Development Planning, Environment & Management Unit
Environmental Planning & Climate Protection Department

166 K. E Masinga Road, Durban, 4001
PO Box 680, Durban, 4000
Tel: 031 311 7875
Fax: 031 311 7134
Deputy Head: Dr D Roberts

TO: **THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**

SUBJECT: **REZ/0001/01/2019/ENV: PROPOSED AMENDMENT OF THE LAND USE SCHEMES OF ETHEKWINI BY THE INTRODUCTION OF A NATURE RESERVE ZONE DESIGNED FOR NATURE RESERVES BOTH PROCLAIMED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT OF 2003 (ACT NO. 57 OF 2003) AND IDENTIFIED D'MOSS AREAS UNDER CONSIDERATION FOR SUCH PROCLAMATION.**

REQUEST FOR PERMISSION TO UNDERTAKE A PUBLIC PARTICIPATION PROCESS IN TERMS OF THE ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016.

DATE: **20 MARCH 2019**

---

1. PURPOSE.

To request the permission of Council to advertise, in terms of By-Law 14(2) of the eThekwini Planning and Land Use Management By-Law, 2016, , the proposed intention to introduce into all the land use schemes of the eThekwini Municipality, a new land use zone designed for Proclaimed Nature Reserves as well as for Durban Metropolitan Open Space System (D'MOSS) areas which have been identified by the Environmental Planning and Climate Protection Department as being both worthy and necessary for proclamation protection under the National Environmental Management: Protected Areas Act of 2003 (Act No. 57 of 2003). The proposed land use zone is to be called "Nature Reserve" and is applicable to both publicly and privately owned land.

2. STRATEGIC OBJECTIVE.

Within Programme 1.1 of the 2017/18 to 2021/22 Integrated Development Plan (IDP), the spatial response to the development context and needs of the Municipality is found within the development of a Package of Plans. And the essence of the Municipal-wide strategic level plans (Long Term Development Framework, IDP, Spatial Development Framework), finds its outcomes within the detailed local level plans and land-use schemes.

The purpose of Programme 1.2 is to ensure the long term sustainability of the natural resource base of the eThekwini Municipal Area (EMA), because natural resources are recognised as the primary platform for eThekwini's sustainable growth and

development. The eThekwini Municipality (EM) is therefore committed to ensuring the long-term sustainability of the natural resource base through protecting important terrestrial and aquatic natural environments within the EMA in order to secure a sustained supply of ecosystem services for eThekwini's residents and visitors. Nature Reserves comprise a mixture of Critical Biodiversity Areas (CBA) or Ecological Support Areas (ESA), thus providing needed ecosystem services.

To provide a sustainable development approach to the Nature Reserves within the EMA, their ecological and land use management can be achieved through the inclusion within the land use schemes of a zone which benefits the sustainable management by the integration of the proclamation requirements of the Reserves under the National Environmental Management: Protected Areas Act of 2003 (NEMPAA) with the management provisions of the land through the land use schemes of the EMA.

3. EXECUTIVE SUMMARY.

This is a proposal to request permission to advertise for public comment, the proposed addition of a new Nature Reserve land use zone into all land use schemes. The proposal is in terms of the eThekwini Municipality: Planning and Land Use Management By-Law, 2016. The zoning will apply to all land which has been proclaimed as Nature Reserves in terms of the National Environmental Management: Protected Areas Act of 2003 (Act No 57 of 2003) (NEMPAA) and other land which, in the opinion of the Deputy Head: Environmental Planning and Climate Protections Department, is D'MOSS land worthy for Proclamation for Nature Reserve purposes.

The purpose of the new zone is to integrate the intentions of the management plan prepared specifically for proclaimed Nature Reserves in terms of NEMPAA, into the land use schemes to promote more efficient management of the land and, where appropriate, to allow land uses which will be to the benefit of the promotion of the biodiversity of the land and to the City as a whole. Cognisance has been taken of environmental, economic and social importance of nature reserves and to make proper economic use of the Nature Reserves, where possible, and to promote the importance of biodiversity awareness in making the City more resilient towards the impacts of climate change.

4. BACKGROUND AND DISCUSSION.

4.1 Background.

Under the ownership of the Municipality, there are presently 10 Nature Reserves which have been Proclaimed in terms of the National Environmental Management: Protected Areas Act of 2003 (Act No. 57 of 2003) - NEMPAA. These include the Roosfontein, Giba Gorge, Marion Wood, New Germany, Paradise Valley, Burman Bush, Virginia Bush, Pigeon Valley, Silverglen, and Springside Nature Reserves. The Palmiet Nature Reserve was proclaimed in terms of the sub-section 3(2)(A) of the KwaZulu-Natal Nature Conservation Management Act of 1997 (Act No.9 of 1997).

Whilst these Nature Reserves have protection in terms of the Durban Metropolitan Open Space System (D'MOSS), it has been the policy of the Environmental Planning and Climate Protection Department to provide biodiversity protection to these areas through the process of the re-zoning of the land to Environmental Conservation

Reserve. This provides some protection, however the Proclamation of the Nature Reserves in terms of NEMPAA is recognized through the Act at national level as the highest level of protection for these types of Nature Reserves and therefore allows for the Municipality to have greater leverage when negotiating with national government in acquiring funds for the management of these Nature Reserves. It is therefore necessary that the land use zoning of these Nature Reserves reflect the intentions of the Proclamation Notices.

