf 212 Edgley: - **Residential dwellings and Community Church**

7.3 Zoning Development Controls

(Refer to Development Controls below)

Zone: Land Use Management Holding Area

ZONE: LAND USE MANAGEMENT HOLDING AREA						
<p>SCHEME INTENTION: To provide, preserve, use land or buildings for areas previously not subject to a land use management scheme, including, at the discretion of the eThekweni Municipality. Ancillary uses may include the use of such premises for offices, shops and recreational, business and residential purposes.</p> <p>P COLOUR REFERENCE: Olive green and mauve bands</p>						
PRIMARY	SPECIAL CONSENT					PRECLUDED
<ul style="list-style-type: none"> • Agricultural Land • Conservation area • Dwelling House • Government/Municipal 	<ul style="list-style-type: none"> • Action Sports bar • Adult Premises • Agricultural Activity • Airport • Animal facility • Arts and Crafts Workshop • Betting Depot • Boarding House • telecommunications infrastructure • Builder's Yard • Car Wash • Cemetery/crematorium* • Chalet Development • Container Depot • Convention Centre • Correctional Facility • Crèche • Direct Access Service Centre • Display Area • Educational Establishment • Escort Agency • Flat • Flea Market • Fuelling and Service Station • Funeral Parlour • Garden Nursery • Health & Beauty Clinic • Health Studio • Hotel • Industry – Extractive • Industry – General • Industry – Light • Industry – Noxious • Landfill 	<ul style="list-style-type: none"> • Institution • Laundry • Mobile Home Park and Camping Ground • Mortuary • Motor Display Area • Motor Garage • Motor Vehicle Test Centre • Motor Workshop • Multiple Unit Development • Museum • Nature Reserve • Night Club • Office • Office – Medical • Parkade • Pet Grooming Parlour • Place of Public Entertainment • Place of Public Worship • Recycling Centre • Reform School • Refuse Disposal** • Restaurant / Fast Food Outlet • Restricted Building • Retirement Centre • Riding Stables • Scrap Yard • Shop • Student Residence • Special Building • Transport Depot • Truck Stop • Utilities Facility • Veterinary Clinic • Warehouse • Zoological Garden 	<ul style="list-style-type: none"> • N/A 			
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> All landscaping shall be to the discretion of the Municipality. Existing Permissions to Occupy, Leases or similar legal agreements shall not be affected by this land use template. Rezoning and land use shall be guided, where applicable, as contemplated by the approved Municipal IDP, Municipal SDF and approved guiding plans derived from them. * The requirement for Special Consent may be waived for a private cemetery, for the burial of deceased family members, but shall be subject to full compliance with the eThekweni Municipality: Cemeteries and Crematoria By-law 2015 (or any subsequent replacement bylaw). ** The requirement for Special Consent may be waived for domestic waste disposal, on premises used for residential purposes, but shall be subject to full compliance with the eThekweni Municipality: Waste Removal By-law, 2016 (or any subsequent replacement bylaw). For safety reasons all buildings should be set back from roads: <ul style="list-style-type: none"> - Un-surveyed Main Roads: 30m measured from the centre line of the road. - Un-surveyed District Roads: 25m measured from the centre line of the road. - Un-surveyed Municipal Roads: 15m measured from the centre line of the road. Accommodation for parking and loading to be provided on the erf as per Section 8 						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE: FRONT	BUILDING LINES: SIDE AND REAR					
See additional controls otherwise, to be determined on site	See additional controls otherwise, to be determined on site	To be determined on application	N/A	To be no higher than the highest flanking sites without seeking special consent, otherwise, to be determined on site	To be no higher than the flanking sites without seeking special consent otherwise, to be determined on site	To be no higher than the flanking sites without seeking special consent otherwise, to be determined on site



SECTION C: EXISTING DEVELOPMENT

8. Existing Development

The subject site is located within an area that was previously located within the traditional authority area. Due to the Spatial Planning Land Use Management Act of 2013, presenting a Wall-to-Wall scheme, the site within the Edgley Farm, located in Ntshongweni, the site is currently being utilized for residential purposes and as an area for worship and public gathering.

9. Proposed Development

The proposal is to separate the residential developments from the church and the church to have its own title deed. The building plan of the developments on site will be submitted after and later stage if this application is considered favorable by the municipality.



SECTION D: THE PROPOSED SUBDIVISION & CONSENT

10. Proposed Subdivision

In terms of the eThekweni Municipality Spatial Planning and Land Use Management By-Law, 2016 (the SPLUM By-law) it is proposed to subdivide Erf 212, Edgley, with an extent of 15786 sqm to form;

- Proposed Sub A of Erf 212 Edgley (9800m²)
- Proposed Sub B of Erf 212 Edgley (4000m²)
- Proposed Sub C of Erf 212 Edgley (2400m²)

