



MKHAMBATHINI SCHEME

COMPANION DOCUMENT

SUPPORTED BY



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1 INTRODUCTION AND BACKGROUND

The preparation of the wall-to-wall scheme is a legislative requirement which relates to the enactment of the KwaZulu-Natal Planning and Development Act (No. 6 of 2008). The Act states that municipalities “must within five years from the commencement of the Act adopt a scheme or schemes for its whole area of jurisdiction, unless the Member of the Executive Council has granted an extension of time”. The Mkhambathini Municipality is therefore obligated to have a scheme over the whole municipal area.

1.1 Origin and Purpose of the Scheme

The Municipal Systems Act (No. 32 of 2000), requires that municipalities prepare an Integrated Development Plan for the municipal area, of which the Spatial Development Framework (SDF) is a sectoral component. The SDF provides an overall vision (for at least a 20-year horizon) and identifies intervention areas and provide guidelines for the planning and development of the municipal area. Whilst SDFs provide the overall future vision at a strategic level, schemes determine and manage property rights and set in place the mechanisms for the consideration of applications in order to give effect to changes in land use development and rights.

A scheme is a statutory document and a tool used by municipalities to guide and manage development according to the vision, strategies and policies of the Integrated Development Plan and Spatial Development Framework (KZN-COGTA, 2011). It is intended to promote sustainable development and an improved quality of life, particularly in the interest of the public. This relates to creating coordinated, harmonious and sustainable development in a way which efficiently promotes good health, safety, order, amenity, convenience and general welfare in the process of development.

In addition to this, the scheme should be able to inform and assist all private and public stakeholders to make logical decisions on physical development (technical, engineering, town planning etc.) in relation to capacities of bulk services within the municipality.

The Scheme document will comprise of the following:

- A legal framework in which land use management operates;
- Appropriate land use and general definitions;
- Standard Zones and districts which will apply throughout the municipality;
- Statements of intent to guide decisions for each zone;
- Appropriate controls for each zone, district and management area, where applicable
- Procedures for considering the use, development and subdivision of land
- Procedures for capturing and managing land uses and Consent Uses Linked to Zoning Information

2 APPROACH TO SCHEME

This section seeks to identify an appropriate approach for the Mkhambathini Scheme with due regard for the characteristics of the landscape, settlement patterns and its natural resources. Mkhambathini Municipality is made up of four distinct land uses: urban areas, rural settlements, agricultural land and its untouched natural environment. Achieving a regional balance is a central theme to maintaining a dynamic balance between the three basic landscape of the municipality: the **urban, rural and wilderness**. In doing so, one will have to define what these three landscapes mean and how they should be dealt with in the preparation the Mkhambathini Scheme.

2.1 The Urban Landscape

The urban is an identity assigned to a place with concentrations of what are seen to be urban-type characteristics. These include a concentration of people, non-agricultural activities and a much higher density of human structures such as houses, commercial buildings, roads, bridges, and railways than its surrounding areas. These characteristics can currently be seen in Camperdown and Umlaas Road.

Camperdown is the main urban centre in the municipality, providing high order goods and services, residential and commercial accommodation. Camperdown is largely residential in nature with a relatively small business and retail sector. Its immediate surrounding is dominated by agricultural land uses such as sugarcane farms and poultry farming. Umlaas Road, on the other hand, is a mixture of industrial and commercial activities surrounded by agricultural land. These two areas currently constitute the urban landscape in Mkhambathini Municipality.

Manderston and Mid Illovo are small settlement areas located on agricultural land. These two areas have urban characteristics and the intention is to incorporate them into the urban scheme component of the Mkhambathini Scheme.

2.2 The Rural Landscape

The rural landscape refers to areas where the characteristics identified for the urban landscape is partially existent with less intensity. This will include settlement areas with both high and low densities yet without the variety of land uses which are found in the urban area and areas where primary and secondary agricultural activity is present. These include areas like Eston, Manderston, Mid Illovo, Ophokweni, Maqonqo, Ngilanyoni and Ezimwini.

2.3 The Wilderness Landscape

Within the context of the urban-rural-wilderness continuum, the wilderness represents areas which have still retained their natural characteristics and have little or no impact from human activities. These are areas which are either formally or informally designated as having biodiversity significance based on the presence of particular animal and plant species, rivers and their surroundings, mountains and valleys as well as areas which are considered unfit for development (for example, steep slopes, flood plains, etc). In Mkhambathini Municipality, areas such as these are found in the north like Table Mountain, Nagel Dam and also areas north of Camperdown which have been designated as Critical Biodiversity Areas. Limited development will be permitted in these areas. The scheme will therefore make appropriate proposals to ensure that such areas are conserved and managed accordingly.

2.4 Types of Schemes

The Mkhambathini Scheme will be made up of two types of schemes. These are the Urban Scheme and the Rural Scheme. The Urban scheme is intended to cover Camperdown/Umlaas Road, Manderston and Mid Illovo. The rural scheme, on the other hand will cover land held in trust of the Ingonyama Trust Board and land regulated by the Subdivision of Agricultural Land Act (No. 70 of 1970). The Scheme Typology map depicts areas where urban and rural schemes will be applied.

The rural scheme will be a policy-based scheme to control and manage land within the appropriate context of traditional processes and the appropriate acknowledgement of the Subdivision of Agricultural Land Act (No. 70 of 1970) on agricultural land within infringing on the mandate of the Department of Agriculture, Forestry and Fisheries.

Agricultural Land within South Africa is regulated by the National Department of Agriculture, Forestry and Fisheries (DAFF) as custodians of agricultural land by means of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970). Any development or assignment of land use rights on land regulated by this Act requires consent from the DAFF. The majority of sites in the mid-section of the Mkhambathini Municipality is affected by Act 70 of 1970.

In preparing a policy-based scheme over traditionally-owned land, emphasis will be on preferred and non-preferred land uses and the processes for land development based on applicable legislation and indigenous practices currently applied on traditionally-owned land.

The intent of this policy-based scheme is to assist the municipality in decision-making processes on land development on agricultural land without undermining the provisions of the Subdivision of Agricultural Land Act (No. 70 of 1970) and traditional processes of land allocation. The scheme is intended to be flexible yet providing the necessary parameters within which land development can occur.

3 POLICY INFORMANTS

The preparation of the Mkhambathini Scheme is to be informed by a number of policy documents and legislative prescriptions to ensure that the preparation and successful implementation of the scheme goes to achieve national, provincial and municipal goals.

3.1 Legislative Requirements

The main legislative piece requiring the development of a scheme is the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008), which guides the process for approval of a scheme through public participation. The PDA also took cognisance of other legislative pieces. The process that will be followed to formalise the scheme will therefore be in line with other relevant pieces of legislation. The pieces of legislation as listed in the table below impacts directly on scheme development and will be considered during preparation of this scheme. Table 1 is an extract of impacting legislation obtained from the Guidelines for Development of Schemes, 2011.

Table 1: Legislation Directly Impacting on Scheme Development

Legislation	Responsible Department	Content Applicable to the development of Schemes
Municipal Systems Act, 2000 (Act No. 32 of 2000) and Municipal System Act Regulations 2001.	Department of Co-operative Governance and Traditional Affairs	Integrated Development Plans (Chap. 5) Spatial Development Framework – Land Use Management System (Sect. 26(e) and Regulations) Multi-sectoral planning, coordination and alignment (Sect. 24) Strategic Environmental Assessment of SDF (Regulations) Community Participation (Chap. 4)
KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008)	Department of Co-operative Governance and Traditional Affairs	Schemes – preparation, amendment and adoption The preparation of layout plans The alteration of Schemes Provides for provincial planning and development norms and standards Makes reference to the Development Facilitation Act principles
Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)	Department of Agriculture	Consent to give notice that a Scheme relating to agricultural land has been prepared for or submitted by a municipality and approval thereof
National Environmental Management Act, 1998 (Act No. 107 of 1998); Environmental Impact Assessment Regulations	Department of Environmental Affairs	National Environmental Management Principles Integrated Environmental Management Environmental Management Plan Environmental Impact Assessment of Schemes Environmental Impact Assessment of certain development proposals
National Water Act, 1998 (Act No. 36 of 1998)	Department of Affairs	Has a direct impact on the land use around state-owned dams
Communal Land Rights Act, 2004 (Act No. 11 of 2004)	Department of Rural Development and Land Reform	The legal registration of communities and their rules – regulate administration and use of communal land; Registration of land tenure rights (community, family, household or person); Establishment of a communal land register; Conditions for the transfer of communal land; Conversion of registered land tenure rights into

		freehold; Comparable redress where tenure cannot be secured; Eviction of a person whose tenure right has been terminated; Establishment of land administration committees – can be Traditional Council; Establishment of land rights boards; Land dispute resolution process
National Land Transport Act, 2009 (Act No. 5 of 2009).	Department of Transport	Transport Planning Relationship with Transport Authorities

Source: KZN Guidelines for Development of a Scheme, 2011.