4.2 Considerations.

4.2.1 Environmental Legislative Factors.

In terms of Section 17 of NEMPAA, the purposes for proclaiming areas as Nature Reserves is based on the following principles:

"(a) to protect ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes in a system of protected areas;
(b) to preserve the ecological integrity of those areas;
(c) to conserve biodiversity in those areas;
(d) to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;
(e) to protect South Africa's threatened or rare species;
(f) to protect an area which is vulnerable or ecologically sensitive;
(g) to assist in ensuring the sustained supply of environmental goods and services;
(h) to provide for the sustainable use of natural and biological resources;
(i) to create or augment destinations for nature-based tourism;
(j) to manage the interrelationship between natural environmental biodiversity, human settlement and economic development;
(k) generally, to contribute to human, social, cultural, spiritual and economic development; or
(l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species."

In chapter 1 of the *Norms And Standards For The Management Of Protected Areas In South Africa*, it is stated that, in terms of Section 11 of NEMPAA, the National Minister of Environmental Affairs may prescribe norms and standards for the management and development of protected areas. In addition, there must be indicators measuring the compliance with the norms and standards which have been set. In terms of the Schedule of the Norms and Standards, the purpose of these, derived from Section 2 of NEMPAA, are –

"2(c) to effect a national system of protected areas in South Africa as part of a strategy to manage and conserve its biodiversity;"

and

"2(e) to promote sustainable utilisation of protected areas for the benefit of the people, in a manner that would preserve the ecological character of such areas."

The purposes of the norms and standards are set out within Section 2 of the Norms and Standards published on 2016-03-31. These include the following:

"(a) *to ensure the South Africa's protected areas fulfil the purpose for which they were declared as set out in section 17 of the Act;*
(b) *to ensure that human induced disturbance within or originating outside of protected areas is avoided, and where such cannot be achieved is minimised and the impacts remedied;*
(c) *to provide a goal for protected area management authorities to strive for in managing their protected areas;*
(d) *to ensure protected areas are managed efficiently and effectively".*

These norms and standards set by the Minister are necessary for the protection of the natural environment of the land and in recognition of the importance of the biodiversity of the country by contributing towards the wellbeing of the population.

The principles derived from NEMPAA for the purposes for proclaiming an area as a Nature Reserve as well as the principles which underline the norms and standards applied to areas of environmental protection, have been the basis for the proclamations of Nature Reserves within the eThekwini Municipal Area.

4.2.2 Integrating Environmental and Spatial Planning Requirements.

In order to provide spatial planning support for protected areas, it is necessary to integrate the purpose and intentions of the norms and standards into the land use management system to provide for the spatial protection of protected areas through the land use schemes. At the same time, the integration should not interfere with the intentions of the provisions of NEMPAA but should complement its intentions through appropriate land use management tools. These will provide appropriate Municipal planning management by the Town Planners using the land use schemes as the mechanism for Nature Reserve land use management.

At present, the land use schemes make provision for a single reservation for the protection of publicly owned environmentally sensitive land and for land of biodiversity importance within proclaimed Nature Reserves. This is referred to as the Environmental Conservation Reserve (ECR). The intention of this reservation has been to protect publically owned land through dedicated conservation and management *"of natural areas of land and/or water for the ecosystem goods and services that the areas provide and the biodiversity which they support."*

These principles form the foundation of the intention of the proposal to develop a new land use zone designed for proclaimed Nature Reserves, but which may also be applied to areas where the intention is to apply, through NEMPAA, to have an area proclaimed.

The ECR restricts land uses within the reserve with the proviso that, with the written consent of the Municipality, relaxations may be considered where the intention of the Reservation is not impeded by a proposed use of the land. In order to determine which land uses may be considered, the advice of the Deputy Head: Environmental Planning and Climate Protection is sought. The Reservation also restricts certain aspects of day-to-day management of the land such as removal of indigenous plants, landscaping, and the disturbance of fauna, flora, soil and water resources.

Section 41 of NEMPAA requires that a Management Plan must be prepared for each of the proclaimed Nature Reserves and from this, what is known within environmental

legislation as the "*zoning*" of the land occurs. This differs from the land use management definition of "*zoning*" in that, within the context of a Management Plan, it provides a spatial indication of the ecological and land activity of the land. This includes the location and categorization of vegetation types as well as facilities which may be present or which may be beneficial for recreational, educational or tourism purposes. For the sake of providing a clear distinction between the two types of zoning, the term "*zonation*" will be used in the case of land uses referred to in a Management Plan. It must be stressed that the primary purpose of the Nature Reserves remains one of the conservation and protection of the natural environment in both the biodiversity and the land use management intention for the land.