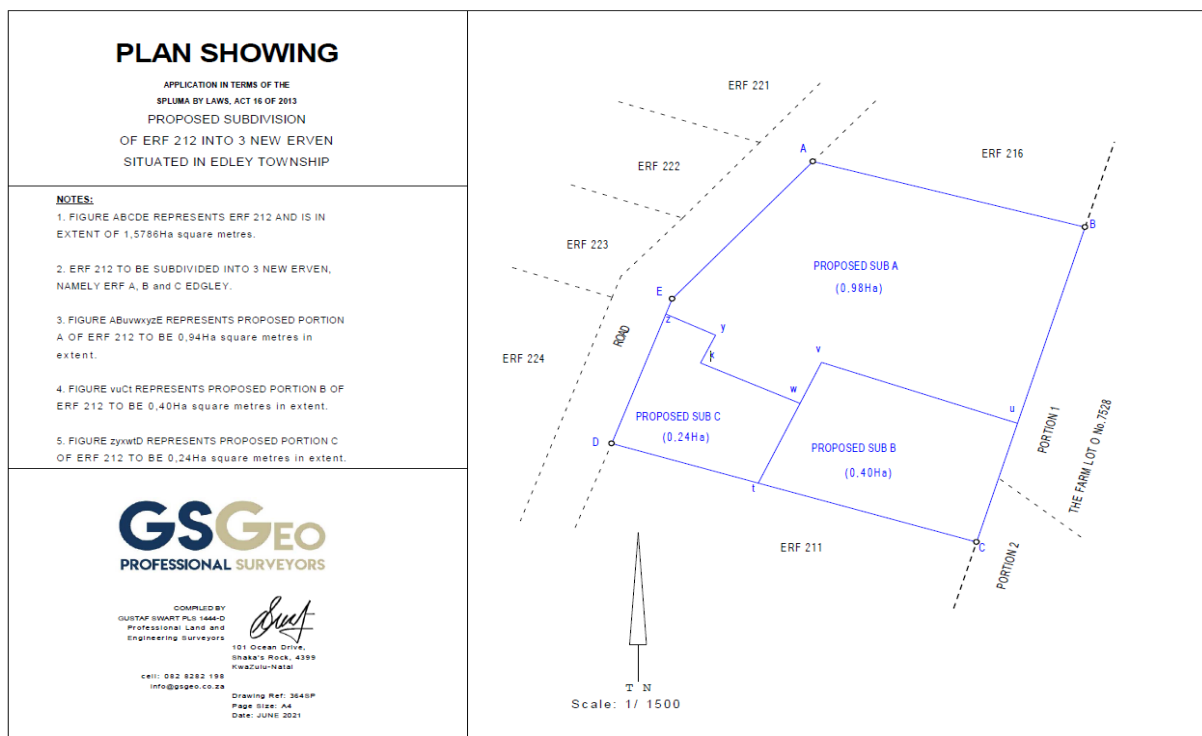
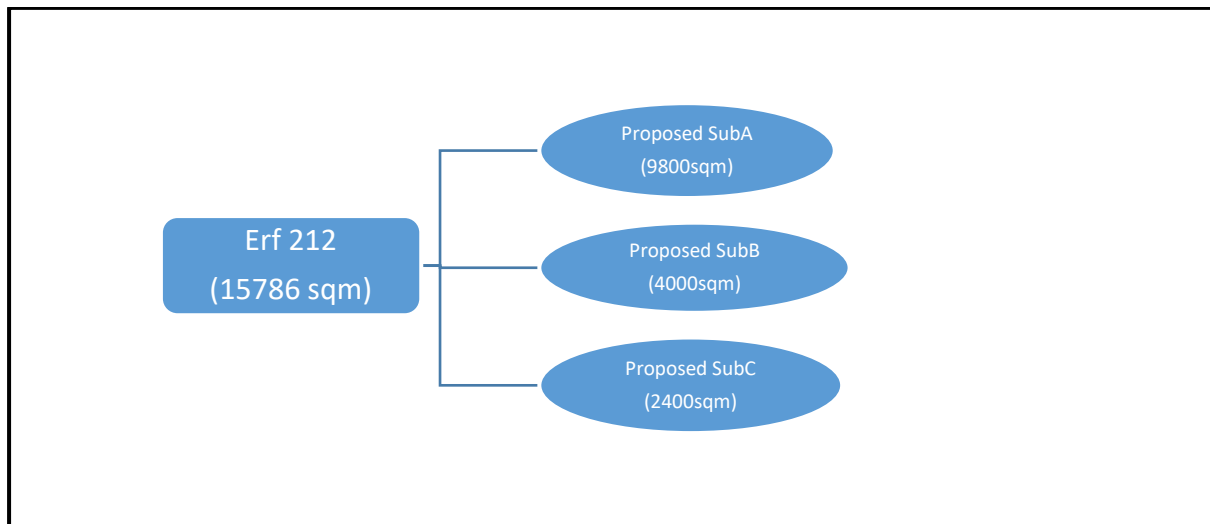


Figure 2: Subdivision Layout Diagram



11. Proposed Consent

Furthermore, an application is also hereby made for the proposed special consent for:

- Place of Public Worship

to formalize existing Place of Public Worship on the proposed **Sub B of Erf 212 Edgley**

In terms of the eThekweni Municipal Land Scheme (Outer West Sub-Scheme) 2021, the said land use can be considered as a special consent under the Land Use Management Holding Area and the Place of Public Worship is defined as follows.

