

TOWN PLANNING MEMORANDUM

APPLICATION FOR THE EMPANGENI INTEGRATED RESIDENTIAL DEVELOPMENT PROJECT (EIRDP) – Phase 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H

1.1 The Application

Application is hereby made in terms of the uMhlathuze Spatial Planning and Land Use Management Bylaw, under the following Sections:-

- Section 27(1)(l) : For the partial cancellation of an existing layout plan as approved by the Development Facilitation Act Tribunal for the Waterstone Development;

And then:

- Section 27(1)(a) : Amendment of the uMhlathuze Land Use Scheme by means of the rezoning of land as shown on the layout plan submitted for approval;
- Section 27(1)(f) : Township establishment of land as shown on the layout plan submitted for approval; and
- Section 27(1)(m) : The approval of a land development application in phases.

This application relates only to Phase 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H of the Empangeni Integrated Residential Development Plan (EIRDP) and corresponding area of the approved DFA layout no. 2642/6 dated 21 February 2012, situate on the Remainder of Erf 1 Waterstone (see plan overleaf).

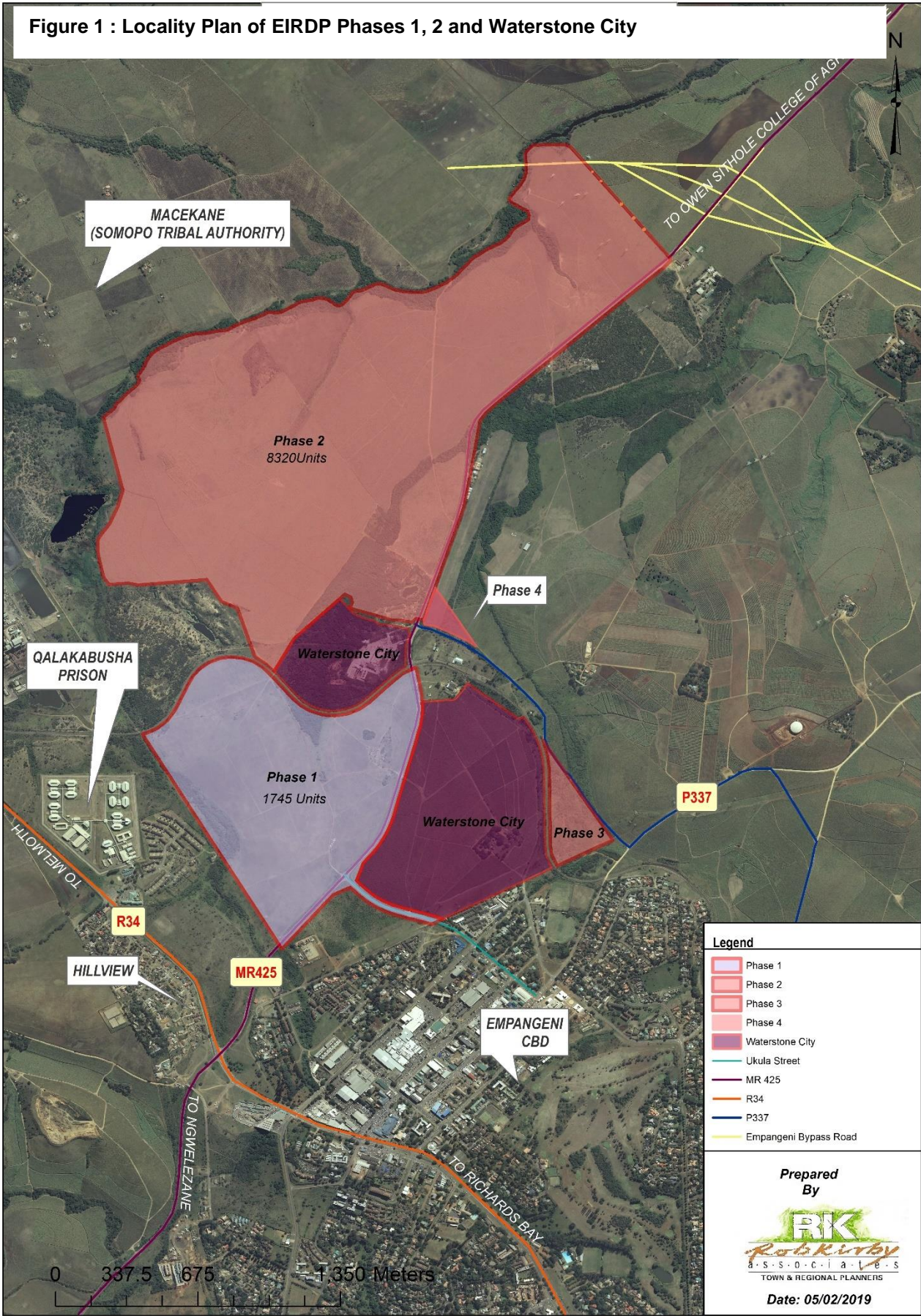
1.2 Locality

The Land Development Application site for the Empangeni Integrated Residential Development Project is located on the Remainder of Erf 1, Waterstone.

Phase 2 of the Empangeni Integrated Residential Development Plan (EIRDP) is bordered by a railway line and Phase 1 of the project to the south, Main Road 425 to the east, the Macekane community to the west and Eskom powerlines to the north.

A locality plan is shown below and is attached as “**Annexure A**”.

Figure 1 : Locality Plan of EIRDP Phases 1, 2 and Waterstone City



1.3 The Applicant

The applicant in this instance is Waterstone Country Estate (Pty) Ltd., as the Implementing Agent appointed by the land owner, being the uMhlathuze Municipality.

The Implementing Agent, represented by Mr. M. Myeni, has appointed Rob Kirby Associates to compile the planning application on their behalf (refer to **Annexure “B”** for the relevant power of attorney), and the Tri-Partite Agreement (refer to **Annexure “C”**).

1.4 The application site

The Remainder of Erf 1, Waterstone, is held under Deed of Transfer No. T 35016/2015 and is shown on S.G. No 1183/2012 (Title Deed and SG Diagram attached as **Annexure “D”**).

2. HISTORY OF THE APPLICANT SITE

- The land development application site was originally farm land, used for the growing of sugar cane.
- The land owner at the time identified an opportunity to develop the property for higher socio-economic grouping, including a golf course and equestrian estate, and an application in terms of the Development Facilitation Act (the DFA) was prepared.
- On 15 June 2012, the DFA application for Waterstone was approved (see **Annexure “E”**) for a large area as shown on Figure 2 below:

In November 2013, the uMhlathuze Municipality advertised a tender for an integrated catalytic human settlement project comprising at least 10 000 houses:-

- The Waterstone owners responded to this initiative by submitting a concept plan for these 10 000 units, based on the Cosmo City urban design principles gleaned from an existing “Breaking New Ground” and “New Urbanism” development in Johannesburg.
- This proposal was selected by the Municipality as the successful bidder, resulting in 351ha of the site being purchased by the KZN Department of Human Settlement.
- In line with the conditions of approval issued by the DFA Tribunal, various properties were registered in the Deeds Office, including Erf 1 Waterstone.
- The Remainder of Erf 1 Waterstone was then made available to the Municipality to construct the 10 000 catalytic housing units with the Waterstone developers as the Implementation Agents.
- The name of the project was changed from Waterstone to Empangeni Integrated Residential Development Project (EIRDP).
- In 2015, the Minister of Housing requested that provision in the project be made for self-build houses on sites of $\pm 500\text{m}^2$ to stimulate the SMME contractors in uMhlathuze.
- Phase 1 (91.25ha) of the development had already been designed and approved by the Municipality for 860 sites consisting of 1745 units as per plan no. 2642/PH1B/3/6. Installation of services is in process.
- Phase 2 (260.04ha), which forms the subject of this application, is the last phase of EIRDP to be developed.