Section 41 of NEMPAA has determined that the object of the Management Plan is "*to ensure the protection, conservation and management of the protected area concerned in a manner which is consistent with the objectives of this Act and for the purpose it was declared.*"

In order for this to be achieved, the Management Plan must contain:

"*(a) the terms and conditions of any applicable biodiversity management plan;*
(b) a co-ordinated policy framework;
(c) such planning measures, controls and performance criteria as may be prescribed;
(d) a programme for the implementation of the plan and its costing;
(e) procedures for public participation, including participation by the owner (if applicable), any local community or other interested party;
(f) where appropriate, the implementation of community-based natural resource management; and
(g) a zoning of the area indicating what activities may take place in different sections of the area, and the conservation objectives of those sections."

In addition, the Management Plan may contain:

"*(a) development of economic opportunities within and adjacent to the protected area in terms of the integrated development plan framework;*
(b) development of local management capacity and knowledge exchange;
(c) financial and other support to ensure effective administration and implementation of the co-management agreement; and
(d) any other relevant matter.

It is therefore necessary for the Management Plan to integrate the objectives of the Act and the purpose for it was proclaimed to ensure that the biodiversity of the land is protected. Arising from the structure of Municipalities and the application of the Spatial Planning and Land Use Management Act of 2013 (Act No. 16 of 2013), it is logical that provision is to be made within the land use scheme for a zone which includes Nature Reserves. This assists the Town Planner in setting guidelines for potential development or restriction to development. The Management Plan referred to in NEMPAA includes a "*zonation*" plan based on the protection of the Nature Reserve. The provisions of the land use scheme should recognize this plan and incorporate it into any Nature Reserve Zone by way of a cross-reference to this plan.

Within the EMA, there are a number of Proclaimed Nature Reserves which contain facilities such as picnic areas, conference facilities and educational facilities such as media centres which provide information on the Nature Reserves themselves. In terms of the ECR, these facilities are precluded as they are seen as a potential threat to the integrity of the biodiversity of these reserves and therefore become an anomaly which requires attention. Provision is made within the land use schemes for the recognition of uses approved prior to the introduction of the ECR. These are referred to as "*existing uses*" and whilst they are provided with a certain protection as existing uses, the integration of these uses within a Nature Reserve land use zone through the recognition of the environmental "*zonation*" of the land, may be a more preferred approach.

This will reduce the need for a lengthy public process through the Special Consent procedure where the Management Plan has already accepted the presence of these uses. Any public participation will be determined through the application of the schedule of listed activities prepared in terms of the National Environmental Management Act of 1998 (Act No. 107 of 1998) where extensions, alterations or change of use proposed to existing land uses, may trigger a listed activity.

As with the construction of any land use zone, the principles of the functioning of the activities considered to be included, will have been through an analysis to determine their appropriateness within a land use scheme. In the preparation of the Management Plan, the environmental official undertakes a sensitivity analysis to determine the correct "*zonation*" to be applied to the land. As a result, the application of the Management Plan provides the Town Planner with information which determines which land uses are appropriate within the new Nature Reserve Zone.

The management of each Nature Reserve, other than in the case of the Giba Gorge Nature Reserve, rests with the Reserve Manager appointed by the Natural Resources Branch. This Manager is guided by the scientific expertise of the Ecologists within the Environmental Planning and Climate Protection Department. At present there is no formal Memorandum of Understanding between the two departments when it comes to management and professional advice. To facilitate this, it is proposed that a provision be included as part of the management tools within the new Zone, which makes it a requirement that such memorandum of understand be entered into by the two departments. Through the integrated management of the new zone, this aspect of the land use zone will be monitored by the Environmental Planning and Climate Protection Department, and in particular the Biodiversity Planning Branch. It will also become the responsibility of the Town Planner to call on the expertise of the Biodiversity Planning Branch when considering any application for a land use within a Nature Reserve.

Giba Gorge forms part of a Special Ratings Area known as the Giba Gorge Environmental Planning Precinct which is managed through a registered co-operative in terms of Section 21 of the Companies Act, 2008 (Act No. 71 of 2008). The management of this Nature Reserve is overseen by the Environmental Planning and Climate Protection Department.

4.2.3 The Zonation Map.

A Management Plan is developed on three pillars: environmental, economic and social. These pillars are the supports which are fundamental to the success of a Nature Reserve.

The primary purpose of a reserve is to provide a framework which will protect and conserve the ecosystem of the reserve. To ensure this, there is a need for economic (financial resources generated and acquired through Municipal and Provincial funding) and social (the creation of awareness of the importance of biodiversity through education and activities) support.

It is important that there is an understanding of the distinction between a land use zone and a zonation. To illustrate the application of zonation within the environmental context, the following extract from the Management Plan for the Roosfontein Nature Reserve is included. It is important to reflect on the distinctions between what is intended through the Management Plan and how this can be integrated into the land use zone.