“Means Premises used for public devotion and may include uses ancillary thereto.”



SECTION E: POLICY FRAMEWORK

The following key legislation and guidelines inform the application and development within the eThekweni area: -

- The National Development Plan (NDP)
- The Provincial Spatial Economic Development Strategy
- Provincial Norms and Standards
- Development principles as set out in the Spatial Planning and Land Use Management Act (2013)
- The Integrated Urban Development Framework (IUDF)
- The eThekweni Municipality Integrated Development Plan (IDP) 2021/2022
- The eThekweni Spatial Development Framework (MSDF) 2021/2022
- The Outer West Spatial Development Plan (OWSDP)
- eThekweni Municipal Land Scheme (Outer Sub-Scheme) Review Date 5 August 2021
- The National Building Regulations and Building Standards Act (1977)

The following section assesses compliance of the land development application with these documents, and aims to demonstrate how the application would comply with the provisions and guidelines set out in these documents:



12. National Development Plan

The National Development Plan aims to eliminate poverty and reduce inequality by 2030. South Africa can realize these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

The National Development Plan (NDP) offers a long-term perspective. It defines a desired destination and identifies the role different sectors of society need to play in reaching that goal. As a long-term strategic plan, it serves four broad objectives:

1. Providing overarching goals for what we want to achieve by 2030.
2. Building consensus on the key obstacles to us achieving these goals and what needs to be done to overcome those obstacles.
3. Providing a shared long-term strategic framework within which more detailed planning can take place in order to advance the long-term goals set out in the NDP.
4. Creating a basis for making choices about how best to use limited resources.

The Plan goals is to ensure that all South Africans attain a decent standard of living through the elimination of poverty and reduction of inequality. The core elements of a decent standard of living identified in the Plan are:

- **Housing**, water, electricity, and sanitation
- Safe and reliable public transport
- Quality education and skills development
- Safety and security
- Quality health care
- Social protection
- Employment
- Recreation and leisure
- Clean environment
- Adequate nutrition

Planning Implication:

The application is for the subdivision and consent use on Erf 212, Edgley, Ntshongweni; however, the main purpose of this subdivision is to formalize the portions that are currently being utilized for residential purposes and split it from the church/place of worship site. This means that the application is indirectly carrying out the mandate of the plan by developing and formalizing growing residential density trends occurring at the urban periphery and thus creating sustainable living area for inhabitants of Edgley Farm and the Ntshongweni area as a whole.



13. The Provincial Growth and Development Plan

The Provincial Growth and Development Strategy (PGDS) addresses fundamental issues of development spanning the social, economic and political environment. According to the PGDS, sustainability is a key element for the new agenda for growth and development for the province of KwaZulu-Natal. The main purpose of the Provincial Growth and Development Plan (PGDP) is to translate the PGDS into an implementation plan which will provide a sound platform for departmental, sectoral and stakeholder annual performance planning and therefore to guide resource allocation. In this transition from strategy to plan, the focus is on driving implementation in a coordinated and integrated manner, where progress can be measured against predetermined targets and where roles and responsibilities have been confirmed within established lines of accountability.

The PGDP clearly indicates:

- The desired 2035 outcomes in the 7 goals and 31 objectives, with a focus on 2020;
- A set of indicators that will be applied to measure the progress being made to achieve the desired outcomes;
- The targets and the KZN growth path for 2020, 2025, 2030 and 2035 in respect of each of the indicators;
- The strategic interventions required to achieve the set targets;
- The catalytic projects in support of the PGDP Goals;
- The institutional framework for the implementation of the PGDP;
- The monitoring, evaluation, reporting and review framework of the plan; and
- Technical indicator descriptors

Provincial Growth and Development Plan (PGDP) is basically a strategic management tool to ensure that as a Province, there is a concerted and measured effort to achieve the 2035 Vision. The PGDP is a plan for the Province of KZN and not just for government. "One Province – One Plan – One Future"

To realize the desired KZN Vision, the following strategic framework has been identified, comprising of seven long-term goals and 31 strategic objectives to guide policymaking, programme prioritization and resource allocation, as indicated in the table below.