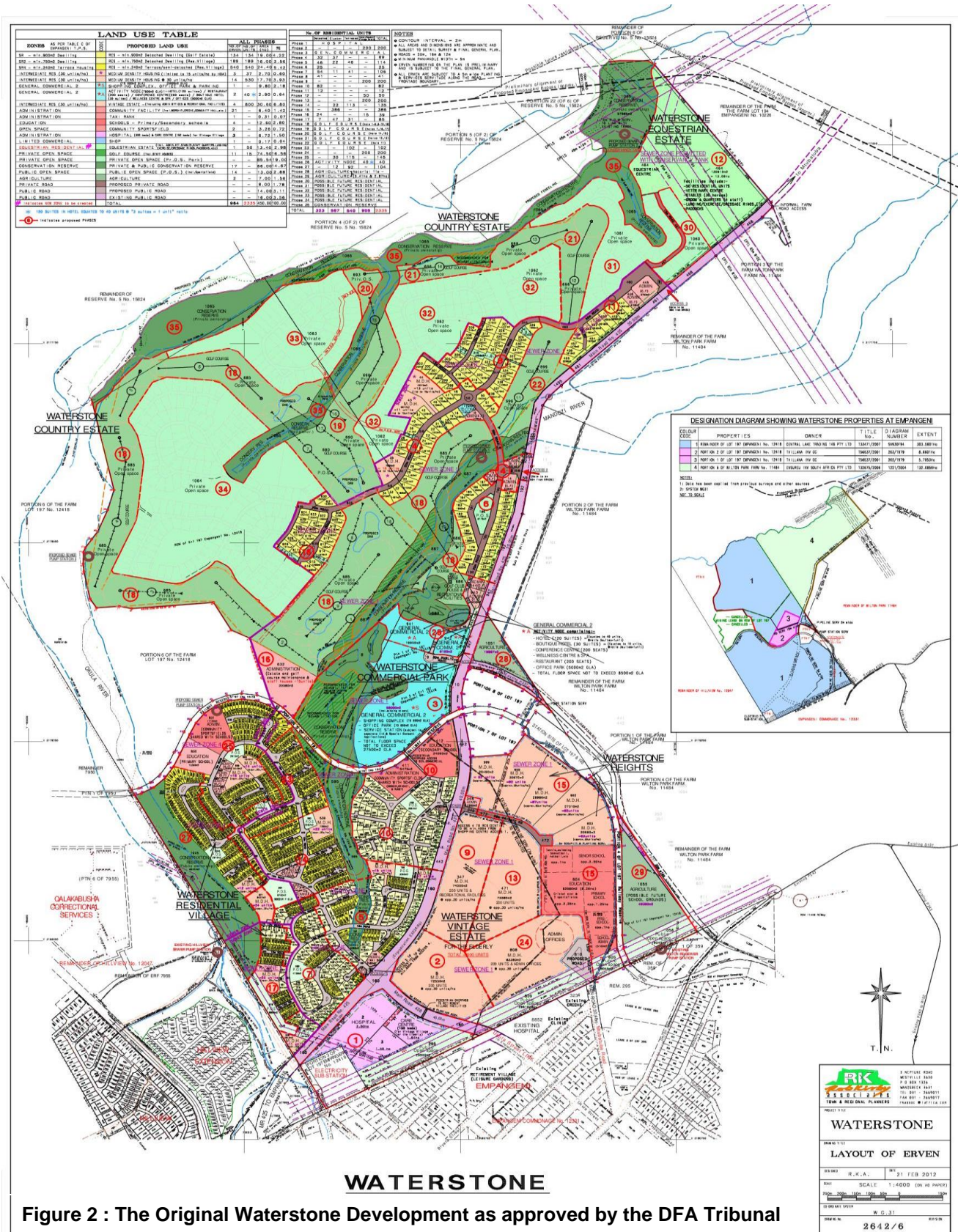


Figure 2 : The Original Waterstone Development as approved by the DFA Tribunal

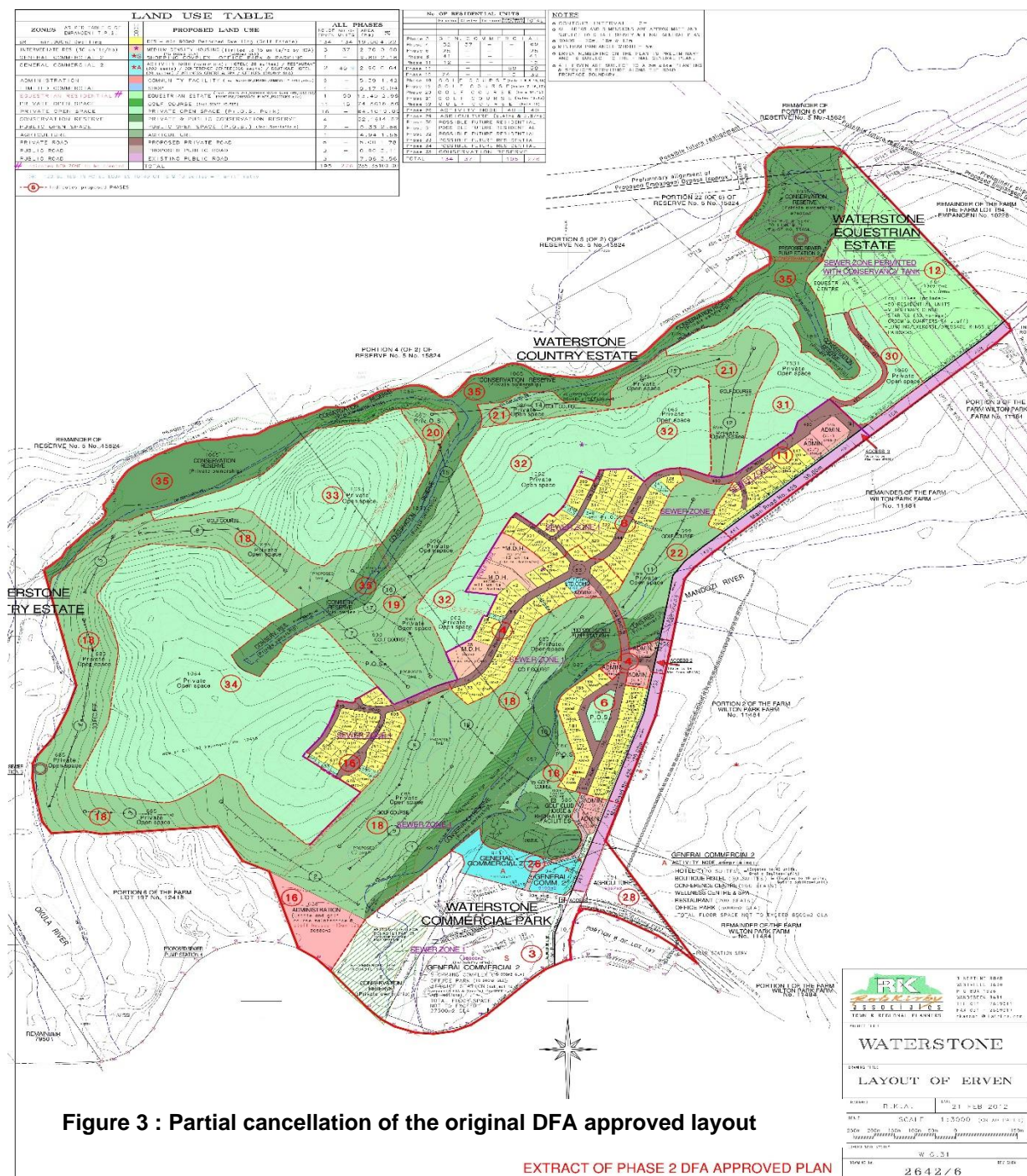
3. APPROVALS SOUGHT:

The application seeks the following approvals in terms of the uMhlathuze Spatial Planning and Land Use Management Bylaw:-

3.1 Partial cancellation of an existing layout plan as approved by the Development Facilitation Act Tribunal for the Waterstone Development

In terms of Section 27(1)(l) it is proposed to cancel a portion of the existing layout as approved by the Development Facilitation Act Tribunal for the Waterstone Development. The portion to be cancelled is indicated in **Figure 3 : Partial Cancellation of an existing layout plan as approved by the Development Facilitation Act Tribunal for the Waterstone Development** below.

It should be noted that the original layout approved by the DFA Tribunal has not yet been submitted and approved by the Surveyor General's Office, and no diagrams therefore need to be cancelled.



In terms of Sections 27(1)(a) and 27(1)(f) of the uMhlathuze Spatial Planning and Land Use Management Bylaw (the uSPLUM Bylaw) it is proposed to establish a township by means of the subdivision and rezoning of a portion of the Remainder of Erf 1, Waterstone, Registration Division GU, as show on layout plan 1522/WD22 dated 06 October 2020 (attached as **Annexure “F”**).



Figure 5 : Phasing of the Development



The draft Conditions of Establishment proposed to accompany the approval is attached as **Annexure “I”**.

4. REASONS FOR THE DEVELOPMENT

The reason for the EIRDP is to provide a higher density mixed income catalytic integrated residential project close to amenities and integrated into the existing urban fabric of Empangeni.

The EIRDP proposal, land urban design and town planning criteria used will satisfy the National Government's "Breaking New Ground" strategy based on the principles of "new urbanism" and the Financial Sector Charter/Finance Linked (GAP market) initiative.

The proposal also meets the Municipalities investigation of land suitable for housing as per the following extract from the uMhlathuze Municipality IDP:

In terms of uMhlathuze Municipality SDF, "one of the primary challenges facing the uMhlathuze Municipality is the identification of suitably located land for development. The Municipality has recognized this need through focusing much of its capacity to the investigation of land that is suitable for housing development. The SDF then further also identifies Empangeni (Empangeni Mega Housing) project also known as Empangeni Integrated Residential Project (EIRDP) development as "Land Suitable for Housing Development- SDF Expansion Areas" since it is vacant land release from Agriculture in terms of Act 70 of 70 and within 1km of the centre of eMpangeni.

"In accordance with uMhlathuze Municipality IDP and SDF, the information derived from Community Survey states that a total number of households within the municipal jurisdiction is 103 915 with 3.95 people/household in size.

The population of uMhlathuze Municipality equates to 410 465, while, eMpangeni Integrated Residential Project (EIRDP) Phase 2 proposes 8320 units which would accommodate some ±33 280 new residents when working with 3.95/4 people/household.

The Phase 2 area is a combination of state assisted homes of 40m², FLISP and bonded homes (self-built erven of 450m²) and apartment complexes as well as social housing with supporting uses.

A description of the type of houses to be provided is provided under Section 6.5.3 - Detailed Description of Land Uses Proposed in 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H.

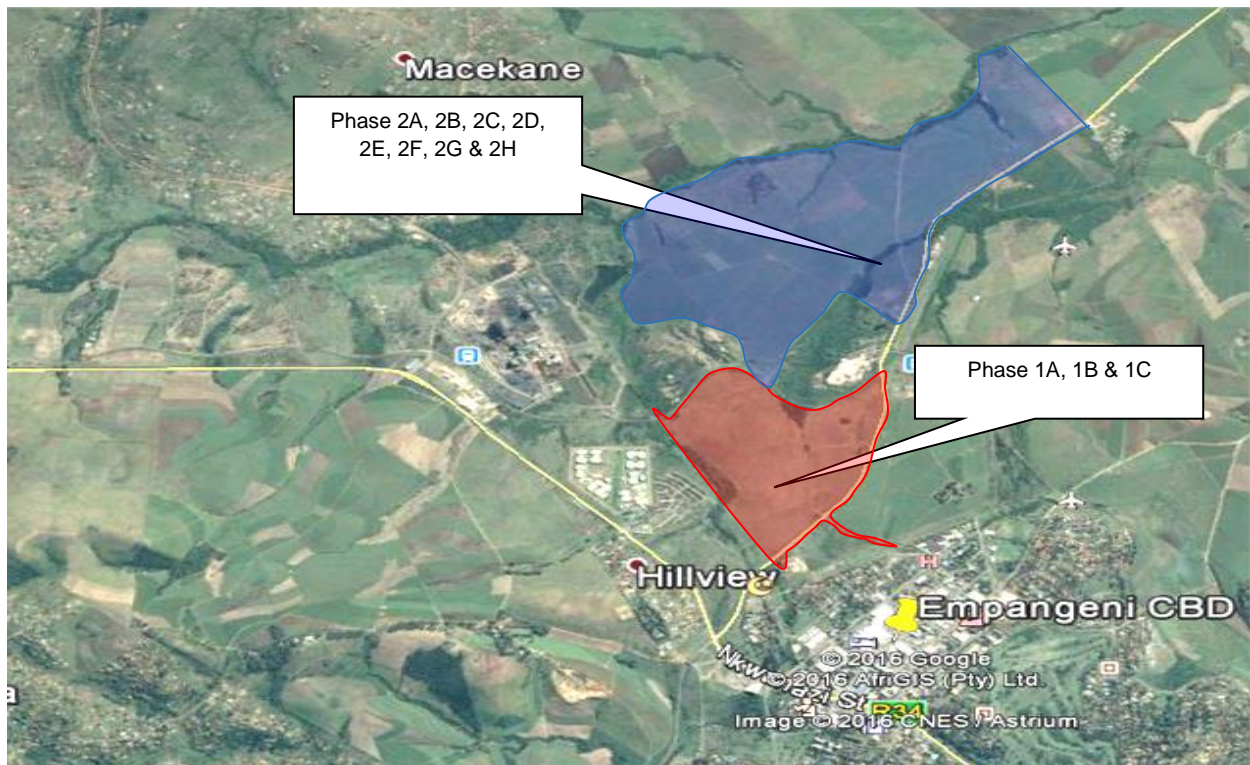
The application for Phases 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H whilst being a standalone application, cannot be motivated as an application in its own right separate from the balance of the EIRDP i.e. Phase 1 which incorporates 1745 additional units accommodating some 6980 new residents (i.e. a total of ± 40 000 new residents). Phase 1 is already well into the construction as per the google image below.