The Mkhambathini Scheme will also be guided by the spatial principles of the Spatial Planning and Land Use Management Bill, 2011 (SPLUMB) as summarised in Table 2.

Table 2: SPLUMB Principles

Spatial Justice	<ul style="list-style-type: none"> • Past spatial and other development imbalances are redressed through improved access to and use of land; • Spatial Development Frameworks and policies at all spheres of government address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation; • Spatial planning mechanisms, including land use schemes, include provisions that enable redress in access to land and property by disadvantaged communities and persons; • Land use management systems are inclusive of 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; • Land development procedures will include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and • Where a planning tribunal considers an application before it, the planning tribunal's exercise of discretion may not be impeded or restricted on the ground that the value of land or property is affected by the outcome of the application;
Spatial Sustainability	<ul style="list-style-type: none"> • Promote land development that is within the fiscal, institutional and administrative means of the country; • Ensure protection of the prime and unique agricultural land, the environment and other protected lands and the safe utilisation of land; • Promote and stimulate the effective and equitable functioning of land markets; • Consider all the current and future costs to all parties for the provision of infrastructure and social services in land developments; • Promote land development in locations that are sustainable and limit urban sprawl; • Result in communities that are viable;
Spatial Efficiency	<ul style="list-style-type: none"> • Land development optimises the use of existing resources and infrastructure; • Decision-making procedures are designed with a view to minimising negative financial, social, economic or environmental impacts; and • Development application procedures are efficient and streamlined and time frames are adhered to by all parties;
Spatial Resilience	<ul style="list-style-type: none"> • Flexibility in spatial plans, policies and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks;
Good Administration	<ul style="list-style-type: none"> • 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; • No government department may withhold their sector input or fail to comply with any other prescribed requirements during the preparation or amendment of Spatial

	<p>Development Frameworks;</p> <ul style="list-style-type: none"> • The requirements of any law relating to land development and land use are met timeously; • The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, to include transparent processes of citizen participation and all parties to have the opportunity to provide inputs on matters affecting them; and • Policies, legislation and procedures must be clearly set out and inform and empower citizens.
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Source: Spatial Planning and Land Use Management Bill (2011)

3.2 Provincial Policies

The provincial policies that impact on the scheme development are summarised as follows:-

1.1.1 Provincial Growth and Development Strategy

The KwaZulu-Natal Provincial Spatial Development Plan adheres to nine principles to guide development in the Province to enhance the provisions of the SPLUMB. The nine principles of the PGDS are depicted in the diagram below. These principles emphasise the general spatial intentions of the PGDS and serves as provincial guiding principles which should ideally be pursued within all levels of spatial planning at district and local level in alignment with the Provincial Spatial Development Strategy.

Figure 1: PGDS Spatial Development Principles

Principle of Sustainable Communities	<p>The Principle of Sustainable Communities promotes the building of places where people want to live and work. Again the sense of Quality of Living refers to the balance between environmental quality, addressing social need and promoting economic activities within communities. Often communities within the rural context of KwaZulu-Natal are not located in the areas with perceived highest economic potential. Where low economic potential exists planning and investments should be directed at projects and programmes to address poverty and the provision of basic services in order to address past and current social inequalities towards building sustainable communities.</p>
Principle of Economic Potential	<p>The Principle of Economic Potential aims to improving productivity and closing the economic performance gap between the various areas of KwaZulu-Natal towards economic excellence of all areas. Rapid economic growth that is sustained and inclusive is seen as a pre-requisite for the achievement of poverty alleviation.</p> <p>The principles further promotes the consideration of spatial needs for Economic Competitiveness (Potential) by proposing an asset based spatial approach based on unique advantages and opportunities within various areas. An essential component of this principle is the engagement of the private sector in the refinement and spatial economic needs of any particular zone / area.</p>
Principle of Environmental Planning	<p>The Principle of Environmental Planning (Bioregional Planning) refers to understanding and respecting the environmental character (potential and vulnerability) and distinctiveness of places and landscapes and promoting balanced development in such areas. The PSDF supports environmental planning as the fundamental methodology on which spatial planning should be based. Thus, rather than being a reactionary barrier to commenced development, the environment is seen as an enabling primary informant to spatial planning and development. Environmental planning can be defined as land-use planning and</p>

	management that promotes sustainable development. The environmental planning methodology involves the use of Broad Provincial Spatial Planning Categories to reflect desired land use.
Principle of Sustainable Rural Livelihoods	The Principle of Sustainable Rural Livelihoods considers rural areas in a way which is integrated with other decision making associated with the Sustainable Livelihoods framework. This principle requires that spatial planning consider the locality and impact of human, physical, natural , financial and social capitals of an area and spatially structure these in support of each other. Another aspect of this principle is promoting spatial planning in a continuum where rural areas are not addressed as completely separate entities to urban centres, but rather a gradual change in landscape with the potential progression of rural areas to more closely resemble the service standards and quality of living achieved in some urban contexts.
Principle of Spatial Concentration	The Principle of Spatial Concentration aims to build on existing concentrations of activities and infrastructure towards improved access of communities to social services and economic activities. In practical terms this promotes concentration along nodes and corridors with multi-sectoral investment i.e. roads, facilities, housing etc. This is envisaged to lead to greater co-ordination of both public and private investment and result in higher accessibility of goods and services to communities while ensuring more economic service delivery. This principle will further assist in overcoming the spatial distortions of the past. Future settlement and economic development opportunities should be channeled into activity corridors and nodes that are adjacent to or link the main growth centres in order for them to become regional gateways.
Principle of Local Self-Sufficiency	The Principle of Local Self-Sufficiency promotes locating development in a way that reduces the need to travel, especially by car and enables people as far as possible to meet their need locally. Furthermore, the principle is underpinned by an assessment of each areas unique competency towards its own self-reliance and need to consider the environment, human skills, infrastructure and capital available to a specific area and how it could contribute to increase its self-sufficiency.
Principle of Co-ordinated Implementation	The Principle of Co-ordinated Implementation actually projects beyond spatial planning and promotes the alignment of role-player mandates and resources with integrated spatial planning across sectors and localities. Essentially the principle suggests that planning-implementation becomes a more continuous process and that government spending on fixed investment should be focused on planned key interventions localities. This principle ultimately also proposes a move towards more developmental mandate definitions of the various departments away, from single mandates to enable the spatial alignment of growth and development investment.
Principle of Accessibility	The Principle of Accessibility simply promotes the highest level of accessibility to resources, services, opportunities and other communities. This is intrinsically linked to transportation planning and should consider localised needs for the transportation of people and goods by various modes of transport as guided by the scale and function of a region. At a provincial level there is a strong correlation between the most deprived areas and poor regional accessibility to those areas. In addressing accessibility at provincial and local level, the need for possible new linkages, the upgrade in the capacity of existing linkages and the suitable mix of modes of transport should be considered.

<p>Principle of Balanced Development</p>	<p>The Principle of Balance Development promotes the linking of areas of economic opportunity with areas in greatest need of economic, social and physical restructuring and regeneration at all spatial scales. In practical terms the principles sought to find a balance between the potentially competing land uses by understanding the relationship and integration between major dimensions within the province and promoting a synergetic mixture of land uses in support of each other at various spatial scales.</p>
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3.3 Analyses of Base Informants

A number of key data and information have been analysed to help inform the decisions to be made in the Mkhambathini Scheme. These include the following:

1. Mkhambathini Integrated Development Plan 2012 to 2016;
2. Mkhambathini Spatial Development Framework 2013;
3. The N3 Corridor Development
4. Camperdown Scheme;
5. Land Use Survey;
6. Compilation plans and General Plans;
7. Cadastral Data obtained from the Surveyor General;
8. Property Valuation Roll;
9. Land Ownership;
10. Mkhambathini Municipality Rates By-Laws;
11. Land Claims Data;
12. Heritage Data;
13. Leases on Ingonyama Trust Land; and
14. Capital Projects
15. Norms and Standards for Provision of Facilities

The key Policy related frameworks are discussed below:

1.1.2 Mkhambathini Municipality IDP

The purpose of evaluating the vision of the local authority is to highlight the components which have implications on spatial development. The Vision of Mkhambathini Municipality states that:

By the year **2020** Mkhambathini will be a **sustainable developmental** municipality with **improved quality of life** for its entire people in areas of **basic services, social, economic** and **environmental development**.

A sustainable and developmental municipality requires a set of social, economic, political and institutional elements which will produce opportunities and enhance the current state of the municipality. These include identifying areas where particular types of economic activities can thrive, areas where social infrastructure can be provided and also putting in place measures which will sustain these investments. Land use proposals would include residential, commercial, agricultural, open space and conservation areas; all these are intended to contribute towards a better quality of life for the public at large.

1.1.3 Mkhambathini Spatial Development Framework

The Mkhambathini SDF uses the concept of nodes and corridors to carve its future development path. A hierarchy of nodes which have been proposed are used to determine the roles to be played by selected centres across the municipality. These roles are directly related to available resources and the types of opportunities which could be made available through public investment and intended land uses.