PGDS Listing of Strategic Goals and Strategic Objectives

2016 PGDP STRATEGIC GOALS and OBJECTIVES		
STRATEGIC GOAL	No	STRATEGIC OBJECTIVE 2016
1 INCLUSIVE ECONOMIC GROWTH	1.1	Develop and promote the agricultural potential of KZN
	1.2	Enhance sectoral development through trade investment and business retention
	1.3	Enhance spatial economic development
	1.4	Improve the efficiency, innovation and variety of government-led job creation programmes
	1.5	Promote SMME and entrepreneurial development
2 HUMAN RESOURCE DEVELOPMENT	2.1	Improve early childhood development, primary and secondary education
	2.2	Support skills development to economic growth
	2.3	Enhance youth and adult skills development and life-long learning
3 HUMAN AND COMMUNITY DEVELOPMENT	3.1	Eradicate poverty and improve social welfare
	3.2	Enhance health of communities and citizens
	3.3	Safeguard and enhance sustainable livelihoods and food security
	3.4	Promote sustainable human settlements



	3.5	Enhance safety and security
	3.6	Advance social cohesion and social capital
	3.7	Promote youth, gender and disability advocacy and the advancement of women
4 STRATEGIC INFRASTRUCTURES	4.1	Development of seaports and airports
	4.2	Develop road and rail networks
	4.3	Develop ICT infrastructure
	4.4	Ensure availability and sustainable management of water and sanitation for all
	4.5	Ensure access to affordable, reliable, sustainable and modern energy for all
	4.6	Enhance KZN waste management capacity
5 ENVIRONMENTAL SUSTAINABILITY	5.1	Enhance resilience of ecosystem services
	5.2	Expand application of green technologies
	5.3	Adapt and respond climate change
6 GOVERNANCE AND POLICY	6.1	Strengthen policy, strategy coordination and IGR
	6.2	Build government capacity
	6.3	Eradicate fraud and corruption
	6.4	Promote participative, facilitative and accountable governance
7 SPATIAL EQUITY	7.1	Enhance the resilience of new and existing cities, towns and rural nodes, ensuring equitable access to resources, social and economic opportunities
	7.2	Ensure integrated land management use across the Province, ensuring equitable access to goods and services, attracting social and financial investment

Planning Implication:

The application addresses the “Strategic Goal: 3 Human and Community Development”, which is promoting sustainable human settlements within the jurisdiction of eThekweni Municipality, under the KwaZulu Natal province. Overall, this strategy is translated to local government plans such as IDP and SDF and Housing Sector plans. The proposed development is also aligned with the KZN Province mandate of promoting sustainable human settlement hence is the end product if the proposal is for housing development within the Outer West area that is within the jurisdiction of eThekweni Municipality, under the Kwa-Zulu Natal province.



14. Provincial Norms and Standards

Energy efficiency and Climate Change is one of the most current and talked about topics globally; and while the world is responding in different and various ways, custodians of the built environment, in the province of KwaZulu-Natal province too have a responsibility to preservation and sustainability of the Earth. Within the context of KZN, the purpose of the Norms and Standards for Energy efficiency and Climate Change is to provide Municipal Planning Officials and Municipal Planning Tribunal (MPT) members with a set of norms and standards that focus on climate change and energy efficiency which they should use in the assessment of land development applications. The subject application in terms of;
Climate change_

- This application has no negative impact on the climate change as the application/development is not situated in an area that is likely of being flooded. Considering that flooding is one of the key risks associated with climate change.

15. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA.

1. SPATIAL JUSTICE		
Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land;	Comply	<ul style="list-style-type: none"> ▪ The proposal is to formalize an existing development and land use which will enable the improved use of the site by people of Edgley Farm
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded;	Comply	<ul style="list-style-type: none"> ▪ This is not an SDF but the proposal will promote local economic expenditure, local economic development strengthening space of economies within the eThekweni Municipality
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land;	Comply	<ul style="list-style-type: none"> ▪ This policy is not applicable to the application area.
land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas	Comply	<ul style="list-style-type: none"> ▪ This policy is not applicable to the application area.
land development procedures must include provisions that accommodate access to secure tenure and the	Comply	<ul style="list-style-type: none"> ▪ The current services are adequate for the existing development.



incremental upgrading of informal areas		
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	Comply	<ul style="list-style-type: none"> This policy is not applicable to the application area.
2. SPATIAL SUSTAINABILITY		
Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic	Comply	<ul style="list-style-type: none"> The development aims to promote land development within the urban fabric of the Outer West region of the municipality.
Ensure that special consideration is given to the protection of prime and unique agricultural land;	Not applicable	<ul style="list-style-type: none"> No unique and high potential productive agricultural land will be lost as a result of this proposal.
Uphold consistency of land use measures in accordance with environmental management instruments	Not applicable	<ul style="list-style-type: none"> The application does not trigger any environmental listed activities in terms of the National Environmental Management Act (1998).
Promote and stimulate the effective and equitable functioning of land markets	Comply	<ul style="list-style-type: none"> The subdivision of land is occurring within an area that is a township establishment and thus there isn't any affect to the land market/ surrounding area.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments	Comply	<ul style="list-style-type: none"> The current services are adequate for the existing development. The application being undertaken is also administrative in nature.
Promote land development in locations that are sustainable and limit urban sprawl, and result in communities that are viable	Comply	<ul style="list-style-type: none"> The application is within the peripheral node of eThekweni Municipality Land Use Scheme and the subdivision would limit unnecessary sprawl in other parts of the municipality and foster densification within the residential nodes like Ntshongweni
result in communities that are viable	Comply	<ul style="list-style-type: none"> The Deeds of Transfer has outlined title restrictions for all parties that take residency within Edgley Farm.