The adjacent Waterstone City private development of 9.78ha industrial estate, a regional shopping center of ±15ha and additional housing will also provide amenity and job opportunities for residents within walking or a very short taxi ride.

Phase 2 must therefore be presented in this application as the second phase of the larger EIRDP initiative in terms of its ability to provide a holistic well balanced residential neighbourhood to future residents in its own right, as well as how it fits into the larger EIRDP initiative.

The motivation presented in this application will be for and relevant to Phase 2.

Figure 6: The location of the application site for EIRDP Phase 1 and 2 with the Phases.



A full Site Development Framework plan for the whole EIRDP and adjacent Waterstone City private development showing the position of all roads, buildings, parking area's and open spaces has been prepared **for information purposes only** to enable this Phase 2 application to be set in context for the approval and bulk services to be planned and installed catering for the full development (see **Annexure "Q"**).

The EIRDP development has been broken into 11 sub-phases i.e. Phase 1A, 1B and 1C and Phase 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H to ensure that maximum use of existing bulk infrastructure is utilized before cost effective additional phases are brought on stream.

5. POSSIBLE IMPACTS OF THE PROPOSAL

5.1 Impact on Geotechnical Conditions

The site is gently sloping and geotechnically stable and has already received development rights approved via the Development Facilitation Act application. Drennan Maud (Pty) Ltd. completed a geotechnical assessment during September 2016 for the entire EIRDP project, which report is attached as **Annexure "J"**.

The report recommends that:

5.1.1 Earthworks

5.1.1.1 General

As stated, due to the poor on-site materials it should be sought to level platforms by cutting and spoiling the prevailing clay soils. The relatively gentle slopes across the site will necessitate only minor earthworks for the preparation of normal residential platforms.

5.1.1.2 Cut Embankments and Temporary Excavations

It is recommended that permanent cuttings be designed to a maximum slope batter of 1:1,5 (33o), for a height not exceeding 2m. Cuttings greater than 2m height should be flattened to 1:2 (26o) to

prevent the clay soils sliding over the crest. Temporary excavations in the stiff clayey subsoils could be carried out almost vertically provided sufficient care is taken to keep the sidewalls dry. Nevertheless, by law any excavation exceeding a 1,2m depth must be shored or alternatively battered back. With reference to IP6, it is noted that the blocky, open jointed basalt bedrock is locally highly unstable in vertical trench sidewalls. This will need to be addressed symptomatically where such material is encountered.

5.1.1.3 Fills

Any fill embankments constructed on this site should assume an outer slope batter of 1:2 (26) to ensure the long-o term stability thereof. All new fills should be constructed using a suitable material (G10 or better after TRH 14, 1985) placed and compacted in uniform layers of 200 to 300mm loose thickness, with each layer being compacted to 93% Mod AASHTO prior to placement of the next layer. Prior to placing the new fill, the natural ground should be stripped of the upper organic topsoil and grubbed of any deleterious materials. Where the natural gradient approaches 1:10, which may locally be the case, new fills should be benched into the natural slope to promote stability.

5.1.2 Site Drainage

Soak pits should not be used for stormwater or effluent disposal as the clayey subsoils are insufficiently permeable for this purpose. Storm water from all roofed and paved areas will need to be collected in gutters and surface drains to be discharged into the stormwater system ultimately approved for the proposed development. Individual platforms should be suitably graded post-construction, to facilitate the runoff of stormwater away from the structures. Where perched seepage is encountered during construction, it will need to be addressed symptomatically. Attention is however drawn to the designated P1 areas. Seasonal seepage here is expected to be more problematic than elsewhere and is likely to require long term subsoil drainage. In terms of the prevailing clayey soils, there would be every merit in providing a structural apron around the new dwellings.

5.1.3 Founding

It is reiterated that the site class designation is at this stage broadly representative and provided as a general guideline to assist in planning. The site classifications are subject to verification and any necessary amendment during the site-specific Phase 2 investigations.

It should again be noted that judicious cutting of the site could be considered by the project Engineers, to assist in reducing the overall thickness of the active clay subsoils and thereby improving the overall founding conditions.

With respect to larger structures that cannot feasibly be founded on the recommended raft foundations, consideration should be given to the use of reinforced ground beams supported on pad footings taken to depth into competent, moisture-stable weathered bedrock material. Where bedrock is beyond the practical depths of conventional spread footings, founding of such structures in the stiff residual clays will need to consider differential settlement.

Heavily loaded structures or structures that cannot be articulated to accommodate some differential movement may require piled foundations.

5.1.4 Road Construction

The present laboratory testing shows all of the in-situ soil and completely weathered bedrock materials to be highly unsuitable as subgrade in terms of TRH14 (1985). The underlying highly to moderately weathered basalt classifies in the general range of G9 to G7 and is hence suitable as subgrade and lower to upper selected layers in the new road design. It could be considered to level

the internal roads onto the weathered bedrock where this fits in with the design imperatives, however where this cannot be achieved, the in-situ subgrade soils will need to be improved by an undercut-replace operation. As a preliminary indication to the subgrade improvement that might be required, it could be considered by the design Engineer to box out the in-situ subgrade materials (heaving clays) to a depth of approximately 300mm, thereafter back-filling the box cut with a selected granular fill material (G7 weathered basalt) compacted to 95% Mod AASHTO density at optimum moisture $\pm 2\%$. This general recommendation must be confirmed or refined by the design Engineer in terms of the proposed traffic loading and pavement design life for the internal roads. Provision should be made for subsoil drainage along the entire length of the internal roads, where the layerworks formation level is either at or below natural ground level.

5.1.5 Site Materials

The only material consistently suitable as engineered fill on this site is the highly to moderately weathered basalt bedrock. Given the general thickness of the overburden soils, very little weathered bedrock will be recovered during normal earthworks operations across the site, hence borrow pits will need to be relied on. In terms of the present field data, there is potential for borrow pits on almost any of the basalt spurs on the western portion of the site, although the licensing procedure may make it more desirable to rehabilitate and expand the existing borrow pits.

The application site is therefore suitable for the proposed development from a geotechnical perspective.

5.2 Impact on Agricultural Resources

The application site was originally farm land under sugar cane. During the application for planning approval under the Development Facilitation Act, the applicant applied for and on 30 March 2009 obtained consent in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970.

The relevant consent is attached as **Annexure “K”**.

There will therefore be no negative impact on agricultural resources.

5.3 Impact on the Environment

The applicant obtained consent from the Department of Economic Development, Tourism and Environmental Affairs dated 27 March 2009 for the Waterstone Development approved in terms of the DFA.

An application for the amendment of the Environmental Authorisation was lodged and approved. The approval of the Environmental Authorisation amendment ref: DC28/0014/AMEND/2019 dated 17 July 2019 is attached as **Annexure “L”**.

With regards to the environmental impacts and in general, the following is of relevance:

5.3.1 Energy and water efficiency

The site is currently a cane field with limited vegetation except for the four wetland riparian areas including the Ukula river and all 1:100 year floodline areas which are to be conserved as a park and recreation facility and to recharge the natural subterranean water resources. The footprint of these riparian areas have remained unchanged from the EIA approved in the DFA for development over the same area as Phase 2.

The buildings have been designed to maximize a North East orientation and utilization of solar panels to reduce the draw of electricity from the grid.

There are thus no foreseen negative impacts with an Environmental Authorisation already having been received.

5.3.2 *Slope, stability and stormwater run-off*

A comprehensive engineering design has been completed to ensure that all run off is handled in a responsible manner not causing erosion or danger from flooding and that post and pre runoff co-efficient is the same.

5.3.3 *Waste reduction, recycling and management*

The Municipality will collect and manage all waste.

5.3.4 *Flora and Fauna*

The site has two vegetation types, one the riparian wetland areas and the second is the redundant and fallow cane fields.

The flora and fauna riparian areas have been protected by the conservation zones proposed which link into the same system flowing through proposed Phase 2.

The old cane fields have no environmental sensitivity with regard to flora nor fauna.

It is deemed unnecessary to dwell on these issues any further in this application because a full and comprehensive environmental suite of studies was undertaken in the DFA process which resulted in a positive Environmental Approval being issued for the whole of the Waterstone Development which included this Phase 2 application area.

The area of the building footprint in the old Waterstone plan is not dissimilar to what is being proposed in this application.

In view of the this similarity, it is anticipated that the Department will deem the change in the layout to be acceptable and issue a revised Environmental Approval for Phase 2.

5.4 *Impact on Engineering Services*

The development will be compliant with CSIR's "Red Book" Standards unless otherwise specified by the Municipality.

5.4.1 *Required Upgrades to Bulk Civil Services*

The proposed development would add a substantial number of housing units, and therefore require upgrades to bulk engineering services.

The responsibility for the bulk infrastructure upgrades rest with the Municipality. The Implementing Agent would be responsible for the installation of internal services.

A civil engineering design report has been completed by Mariswe (Pty) Ltd. (dated 08 October 2020), which is attached as **Annexure "M"**. With regard to bulk and internal services, the design report not only assessed the impact of Phase 2 of the project, but also Phase 1 and an adjacent private development (Waterstone City).

In this regard, the following information should be noted from a bulk services perspective:

5.4.1.1 *Bulk Water*

The estimated Gross Annual Average Daily Demand (GAADD) for Phase 2 of the development as follows:

- Phase 2 : 6.13 MI (71.03 l/sec) with a Peak Flow of 284.12 l/sec.

Although not part of this report, but because Phases 1, 2 and the private Waterstone City development will all be fed from the same source and make use of a common bulk supply line, it is important to note that the anticipated GAADD's for Phase 1 and the Private Development Area are as follows:

- Phase 1: 1.1 MI (12.8 l/sec) with a Peak Flow of 51.0 l/sec.
- Private Area: 1.6 MI (18.5 l/sec) with a Peak Flow of 25.0 l/sec.