1.1.3.1 Identified Nodes

A hierarchy of nodes are identified in Mkhambathini Municipality as shown in Figure 8. Camperdown is identified as a primary node in the Municipal SDF. It includes areas of small subdivision around the established centre, thus deviating from the ribbon development that has occurred in the past along major routes. The role of the primary node is to provide a range of high order services to the municipality and to attract further future investment. This node has the advantage of being connected to important routes such as the R603, P369, D234, D409 and D832 traversing the nodal area. The following interventions / developments are envisaged within this node:

1. Industrial development;
2. Commercial Development;
3. Decentralization point for local administration of provincial and local government services;
4. Higher order social and commercial services;
5. Integration with major urban centres; and
6. Housing development.

The area of Maqongqo has been identified as secondary node with areas such as Ophokweni, Tilongo and Manderston as tertiary nodes. These areas are to play an important role as service centres to communities and farmers in the northern and central portions of the municipality, providing housing and a smaller range of commercial and social services than what is offered in the primary node.

An emerging tertiary node is identified at Ngilanyoni due to its central location within a highly populated area to the south of the municipality, and its position on the eco-adventure route through to Vulamehlo Municipality.

Following the various current and intended future roles each of these nodes are to play, the new scheme will consider appropriate zonings and development controls to ensure that land use conflicts are minimised.

1.1.3.2 Urban Edge Delineation

The urban edges for Camperdown/Umlaas road, Manderston and Mid Illovo have been influenced by the current urban characteristics found in these areas. The purpose of the urban edge is to provide guidance to the provision of urban related developments within a specific boundary and to offer guidance to where public investment must occur.

The Camperdown/Umlaas Road urban edge encompasses the current town and immediate surroundings of Camperdown and Umlaas Road. Urban development and the provision of public services are to be encouraged within the boundary in keeping with the ideals of urban containment and responsible public investment.

The Manderston and Mid Illovo urban edge has been put in place only as a preferred location for further urban-type developments. Within these boundaries public and private investment are to be encouraged whilst discouraging sprawl as well as serving as service centres for the surrounding farming communities.

The new Mkhambathini scheme will acknowledge the current uses and assign zonings which correspond to the intended functions envisaged within the Camperdown/Umlaas Road Complex, Manderston and Mid Illovo as defined within the urban edges.

1.1.3.3 Agricultural Potential within Urban Edges

The agricultural potential within the urban edges of Camperdown/Umlaas Road, Manderston and Mid Illovo were investigated. This is influenced by the current intention to enlarge the existing jurisdiction of the urban scheme area in Mkhambathini.

A greater portion of the Camperdown/Umlaas Road falls within the 'permanently transformed' category of agricultural potential. For Manderston and Mid Illovo, existing developed areas have little potential for agricultural activity. Subdivisions of less than 20 hectares per site have occurred and deem to be not viable for any form of substantial agricultural activity.

1.1.4 The N3 Corridor Development

The Provincial Spatial Economic Development Strategy (PSEDS) identifies the N3 Corridor as the Primary Provincial Corridor and this is further strengthened through the significance placed on the corridor within the Provincial Growth and Development Strategy (PGDS) and its associated Provincial Spatial Development Plan. The N3 Development Corridor is a strategic project intended to unleash the potential for industrial development related to transportation and logistics along the Durban-Free State-Gauteng Logistics and Industrial Corridor.

For Mkhambathini Municipality, the potential strategic impact of the corridor is seen as essential for the future economic growth of the municipality. The N3 route provides access to the town of Camperdown, Umlaas road and the Lion Park vicinity. This route also plays a significant role in the municipality's tourism potential and provides continued capacity for agricultural production and distribution.

With its strategic location along the N3 route between Durban and Pietermaritzburg, increasing interest in the logistics and warehousing related industries has emerged in at Umlaas Road.

Three significant interchanges, the Camperdown Interchange, Lion Park and the Umlaas interchanges are intended to be upgraded as part of improving circulation pending future industrial developments which will occur along this section of the N3 Development Corridor. These will create more capacity for increased road freight within these interchanges.

The impact of this includes release of land for industrial activity within the vicinity of these interchanges, thus dictating the need for appropriate zonings in these areas. A range of industrial zonings and supporting zones for complementary land uses are envisaged.

1.1.5 Camperdown Scheme

Mkhambathini Municipality currently has the one urban scheme for Camperdown. The rest of the municipality is not covered by a scheme. The Camperdown scheme will act as a base document to inform the compilation of the new scheme, with the aim of ensuring existing land uses are incorporated and modified where necessary.

1.1.6 Norms & Standards for provision of facilities

When considering the provision of social facilities, a certain set of norms and Standards should guide the provision and future planning of such facilities. The erstwhile KwaZulu-Natal Planning Commission developed a set of standards for the provision of such facilities, and although it is being reviewed by the Department of Co-operative Governance and Traditional Affairs, it can still be utilised as guidelines to plan for the provision of facilities. The relevance of this section to the scheme relates to the need of land for the development of such facilities.

With the development of a scheme the municipality has the option, whilst going through a public participation process, to ensure that land with the necessary land use rights are available to provide in the necessary facilities.

Table 3: Standards for the Provision of Social Facilities

Facility	Thresholds Standard (1 Facility / X People)	Access Standard
Education *		
Pre-school (Incl. Crèche & Day Care)	5 000	Walking Distance
Multi skilling / Training Centre / ABET	Need	Combined with other Community Facilities
Primary School	3 000	1,5km / 20min travel
Secondary School	6 000	5km Walking Distance
Tertiary Training (Excl. University)	100 000	
Library	50 000	Accessible Via Public Transport
Health **		
Clinic	5 000	Within Nodal Area. Accessible via Public Transport
Hospital	50 000	Within Nodal Area close to Major Public Transport Route
Safety & Security Facilities ***		
Magistrates Court	1 / Town	Within Primary Nodes
Fire Station	60 000	High Access Routes
Emergency Services Facility	25 000	High Access Routes
Community Safety Centre	200 000	Nodal Area
Police Station	50 000	Within Accessible nodal Areas
Police Station Mobile	25 000	
Social		
Cemetery	Need	Need
Orphanage	200 000	Within Accessible nodal Areas
Church	2 500	Near (Not on) Transport Routes
Civic Centre	1	
Multi Purposed Community Centre / Thusong Centre	1	Within Accessible nodal Areas
Community Hall	20 000	Within Accessible nodal Areas
Old Age Home and Service Centre	1 / Town	
Pension Pay Point	Need - Min of 1 / Node	30 Min Travel
Post Office	11 000	1km/20min Walking
Post Boxes	16 500	500m/10min Walking distance
Traditional Admin Centre	1 / Tribal Authority	
Sport & Recreation		

Sport Complex (Incl Swimming Pool)	50 000	Within Primary Nodes
Sports Field	12 000	Clustered with schools
Transport		
Bus Service on Regular Basis	1/Node	Clustered within Nodal Areas & Stops along strategic Routes
Taxi Rank and/or Bus Depot	1/Node	Clustered within Nodal Areas & Stops along strategic Routes

Source: KZN Standards for the Provision of Social Facilities

1.1.7 Scheme Population and Land For Social Facilities

The land use budget below indicates the existing and proposed design population on which the scheme and policy will be considered. The numbers in brackets show the existing facilities and the additional numbers show the proposed facilities per node as set out by the Provincial Planning & Development Commission in the Assessment of Planning Standards in KwaZulu-Natal 2008. From the table, it is clear which facilities are required and the Land Use Budget provides some guidance on the spatial needs of these facilities.

4 MECHANICS OF THE SCHEME

The Mkhambathini Scheme regulates all aspects related to Development Applications as addressed within the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) which includes the following:

- The amendment of the Mkhambathini Scheme (Rezoning);
- Subdivision and Consolidation of land;
- Development of land outside the Mkhambathini Scheme Area;

The KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) does not provide procedures for consent use applications, and until such time as the PDA is amended to include such procedures, all consent use applications needs to be submitted in terms of Section 67*bis* of the Town Planning Ordinance, 1949 (Ordinance No. 27 Of 1949).

The following procedures will be applicable for the submission of Consent Use Applications.