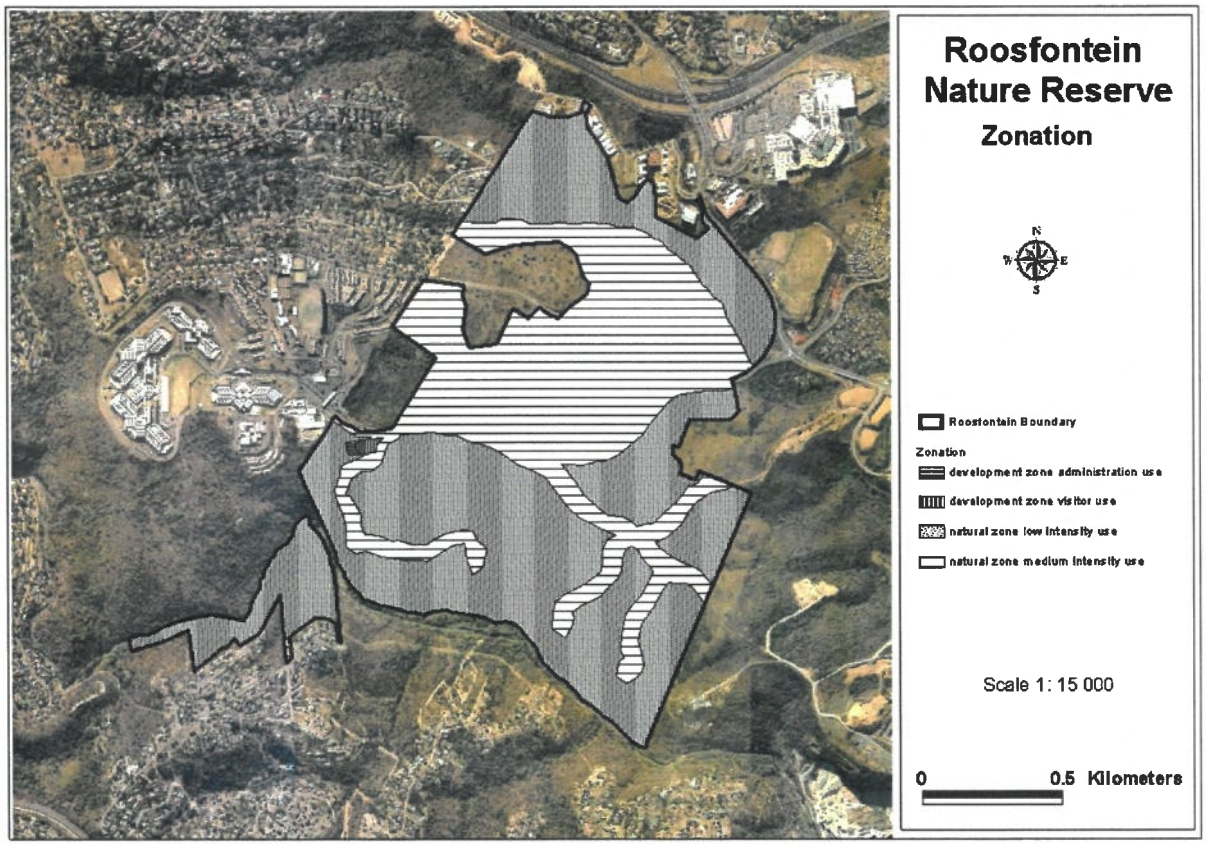
Roosfontein Nature Reserve Zonation:

The zonation has been developed using a mixture of management and recreation opportunities which provide clear indications of the type of management to be applied and the recreational uses allowed in the different zones. The Zonation was divided into two management zone categories which guide future use, management and development to cater for management requirements and different public user groups. This is both described in the Management Plan and indicated on the Zonation Map. The Zones are:

(i) **The Development Zone.** An area where the majority of future developments will occur in identified nodes. It comprises two areas –
- Zone 1 - Administration Zone. This Zone is reserved for management infrastructure including offices and a workshop to be well-maintained and aesthetically pleasing cleared of all alien plants. Activities are restricted to those related to the administration of the Nature Reserve. The historically present office on the site was identified as the premises to be utilized for this purpose.
- Zone 1 - Visitor Use Zone. An area for public use and enjoyment which is to be well-planned and contained approved sustainable ecotourism infrastructure. The zone may include an education centre, picnic area, parking and ablutions.

(ii) **The Natural Zone.** Areas where visitor uses are managed according to specific guidelines and minimal development will occur. This Zone contains two areas –
- Zone 2 - Medium Intensity Use. A motorised zone, providing public or management access to relevant development infrastructure via a well-managed tar or gravel road network, natural grasslands and forests in good ecological condition, devoid of alien plants. The activities include burning, fence maintenance, clearing of invasive plants and patrols. Visitor's experience oriented around motorised sightseeing, camping and picnicking. Facilities include formal hiking trails, bird hides and view points supported by surfaced roads (tar or gravel) and roadside facilities, including access control points and interpretive facilities. May include management tracks and 4x4 tracks, rustic accommodation, low intensity tourism nodes, including signs, fences, or pathways.
- Zone 2 - Natural: Low Intensity Use. This is a non-motorised visitor zone, well-managed grasslands, forests and wetland in good ecological condition,

devoid of alien plants, landscape largely undisturbed, with visitor activities restricted to trails. The activities include burning, fence maintenance, clearing of invasive plants and patrols. Only planned and approved sustainable infrastructure or facilities will be constructed in this zone. These include visitor access by well-developed trail network and small picnic areas. Visitor activities are trail oriented: formal hiking trails, bird hides and viewpoints may be established for visitor use.