All of the above demands include for an allowance of 10% losses. The anticipated GAADD for the Phases 1, 2 and the private Waterstone City area will be of the order of 8.8 MI/day.

The entire EIRDP Phases 1 and 2 as well as the private Waterstone City development will be fed from the newly constructed Hilltop Reservoir, which has a capacity of 20MI. The entire capacity of this reservoir is currently uncommitted and is sufficient to provide the necessary 48 hours storage for the development.

It should be noted that the Hilltop Reservoir is unlicensed at the moment and that a relevant application must be submitted by the Municipality to rectify this situation.

Phase 2 will be fed off the pipeline that is to be constructed from the Hilltop Reservoir to the boundary of Phase 1. This bulk pipeline has been sized to cater for Phase 1, 2 and the private development and a blanked tee at the transition from a 630mm diameter pipe to 355mm diameter pipe has been allocated for the bulk feed to the boundary of Phase 2.

These bulk pipelines will be treated as "Link Services" and will, as agreed with City of uMhlathuze, be included under the design and construction of the EIRDP. As such, the design will be carried out by Mariswe (Pty) Ltd and the construction will be carried out by the successful contractor for the EIRDP. The apportionment of costs for these link and bulk services will need to be agreed between the Client and Developer.

Servitudes for the bulk pipelines outside the boundary of the project site have been identified and cadastral surveys of these servitudes have been finalized. Servitudes for bulk water infrastructure have been identified in the engineering design report and shown on the bulk servitude plan attached as **Annexure "H"**.

5.4.1.2 Bulk Sanitation

The anticipated Annual Average Daily Flow (AADF) from Phase 2 of the development is 4.95 MI/day (57.3 l/sec) with a peak of 189 l/sec split

Although not part of the engineering report, but because the entire development either drains directly or will be pumped to the Hillview Pumpstation, it is important to note that the anticipated sewage flows for Phase 2 and the private Waterstone City development are as follows:

- Phase 1 : 0.88 MI (10.2 l/sec) with a Peak Flow of 41 l/sec.
- Private Area : 1.28 MI (15.0 l/sec) with a Peak Flow of 60.0 l/sec.

The AADF for the entire development will therefore be approximately 7.11 MI (82.5 l/sec) with a Peak Flow of 290 l/sec.

The bulk of the site drains towards the Ukula River, which forms the western and northern boundaries of the development area, while the central and south eastern portions of the site drain into small tributaries of the Ukula River.

The drainage regime for sewage will generally follow the various watercourses as named above and, as such, sewage will be collected at various low points on the north eastern and south eastern

boundaries of the site from where it will be pumped to the existing municipal pumpstation at Hillview close to the south-western boundary of the site.

The sewage flow from Phases 1A, 1B and 1C, in future, the private Waterstone City area, will gravitate to a low point adjacent to the railway line on the western boundary of Phase 1A from where it will be pumped to the Hillview Pumpstation. The drainage of Phase 2, in the future, will be to a number of pumpstations from where it will be pumped to the Hillview Pumpstation.

The preliminary sewerage layouts are presented in the engineering report.

The existing rising main and gravity pipeline are old and undersized for the current demands. In view of the proposed development in the area, the pipeline was assessed for capacity, and is in the process of being upgraded to a size appropriate for the current and predicted flows. UWP Consulting (Pty) Ltd was appointed by the City of uMhlathuze, in 2009, to investigate and implement an upgrade of the Hillview Pumpstation, Rising Mains and Gravity Outfall. However due to budgetary constraints at the time, only the pumpstation was upgraded.

The City of uMhlathuze has recently instructed Mariswe to proceed with the design and implementation of the Rising Mains and Gravity Outfall. The construction is currently underway with completion scheduled for August 2020.

The design spare capacity of the existing Empangeni Waste Water Treatment Works (WWTW) is 15MI/day, and the current operating capacity is 6.5MI/day, (refer to the email confirmation in the Engineering Report, **Annexure “M”**). The current spare capacity (8.5MI/day) is sufficient to accommodate anticipated flow from both Phase 1 and 2 as well as Waterstone City Development area (7.11 MI/day).

It should be noted that the Empangeni Waste Water Treatment Works is unlicensed at the moment and that a relevant application must be submitted by the Municipality to rectify this situation.

Proposed erven and servitudes for the upgrades to bulk sewer infrastructure have been identified in the engineering design report and shown on the bulk servitude plan attached as **Annexure “H”**. Servitudes for the bulk sewer infrastructure, where required, have been surveyed. No additional servitudes outside the project area would be required for sewer infrastructure.

5.4.1.3 Required Upgrades to Bulk Electrical Services

The proposed development would add a substantial number of housing units, and therefore require upgrades to bulk electrical engineering services.

An electrical engineering design report has been completed by Khanyisa Africa Consulting Electrical Engineers cc. (August 2016), which is attached as **Annexure “N”**.

With regard to bulk services, the design report not only assessed the impact of Phase 1 of the project, but also Phase 2 and the adjacent Waterstone City private development.

In this regard, the following information should be noted:

- Eskom holds the license for supply of Electricity to this area. However by mutual agreement, uMhlathuze does the distribution and maintenance of the 11 000 Volt/400 Volt infrastructure.
- The full development (Phase 1, Phase 2 and private Waterstone City development) requires a capacity of 19MVA. Specific upgrades to bulk services must be undertaken in order to accommodate the development. The Supply Authority, for the Bulk Services, is Eskom.

A subsequent report was prepared by the uMhlathuze Electricity Department (attached as **Annexure “N”**) which identified the following:

- Three new substations are proposed to service the entire EIRDP and Waterstone City.
- These consist of:
 - a new 11Kv substation feeding from the existing western substation to a new substation on Erf 1305 in EIRDP Phase 1.
 - A new bulk 20MVA and 11Kv from the Logan substation on PTN 87 (of 3).
- Access to these substations in Phase 2 is limited to the existing 88Kv lines over the Remainder of Portion PTN 5 of the Farm Wilton Park Farm No.11484, the Remainder of the Farm Wilton Park Farm No.11484, and Portion 8 of the Farm Lot 197 Empangeni No.12418.

Note: This is still under planning phase, there are still continuous discussions between uMhlathuze municipality, Eskom, and Electrical consultant to be appointed by the municipality.

Proposed erven and servitudes for the upgrades to bulk electricity infrastructure have been identified in the engineering design report and shown on the bulk servitude plan attached as **Annexure “H”**.

5.4.1.4 Roads and Stormwater

Access to Phases 2 will be off Main Road 425 which runs to the east of the development from south to north.

As a result of the proposed rezoning, a new traffic impact assessment was undertaken and was approved by the KZN Department of Transport (KZN DOT) and the Municipality. This assessment provides a detailed report on the traffic generation and requirements for access onto the provincial road network. The Traffic Impact Assessment is attached as **Annexure “O”**.

The Traffic Impact Assessment and the proposed Subdivisional layout was submitted to the KZN DOT, and their response is attached as **Annexure “S”**

The designs of these intersections and widenings shall be in accordance with the approvals and specifications with the Department of Transport. Costs relating to the engineering designs for the intersections with Main Road 425 shall be carried by the Municipality.

Stormwater flows will be discharged to existing watercourses via piped reticulation with energy dissipaters at outlets in order to minimize potential erosion damage. The use of gabions and rock bolsters will be used to prevent erosion damage to the watercourses.

The designs for bulk stormwater are to be undertaken in liaison with the Municipality, and any environmental requirements resulting from the designs will be attended to.

No additional stormwater servitudes outside the project area would be required for stormwater infrastructure.

5.4.2 Internal Civil Engineering Services

A civil engineering design report has been completed by Marisiwe (Pty) Ltd. (08 October 2020), which is attached as **Annexure “M”**.

All services are designed to the specifications of the Municipality.

A Services Agreement between the Municipality and the Implementing Agent has been concluded in order to give effect to the requirements of this report.

5.4.3 Internal Electrical Engineering Services

An electrical engineering design report has been completed by Khanyisa Africa Consulting Electrical Engineers cc. (February 2019), which is attached as **Annexure “N”**.

All services are designed to the specifications of the Municipality.

A Services Agreement between the Municipality and the Implementing Agent has been concluded in order to give effect to the requirements of this report.

5.4.4 Existing Servitudes Affecting the Application Site

As indicated on the layout plan, the application site is affected by an existing Eskom Powerline Servitudes to the north of the application site. The revised layout plan was circulated to the servitude holder, and the servitude holder has no objection to the proposed development (Attached as **Annexure “U”**).

5.4.5 Proposed New Servitudes Required / Relocation of Services

The redesign of the layout requires specific servitudes to be registered as depicted on the services plan no. 1522/WD22 dated 06 October 2020 (see **Annexure “H”**):-

- “2m Omnibus Servitude”

A 2m Omnibus Servitude which is in favour of the local municipality or relevant services provider for the provision of services such as storm-water drainage, water supply, electricity etc. will apply to all erven, except of the erven zoned “Residential Only Detached 2, 3, 4 and 5”.

- 3m Services Servitudes

3m Sewer , Stormwater and/or Sewer and Drain Servitudes are to be registered in favour of the local authority as depicted in the Services Servitudes plan and as detailed in the conditions of establishment. These subject to detailed engineering and final survey.

- 15m Non-building Line

It is a Department of Transport norm that a 15m non-building line is registered on erven which abut a Provincial Road (Main Road 425). This “norm” has been applied to the proposed layout plan.

The 15m building restriction is highlighted in the correspondence from the Department of Transport (**Annexure “S”**), and has been included in the conditions of establishment.

- 48,00m and 65,00m wide EPTLS servitude

The existing EPTLS in accordance with K1302/1986 and K231/2000 has been carried forward to the proposed layout.

There are no relocation of servitudes proposed.

5.5 Impact on Access and Traffic Generation

5.5.1 Access to the Development from MR 425

Access to the development would be obtained from Main Road 425 in two locations, as shown on the layout plan.

The required upgrades are described in detail in the Engineering Design Report attached as **Annexure “M”** and the Traffic Impact Assessment attached as **Annexure “O”**.

In terms of the Traffic Impact Assessment undertaken by Jinyela (Pty) Ltd in 2018 (*Page 47*), “*the summary of the external road upgrade required for the 2021 and 2026 forecast years*” are as follows;

- *The report states that the upgrades required in 2021, includes MR425 to be upgraded to a 4-lane dual carriageway.*
- *In 2026, Nkwanazi Street (MR230) west of MR425 will need to be upgraded from a 2-lane single carriageway to a 3-lane carriageway road with two lanes.*

Access onto Main Road 425 was approved by the Department of Transport in their letter dated 26 November 2019 (attached as **Annexure “S”** – Ref: T10/2/2/674/3).