4.1 SPECIAL CONSENT APPLICATION IN TERMS OF SECTION 67 *bis* OF THE NATAL TOWN PLANNING ORDINANCE (ORDINANCE NO.27 OF 1949, AS AMENDED)

STAGE 1
Applicant submits to the council three copies of the applicable application forms and the supporting statement containing the information outlined in the guidelines; pays a prescribed fee; and is provided with the advertised and site notice forms together with the names and the addresses of the property owners upon whom individual notices must be served.
STAGE 2
The applicant gives notice of the application by: <ul style="list-style-type: none"> ➤ Publishing a public notices in at least one official language in the local newspaper/s, in terms of section 74 <i>ter</i>, using the advertisement notices forms, supplied by council, which states where a copy of the documentation is available for inspection and gives objectors at least thirty (30) days after the date of the advertisement, to lodge objections or representations with the council. ➤ Simultaneously placing a site notice, also supplied by council, on or near the boundary of the application erf in a place which is clearly visible from a public street ➤ Serving a copy of the notice on ; <ul style="list-style-type: none"> ○ The owners and occupiers of land within 100 metres of the boundary of the erf; ○ The municipal councillor of the ward in which erf is situated; ○ Organs of the state with jurisdiction in the matter.
STAGE 3
The council considers the application, together with representations and objections, in terms of section 67 <i>bis</i> (4) (a)
STAGE 4
The council resolves to either approve or refuse the application. The council's approval of the application may be subject to certain conditions, within an indication of those which have to be met prior to the establishment or operation of the use
STAGE 5
The council notifies the applicant and any objectors of its decision
STAGE 6
If there are objections, the council's decision only becomes effective, subject to any conditions imposed, after the expiry of a period of twenty-eight (28) days from the date the applicant and objectors are notified,

provided that neither the applicant nor the objectors give notice to the council of an intention to appeal against the decision in terms of section 67 ter

Or

If the applicant or objectors give notice to the council, within twenty-eight days of the date of the council's notification, of their intention to appeal against the council's decision or the conditions to be imposed, the council's decision is then pended, awaiting the appeals board decision.

STAGE 7

If there is to be an appeal, the applicant or objector lodges a memorandum with the secretary of the appeals board, giving the reasons for the appeal, within twenty-one (21) days of giving notice of the intention to appeal

STAGE 8

The appeals board conducts a hearing involving all relevant parties who are subsequently notified of its decision.

A detailed explanation of the various requirements associated with the Special Consent application procedures is given overleaf.

4.2 GUIDELINES FOR SPECIAL CONSENT APPLICATION

4.2.1 What Is A Special Consent ?

The Town planning scheme, which is established in terms of the Town Planning ordinance (Ordinance No.27 of 1949 as amended), is used by the Council to manage the use of land and / or buildings within a portion of the KZN226 Municipal area. The Scheme defines a number of Land Use Zones and Reservations within which uses are classified as being either expressly permissible, expressly prohibited or which may be permitted by the Council's Special Consent.

The Council must consider any applications for its Special Consent in terms of a procedure which is laid down in section 67 *bis* of the Town Planning Ordinance. This procedure includes the public advertisement of the application by the applicant and the serving of individual notices in whomever the Council may direct.

In deciding on any application, the Council is required to satisfy itself that the use being applied for will not, in the words of the Ordinance, "*interfere with the amenities of the neighbourhood.*" The Ordinance also allows the Council to grant its Special Consent, subject to such specified terms and conditions as it may deem proper, or to refuse an application. The applicant may appeal against the refusal of an application or any terms and conditions which have been imposed.

4.2.2 Making A Special Consent Application

As shown on the preceding diagram, the Special Consent application procedure commences with the lodging of an application (Stage1) and concludes with either the notification of the Council's decision (Stage 5) or the outcome of an appeal to the Town Planning Appeals Board (Stage 8).

4.2.3 Preparing A Supporting Statement

A supporting statement, together with plans and diagrams is essential in enabling the Council and the surrounding community to assess the merits and potential impacts of the proposed use or development.

In compiling this statement, it is important to cover the following aspects:

- The nature and scale of the proposed use or development

- The physical characteristics of the application site if applicable (i.e. topography, watercourses and vegetation)
- The existing use of the application property/building
- The nature of the surrounding development (i.e. to the left, right, rear and across the street)
- The zoning of the application property and surrounding properties
- The existing services to the application property (i.e. roads, water, sewerage, electricity and solid waste disposal)
- The portion of the application property/building which will be used for the proposed use or development
- The reason why the application property/building is considered to be suitable for the proposed use or development.
- Both the positive or negative impacts that the proposed use and development likely to have on the environment of the application property/building, the existing quality or entirety of the surrounding area and the existing services.
- Support for the proposed use or development from surrounding property owners, the ward councillor and ratepayers association and any other interested or affected party.

Depending on the nature of the proposed use or development, the Council may also require the applicant to complete a separate IEM checklist which covers many of the aspects above.

4.2.4 Submitting A Special Consent Application

STAGE 1

The applicant submits the appropriate completed, supporting motivation statement or report and plans to the Municipality.

Upon submission and the payments of the prescribed fee, an advert for the newspapers will be issued to the applicant for placement in the local newspaper (Natal Witness) at the cost of the applicant. A prescription of a large site notice will be given to the applicant for display on the affected property. The applicant shall request to be provided with the names of owners upon whom individual notices must be served by either registered/certified mail or hand delivered.

STAGE 2

The advert shall be taken to Natal Witness for insertion into the local newspapers under the 'Municipal Notices column'. The individual notices must also be dispatched so as to reach the address by, or within a day of, the date of the appearance of the notice in the press.

Proof of the sending or hand delivery of the notice, in the form of either signed letters from these owners, receipts or an affidavit signed by a Commissioner of Oaths, must be submitted to the Municipality before the application can be processed.

When the notice is published in the press (normally a Friday edition), the site notice must be placed on the application site in a conspicuous and legible position. This site notice must remain in place for a fixed period which is not less than 21 days from the date of the publication of this notice.

A copy of all plans and documents relating to the application must be made available, at the venue, other than the Council offices, which is designated in the press notice, for any interested person to peruse.

Applicants have the opportunity to respond to any objections/representations which are lodged in respect to the notices. Should the applicant wish to respond, this must be done in writing submitted to the Municipality within two weeks from the date of receipt of the objections. It is important to mention from whom the objections/representations have been received and the date of receipt.

4.2.5 Making A Decision On A Special Consent Application

STAGES 3 AND 4

All the documents that have been received in connection with the application, including the supporting statement, objections and the applicant's response, will be included in a report prepared by the Planner and submitted to the Council.

STAGE 5

The applicant and any objectors will be subsequently advised of the Council's decision by registered post.

4.2.6 Acting On The Council's Decision

STAGE 6

If the applicant is aggrieved by the Council's decision or there have been any objections/representations, the Council's decision only becomes effective after either the expiry of a period of twenty-eight (28) days from the date the applicant and objectors are notified or the outcome of any appeal lodged by either the applicant or objector/s.

In any event, the proposed use may not be conducted until all specified Conditions of Establishment have been complied with. The operation of the use will also be subject to compliance with the Conditions of Use. Failure to comply with these conditions will automatically render the Council's Special Consent null and void.

4.2.7 Appeal Procedure

STAGES 7 AND 8

Should either the applicant or any objector feel aggrieved by the decision of the Council, they have the right to appeal to the Town Planning Appeals Board. The applicant also has the right to appeal against any conditions imposed by the Council when granting its Special Consent. The details of the appeal procedure are available from the Municipal Planner.

The appeals board conducts a hearing involving all relevant parties who are subsequently notified of its decision. This decision can result in the Council's Special Consent being upheld, withdrawn or modified.

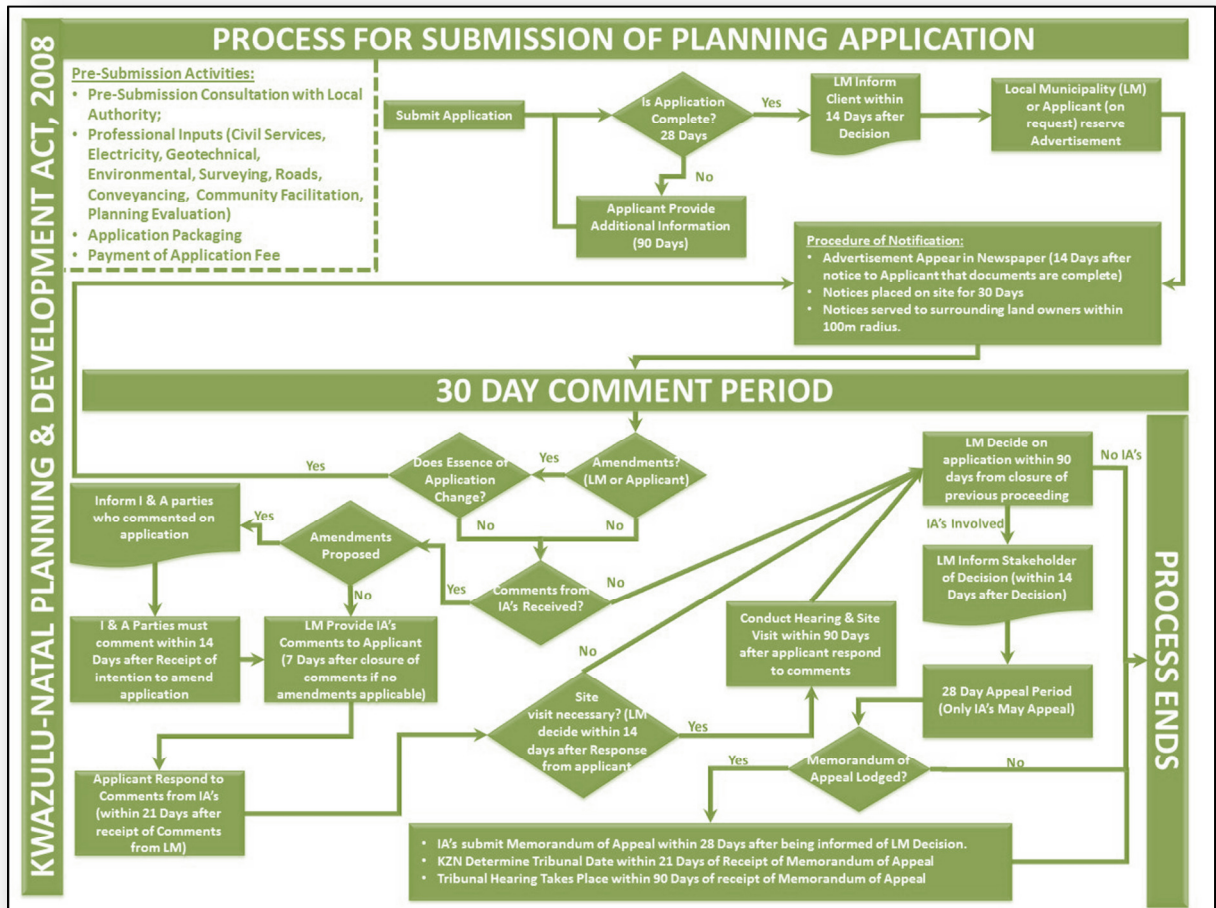
4.3 Procedures for submission of All Applications other than Consent Use Applications.