Terrestrial Protected Area Zonation Map.

When read in conjunction with the zonation map, the Management Plan gives a clear indication of both the type of land use activity permitted and its geographical location within the Nature Reserve. The Management Plan presents clearly defined reasoning for the location and management of the land uses by presenting areas of low and high intensity of human activity within the Nature Reserve. This information will assist the Town Planner in determining the appropriateness of any change or inclusion of a land use.

4.3 Motivation based on the provisions of the Spatial Planning and Land Use Management Act.

4.3.1 The proposal within the legislative context - Application Category.

In terms of By-Law 26(1) of the eThekwini Municipality: Planning and Land Use Management By-Law: 2016 and the delegations adopted by Council, this is a Category 1 application and a decision will need to be made by the City Council.

4.3.2 Alignment with the Development Principles of the Spatial Planning and Land Use Management Act of 2016 (Act No. 13 of 2016) - SPLUMA.

It is necessary that the proposal considers the provisions of Section 7 of the Spatial Planning and Land Use Management Act so that the proposal is guided in its preparation, sustainability in its use and development of land and applicability in terms of the principles and intentions of the strategic vision of the City.

4.3.2.1 The Principle of Social Justice.

- The proposal will incorporate provisions which, through the Management Plan, make a Nature Reserve accessible to all the people of eThekwini and her local and international visitors, primarily for scientific purposes during acceptable hours and under the supervision of officials of the Municipality, but also as a means of enjoying the natural beauty of the City as a passive recreational activity.
- The inclusion of the proposed Nature Reserve Zone as a land use zone within the land use schemes, honours the objectives of the NEMPAA which promotes the utilisation of protected areas for the benefit of all people through the preservation of the ecological character of such areas. This provides a beneficial biodiversity access downstream for both present and future generations.

4.3.2.2 The Principle of Spatial Sustainability.

- The proposal has alignment with the Integrated Development Plan: Programme 1.2 which is to ensure the long term sustainability of the natural resources base.
- There is alignment with the 2018/2019 Spatial Development Framework Review.
- The proposal is aligned with the intentions of NEMPAA in providing a land use zone which recognizes the principles of proclaimed Nature Reserves and to give full environmental protection ensuring the sustainability of the ecosystems present, through improved access to funding for the further protection of the Nature Reserves.

4.3.2.3 The Principle of Efficiency.

- It is recognized that ecological infrastructure which provides ecosystem services, are part of the City's infrastructure which benefits the people of the City. Through the systematic conservation plan (D'MOSS), the scientific identification of areas suitable for proclamation of Nature Reserves has been undertaken by the Environmental Planning and Climate Protection Department. This process identified numerous areas for protection through a proclamation in terms of Section 23 of NEMPAA undertaken by the Provincial Department of Economic Development, Tourism and Environmental Affairs. This resulted in the Proclamation of Roosefontein Nature Reserve on 2015-10-09 and nine other Nature Reserves on 2018-08-23.
- The combination of the Management Plan prescribed through NEMPAA and the Nature Reserve Zone ensures an integration of two legislative processes which will work hand in hand to ensure the efficient management of the Nature Reserves by way of the management tools offered through the land use zone and the Management Plan prescribed under the provisions of NEMPAA.

4.3.2.4 The Principle of Spatial Resilience.

The alignment of the Management Plan within the Nature Reserve Zone allows for a flexible approach to the provision of land use activities. The merging of the environmental management of the Nature Reserves and the land use management through the land use schemes will ensure that the Nature Reserves are resilient against land invasions and climate change effects. The introduction of land use activities, where deemed appropriate when read in conjunction with the Management Plan, allows for possible socio-economic benefits to be derived.

4.3.2.5 The Principle of Good Administration.

With the introduction of any land use zone, it is necessary that all affected and interested administrators and services providers are given the opportunity to make a contribution towards the efficient operation of the zone. With the application of good land use management practice through careful assessment of proposals within the zone, this can be achieved. It is therefore important that the management tools at the disposal of both the Nature Reserve managers of the land and the Town Planners allow for flexibility in decision making process. The proposal allows for this in both the provisions that have been created and the participation process provided for in terms of the eThekwini Municipality: Planning and Land Use Management By-Law, 2016.

5. OTHER PARTIES INVOLVED.

The provisions of By-Law 14(2) the eThekwini Planning and Land Use Management By-law, 2016 state the following:

"Prior to the adoption of the land use scheme contemplated in subsection (1) and before any proposed amendments to the land use scheme, the Municipality must–

(a) give notice of the proposed land use scheme in two newspapers;
(b) invite the public to submit written representations in respect of the proposed land use scheme to the Municipality within 60 days after the publication of the notice referred to in paragraph (a); and
(c) consider all representations received in respect of the proposed land use scheme.

In addition,

(3) The Municipality must advise the public by notification in two newspapers of the adoption of or amendment to the land use scheme.

Whilst it is not a requirement of the By-Law, it is preferred that the internal Departments which may be affected by the proposal, be informed and that their comments be included in this report to Committee. By undertaking this interactive process prior to the request to the Council for permission to advertise the proposal, allows for support for the proposal from the officials to be shown to the Council. It is the intention of the Department to circulate to affected organs of state during the public participation process.