5.5.2 Internal Roads

Internal Roads have been carried out in accordance with the ‘Red Book-Guidelines for Human Settlement Planning and Design’ and relevant Municipal By-laws. The design of internal roads is therefore in line with the standards of the Municipality. These standards are discussed in detail in the Engineering Design Report, attached as **Annexure “M”** and the Traffic Impact Assessment attached as **Annexure “O”**.

5.5.3 Traffic Impact Assessment

A Traffic Impact Assessment was undertaken by Jinyela (Pty) Ltd. dated April 2018, as amended. The report is attached as **Annexure “O”**.

In summary, the consultant concludes that:

- The proposed EIRDP is expected to generate a significant volume of traffic and pedestrians distributed to the north, south, east and west through the greater Empangeni area.
- The analysis showed that for the forecast 2021 Design year, upgrades to the external road network will be required to accommodate the increase in traffic, pedestrians and public transport activity generated by Phase 1 of Waterstone City and Phase 1 and 2 of the EIRDP residential development, as described in Section 8 and 10 of the report.
- The analysis showed further that for the 2026 forecast scenario, further upgrades to the external road network will be required to accommodate the increase in traffic, pedestrians and public transport activity generated by Phase 1 and 2 Waterstone City and Phase 1 and 2 of EIRDP residential development , as described in Section 10 of the report.
- A summary of these recommendations for each forecast year is shown in Table 4 of the report.
- Provided these external road network improvements are implemented as part of the mixed-use commercial development and the EIRDP residential development, the Waterstone development can be supported from a traffic and transportation perspective.
- It is however, recommended that the TIA be updated for every phase of the Waterstone City development and the EIRDP residential development as they are built so that these recommendations can also be updated in the future. This recommendation has been captured in the conditions of establishment.

5.6 Community Facilities

The developments land use and norms and standards will be governed by the uMhlathuze Land Use Scheme and “CSIR Guidelines for the Provision of Social Facilities in South African Settlements”.

A breakdown of the CSIR guidelines and how these have been provided for in Phase 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H and Phase 1 both are tabled below.

SOCIAL FACILITIES REQUIRED FOR SMALL TOWNS: (CATCHMENT SIZE 25 000-60 000 PEOPLE : CSIR NORMS)

EIRDP with 10 000units @ 4 people per household = ±40 000 people

	FACILITIES	SUPPLIED FOR EIRDP	ERF NO. ON LAYOUT PLAN OR REGISTERED ERF NO	CATCHMENT AREA AS PER CSIR NORMS
HEALTH & EMERGENCY SERVICES				
1	Hospital	Private hospital site in Waterstone City private development		
2	Community Health Centre	1 in Phase 2	2009	±5km
3	Primary Health Clinic	1 central Node	2067	±1,5km
4	Fire Station	Available in Empangeni with 15 min response time. Satellite office provided in Phase 2	1987	
5	Fire bakkie pump deployment point	N/A	N/A	
6	Police Station	1 in Phase 2	2109	±10km
SOCIAL & CULTURAL (PUBLIC SERVICE FACILITIES)				
7	Community Performing Arts Centre	1 central Node	2067	±1,5km
8	Museum – medium/small	Available in Empangeni	Rem 56 Emp	-
9	Local Library	1 central Node of Phase 2	2067	±1,5km
10	Mobile Library	Various sites zoned Municipal and Government are dispersed through the layout which could be used for this purpose	Various M&G sites	±500m
CIVIC				
11	Home Affairs – small office	1 central Node of Phase 2	2070	±1,5km
12	Thusong Centre (community-based “one stop” development centre)	1 central Node of Phase 2	2067	-
13	Labour Office	Located in Empangeni	2070	-
14	Magistrate’s Office	Located in Empangeni	2070	-
15	Municipal Office	1 central Node of Phase 2	2067	±1,5km
16	Prison & Place of Safety	Located in Empangeni		-
17	Solid Waste Disposal Site & Recycling Depot	Located in Empangeni with waste transfer site	2029	-

		in Phase 2		
SOCIAL SERVICES				
18	Community Hall – large	1 central Node of Phase 2	2067	±1,5km
19	Community Hall – medium Small (fringe areas)	Various sites zoned Municipaland Government are dispersed through the layout which could be used for this purpose	Various M&G sites	500m
20	Children's Home	If required, locate in Empangeni or on on MHG2 sites as required by community	Various M&G sites	1,5km
21	Home for the Aged	If required, locate on MHG2 sites as required by community	Various M&G sites	1,5km
22	ICT Access point	1 central Node of Phase 2	2067	1,5km
23	Post Office/Agency with post boxes	1 central Node of Phase 2	2067 / 2070	1,5km
24	Post Boxes	Linked to shops	Various	±1km
25	SASSA Office (Social Service Office)	Located in Empangeni 1 central Node of Phase 2	2070	±5km 1,5km
26	Social Grant Pay Point	1 central Node of Phase 2	2070	±1,5km
27	Cemetery (Medium)	Regional Cemetery has capacity		10km
EDUCATION				
28	ABET/Skill Training	1 central Node of Phase 2	2067	
29	Special Education	If required, locate on M&G sites as required by community	Various M&G sites	1,5km
30	Secondary School (incl. field)	3 sites of 4,8ha (KZN DET norm)	2051,3393, 3560	1km
31	Primary School (incl. field)	7 sites of 2,8ha (KZN DET norm)	1988, 2133, 2266, 2724, 2856, 2944, 2946,	500m
32	Grade R Class at Primary School	7 sites of 1,6ha (KZN DET norm)	1988, 2133, 2266, 2724, 2856, 2946, 2948,	500m
33	Small Crèche/Early Childhood Development Centre	10 sites required. 15 dedicated sites provided	2032, 2099, 2280, 2315, 2581, 2723, 2759, 2813, 2882, 2950, 3091, 3432, 3518, 3602, 3989	500m
34	ECD Resource hub & Care	1 central Node of Phase	2067	1,4km

	Centre	2		
RECREATION PROVISION (SPORTS & PARKS)				
35	Grassed surface (2 football fields equivalent)	Linked to schools : 10 Fields and 2 Mini fields.	Various school sites	500m
36	Sports Complex (grouping of fields and/or sports complexes)	1 central sports node of Phase 2	2054	1,5km
37	Grassed field (2 football fields equivalent with 500-seat stand)	1 central sports node of Phase 2	2054	1,5km
38	Central Sport Complex	1 central sports node of Phase 2	2054	1,5km
39	Athletics/Cricket Stadium (grassed field and athletics track and stand – 3 000+ seats)	1 central sports node of Phase 2	2054	1,5km
40	Combi-court surface	Sites on dedicated playlots or on public sportsfield site. Number dependent on demand and finances	2041, 2119, 2190, 2449, 2452, 2711, 2766, 2767, 2915, 2916, 2957, 3223, 3225, 3226, 3294, 3457, 3458, 4016, 4019, 4093,	250m
41	Combi-court surface	Provided for above		1,5km
42	Community Pool	1 central sports Node of Phase 2	2054	-
43	Swimming Pool (25m x 33m)	To be provided in central sports node	2054	-
44	District Park	53ha Wetland Conservation	2042, 2120, 2121, 2122, 2192, 2453, 2713, 2959, 3076, 3295, 3459, 3581, 3774, 4021, 4094, 4095, 4169, 4170, 4171	1km
45	Community Park with play equipment	1 linked to conservation	2067	1,5km
46	Urban Park	1 central Node	2067	1,5km
47	Local/Neighbourhood Park (includes play equipment)	20 Sites available on portions of playlots. In addition, edges of conservation areas abutting residential use could be developed.	2041, 2119, 2190, 2449, 2452, 2711, 2766, 2767, 2915, 2916, 2957, 3223, 3225, 3226, 3294, 3457, 3458, 4016, 4019, 4093,	500m
48	Play Equipment at other facilities	20 Sets of play equipment can be	See above	500m

		provided at the abovementioned sites/ locations		
WORSHIP				
49	Worship Sites	14 sites provided	2069, 2231, 2314, 2758, 2950, 3171, 3519,	2100, 2281, 2742, 2812, 3092, 3431, 3990

In summary, the following erven, which are to be used for community facilities, have been provided within the layout for Phases 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H:

- **Education (25 erven)**

<u>Proposed Use</u>	<u>Erf No</u>
Secondary School (with sport fields)	2051, 3393, 3560
Primary School (with sport fields)	1988, 2133, 2266, 2724, 2856, 2944, 2946
Creche	2032, 2099, 2280, 2315, 2581, 2723, 2759, 2813, 2882, 2950, 3091, 3432, 3518, 3602, 3989

- **Municipal and Government (23 erven)**

<u>Proposed Use</u>	<u>Erf No</u>
Central Government Node	2067
Central Sports Complex	2054
Government Node	2070
Police Station	2109
Satellite Fire Station	1987
Other uses	2033, 2101, 2146, 2239, 2301, 2389, 2580, 2760, 2761, 2771, 2858, 2931, 3090, 3391, 3569, 4064, 4069, 4071

- **Intermodal Facility**

<u>Proposed Use</u>	<u>Erf No</u>
Intermodal Node/Facility	2030

- **Social Uses**

<u>Proposed Use</u>	<u>Erf No</u>
Health and Welfare	2009
Worship	2069, 2100, 2231, 2281, 2314, 2742, 2758, 2812, 2950, 3092, 3171, 3431, 3519, 3990

- **Commercial (13 erven)**

<u>Proposed Use</u>	<u>Erf No</u>
Core Mixed Use 1 (Shop)	2110, 2031, 4070

Core Mixed Use 2 (Shop)	2108, 2068, 2951, 2565, 2793, 3520
Medium Impact Mixed Use (Shop)	2265, 2102, 2883
Fuel Filling Station	2107

- **Public Open Spaces (58 Erven)**

Proposed Use		Erf No
Active Open Space	Soccer Field	2190
	Mini Field	3770
	Playlots/Active Open Space	2041, 2056, 2118, 2119, 2191, 2449, 2450, 2451, 2452, 2711, 2712 2766, 2767, 2914, 2915, 2916, 2957, 2958, 3075 3223, 3224, 3225, 3226, 3294, 3457, 3458 3769, 3771, 3772, 3773, 4016, 4017, 4018, 4019, 4020, 4093, 4168
Passive Open Space	Floodlines/buffers/servitudes	2042, 2120, 2121, 2122, 2192 2453, 2713, 2959, 3076, 3295, 3459, 3581, 3774, 4021, 4094, 4095, 4169, 4170, 4171

- **Services**

Proposed Use		Erf No
Utilities and Services	Sewer Pump Station	2471, 2968, 3326, 3804, 4031, 3491
	Waste Transfer Station	2029

5.7 Socio-Economic Impacts

5.7.1 Access to Housing

The project (Phase 2) would yield 8320 units. The Phase 2 area is a combination of free, state assisted homes of 40m², FLISP and bonded homes, apartment complexes and social housing with supporting uses.