3. SPATIAL EFFICIENCY		
Criteria	Compliance	Planning Implication
land development optimises the use of existing resources and infrastructure	Comply	<ul style="list-style-type: none"> The subdivision and land use consent application is administrative in nature and the current resources are sufficient for the existing development.
Land development the use of existing and infrastructure optimises resources	Comply	<ul style="list-style-type: none"> The subdivision and land use application is administrative in nature and the current resources are sufficient for the existing development.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and	Comply	<ul style="list-style-type: none"> This application will allow the applicant to get an official approval from the municipality as well as comply with existing policies on the municipality. Criteria set out on the eThekweni Municipality Land Use Planning Bylaw must be taken into account when evaluating the desirability of this application
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Comply	<ul style="list-style-type: none"> The municipality should process this application within the prescribed time frames of the eThekweni Municipality Land Use Planning Bylaw.
4. SPATIAL RESILIENCE		
Criteria	Compliance	Planning Implication
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	Comply	<ul style="list-style-type: none"> The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report. The proposed application complies with the requirements of the Land Use Planning By-Law for eThekweni Municipality.
5. GOOD ADMINISTRATION		
Criteria	Compliance	Planning Implication
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		



<p>systems as embodied in this Act</p>	<p>Applicable to eThekweni Municipality</p>	<ul style="list-style-type: none"> This principle has no direct bearing on the application; however, the eThekweni Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.
<p>All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks</p>		
<p>The requirements of any law relating to land development and land use are met timeously;</p>		
<p>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 afford all parties the opportunity to provide inputs on matters affecting them</p>		
<p>Policies, legislation and procedures must be clearly set in order to inform and empower members of the Public</p>		



16. The Integrated Urban Development Framework

The Integrated Urban Development Framework (IUDF) is a policy initiative of the Government of South Africa.

The IUDF seeks to foster a shared understanding across government and society about how best to manage urbanisation and achieve the goals of economic development, job creation and improved living conditions. It also builds on various chapters of the National Development Plan (NDP) (Chapter 8: Transforming human settlements and the national space economy), the New Urban Agenda and the Post 2015 Sustainable Development Goals (SDG's) (Goal 11: Making cities and human settlements inclusive, safe, resilient and sustainable).

The overall objective of the IUDF is **transforming space** in order to: -

- Reduce travel costs and distances
- Aligning land use, transport planning and housing
- Preventing development of housing in marginal areas
- Increasing urban densities and reducing sprawl
- Shifting jobs and investment toward dense peripheral townships
- Improving public transport and the coordination between transport modes

The vision of the IUDF is that *“By 2030 South Africa should observe meaningful and measurable progress in reviving rural areas and in creating more functionally integrated, balanced and vibrant urban settlements.*

For this to happen the country must:

- *Clarify and relentlessly pursue a national vision for spatial development*
- *Sharpen the instruments for achieving this vision*
- *Build the required capabilities in the state and among citizens.”*

To achieve this vision, four overall strategic goals were introduced:

- **Spatial integration:** To forge new spatial forms in settlements, transport, social and economic areas
- **Inclusion and access:** To ensure people have access to social and economic services, opportunities and choices.
- **Growth:** To harness urban dynamism for inclusive, sustainable economic growth and development.
- **Governance:** To enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

The nine policy levers inform key areas for intervention and action to achieve the strategic goals and objectives of the IUDF. These are:

Policy lever 1: *Integrated urban planning and management*

Policy lever 2: *Integrated transport and mobility*

Policy lever 3: *Integrated and sustainable human settlements*

Policy lever 4: *Integrated urban infrastructure*

Policy lever 5: *Efficient land governance and management*

Policy lever 6: *Inclusive economic development*

Policy lever 7: *Empowered active communities*

Policy lever 8: *Effective urban governance*

Policy lever 9: *Sustainable finances*



In terms of this land development application, the following policy levers would be addressed:

POLICY LEVER	DESCRIPTION OF POLICY LEVER	HOW THE APPLICATION COMPLIES WITH THE POLICY LEVER
<p>Policy lever 3: Integrated and sustainable human settlements</p>	<p>Integrated and sustainable human settlements are key to redressing the prevailing apartheid geography, restructuring cities, shifting ownership, and creating more humane (and environment-friendly), safe living and working conditions.</p>	<p>The application is for a subdivision and special consent; however the main purpose of this subdivision is to formalize the portions that are currently being utilized for residential purposes. This means that the application is indirectly carrying out the mandate of the plan by developing and formalizing growing residential density trends occurring at the urban periphery and thus creating sustainable living area for inhabitants of Edgley Farm and the Ntshongweni area as a whole.</p>



17. eThekweni Integrated Development Plan (IDP) 2021/2022

An Integrated Development Plan (IDP) has been adopted by the eThekweni Municipality in terms of Section 35(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

The purpose of the IDP is:

“to describe the planning and implementation processes that will be followed by the municipality to deliver on the developmental agenda on government pursuant to the below-mentioned strategic objectives: Co-operative governance and informed decision-making, social and environmental sustainability, advanced economic growth, optimised infrastructural services, and organisational excellence.”