All application needs to be submitted to the Mkhambathini Municipality in terms of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008). The Act is very specific with regards to timeframes that needs to be adhered to and processes to be followed.

The process proposed by the Act allows for the application to be completed within a period of 10 Months. This is a worst case scenario which makes provision for the handling of objections or representations against the proposed development. Should no objections be submitted, the process can be concluded within 6 to 7 months.

This process assumes that all pre-planning investigations and professional inputs be obtained before the submission of the Applications. The image below outlines the steps and procedures as contained in the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 23008)

Figure 2: Procedures for Processing of an Application in terms of the PDA.



5 APPLICATION FORMS

The required application forms are attached to this document as **Annexure A: Application Forms**.

6 SCHEME COMPARISON

This section aims to provide an overview of the zones contained in the Mkhambathini Scheme, and how it relates to the zones of the Camperdown Scheme. The table below compares the terminology of the Camperdown scheme to the use zones of the new Mkhambathini Scheme:

Table 5: Comparison of Terminology

ZONING TERMINOLOGY TABLE:	
OLD TERMINOLOGY	NEW TERMINOLOGY
Administration	Administration
Agriculture	Urban Agriculture
Commercial	Core Mixed Use
	Limited Mixed Use
	Mixed Use
Education	Education

ZONING TERMINOLOGY TABLE:	
OLD TERMINOLOGY	NEW TERMINOLOGY
General Residential	General Residential
Intermediate Residential	Residential Only Medium Density
Light Industry	Light Industry
Office	Incorporated in Limited Mixed Use
Private Open Space	Private Open Space
Service Industry	Service Industry
Service Station	Service Station
Special Residential	Residential Only Detached
Worship	Worship
	Bus and Taxi Rank
	Cemetery
	Conservation
	Health & Welfare
	Public Open Space
	Small Holdings
	Special Zones

Source: Black Balance Projects

6.1 Civic & Social

6.1.1 Civic & Social - Mkhambathini Scheme

Table 6: Mkhambathini Scheme Land Uses – Civic & Social

Land Uses	CIVIC AND SOCIAL				
	Education	Health & Welfare	Administration	Worship	Cemetery
P = Permitted					
C = Consent					
X = Prohibited					
¹ = condition applicable to land use (see Zoning table)					
Advertising Billboard	C	X	X	X	X
Agricultural Building	C	X	X	X	X
Agricultural Land	C	X	X	X	X
Cemetery Purposes	X	X	X	X	P
Clinic	X	P	X	X	X
Community Facility	X	P	C	X	X
Crèche	P	C	C	P	X
Crematorium	X	X	X	X	C
Day Care Facility	P	P	X	X	X
Dwelling House	P	X	P ¹	P ¹	P ¹
Educational Building	P	X	P	X	X
Hospital	X	P	X	X	X
Institutional Building	C	C	X	C	X
Laundrette	C ¹	P ¹	X	X	X
Medical Centre	X	P	X	X	X
Medium Density Housing	C ¹	X	X	X	X
Municipal Purposes	X	P	P	X	X
Office Building	X	P	C	X	X
Office - Public	C	P	P	C	X
Parking Garage	X	X	C	X	X
Place of Public Assembly	P	X	P	P	X
Place of Worship	C	C	X	P	C
Public Parking Area	X	C	X	X	X
Private Recreation Area	P	X	X	P	X
Place of Instruction	P	X	X	X	X
Recreational Building	P	C	P	C	X
Residential Building	C ¹	P	X	C ¹	X
Restaurant	C ¹	P ¹	C	C	X

Land Uses	CIVIC AND SOCIAL				
	Education	Health & Welfare	Administration	Worship	Cemetery
P = Permitted C = Consent X = Prohibited ¹ = condition applicable to land use (see Zoning table)					
Restricted Building	X	C	X	X	X
Sanatorium	X	P	X	X	X
Shop	X	X	X	X	C ¹
All other land uses not included in this table are prohibited in these zones					

Source: Black Balance Projects

6.1.2 Civic & Social – Camperdown Scheme

Table 7: Camperdown Scheme Land Uses – Civic & Social

Land Uses	Civic and Social		
	Education	Administration	Worship
P = Permitted C = Consent X = Prohibited			
Agricultural Building	C	X	X
Agricultural Land	C	X	X
Betting Depot	X	X	X
Commercial Workshop	X	X	X
Conservation Area	P	P	P
Creche	C	X	C
Dwelling House	P	P	P
Educational Building	P	P	X
Funeral Parlour	X	X	X
Garage	X	P	C
Institution	C	X	X
Laudrette	X	X	X
Medium Density Housing	X	X	X
Office Building	X	P	X
Parking Garage	P	P	P
Place of Public Amusement	P	X	P
Place of Public Assembly	C	P	C
Private Recreation Area	P	P	C
Public Office	C	X	C
Recreational Building	C	X	X
Residential Building	C	X	X
Restaurant	X	X	X
Service Station	X	X	X

Source: Black Balance Projects

6.2 Residential

6.2.1 Residential - Mkhambathini Scheme

Table 8: Mkhambathini Scheme Land Uses – Residential

Land Uses	Residential			
	Residential Only Detached	Residential Only Medium Density	General Residential	Small Holdings
P = Permitted C = Consent X = Prohibited ¹ = Condition attached to land use (see Zoning table)				
Additional Self-contained Dwelling Unit	C	X	X	P
Agricultural Building	X	X	X	P
Agricultural Land	X	X	X	P
Art and Craft Centre	X	X	X	C

Land Uses	Residential			
	Residential Only Detached	Residential Only Medium Density	General Residential	Small Holdings
P = Permitted				
C = Consent				
X = Prohibited				
¹ = Condition attached to land use (see Zoning table)				
Bed and Breakfast Establishment	C	X	X	C
Boarding House	X	X	C	C
Conservation Purposes	X	X	X	P
Crèche	C	X	C	C
Day Care Facility	C	C	C	C
Dwelling House	P	P	C	P
Farm Stall	X	X	X	C
Guest Lodge	X	X	C	C
Home Business	C	X	X	C
Hotel (Licenced)	X	X	C	X
Laundrette	X	C	P	X
Medium Density Housing	C	P	P	X
Nursery Garden	X	X	X	P
Place of Instruction	X	X	X	C
Place of Public Assembly	X	C	C	X
Place of Worship	X	X	X	C
Private Recreation Area	X	C	C	P
Recreational Building	X	C	C	X
Residential Building	X	X	P	X
Restaurant	X	X	X	C ¹
Veterinary Purposes	X	X	X	C
All other land uses not included in this table are prohibited in these zones				

Source: Black Balance Projects

6.2.2 Residential – Camperdown Scheme

Table 9: Camperdown Scheme Land Uses – Residential

Land Uses	Residential		
	Special Residential	Intermediate Residential	General Residential
P = Permitted			
C = Consent			
X = Prohibited			
Agricultural Building	P	P	P
Agricultural Land	P	P	P
Conservation Area	C	C	C
Creche	C	P	P
Dwelling House	X	C	C
Laudrette	X	C	C
Medium Density Housing	X	C	X
Place of Public Assembly	X	C	C
Private Recreational Area	X	C	C
Recreational Building	X	C	C
Residential Building	X	X	P