5.7.2 Job Creation

5.7.2.1 Local Jobs

There will be significant injection of short term construction jobs.

Long term jobs in the industrial and commercial areas in Phase 2 and the CBD, which is within 2km of the EIRDP development, will be available to residents. The quantum of such jobs will be dependent on the skills set that local EIRDP residents have to offer the market place.

5.7.3 The impact of the proposal on the existing or proposed development or rights

The land surrounding the EIRDP is vacant except for the Qalakabusha Prison and Exxaro Mineral Refinery on the Western edge.

No negative impacts on these two developments are anticipated from the EIRDP.

The new “Waterstone City” mini regional shopping centre, lifestyle centre and proposed Medium Density Housing to the east of Phase 1 together with the new proposed Light Industrial Development and Medium Density housing to the north are all being developed by the original owners of the Waterstone development.

The developers are also the implementing agents for EIRDP.

They have provide input into the planning process to such a degree that they are satisfied that their mulit-million rand new regional shopping centre and other developments are not going to be unduly impacted on in the Empangeni CBD but would rather strengthen this existing economic hub of Empangeni.

5.7.4 The impact of the proposal on the character of the area

The Phase 2 area is a combination of free, state assisted homes of 40m², FLISP, social housing and bonded homes and apartment complexes with surrounding land being non-residential as described above.

There should thus be no impact on the current urban fabric character or socio-economic environment because what is being proposed is a new community of mixed housing density, typology and socio-economic groupings each with their own neighbourhood of similar character which blend together to create a fully functional truly integrated new residential area catering for a wide spectrum of income groups.

Note : There are no immediate neighbours with long view of ±650m from the existing Hillview housing being the closest neighbor overlooking the site.

6. CONSIDERATION OF RELEVANT PRINCIPLES, POLICIES, GUIDELINES AND LEGISLATION

6.1 Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)

The application complies with the principles set out in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), and in particular:

(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 development caters for a combination of

- State assisted homes of (RDP) Reconstruction and Development Program and FLISP (Financially Linked Individual Subsidy Plan) houses which were not previously available to individuals, and
- Social housing
- Bonded cluster housing and flats
- Freestanding sites for self built homes

- (ii) *Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterized by widespread poverty and deprivation;*

This development is wholly in compliance with the Spatial Development Framework of the uMhlathuze Municipality and is earmarked in the SDF as a “Future Expansion Area”.

It is proposed as a state funded housing scheme to resettle the families from informal settlements, former homeland areas and all areas within the uMhlathuze Municipal area characterized by wide spread poverty and deprivation or lack of housing opportunity across all socio-economic groupings.

- (iii) *Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;*

The development is proposed for the housing of previously disadvantaged communities and persons with the requisite funds to install services and build state assisted homes already in place from the Department of Human Settlements.

- (iv) *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;*

The uMhlathuze Municipality has included in their current Land Use Scheme various zones and uses which cater for the management of areas such as the EIRDP. The system also insures the correct balance of community facilities to ensure that the public has easy access to them.

- (v) *Land development procedures must include provisions to accommodate access to secure tenure and the incremental upgrading of the informal areas; and*

Full security of tenure will be granted to all freestanding homes in EIRDP and the rental agreements concluded within the ambit of the social housing scheme provide security of occupation of rentals affordable to low income families.

- (vi) *The 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 an application.*

The Municipality has provided the Municipal Planning Tribunal with the relevant training and understanding of this legislation to ensure that the principles thereof are adhered to.

- (b) *The principle of spatial sustainability, whereby spatial planning and land use management systems must-*

- (i) *promote land development that is within the fiscal, institutional and administrative means of the Republic;*

The development has the majority of its funding from the state and will be controlled by the uMhlathuze Municipality, represented by the Implementation Agent: Waterstone Country Estate (Pty) Ltd, which will promote economic growth without drawing on or detracting from the fiscal, institutional and administrative means of the Republic.

- (ii) *ensure that special consideration is given to the protection of prime and unique agricultural land;*

An agricultural assessment was undertaken on the said property and circulated to the Department of Agriculture. No objection from the Department to this process of releasing the property from Act 70 of 70 was received. During the DFA process, the Department of Agriculture were advised by the DFA secretariat that Act 70 of 70 was to be suspended/superseded during the DFA approval process.

- (iii) *Uphold consistency of land use measures in accordance with environmental management instruments;*

A positive Record of Decision confirms that the development is environmentally sustainable and can be considered sound land development practice. The decision was been amended and the new Environmental Authorisation approved the densification as proposed in this application.

- (iv) *Promote and stimulate the effective and equitable functioning of land markets;*

The full range of state assisted and open market bonded housing opportunities are available in Phase 2. No distortion of the land market is thus foreseen.

- (v) *Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;*

The relevant cost benefit studies have been undertaken and have been deemed acceptable by the Municipality and the Provincial Department of Human Settlement. The parties are making funding available for the development.

- (vi) *Promote land development in locations that are sustainable and limit urban sprawl; and*

This proposal is situated 500m-2km from the Empangeni CBD and 5km from the main Empangeni Industrial area. It is fully sustainable and does not promote urban sprawl.

- (vii) *Result in communities that are viable;*

The mixture of different tenures and land uses allows this development to be viable and sustainable with residents having easy access to job opportunities and necessary infrastructural services and community facilities.

- (c) *The principles of efficiency, whereby*

- (i) *Land development optimizes the use of existing resources and infrastructure*

The proposed development ensures that all natural resources have been protected with minimal impact by the development and full use of existing infrastructure is made.

- (ii) *Decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts; and*

The relevant legislated procedures and bodies are all in place for the application to be assessed fully and efficiently, such that it will not result in any of the above mentioned impacts. It is no different to the same types of state assisted housing and social housing schemes being undertaken in virtually every town or city in the Republic of South Africa.

- (iii) Development application procedures are efficient and streamlined and time frames are adhered to by all parties;*

The uMhlathuze Municipality applies the time frames of the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, to ensure efficient and streamlined processing of applications.

- (d) The principle of good administration, whereby*

- (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;*

This development proposal has from its inception been circulated to various relevant departments who commented and approved the development thereby confirming the relevance of the land uses already approved.

- (ii) All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;*

The application has been fully circulated and relevant departments have commented/approved the proposal.

- (iii) The requirements of any law relating to land development and land use are met timeously*

The prescribed time frames have been adhered to, and extensions of time have been granted where it has been deemed necessary.

- (iv) The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent process of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and*

This application is following all the necessary public participation processes as prescribed in the uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, which ensures the application process is transparent.

- (v) Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.*

The uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017, clearly stipulates the necessary procedures to ensure the public is fully informed and empowered. These procedures will be followed in this application.

6.2 Compliance with the Municipalities Integrated Development Plan, Spatial Development Framework and Human Settlements Plan

The proposal is compliant with the Municipalities Integrated Development Plan and Spatial Development Framework as approved and reviewed during 2020.

In terms of the uMhlathuze Municipality Spatial Development Framework, eMpangeni Integrated Residential Project is part of the areas identified by the municipality as Restructuring Zones which are used to open up areas which have major economic opportunities and for poor people who have been excluded or to protect poor people from being displaced from areas within economic opportunities. The advantage of having an area declared as a restructuring zone is that it facilitates access to the restructuring or institutional grant from the Department of Human Settlement to implement a social/rental housing project such as EIRDP. In terms of the Municipal Planning, the

[illegible]

6.2.1 Alignment with the Municipality's IDP

The following goals, objectives and strategies as set out in the uMhlathuze Municipality's IDP would apply to this application:

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27

NATIONAL KPA 2 : BASIC SERVICES AND INFRASTRUCTURE PROVISION		
GOALS	OBJECTIVES	STRATEGIES
		6.1.1.7 Efficient processing of development application and building plans

The Empangeni Integrated Residential Development Project is a key human settlements project identified in the Municipality's IDP.

6.2.2 Alignment with the Municipality's Human Settlements Plan

Section 9 (1) of the National Housing Act states that every municipality must, as part of the municipality's process of Integrated Development Planning (IDP), take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to--

- a) ensure that—
 - i) the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;
 - ii) conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented or removed;
 - iii) services in respect of water, sanitation, electricity, roads, stormwater drainage and transport are provided in a manner which is economically efficient;
- b) set housing delivery goals in respect of its area of jurisdiction;
- c) identify and designate land for housing development;
- d) create and maintain a public environment conducive to housing development which is financially and socially viable;
- e) promote the resolution of conflicts arising in the housing development process;
- f) initiate, plan, co-ordinate, facilitate, promote and enable appropriate housing development in its area of jurisdiction;
- g) provide bulk engineering services, and revenue generating services in so far as such services are not provided by specialist utility suppliers; and
- h) plan and manage land use and development.

The Municipal Human Settlements Plan enables the Municipality to strategically plan housing development within its area of jurisdiction. Human Settlement Plans are the ideal vehicle for recording information relating to the Municipality's human settlements projects.

The Empangeni Integrated Residential Development Project forms an integral part of the Municipality's target to provide access to housing. The project would aim to provide 10 000 housing units over time.