Subsequent to the circulation of the proposal, the following comments have been received.

5.1 Strategic Spatial Planning Branch.

Comments as raised by Strategic Spatial Planning Branch, include the following:

1. *Establishing protected areas is one of the most widely used tools for environmental conservation and the ECPD efforts in an attempt to improve the better management of our Proclaimed Nature Reserves are commended. The motivation is clearly spelt out, in that having proclaimed Reserves assist the municipality in accessing funding from national and provincial government to maintain and preserve our natural areas and its biodiversity. This would ultimately result in improved conservation management overall. Protected Conservation management areas depends mainly on the zones in schemes as they are applied.*

2. *The most relevant piece of legislation in the context of this proposal is the Spatial Planning and Land Use Management Act No. 16 of 2013 (SPLUMA). SPLUMA requires amongst others the municipal spheres of government to prepare Spatial Development Frameworks that, inter alia, establish a clear long term vision, guide planning and development decisions across all sectors to address the inclusion and integration of all areas into the social, economic and environmental objectives of the relevant sphere of government, identify risks of particular spatial patterns, indicate priority areas and provide direction for strategic development and ensure plans and programmes of all spheres of government are coordinated and aligned. Chapter 2 Subsection 7(a)-(e) of SPLUMA requires that all SDF's give effect to the certain development principles; the pertinent principles are as follows:*

   - *Subsection 7(b): Spatial Sustainability; in this context the Spatial Sustainability principle is intended to give special consideration to the protection and to uphold the land use measures in accordance with environmental management instruments, promote land development in sustainable locations and limit urban sprawl.*

   - *Subsection 7(d): Spatial Resilience; - which provides flexibility in spatial plans and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The introduction of a new Land Use Zone into all land use schemes being Nature Reserve Zone is seen as fulfilment of the above SPLUMA principles.*

3. *Since spatial planning has a long term impact on the growth of the city, the introduction of a new Nature Reserve Zone into all land use schemes coupled with integrating climate change responses into the spatial planning frameworks will contribute to increasing the city's climate resilience and supporting climate-proof urban development plans.*

4. *The introduction of a new Nature Reserve Zone into all land use schemes resonate with the municipality's Long Term Development Framework to achieve*

sustainable development as outlined in the Municipalities 8 Point Plan. The pertinent plan in this context being Plan 1 which is: Develop and sustain our spatial, natural and built environment.

5. *In light of the above, the Strategic Spatial Planning Branch raises no objections to the proposed introduction of a new Nature Reserve Zone into all land use schemes. The aim of the present work is to propose a new zone into all the Ethekwini schemes for protected Nature Reserves with an accompanying set of regulations which spell out the intention, Primary uses allowed and more specifically the prohibited uses. It is clear that a Management plan would need to be an appendix to all Reserves which sets out even further the details of what is allowed and what is strictly prohibited.*

6. *Overall the Strategic Spatial Planning Branch is in support of the introduction of the new zone nature Reserve however it is unclear how these controls will influence Private Nature Reserves which would present other management challenges.*

7. *Whilst it is acknowledged that there is a difference between Nature-based tourism which may be construed to be more passive and less damaging to the natural environment and Eco-tourism which is based on active engagement/recreation, the new Scheme inclusion mentions eco-tourism as a free entry and this may be in conflict with the intention of the preservation and protection of our Reserves. Although in the case of Private Reserves the addition of Eco-tourism is in line with the promotion of active recreation. More careful consideration with regards to these definitions and how they interface with the scheme needs to be explored. Ecotourism has been promoted in many of areas and it is contended that sustainable ecotourism development depends on successful environmental management. For ecotourism management, a set of warning indicators is especially important to indicate environmental change at tourism sites.*

8. *The inclusion of innovative land use regulations such as this can demonstrate how complex land use issues and problems of re-allocating responsibilities between government and Municipalities in conservation management can be addressed.*

9. *In terms of the Spatial Development Framework, DMOSS will continue to be a primary layer in the Municipal SDF and when these zones are adopted will be treated as zones within our low order plans. At a regional scale it will not be shown on the SDF which shows broad land uses and the DMOSS as our primary layer.*

Response from the Environmental Planning and Climate Protection Department.

Ad Item 5:

Sub-paragraph 4.3.2 of this Report provides clarity on the proposal in that it is the creation of a land use zone which merges the intentions of the proclamation of the nature reserves and the management directives of the Management Plan (read with the Zonation Map) and the land use management provisions set out in the Development Facilitation Table for the Zone (Refer to sub-paragraph 8.1 below). It is not intended

to include the Management Plan nor the zonation map as part of the Regulations because this would result in any amendments of these documents through NEMPAA, requiring an amendment of the Regulations. The Management Plan and zonation map must be viewed as ancillary documents which guide and provide additional information when making decisions on development applications. It is therefore referred to within the provisions contained in the Development Facilitation Table and is to be used in any decision making process.

Ad Item 6:
The provisions as set out in the Development Facilitation Table apply equally to both public and private Nature Reserves. In both instances, it is necessary to prepare a Management Plan and zonation map. The flexibility of the Development Facilitation Table allows, where necessary, for additional controls to be introduced which may be applicable to specific Nature Reserves.