Source: Black Balance Projects

6.3 Mixed Use

6.3.1 Mixed Use - Mkhambathini Scheme

Table 10: Mkhambathini Scheme Land Uses – Mixed Use

Land Uses	MIXED USE		
	Core Mixed Use	Limited Mixed Use	Mixed Use
P = Permitted			
C = Consent			
X = Prohibited			
Advertising Billboard	P	X	P
Agricultural Land	C	X	X
Arts and Craft Centre	X	P	C
Automotive Showroom	P	X	P
Bed and Breakfast Establishment	X	X	C
Betting Depot	C	C	C
Bus and Taxi Rank	P	X	C
Carwash Facility	P	C	C
Commercial Building	P	C	P
Commercial Workshop	P	X	P
Community Facility	X	X	C
Composite Building	P ¹	C	P ¹
Crèche	C	X	C
Dwelling House	C	P	C
Educational Building	C	X	C
Funeral Parlour	C	C	C
Home Business	X	X	C
Hotel (Licenced)	P	P	C
Informal Trading / Hawking	C	X	C
Laundrette	P	P	P
Light Industrial Building	X	X	P
Medical Centre	C	C	X
Nursery Garden	X	P	X
Office - Public	P	C	C
Office Building	P	P	P
Parking Area	P	X	X
Parking Garage	P	X	X
Petrol Filling Station	C	X	C
Place of Public Amusement	P	X	C
Place of Public Assembly	C	P	C
Place of Worship	X	X	C
Private Recreation Area	C	P	C
Public Parking Area	P	C	P
Recreational Building	C	C	C
Residential Building	P	X	C
Restaurant	P	P	P
Service Industrial Building	X	X	P
Shop	P	P	P
Tavern	C	X	C
Veterinary Purposes	X	C	X
Warehouse	C	X	P
All other land uses not included in this table are prohibited in these zones			

Source: Black Balance Projects

6.3.2 Mixed Use – Camperdown Scheme

Table 11: Camperdown Scheme Land Uses – Mixed Use

Land Uses	Business	
	Commercial	Office
P = Permitted		
C = Consent		
X = Prohibited		
Agricultural Land	C	X
Betting Depot	C	X
Commercial Workshop	P	X
Conservation Area	P	P
Creche	C	X
Dwelling House	P	P
Educational Building	C	X
Funeral Palour	C	X
Laudrette	X	X
Office Building	P	P
Parking Garage	C	X
Place of Public Amusement	P	X
Place of Public Assembly	C	X
Private Recreation Area	C	X
Public Office	P	C
Recreational Building	C	X
Residential Building	P	C
Restuarent	P	X
Service Station	C	X
Shop	P	X
Warehouse	C	X

Source: Black Balance Projects

6.4 Industry

6.4.1 Industry - Mkhambathini Scheme

Table 12: Mkhambathini Scheme Land Uses – Industry

Land Uses	INDUSTRY		
	Service Station	Service Industry	Light Industry
P = Permitted			
C = Consent			
X = Prohibited			
Agricultural Building	X	C	C
Agricultural Land	X	C	C
Arts and Craft Centre	X	P	X
Automotive Showroom	X	P	P
Automotive Workshop	C	P	P
Builder's Yard	X	P	P
Carwash Facility	C ¹	P	X
Commercial Building	X	P	P
Commercial Workshop	X	P	P
Dwelling House	P ¹	P ¹	P ¹
Funeral Parlour	X	C	C
Garage	C	C	C
Laundrette	X	C	C
Light Industrial Building	X	C	P
Office Building	X	X	P
Office - Public	X	P	P

Land Uses	INDUSTRY		
	Service Station	Service Industry	Light Industry
P = Permitted			
C = Consent			
X = Prohibited			
Parking Area	C	X	X
Parking Garage	X	C	C
Petrol Filling Station	P	C	C
Private Recreation Area	X	C	C
Recreational Building	X	C	C
Recycling Depot	X	C	X
Restaurant	C	C	C
Service Industrial Building	X	P	P
Shop	C ¹	C ¹	C ¹
Warehouse	X	P	P
All land uses not included in this table are prohibited in these zones			

Source: Black Balance Projects

6.4.2 Industry – Camperdown Scheme

Table 13: Camperdown Scheme Land Uses – Industry

Land Uses	Industry	
	Service Industry	Services Station
P = Permitted		
C = Consent		
X = Prohibited		
Agricultural Building	C	X
Agricultural Land	C	X
Betting Depot	C	X
Commercial Workshop	P	X
Conservation Area	P	P
Creche	X	X
Dwelling House	P	X
Educational Building	X	X
Funeral Parlour	C	X
Garage	C	X
Laudrette	C	X
Light Industrial Building	C	C
Office Building	X	X
Parking Garage	X	X
Place of Public Amusement	C	X
Place of Public Assembly	P	X
Private Recreation Area	C	X
Public Office	P	X
Recreational Building	C	C
Residential Building	C	P
Restuarent	C	X
Service Industrial Building	P	X
Service Station	C	C
Shop	C	X

Source: Black Balance Projects

6.5 Environmental Services

6.5.1 Environmental Services - Mkhambathini Scheme

Table 14: Mkhambathini Scheme Land Uses – Environmental Services

Land Uses	Environmental Services		
	Private Open Space	Public Open space	Conservation
P = Permitted			
C = Consent			
X = Prohibited			
Agricultural Land	C	C	X
Caravan Park	C	X	C
Conservation Purposes	P	P	P
Dwelling House	C ¹	C ¹	C ¹
Place of Public Amusement	C ¹	C ¹	X
Place of Public Assembly	X	C	X
Private Recreation Area	P	X	X
Public Recreational Use	X	P	P
Recreational Building	P	P	X
Restaurant	C ¹	X	X
Utility Facility	X	X	P
All other land uses not included in this table are prohibited in these zones			

Source: Black Balance Projects

6.5.2 Environmental Services – Camperdown Scheme

Table 15: Camperdown Scheme Land Uses – Environmental Services

Land Uses	Environment
	Private Open Space
P = Permitted	
C = Consent	
X = Prohibited	
Agricultural Building	C
Agricultural Industry	X
Agricultural Land	P
Conservation Area	C
Creche	X
Dwelling House	P
Dwelling House	P
Place of Public Amusement	C
Place of Public Assembly	X
Private Recreation Area	C
Recreational Building	C
Residential Building	C

Source: Black Balance Projects

6.6 AGRICULTURE

6.6.1 Agriculture - Mkhambathini Scheme

Table 16: Mkhambathini Scheme Land Uses – Agriculture

Land Uses	Agriculture
	Urban Agriculture
P = Permitted	
C = Consent	
X = Prohibited	
Agricultural Building	P
Agricultural Industry	C
Agricultural Land	P
Bed & Breakfast Facility	C
Conservation Area	P

Dwelling House	P
Farm Stall	C
Guest Lodge	C
Utility Facility	C
All other land uses not included in this table are prohibited in these zones	

Source: Black Balance Projects

6.6.2 Agriculture – Camperdown Scheme

Table 17: Camperdown Scheme Land Uses – Agriculture

Land Uses	Agriculture
P = Permitted	Agriculture
C = Consent	Agriculture
X = Prohibited	
Agricultural Building	P
Agricultural Industry	P
Agricultural Land	P
Conservation Area	P
Creche	C
Dwelling House	X
Dwelling House	X
Place of Public Amusement	X
Place of Public Assembly	X
Private Recreation Area	X
Recreational Building	X
Residential Building	X

Source: Black Balance Projects

6.7 TRANSPORTATION AND MOVEMENT

6.7.1 Transportation And Movement - Mkhambathini Scheme

Table 18: Mkhambathini Scheme Land Uses – Transportation

Land Uses	Transportation and Movement
P = Permitted	Transportation and Movement
C = Consent	Transportation and Movement
X = Prohibited	
Bus and Taxi Rank	P
Informal Trading/Hawking	C
Office – Public	C
All other land uses not included in this table are prohibited in these zones	

Source: Black Balance Projects

6.7.2 Transportation And Movement – Camperdown Scheme

The Camperdown Scheme did not include Use Zones of within this Category.