6.2.3 Alignment with the Municipality's SDF

The Municipality's Spatial Development Framework (SDF) identifies the Empangeni Integrated Residential Development Project as falling within Expansion Area H. In Map 29 of the SDF document, the project is identified as a restructuring zone (application site indicated as "eMpangeni Mega Housing Project"):

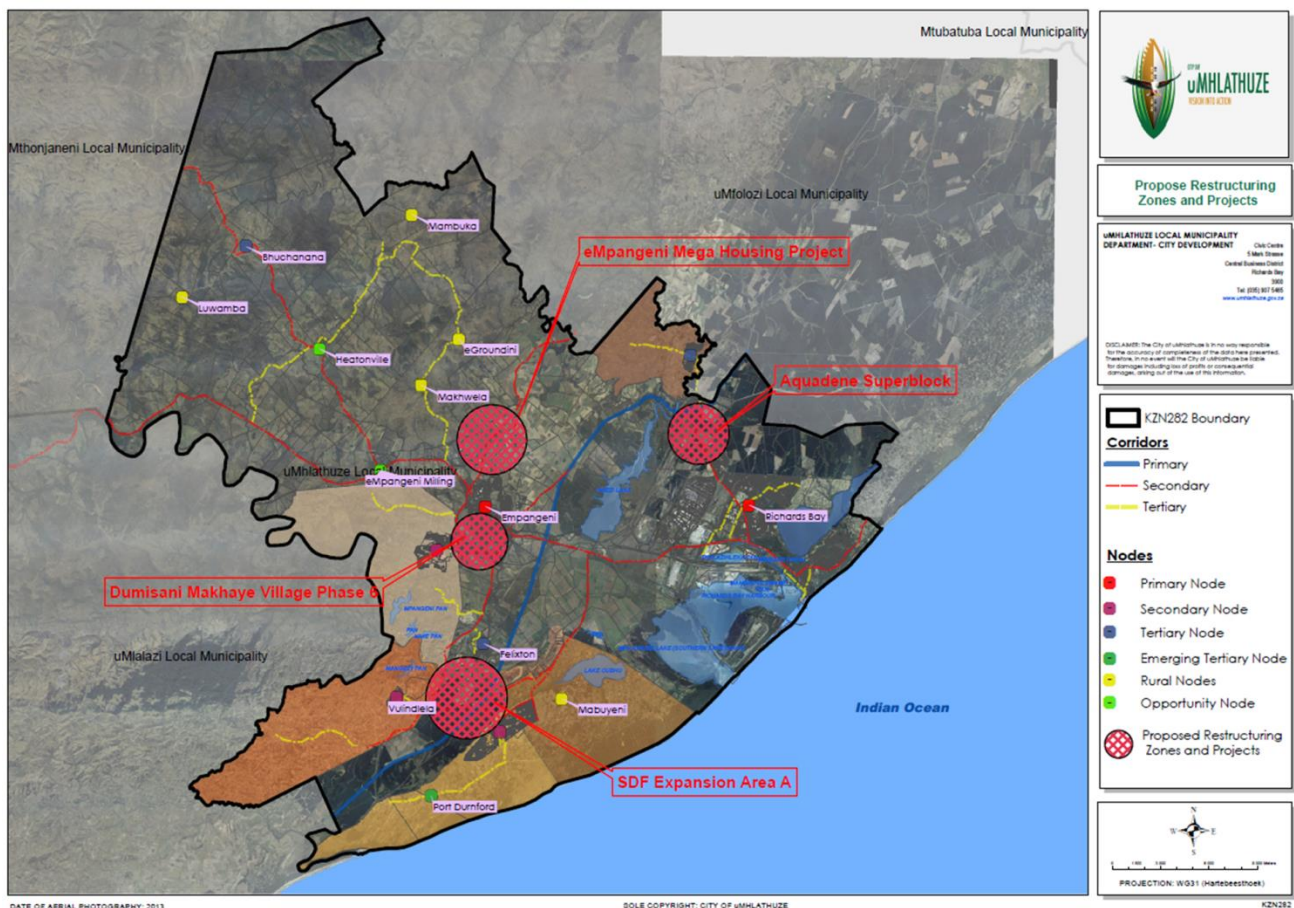


Figure 8: Restructuring Zones identified in the uMhlathuze Municipality

The project is therefore aligned with the Municipality's SDF.

6.4 Any relevant local practice or approach to land use management

The development proposal is being processed through the uMhlathuze Spatial Planning and Land Use Management Bylaw in accordance with the standard Municipal local practice.

The development is to be managed in terms of existing zones within the uMhlathuze Land Use Scheme, all relevant Municipal By-laws, the National Building Regulations and Building Standards Act and specific Title Deed controls.

6.5 Compliance with the uMhlathuze Land Use Scheme

6.5.1 Existing land use and zoning

The existing land use of the land application area is agriculture (sugar cane farming). The existing zoning assigned to the land development area is "Undetermined".

6.5.2 The proposed land uses or developmental rights sought.

The development is to be used for various housing typologies including RDP, FLISP and bonded housing. Bonded apartments will also be developed.

The adjacent table show the detail of the specific land use rights and quatum that are proposed on Plan No. 1522/WD22 dated 06 October 2020.

The specific land use rights being sought are listed below:-

Land Use/Zoning	Phase 2A		Phase 2B		Phase 2C		Phase 2D		Phase 2E		Phase 2F		Phase 2G		Phase 2H		Total	
	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS	ERVEN	UNITS
Residential Only Detached 2, 3, 4 & 5 (RDP,FLISP, BONDED)	96	96	459	459	278	278	316	316	104	104	398	398	54	54	60	60	1765	1765
Residential Only High Density	23	4248	1	248	13	2059	-	-	-	-	-	-	-	-	-	-	37	6555
Utilities and Services	1	-	1	-	1	-	1	-	1	-	1	-	1	-	-	-	7	-
Core Mixed Use 1 and 2 and Medium Impact Mixed Use (Shop)	5	-	2	-	3	-	-	-	1	-	-	-	2	-	-	-	12	-
Worship	2	-	3	-	5	-	2	-	1		1	-	-	-	-	-	14	-
Intermodal Facility	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Education	5	-	4		10	-	2	-	2	-	2	-	-	-	-	-	25	-
Municipal and Government	8	-	4		6	-	1	-	1	-	-	-	3	-	-	-	23	-
Fuel Filling Station	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Health and Welfare	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Passive Open Space	5	-	2	-	2	-	2	-	1	-	2	-	2	-	3	-	19	-
Active Open Space	6		6		8	-	7	-	-	-	10	-	1	-	2	-	39	-
Proposed new Roads	16	-	7		13	-	9	-	1	-	7	-	2	-	4	-	58	-
Existing Roads (MR425)	4	-	-	-	-	-	-	-	-	-	1	-	1	-	1	-	7	-
TOTAL	174	4344	489	707	339	2337	340	316	112	104	422	398	65	54	68	60	2009	8320

In terms of compliance with the uMhlathuze Land Use Scheme, the following should be noted:

- All pan-handles for residential sites have a minimum width of 4m;
- All pan-handles for non-residential sites have a minimum width of 10m;
- Properties to be created comply with the minimum erf sizes and frontage as prescribed by the Scheme, as detailed below and on the layout plan:

ZONING	ERF NO.	MIN. SIZE	MIN. FRONTAGE
<i>Residential Only Detached 2</i>	<i>Various</i>	<i>700m² but <1200m²</i>	<i>18m</i>
<i>Residential Only Detached 3</i>	<i>Various</i>	<i>500m² but <700m²</i>	<i>15m</i>
<i>Residential Only Detached 4</i>	<i>Various</i>	<i>300m² but <500m²</i>	<i>12m</i>
<i>Residential Only Detached 5</i>	<i>Various</i>	<i>120m² but <300m²</i>	<i>8m</i>
<i>Residential Only High Density</i>	<i>Various</i>	<i>1800m²</i>	<i>21m</i>
<i>Utilities and Services</i>	<i>Various</i>	<i>n/a</i>	<i>n/a</i>
<i>Medium Impact Mixed Use</i>	<i>2265, 2102, 2883</i>	<i>400m² to 1000m²</i>	<i>n/a</i>
<i>Core Mixed Use 1</i>	<i>2110, 2031, 4070</i>	<i>>2000m²</i>	<i>n/a</i>
<i>Core Mixed Use 2</i>	<i>2108, 2068, 2951, 2565, 2793, 3520</i>	<i>>1000m² but <2000m²</i>	<i>n/a</i>
<i>Worship</i>	<i>2069, 2758, 2314, 2742, 2281, 2231, 2950, 3171, 2100, 3431, 2812, 3519, 3092, 3990</i>	<i>n/a</i>	<i>18m</i>
<i>Intermodal Facility</i>	<i>2030</i>	<i>n/a</i>	<i>n/a</i>
<i>Education (Creche)</i>	<i>2315, 2759, 2280, 2581, 2723, 2950, 2099, 3432, 2813, 3518, 3989, 3091, 2032, 3602, 2882</i>	<i>500m²</i>	<i>18m</i>
<i>Education (Primary School)</i>	<i>1988, 2133, 2266, 2724, 2856, 2944, 2946</i>	<i>2.4ha without dedicated sport facilities. 4.8ha with dedicated sport facilities.</i>	<i>18m</i>
<i>Education (Secondary School)</i>	<i>2051, 3393, 3560</i>	<i>4.8ha without dedicated sport facilities. 8-10ha with dedicated sport facilities</i>	<i>18m</i>
<i>Municipal and Government</i>	<i>2109, 2067, 2070, 2146, 2033, 1987, 2760, 2761, 2239, 2301, 2389, 2580, 2858, 2931, 3391, 2101, 2771, 3090, 3569, 4071, 4064, 4069</i>	<i>n/a</i>	<i>18m</i>
<i>Fuel Filling Station</i>	<i>2107</i>	<i>1800m²</i>	<i>36m</i>
<i>Health and Welfare</i>	<i>2009</i>	<i>n/a</i>	<i>18m</i>
<i>Active and Passive Open Space</i>	<i>Various</i>	<i>n/a</i>	<i>n/a</i>
<i>Roads</i>	<i>Various</i>	<i>n/a</i>	<i>n/a</i>

6.5.3 Detailed Description of Land Uses Proposed in Phases 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H

6.5.3.1 Residential

The full range of housing typologies permitted in the Umhlatuze Scheme has been utilized and consists of freestanding houses with different site sizes or apartments at different densities and height.

These have been located on site with the highest density i.e. the apartment in a core closest to the central community facilities with the lower density 240m² freestanding homes surrounding this core and the larger 450m² freestanding homes in a precinct/node to the north and further away from the core.

In short, the principle of Central Place Theory i.e. concentric circles decreasing in density the further away from the central facilities the unit is located.

This central core is surrounded by the major arterial bus route which is proposed as an Activity street providing access to public transport at a ±500m walk for all residents in Phase 2.

6.5.3.1.1 Socio Economic Housing Distribution:

From a socio-economic point of view homes are being made available to the full spectrum of socio-economic groupings ranging from RDP families earning below R3 500 per month through the Financial Linked Subsidy Plan (FLISP) beneficiaries who cannot earn more than R22 000 per month and, finally, the bonded sector of the market.

It is proposed to have a gradation and mix of income groups across the development in the following basic groupings:

- RDP = Low Income
- RDP/FLISP = Low/Medium Income (including Social Housing)
- FLISP = Medium Income
- FLISP/Bonded = Medium/High Income
- Bonded = High Income

This combination of different housing typologies with discreet pockets of different income groups has proven to be the most successful and socially cohesive method of accommodating the full range of income groups in a large development area such as the EIRDP.

The table below, which is an extract from the Phase 2 layout submitted for approval, depicts these various house typologies and their quantum of provision.