Ad Item 7:
There are two aspects which need to be borne in mind when considering the management of the Nature Reserves. Firstly, all the Reserves fall within the D'MOSS Layer. This layer is re-assessed on an 18 month basis and therefore cognizance is taken of the status of the biodiversity within each Nature Reserve. Secondly, a State of Biodiversity Report is prepared on an annual basis. This report includes information on the integrity of the Nature Reserves. In both instances, constant surveillance is undertaken to ensure that any change in the integrity of the Nature Reserve is detected and the necessary maintenance management is undertaken.

5.2 Land Use Management Branch and Land Use Management Project Team.

The following comments were prepared by an official of the Project Team within the Branch and whilst it was indicated that these are the comments from the Branch itself, a request for the Regional Co-Ordinators did not deliver any further comments or acceptance of the comments from the Project Team.

Please be advised that we have no objection in principle to the amendment of the LUM schemes by;

Introduction of the new Nature Reserve Zone
Introduction of new Land Use Definition of "Ecotourism"
Amendment of the existing "Nature Reserve" definition.

Some comments for the zone/DFT going forward;

(a) Where these are proposed over private land, please ensure owners consent is provided.
(b) Please advise where will the "zonation" map sit?
(c) If there is an "intention to proclaim", and it does not occur, it must be made clear how long before the zone falls away (five years?).
(d) It must be made clear that ensuring compliance with items 1.1 to 1.6 will be to the responsibility of EPCPD.

Response from the Environmental Planning and Climate Protection Department.

The following responses are provided:

Ad Item (a):
The registered owner of a private Nature Reserve need only provide consent when it is intended to zone the land for Nature Reserve purposes. The purpose of this report is to request permission to advertise an intention to introduce a new zone into the land use schemes. Any re-zoning of land will be dealt with separately under a land development application to the Acting Head: Development Planning, Environment and Management Unit and the provisions indicating the requirement suggested by Land Use Management is found under By-Law 23(3) of the eThekwini Planning and Land Use Management By-Law, 2016.

Ad Item (b):
The matter of the zonation map has been dealt with under paragraph 5.2, ad Item 5 above.

Ad Item (c):
By-Law 47 of the eThekwini Planning and Land Use Management By-Law, 2016, makes provision for a conditional approval to be attached to a land development application. Such approval may lapse if the condition is not complied with within:
(a) 2 years where no time period is stipulated; or
(b) a stipulated time period plus an extension which together may not exceed 5 years.
The proposal before the Committee is an amendment to the Regulations and not a development application. Each application for a Nature Reserve Zone will be considered on its merit and the need to impose a condition limiting the period of time to Proclaim a Nature Reserve, will be determined by the authorizing Authority at the time of consideration of the application. In any event, it is unwise to place a time limit on a zoning of land intended for environmental protection because this compromises the purpose of Plan 1.2 and reduces the importance of sustainable biodiversity in the face of the impacts of climate change.

Ad Item (d):
It is the responsibility of the Land Use Management Branch to implement and enforce the land use management schemes. Notwithstanding, it does become necessary for that Branch to call upon expert Departments to assist in the interpretation of land use management issues which are specialized in nature. In the case of all aspects of biodiversity which is included in the land use schemes, it is incumbent upon the Land Use Management Branch to undertake the initial analysis of any proposal before it after which that Branch will call upon the Deputy Head: Environmental Planning and Climate Protection to assist in providing input into the proposal before the Branch.

5.3 Public Sector Housing Branch.

The following recommendations and comments have been received:

PSH raises no objection to the proposed introduction of a Nature Reserve land use zone in all the Land Use Management Schemes in the eThekwini Municipality, subject to the following conditions:

a. *The proposed introduction of the "Nature Reserve Land" use zone application meeting all the requirements of the relevant internal departments and state organs.*
b. *Full compliance with all applicable legislation and policies.*
c. *The Branch being consulted for comment on future process.*

Response from the Environmental Planning and Climate Protection Department.

Once the proposal is advertised for public comment, all interested and affected organs of state will be notified of the proposed amendment and will be granted the opportunity to comment.

5.4 Information Centre.

The Divisional: Co-ordinator, made the following comments.

The Information Centre has no objection to this application. However, consideration to the following will be highly appreciated:

1. *The definitions that are not in the Schemes presently should be listed in the recommendation to be included into all Schemes.*
2. *The Primary uses are to be listed in the Development Facilitation Table, the management plan cannot be part of the Scheme.*
3. *The Development Facilitation Table needs to be formatted to match the new Schemes.*

Response from the Environmental Planning and Climate Protection Department.

The report sent for comment was in the format of a motivation report which would be received by Land Use Management for any proposal submitted for consideration by the relevant decision making bodies. The report prepared for the ECOD Committee will ensure that recommendations are prepared and within these recommendations will be all that is being proposed.

The report for comment, sets out the reasons for the wording contained in the Primary and Special Consent columns of the DFT. The very nature of a nature reserve requires that cognizance be taken of the approved Management Plan. The Management Plan can be seen as a traffic impact assessment (TIA) would be seen. It guides development. It does not become part of the Scheme because if an amendment is required of the Management Plan, it would be necessary to go through the full amendment process set out in the By-Laws.