ANNEXURE A: APPLICATION FORMS





TECHNICAL SERVICES DEPARTMENT

APPLICATION FORM

**APPLICATION IN TERMS OF THE PLANNING AND DEVELOPMENT ACT, 2008
(ACT NO. 6 OF 2008)**

OFFICIAL USE

APPLICATION NO.:	APPROVED <input type="checkbox"/>	CONDITIONS <input type="checkbox"/>
DATE RECEIVED:		NO CONDITIONS <input type="checkbox"/>
RECEIVED BY:	REFUSED <input type="checkbox"/>	
FEES PAID:	APPEAL <input type="checkbox"/>	DISMISSED <input type="checkbox"/>
RECEIPT NO.:		UPHELD (/ PARTLY) <input type="checkbox"/>
	LAPSED <input type="checkbox"/>	
NOTES:		

1. INSTRUCTIONS

See Schedule 1

2. APPLICATION TYPE

<input type="checkbox"/>	Amendment of a scheme
<input type="checkbox"/>	Consent in terms of a scheme
<input type="checkbox"/>	Cancellation of consent in terms of a scheme
<input type="checkbox"/>	Subdivision of land
<input type="checkbox"/>	Consolidation of land
<input type="checkbox"/>	Development situated outside the area of a scheme
<input type="checkbox"/>	Phasing of approved layout plan
<input type="checkbox"/>	Cancellation of approved layout plan
<input type="checkbox"/>	Alteration, suspension and deletion of condition of title relating to land
<input type="checkbox"/>	Alteration, suspension and deletion of condition of approval relating to land
<input type="checkbox"/>	Closure of municipal road
<input type="checkbox"/>	Closure of public place

3. SHORT DESCRIPTION OF THE PURPOSE OF THIS APPLICATION

4. APPLICANT DETAILS, DOCUMENTS, MAPS AND MOTIVATION

SECTION A: APPLICANT DETAILS

APPLICANT:

(1) Name:	
Tel No.:	
Cell No:	
Fax No:	
Email:	
Postal Address:	

REGISTERED OWNER: (CONTACT DETAILS IF NOT THE APPLICANT)

(2) Name:	
Tel No.:	
Cell No:	
Fax No:	
Email:	
Postal Address:	

SECTION B: PROPERTY

(1) Deed number

(2) Registered property description (Farm name and number/ Erf number)

(3) Physical address of the property

(3) Municipality

SECTION C: GENERAL DOCUMENTATION

	ANNEX	Certified copy of the deed
	ANNEX	Certified copy of the resolution by the Board of Directors, if the applicant is a company
	ANNEX	Registered owner's written consent, if the applicant is not the registered owner of the property
	ANNEX	Consent, name and contact details of the bondholder, if any
	ANNEX	Deed of servitude that maybe affected by the application

SECTION D: PLANS

ALL APPLICATIONS

	PLAN	Locality plan showing the location of the property in relation to the surrounding properties and streets (existing property lot numbers and street names must be indicated). If in close proximity to a national or provincial road or intersection, indicate distance from road or intersection
	PLAN	Copy of the Surveyor General diagram or relevant part of the general plan

ALL APPLICATIONS, EXCEPT ALTERATION, SUSPENSION, AND DELETION OF RESTRICTIVE CONDITIONS OR TITLE OR CONDITIONS OF APPROVAL RELATING TO LAND

	PLAN	Site development plan (to scale) showing existing and proposed buildings, bulk factors, access to the site, parking, common areas, building lines, and other matters which the municipality must consider
	PLAN	Landscape plan
	PLAN	Copy of the floor plan

SCHEMES

	PLAN	Copy of scheme map showing the existing zoning of the property and properties in close proximity
	PLAN	To scale drawing showing the existing land use of the property and land use of properties in close proximity
	PLAN	To scale drawing showing the proposed zoning of the property and properties in close proximity
	PLAN	To scale drawing showing the proposed consent use of the property and land use of properties in close proximity

SUBDIVISION OR CONSOLIDATION OF LAND

	PLAN	To scale layout, showing: <ul style="list-style-type: none">– Existing buildings– Erven adjoining the proposed subdivision or consolidation– Proposed subdivision with subdivision numbers designated by the SG's Office, width and length of hatched shaped erven, erf frontages, minimum subdivision sizes for each erf– Contours– 1:100 year floodlines– High-water mark of the sea and the admiralty reserve– Existing and proposed servitudes, servitudes which require deletion and unregistered service servitudes– Engineering services
	PLAN	Slope analysis

--	--	--

DEVELOPMENT OF LAND SITUATED OUTSIDE AREA OF SCHEME

	PLAN	To scale layout, showing: <ul style="list-style-type: none">- Existing buildings- Location of new buildings- Erven adjoining the proposed development- Contours- 1:100 year floodlines- High-water mark of the sea and the admiralty reserve- Existing and proposed servitudes, servitudes which require deletion and unregistered service servitudes- Engineering services
	PLAN	Slope analysis

PHASING OF APPROVED LAYOUT

	PLAN	To scale drawing showing the proposed phasing of the approved layout
--	------	----------------------------------------------------------------------

CANCELLATION OF APPROVED LAYOUT

	PLAN	To scale layout or part thereof to be cancelled
--	------	-------------------------------------------------

PERMANENT CLOSURE OF MUNICIPAL ROAD OR PUBLIC PLACE

	PLAN	To scale drawing showing the municipal road or part thereof to be closed or public place to be closed
--	------	-------------------------------------------------------------------------------------------------------

SECTION D: WRITTEN MOTIVATION

A memorandum in support of the application, as contemplated in sections 12, 25, 42, 64 and 73 of the Act, setting out all relevant facts, circumstances, and matters which a municipality must consider.

See Section 3 of the KwaZulu-Natal Planning and Development Act manual that can be downloaded from www.kznlgta.gov.za for more information.

ALL APPLICATIONS

	ANNEX	General motivation
	ANNEX	Approval of the Department of Agriculture and Environmental Affairs in terms of the Environmental Impact Assessment Regulations, 2006 (Notice No.385 of 2006)
	ANNEX	Approval of the Department of Environmental Affairs and Tourism in terms of section 65 of the National Environment Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
	ANNEX	Socio-economic conditions
	ANNEX	Approval of the Amafa aKwaZulu-Natali Heritage Council in terms of the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008)

	ANNEX	Existing and proposed developments in close proximity, including long term leases by the Ingonyama Trust
	ANNEX	Approval of the Department of Minerals and Energy Affairs in terms of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002)
	ANNEX	Principles of the Development Facilitation Act, 1995 (Act No. 67 of 1995)
	ANNEX	Provincial Planning and Development Norms and Standards
	ANNEX	The Municipality's Integrated Development Plan
	ANNEX	Any other relevant information (including items that are not listed as matters that must be considered for all applications)

ALL APPLICATIONS WITHIN A SCHEME

	ANNEX	The scheme
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APPLICATION FOR THE AMENDMENT OF A SCHEME, SUBDIVISION OR CONSOLIDATION OF LAND OF LAND AND DEVELOPMENT OF LAND SITUATED OUTSIDE THE AREA OF A SCHEME

	ANNEX	Comment by the local municipality on the provision of engineering services
	ANNEX	Comment by the district municipality on the provision of engineering services
	ANNEX	Approval of the KwaZulu-Natal Department of Transport in terms of the Provincial Roads Act, 2001 (Act No. 4 of 2001)
	ANNEX	Taxi routes from the KwaZulu-Natal Department of Transport
	ANNEX	Approval of the South African National Roads Authority in terms of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998)
	ANNEX	Eskom
	ANNEX	Water Board
	ANNEX	Telkom SA
	ANNEX	KwaZulu-Natal Department of Community Safety and Liaison
	ANNEX	KwaZulu-Natal Department of Health for hospitals and clinics
	ANNEX	KwaZulu-Natal Department of Education for schools and crèches
	ANNEX	KwaZulu-Natal Department of Arts and Culture for libraries
	ANNEX	KwaZulu-Natal Department of Public Works for government buildings and extension to government buildings, including hospitals, clinics and schools

	ANNEX	Proof of informing the Land Claims Commissioner for KwaZulu-Natal in terms of section 11(aA) of the Restitution of Land Right Act, 1994 (Act No. 22 of 1994)
	ANNEX	Approval of the National Department of Agriculture, Forestry and Fisheries for the extension of a scheme over agricultural land and the subdivision of agricultural land in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)
	ANNEX	Approval of the MEC for Agriculture, Environmental Affairs and Rural Development in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
	ANNEX	Geotechnical report

APPLICATION FOR AMENDMENT OF SCHEME

	ANNEX	Possible compensation if amendment to scheme is approved
	ANNEX	Approval from Transnet in terms of section 13 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989)

APPLICATION FOR THE PERMANENT CLOSURE OF A MUNICIPAL ROAD OR PUBLIC PLACE

	ANNEX	Closure of a proclaimed conservation area
	ANNEX	Approval of the MEC for Agriculture, Environmental Affairs and Rural Development in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)

SECTION I: DECLARATION

I hereby certify that the information supplied by me, including the documents attached to this application form is correct.