The specific allocation of varying income group families into specific areas and houses will be a responsibility of the Municipality.

ZONING AS PER UMHLATHUZE LAND USE SCHEME		INTENDED LAND USE	TOTAL			
			No. of Erven	No. of Units	Area (m²)	%
RESIDENTIAL ONLY DETACHED 5		RESIDENTIAL DWELLING (minimum >120m²<300m² site size)	1227	1227	31.49	12.27
RESIDENTIAL ONLY DETACHED 4		RESIDENTIAL DWELLING (minimum >300m²<500m² site size)	468	468	17.22	6.45
RESIDENTIAL ONLY DETACHED 3		RESIDENTIAL DWELLING (minimum >500m²<700m² site size)	64	64	3.89	1.47
RESIDENTIAL ONLY DETACHED 2		RESIDENTIAL DWELLING (minimum >700m²<1200m² site size)	6	6	0.46	0.23
RESIDENTIAL ONLY HIGH DENSITY		MULTI-UNITS RESIDENTIAL (Ø100,120, and 150 units/ha)	37	6555	49.04	19.00
UTILITIES AND SERVICES		SERVICES (Incl pump station,waste transfer site etc)	7	—	0.44	0.18
MEDIUM IMPACT MIXED USE		COMMERCIAL (SHOP)	3	—	0.25	0.09
CORE MIXED USE 1		COMMERCIAL (SHOP)	3	—	1.72	0.67
CORE MIXED USE 2		COMMERCIAL (SHOP)	6	—	0.59	0.21
WORSHIP		WORSHIP	14	—	2.84	1.12
INTERMODAL FACILITY		INTERMODAL FACILITY	1	—	1.97	0.76
EDUCATION		EDUCATION (CRECHE, PRIMARY / SECONDARY SCHOOLS)	25	—	36.39	13.93
MUNICIPAL AND GOVERNMENT		MUNICIPAL AND GOVERNMENT (Incl.COMMUNITY HALL,FIRE STATION, LIBRARY, etc.)	23	—	13.37	5.20
FUEL FILLING STATION		FUEL FILLING STATION (PUBLIC GARAGE)	1	—	0.36	0.30
HEALTH AND WELFARE		HEALTH AND WELFARE (HOSPITAL, CLINIC etc)	1	—	3.04	0.78
PASSIVE OPEN SPACE		PASSIVE OPEN SPACE (WATERCOURSES,EPTLS,etc)	19	—	53.72	20.07
ACTIVE OPEN SPACE		ACTIVE OPEN SPACE (PUBLIC PARK, PLAYLOTS, SPORTSFIELDS,etc)	39	—	6.50	3.41
PROPOSED NEW ROADS		PROPOSED NEW ROADS	58	—	30.58	11.48
EXISTING ROADS		EXISTING ROADS	7	—	6.30	2.40
TOTAL			2009	8320	260.04	100.00

6.5.3.2 Architectural Style and Urban Design Principles

A full range of proposed architectural individual site plans showing house location and car parking provision 3 dimensional images of all housing typologies and a 3 dimensional rendering of a typical street frontage Reconstruction and Development Program (RDP), Financially Linked Individual Subsidy Plan (FLISP) and bonded housing clusters or neighbourhoods have been prepared (Attached as **Annexure "P"**).

These architectural images have been augmented by some of the basic urban design principles of how streetscapes and public parts will be landscaped and developed together with a pallet of colours that will be used to introduce variety into the urban streetscape. These are a true reflection of the built product which is a very different and improved overall streetscape that is usually created in lower cost townships.

Upon consideration and approval of this application, the plans will be submitted to the uMhlathuze Municipality's Aesthetics Committee for consideration.

6.5.3.3 Commercial Developments

A functional hierarchy of shops has been provided within Phase 2 as shown in the bullet points below.

This hierarchy cannot be viewed in isolation because of the massive shopping component in the Empangeni CBD and the new Waterstone City mini regional centre which are within 2km of Phase 2:

- CBD (in Empangeni 3km) 1 in total.
- Regional (in Waterstone City 2km) 1 in total.
- Neighbourhood Centre (in Phase 2 - Erf 2031 & 4070) 2 in total.
- Local Cluster Nodes (in Phase 2 – Erven 2068, 2102 , 2110, 2265, 2565, 2793, 2883, 2951, 3520,) 9 in total.
- 2 Bottle Stores are able to be located on Erven 2108 and 4070 without infringing on 500m restriction required from a Worship or School site

With regard to industry two private sector business parks/industrial parks are proposed within 1km of the northern and eastern edge of the phase so no industrial sites are proposed.

6.5.3.4 Work Opportunities

Work opportunities in the two abovementioned industrial parks above, the new regional shopping centre and the Empangeni CBD are thus within walking distance or short taxi journey of Phase 2.

The Empangeni Industrial area is only ± 5 km away i.e. an easy 10minute vehicle journey and the larger opportunities in Richards Bay are only an approximate 30 minute vehicle journey away.

6.5.3.5 Community Facilities

The full range, type and quantum of community facilities that have been provided have been determined utilizing the CSIR Norms as fully articulated in Section 5.6

With the very short walking distance from the major arterial bus route to virtually all units in Phase 2 these facilities have been either centrally placed for major high level facilities or strategically placed at interceptorary points of highest accessibility to residents by road or footpath network such that the majority of homes have to walk only ± 200 m to reach local community sites and ± 500 m to reach the central major facilities.

Specific sites for worship and creches have been identified in a proportion which is deemed acceptable.

A number of sites zoned for Municipal and Government have been left with no prescribed uses.

Such uses will be determined by the Municipality, who own these sites in conjunction with the future residents as and when the desired range and type of community facility has been agreed upon by the Municipality in response to resident requirements

6.5.3.6 Education

7 primary school sites of 2.8 ha inclusive of sports facilities and 3 senior school site of 4.8ha inclusive of sport facilities have been provided in accordance with the latest norms of the Department of Education.

These schools have been evenly spread around in close proximity to main roads for ease of access but not taking access of such major roads. All access points including dedicated bus laybys are located off secondary minor roads.

Various Creche sites have also been provided.

6.5.3.7 Open Space and Conservation/1:100yr Floodline

6.5.3.7.1 Passive Open Space (Conservation and 1:100yr floodline)

The original Environmental Impact Assessment (EIA) and Environmental Approval for the DFA approved layout included 4 riparian areas including the Ukula river for conservation to accommodate wetland areas and their buffers as well as the 1:100yr floodline.

An area of 53.74ha have been left unchanged in the new ERIDP layout for Phase 2. In this way sensitive riparian areas have been protected and homes have also been kept out of the 1:100yr flood year danger zone.

To increase visibility and access of the natural open spaces all roads have been extended onto conservation areas to allow for the residents to have multiple access points to enter the conservation area and go for walks along controlled footpaths which the Municipality can construct when they have funds.

6.5.3.7.2 Active Open Space

Public Open Space in the form of 3 sports fields and play areas have been provided in accordance with the CSIR norms.

These areas are evenly distributed such that no resident is further than 500m away from a sports field or more than 200m from a play area.

The design principle that has been used is to have all the open spaces highly visible and where possible surrounded by roads to improve security for children playing in these areas.

6.5.3.7.3 Central Sports Complex

In accordance with the CSIR Norms a central complex of 5ha on erf 2054 has been provided in a high accessible position in the central node. This facility has had a preliminary layout prepared for to confirm that it will accommodate the following facilities:

- Cricket Oval, Hockey;
- Athletics Track;
- Soccer Field;
- Grandstand with offices below;
- Olympics and Kids Pool;
- Tennis, Basket, Netball and Kombi Court;
- Parking; and
- Urban Park.

6.5.3.8 Roads and footpaths

A comprehensive well planned hierarchy of roads has been utilized in the preparation of the subdivisonal layout plan for Phase 2 as a whole.

This hierarchy comprises the following road network/pattern

- 30m road reserve from Main Road 425 which is the main arterial/express way route into Empangeni and Richards Bay (via the John Ross Highway)
- 16m bus route acting as the major residential collector
- 12m taxi routes acting as minor residential collectors
- 10m residential roads acting as direct links to all homes (Note : Panhandles have not been used)
- Footpath network. A network of footpaths either along the edge of the roads (green dotted line on layout plan) or specific footpath subdivisions have been provided to link all subphases/ areas within Phase 2 together and to link Phase 2 as a whole to Phase 1, Hillview extension and the new commercial development proposed on the other side of the MR245 which forms the eastern edge of Phase 1.

7. SUPPORT FROM RELEVANT COMMENTING AGENTS

7.1 Regional Land Claims Commissioner

The Office of the KZN Regional Land Claims Commissioner in their letter dated 3 March 2020 confirmed that Erf 1 Waterstone is not currently subject to a land claim (attached as **Annexure "R"**)

7.2 KZN Department of Transport

In their letter dated 26 November 2019 (attached as **Annexure “S”** – Ref: T10/2/2/674/3). The Department of Transport (DoT) supported the application in principle, subject to conditions listed in their letter of approval are adhered to and were incorporated into the Conditions of Establishment.

7.3 Transnet Freight Rail

As a result of the application site bordering onto an existing railway line (northern border of the application site), comment was obtained from Transnet Freight Rail.

In their letter dated 29 April 2019 attached as (**Annexure “T”**), Transnet notes that they are not affected by the development.

7.4 Eskom

In their letter dated 24 May 2019 (attached as **Annexure “U”** – Ref: INV41/2019), Eskom supports the application subject to the Conditions 1-18 listed in the letter of approval.

7.5 Department of Education

In their letter dated 13 May 2019 (attached as **Annexure “V”**– Ref:8/1/4DC28/KZN Erf 1). The Department of Education supports the application.

7.6 Telkom / Open Serve

As a result of the proximity of the proposed development to the existing telecommunication lines, Telkom/Open Serve was consulted.

Their response letter is attached as (**Annexure “W”**).

7.7 Department of Health

In their letter dated 20 July 2020 (attached as **Annexure “X”**). The Department of Health supports the application.

8. **CONCLUSION**

It is submitted that this report has adequately demonstrated that there is a need for the proposal, that the development as proposed is as desirable on this particular site and that the development proposal is acceptable in terms of :-

- The National Environmental Management Act, with an Environmental Authorisation already granted,
- Planning requirements, as set out in the uMhlathuze Spatial Planning and Land Use Management Bylaw,
- Sound and well balanced town planning principles and guidelines,
- The uMhlathuze Land Use Scheme Controls, and
- Sustainable engineering designs.

In view of the above, the Municipal Planning Approval Authority is respectfully requested to approve the application subject to the draft Conditions of Establishment attached as **Annexure “I”**.