According to the IDP, the eThekweni Municipality's long-term vision is:

“By 2030 eThekweni municipality will enjoy the reputation of being Africa's most caring and livable city where all citizens live in harmony”.

Towards achieving efficient service delivery, the municipal vision is translated into all the operational programs and plans within the municipality. At an operational level, the municipality is informed by various plans which includes the Long-Term Development Plan, the Five Year IDP and SDF, the Service Delivery and the Budget Implementation Plan.

The Reviewed eThekweni Municipality IDP 2021-2022 has identified the following as a set of Strategic Priorities that could inform the development process within the municipality.

- Creating sustainable livelihoods
- Socially Cohesive
- A Financially Sustainable City
- Creating a Safer City
- Promoting an Accessible City
- An Environmentally Sustainable City

The IDP provides a summary of the municipal strategies, goals, and objectives as well as a summary of the alignment between the municipality, provincial and national government.

Planning Implication:

In relation to the application site, the strategic objective of Creating Sustainable Livelihoods is most relevant and speaks as to how the municipalities translate this initiative into an end goal and development principle to adhere to.

The following Key Performance Areas would apply to the application:

Strategic Priority	Strategic Goal	Value Statement	Development Principle
Creating sustainable livelihoods	All citizens in a prosperous eThekweni earn a decent living and support a sustainable Lifestyle.	Ensure that initiatives undertaken by the Municipality contributes to strong economic growth, sustainable job creation, poverty alleviation, improved	<ul style="list-style-type: none"> • Create infrastructure for economic development. • Improve and support new livelihood choices. • Develop skills for the future



		skills and promotes a Green Economy.	economic sectors. <ul style="list-style-type: none">• Promote small and medium enterprise.• Secure resources for future industrial development e.g., land.• Retain businesses and promote expansion.• Develop key economic sectors.• Develop priority nodes and corridors.
--	--	--------------------------------------	--



18. eThekweni Municipal Spatial Development Framework (MSDF) 2021/2022

A Spatial Development Framework (SDF) is an integral part of the IDP.

The Municipal Systems Act Regulations (Act 32 of 2000) outline the following specific objectives of an SDF:

- Strategic guidance on the location and nature of development
- Set out basic guidelines for land use management
- Discourage low-density urban sprawl
- Generate social and economic opportunities
- Promote access to opportunities
- Maximize resource efficiency by protecting sensitive environments, protecting productive agricultural land and enhancing the regional identity and character.

In terms of Section 12 and 20 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), each Municipality must prepare and adopt a Spatial Development Framework. The eThekweni Municipal Spatial Development Framework (MSDF) was adopted for the period 2021-2022. In terms of the application, the following should be noted:

The application area is located within the area broadly identified as Existing Rural in terms eThekweni MSDF.

An extract of the eThekweni MSDF is shown in Figure 4 below:

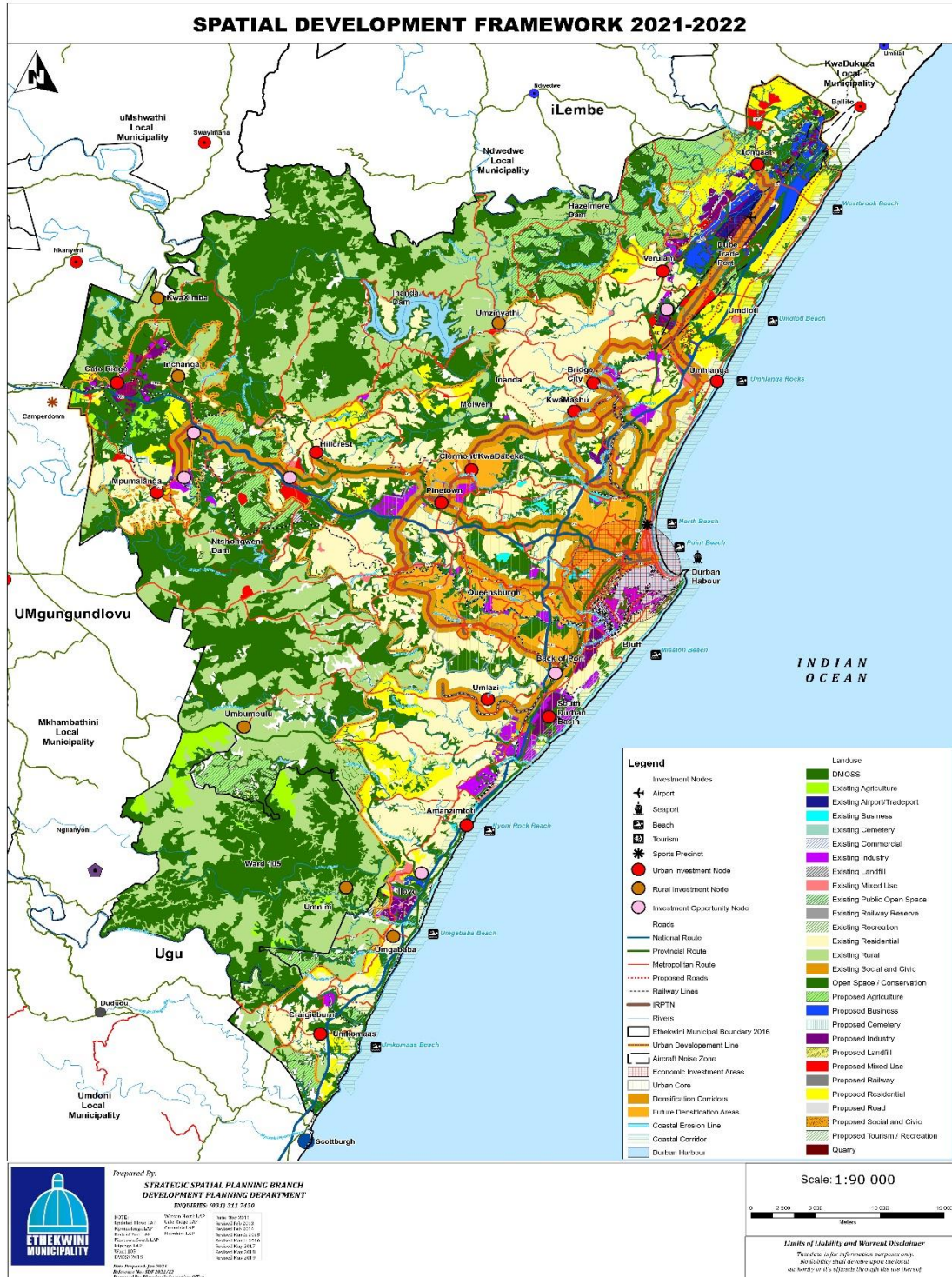


Figure 3: eThekweni MSDF 2021/2022



19. The Outer West Spatial Development Plan (SDP)

The role of the OWSDP is based on achieving sustainable development for the region first and foremost and then for the broader Metropolitan region. The main drivers of that sustainable development are as follows;

- *Prioritize Environmental Management Area*
- *Strategic Industrial Expansion*
- **Strategic Residential & Commercial expansion**
- *Key Metro International and Domestic Tourism Destination*
- *Settlement Upgrading*

The region currently shares an urban and rural landscape with a wide range of settlement types extending from formal urban to rural settlements, characterizing the application site as well. What the SDF speaks to as well, is that there are limited levels of economic development activities in the region in relation to the existing population resulting in people having to travel out of the region to access socio-economic opportunities.

The subdivision application is for residential purposes. Residential densification is encouraged within the peri-urban node located eNtshongweni. Therefore, the application is in line with the SDF and Outer west Spatial Development Plan. It is confirmed that this application is consistent with a municipal spatial development framework.



20. eThekweni Municipal Land Scheme (Outer West Sub-Scheme) 2021

The application site is currently zoned "Land Use Management Holding Area" It is proposed to be subdivided to form Sub A of Erf 212 Edgley, Sub B of Erf 212 Edgley, Sub C of Erf 212 Edgley and Special consent for a Place of Public Worship on proposed Sub B of Erf 212 Edgley.

LUMHA Development Controls		Sub A of Erf 212 Edgley	Sub B of Erf 212 Edgley	Sub C of Erf 212 Edgley	Compliance
Minimum erf size	N/A	N/A	N/A	N/A	√
Coverage	To be no higher than the flanking sites without seeking special consent otherwise, to be determined on site	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase
F.A. R	To be no higher than the flanking sites without seeking special consent otherwise, to be determined on site	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase
Heights	To be no higher than the highest flanking sites without seeking special consent, otherwise, to be determined on site	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase
Frontage Building Line	See additional controls otherwise, to be determined on site	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase
Sides Spaces	See additional controls otherwise, to be determined on site	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase
Rear Spaces	See additional controls otherwise, to be determined on site	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase	to be determined on site and the building plan phase
ADDITIONAL CONTROLS		To comply	To comply	To comply	To comply

21. The National Building Regulations and Building Standards Act - 1977

The application site is developed with residential infrastructure and even though most of them do not have formal approved building plans, we request that formal building plans are submitted after the subdivision and special consent application has been approved.



SECTION F: MOTIVATION

The following criteria must be taken into account when evaluating the desirability of this application:

- The applicable structure;
- The applicable policies of the Municipality that guide decision-making;
- The policies, principles and the planning and development norms and criteria set by the national and provincial government;
- The matters referred to in section 42 of the Spatial Planning and Land Use Management Act (SPLUMA).
- The matters referred to in Chapter 8 section 44 of the eThekweni Municipality: SPLUMA Bylaw; and
- The applicable provisions of the lands use scheme.

The motivation for the proposed development is supported by a number of factors, which are summarized below:

22. Consistency with Spatial Planning Policies

The proposal is consistent with the relevant spatial planning policies for the following reasons:

- i) This development application is consistent with the approved statutory spatial policy framework for the area.