Signature of Applicant : _____

Date : _____

INSTRUCTIONS

A. GENERAL

- (1) The form must be completed in block capitals or typewritten
- (2) Plans may be combined
- (3) Matters that the municipality must consider that **does not** involve an approval by another organ of State may be combined in the same Annexure
- (4) Matters that the municipality must consider that **involves** an approval by another organ of State must be in separate Annexures

B. MAPS

- (1) If possible, all plans should also be provided in an electronic format (shapefiles/.drg/.dwg/.dxf/.pdf/.jpg).
- (2) Plans must show the full extent of the development bordered green (including the remainder in exemption cases, which may be shown as an inset to a smaller scale)
- (5) Plans must be A4 i.e. 297 x 210mm or multiples thereof folded concertina fashion to A4 size so that the top right hand corner of the plan is exposed when folded).
- (6) The following information must be included in the title block:
 - Proposed use of each lot
 - Land owner's full name
 - Title deed number and year
 - Surveyor General Office reference diagram
 - Additional information regarding consolidation, adjoining applications, road status etc
 - Signature and date of Land Surveyor's (or owner's)
 - Date and any amending dates
 - Registered designation of property under subdivision
- (7) North point in same orientation as locality plan or inset and preferably facing up the paper.
- (8) A Locality plan as an inset on the township plan, drawn to a scale of not less than 1:18 000 showing:
 - The location of the development, with the principal topographical features in the vicinity of the development
 - Road access from the nearest main road to the development to enable the location of the development to be readily ascertainable.
- (9) The scale may not be less than 1:1000, or if the development compromise an area of 121,5 Ha or more a scale of 1 in 2500.
- (8) The scale of the plan, locality plan, and inset must be shown close to each drawing.
- (9) The anticipated Surveyor-General's designation for each lot numbering consecutively must be shown within each erf.

- (10) Dimensions in metres and area of each lot (exclusive of public road servitudes) and widths of streets must be shown.
- (11) Contours at 3m vertical intervals (or at such lesser intervals as the topography of the land dictates) for all lots less than 4 Ha in extent must be shown.
- (12) All existing buildings and permanent structures must be shown, including type of construction e.g. "wattle and daub", "brick" or "wood and iron"
- (13) Existing roads must be shown in burnt sienna.
- (14) Proposed roads must be shown in pink.
- (15) Road widths, centre lines, existing carriage ways, nearby roads suitable to link to in the future, state and type of road construction and status of road registered e.g. shown on diagram or General Plan registered in Title, etc must be shown.
- (16) Surrounding properties (include properties across a road) and their designation must be shown.
- (17) Areas or zones allocated for residential, commercial, industrial or other purposes suitably coloured and tabulated as areas and % of the development.
- (18) Land unsuitable for development must be shown, including water courses, streams, swampy land , pipe lines (blue) rail or tramways (black), power lines, telephone and telegraph lines (red), existing roads, servitudes, etc
- (19) Sites proposed to be reserved for education, health and other government purposes must be shown.
- (20) All existing and proposed drainage must be shown.
- (21) Where that land comprises two or more properties which are consolidated, the boundaries of the properties must be indicated on the plan by dotted lettering and lines.



Tel: 031 - 785 9300 / 9313 • Fax: 086 293 7734 / 031 - 78 51278 • E-mail: sonja.britz@mkhambathini.gov.za

T.P.1

APPLICATION FOR APPROVAL OF BUILDING PLANS UNDER THE NATIONAL BUILDING REGULATIONS AND STANDARDS ACT

APPLICANT'S NAME : _____

POSTAL ADDRESS : _____

_____ CODE: _____

TEL No : _____

PROPERTY DESCRIPTION: ERF _____ OF CAMPERDOWN

STREET ADDRESS : _____

EXISTING BUILDINGS: TO REMAIN - YES / NO FLOOR AREA: _____ SQ.A

TO BE DEMOLISHED - YES / NO FLOOR AREA: _____ SQ.A

DESCRIPTION OF PROPOSED BUILDINGS: _____ No. OF FLOORS: _____

GROSS FLOOR AREA: _____ COVERAGE: _____% F.A.R. _____ SQ.A

PLOT / LAND AREA: _____ SQ: _____

No. OF GARAGES: _____ BATHROOMS: _____

ESTIMATED COST of CONSTRUCTION: _____

TYPE OF SEWERAGE SYSTEM: CONSERVANCY TANK SEPTIC TANK MAINS

ARCHITECT / NAME : _____ REG No.: _____

DRAUGHTSMAN ADDRESS : _____

TEL No. : _____

BUILDER: NAME : _____ REG No.: _____

ADDRESS : _____

TEL No. : _____

CONSULTANT: NAME : _____ REG No.: _____

ADDRESS : _____

TEL No. : _____

ELECTRICAL: NAME : _____ REG No.: _____

CONTRACTOR ADDRESS : _____

TEL No. : _____

SIGNATURE OF OWNER: _____ DATE: _____

FOR OFFICE USE ONLY: CHECKLIST

TICK HERE

- a) 5 copies of plan received (ALL coloured) _____
- b) Copy of TITLE DEEDS received _____
- c) Copy of SG diagram _____
- d) Certified copy of builder's NHBRC registration certificate _____
- e) 5 inspection forms handed to applicant _____
- f) Recorded in register _____
- g) Plan fee: R _____ Receipt No.: _____
- h) Verge deposit: R _____ Receipt No.: _____

NATIONAL BUILDING REGULATIONS
APPOINTMENT OF PROFESSIONAL ENGINEER OR OTHER COMPETENT PERSON

- 1. LOCAL AUTHORITY: _____
- 2. PROPOSED WORK: _____
- 3. DESCRIPTION OF PROPERTY: _____
- 4. I, _____
being the owner of the above property, have in terms of regulation A19, appointed:
- 5. _____
to undertake the design of
- 6. _____
and the inspection of this work during the course of construction in order to check compliance with the approved design, such appointment being effective from
- 7. _____

The above-named person has accepted the appointment and under an agreement in terms of regulation A1(9), has undertaken to accept responsibility for providing the above-mentioned local authority with such drawings, details and particulars as it may require in terms of the regulation. In so far as such drawings, details and particulars may refer to work of a structural nature, such person has further undertaken to inform the above-mentioned local authority if it appears that any structural work is being carried out in a manner which may endanger the strength, stability or serviceability of the building or any adjoining building or structure.

Should the above appointment be terminated before construction of the building is completed, I undertake to inform the local authority accordingly and, where necessary, to make a new appointment.

SIGNED:

OWNER : _____ DATE: _____

PERSON APPOINTED : _____ DATE: _____

REGISTRATION No. : _____

ACADEMIC, PROFESSIONAL OR OTHER QUALIFICATIONS: _____

EXPERIENCE:

DETAILS FOR COMPLETION OF FORM

- 1. Insert name of local authority
- 2. Insert one or more of the following as required: Proposed new building, or Alterations/ Additions/ Conversion/ Extensions/Rebuilding/Re-erection/Subdivision/Structural repair to/of existing building.
- 3. Insert description of property, e.g. Erf no. and township, farm portion no., etc.
- 4. Insert the full names of the registered owner of the property.
- 5. Insert the full name of the person or firm appointed.
- 6. Insert the description of work to be undertaken.
- 7. Insert date of appointment.

Private Bag X 04
CAMPERDOWN
3720



Tel No: 031 785 9300
Fax No: 031 785 1278

B.C.21

Dear Sir

APPLICATION FOR RELAXATION

I wish to state that I am the registered owner of Erf _____
Municipal area of _____ and hereby apply for the relaxation of the:-

Building line (street frontage) from _____ to _____

Side space (N/S/W/E boundary) from _____ to _____

Rear space from _____ to _____

(A) I further confirm that the adjoining registered property owners that may be affected by this relaxation have examined the building plans and have no objections to this relaxation for the purpose of the erection of

(B) Completed B.C.22 form attached.

Yours faithfully

(PLEASE PRINT) _____

(OWNER'S SIGNATURE)
(NAME)
(ADDRESS)
(POSTAL CODE)
(TEL. NUMBER)
(DATE)



B.C.22

Dear Sir

APPLICATION FOR RELAXATION (ADJOINING OWNERS)

I wish to state that I am the registered owner of Erf _____

Municipal area of _____

which adjoins the property being Erf _____ of _____

for which this application is being made for the relaxation of:-

Building line (street frontage) from _____ to _____

Side space (N/S/W/E boundary) from _____ to _____

Rear space from _____ to _____

I further confirm that I have examined the building plans and have no objections to the relaxation for the purpose of the erection of _____

Yours faithfully

(PLEASE PRINT) _____

(OWNER'S SIGNATURE)

(NAME)

(ADDRESS)

(POSTAL CODE)

(TEL. NUMBER)

(DATE)

PERCOLATION TEST REPORT

T.P.2

Building Plan No. : _____ Development Area: _____
 Type of Building : _____ Lot Description : _____
 No. of Dwelling Units : _____ Extent of Lot : _____
 No. of Contributors : _____
 Resident : _____
 Non-Resident : _____

Test holes indicated on Site Plan on back hereof.

Test hole mark		
Date of Test		
Types of soil and thickness		
Date of last rainfall		
Description of last rainfall		
Remarks regarding soakaways on the lot, or adjoining lots		
Time for 150mm of water to soak away or fall		
Fall in level after 30 minutes		
Percolation rating – minutes per 25mm		
Stability of soil - Remarks		
Rate of Application of Effluent – liters/ m2 /day		
For dwellings – length of standard French drain		
Other uses – length of standard French drain – m/person		

Test performed by : _____

Recommendation approved by : _____

TECHNICAL MANAGER