23. Need and Desirability

The need for this application stems from the fact that the landowner had undertaken an informal subdivision to accommodate multiple residential dwellings and place of public worship and would like to formalize the development on site.

24. Impacts on Access and Traffic Generation

- After the subdivision access for the proposed is to be as follows
 - Sub A of Erf 212 Edgley will be off the 74020 TRK, 74203 TRK and 74208 TRK
 - Sub B of Erf 212 Edgley will be off the 74208 TRK and 74021 TRK
 - Sub C of Erf 212 Edgley will be off the 74020 TRK and 74021 TRK
- There would not be an access of traffic generated from formalizing the existing informal subdivision

25. Impacts on Engineering Services

25.1 Access roads

- After the subdivision access for the proposed
 - Sub A of Erf 212 Edgley will be off the 74020 TRK, 74203 TRK and 74208 TRK
 - Sub B of Erf 212 Edgley will be off the 74208 TRK and 74021 TRK
 - Sub C of Erf 212 Edgley will be off the 74020 TRK and 74021 TRK.



25.2 Sewage

The application site is currently serviced by septic tanks. The proposed subdivision would, not negatively impact the sewerage produced on site.

25.3 Water

The application site is fully serviced. The proposed subdivision and consent do not negatively impact on municipal water provision services.

The development already has normal household water pressure.

25.4 Stormwater

The application site is adequately serviced from a stormwater perspective, and no increase in stormwater run-off is expected as a result of the development. The proposed portion will comply with the Municipality's standards.

25.5 Electricity

The application site is fully serviced. The existing residential developments, already make use of a metered prepaid connection.

25.6 Waste Removal

Waste removal services will be undertaken by the Municipality.

25.7 Telecommunications

Not Applicable

25.8 Access to other Engineering Services

Not Applicable

25.9 The Need to Relocate Existing Services

Not Applicable

25.10 Existing Servitudes

The application site, according to the Deeds of Transfer, states that there is existing servitude over the farm.

The servitude of a Right of Way to the Umlass River through a certain piece of land in extent of 346 acre. The said servitude was created in the Deeds of Transfer No. 1843/1918 dated 27th July 1918.

26. Impact on The Environment and Heritage Resources

The application is administrative in nature, and it would no adverse effect on environment and heritage resources.

26.1 Environmental Impacts

Not applicable to the application site.

26.2 Heritage Resources

The parent property that being Erf 212 Edgley Farm, Ntshongweni, has a couple graveyards on site. Even though the site doesn't have any formal structures that have been erect for then 60 years, it is still imperative for there to be official comments which are in line with the KZN Heritage Act, 2008, since there are graveyards on the property.

26.3 Risk Assessment

Not applicable to the application site.



27. Impact on Agricultural Resources

Not applicable to the application site.

28. Socio-Economic Impacts

Not applicable to the application site.

29. Impact on Public or Community Facilities

The application site is located within the vicinity of the Ntshongweni Sizakala Centre and a neighbourhood clinic.

The proposed subdivision and special consent will not have any adverse impact on the functionality of these social/public facilities.

30. Comment from Relevant Stakeholders

30.1 Land Claims

There are no land claims applicable to this application site, however since the original owner of the property is now deceased there is an attorney and executor appointed by the Pietermaritzburg High Court to oversee the estate of Mr. Mthembu.

31. Subdivision Compliance

	Erf 212, Edgley			Compliance
	Sub A of Erf 212 Edgley	Sub B of Erf 212 Edgley	Sub C of Erf 212 Edgley	
Ownership:	Peppana Mthembu as per Deeds of Transfer Executorship over estate Seneliso Innocent Shabangu			√
Size:	15786 sqm			√
	Sub A of Erf 212 Edgley (9800m ²)	Sub B of Erf 212 Edgley (4000m ²)	Sub C of Erf 212 Edgley (2400m ²)	
Zoning:	Land Use Management Holding Area			√
	Land Use Management Holding Area	Land Use Management Holding Area	Land Use Management Holding Area	
Land Use	Residential Dwellings and Church			√
	Residential Dwellings	Church	Residential Dwellings	
Street Frontage				√
	74020 TRK 74203 TRK 74208 TRK	74208 TRK 74021 TRK	74020 TRK 74021 TRK	
Impact				



	None	None	None	√
--	------	------	------	---

32. Conclusion

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

- (i) Subdivision of Erf 212 Edgley to form to
 - o **Sub A of Erf 212, Edgley,**
 - o **Sub B of Erf 212, Edgley and**
 - o **Sub C of Erf 212, Edgley**
- (ii) Special Consent for Place of Public Worship on proposed **Sub B of Erf 212 Edgley**

meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the eThekweni Municipality Land Use Planning By-Law, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by eThekweni Municipality.

Zonkiziwe Town Planning Consultancy
June 2022



ANNEXURE A.

Application Form



ANNEXURE B.

Special Power of Attorney



ANNEXURE C.

Title Deeds



ANNEXURE D.

Bond Affidavits



ANNEXURE E.

S.G Diagrams



PLAN 1.

Locality Plans



PLAN 2.

Subdivision Plan/Diagram