The formatting of the Development Facilitation Table has been corrected to reflect that used in the 2018 Land Use Schemes.

5.5 Natural Resources & Specialized Services.

No response was received.

5.6 Biodiversity, Climate and Green Project Implementation.

The following comments were provided by the Programme Manager of this Branch.

(1) Line Departments should ensure that Reserve Management Plans feed into/are linked to other relevant Management Plans (e.g. the IAS Management Plan) and strategic documents such as the IAS Framework Strategy & Action Plan, that are/might be available.

(2) Line Departments should also commit themselves to drafting and availing detailed, baseline inventories of natural assets found within their respective Reserve(s) and such information should be linked to the MP.

(3) The MP must also contain/highlight biodiversity features which led to the proclamation of the Reserve, in the first place. Management of the Reserve must then be underpinned by the objectives of the proclamation as this will uphold the conservation status of the Reserve in question.

(4) Streams and models for securing long-term funding, for sustainable management of the Reserve as per Norms & Standards, NEMPA - Section 2, should be included in the MP.

Point (g) of "In order for this to be achieved, the MP must contain", refers;
(g) a zoning of the area indicating what activities may take place in different sections of the area, and the conservation objectives of those sections."
It is recommended that the List of activities taking place in different sections of an area (in relation to point (g)), provides guidance on Reserve's stand-point on natural resource harvesting i.e. whether such activities are allowed or not. Where natural resource harvesting is allowed, protocol for harvesting as well as permit issuing, should be addressed.
Processing of new development proposals (whether through EIA or Scoping Reports), within a Nature Reserve, should be done in consideration of currently existing uses. In other words, cumulative impacts associated with development should be considered and not treat each development application in isolation.
Support for biodiversity conservation, such as fencing and provision of Field Rangers, should also be addressed more especially in a land-hungry environment as our country has now become one such substrate.
Advocacy/Awareness Campaigns aimed at both staff and neighbouring communities about the objectives of the proclamation, should be made a compulsory pre-requisite.

Response from the Environmental Planning and Climate Protection Department.

Whilst the comments are applauded from the Branch, they apply to the provisions of NEMPAA. For the purposes of this proposal, the functions of the Branch fall outside the scope of the land use schemes.

5.7 Biodiversity Planning Branch.

The Acting Manager: Biodiversity Planning has indicated that the Branch has no objections to the proposal.

5.8 Biodiversity Impact Assessment Branch.

This Branch provided the following comments:

We have no substantive comment on this proposed zone. Our branch agrees with the proposal and fully supports the initiative to introduce the Nature Reserve Zone.

5.9 Legal and Compliance Unit.

The Chief Legal Advisor from the Legal and Compliance Unit was requested to ensure the legal soundness of the proposal and recommendations contained in this report. The comments were based on the legal drafting of the amendment and the wording of the definitions relating to "*ecotourism*" and '*nature reserve*'. The comments are as follows:

"1. The definitions seem to be simple, clear, precise and sufficiently wide to capture the meaning attached to them and the removal of 'Protected Areas Bill' makes legal sense;

2. Reference to the use of the word 'preserve' by Town Planners in para 8.1.1 is unnecessary and it has a potential of being viewed as a negative reference. Although this is not a legal issue but it an observation worth mentioning;"

In this regard, the Intention of the proposed land use zone has been amended by the removal of the word "*preserve*".

"3. Reference to the 'well-being of the city' in para 8.1 is too general. Instead, you may use words like "...necessary for the sustainability of the city's biodiversity." In other words I suggest that you rephrase this part to be more specific."

This has been done.

"4. Although, I have not read Lubbe's dissertation, I did not find anything that conflicts with your proposal in our law i.e. new definition and amendment."

6. PUBLIC PROCESS.

As mentioned under para 5 above, the provisions of By-Law 14(2) the eThekwini Planning and Land Use Management By-law, 2016 states that notice of the intention to amend the land use scheme Regulations must be given in two newspapers. The notice is to be inserted once in both the Mercury and Isoleswe newspapers and it is standard practice to insert the advert in the Metro / Ezasegagasini. In terms of the provision, the public will be given a period of 60 business days, which excludes weekends and public holidays, to submit written representations in respect of the proposal.

Once the public participation period has expired, a report will be prepared for Council to consider any representations made and to decide on the matter.

7. OTHER IMPLICATIONS.

7.1 Strategic Implications.

The Nature Reserve Zone, through its integration with the Management Plan, provides a strategic function in that it offers communities areas of natural refuge. These in themselves become areas where communities can find spaces in which to relax and

enjoy the natural environment. This helps in reducing tensions within communities thereby delivering more harmonious environments.

7.2 Strategic Objective.

The strategic objective of the proposal is aligned with Plan 1 of the Integrated Development Plan (IDP), of which one of the objectives is, inter alia, to manage and regulate the natural environment, thereby ensuring long term sustainability of the natural resource base. This is achieved by applying environmental town planning initiated amendments to the land use schemes which are informed by the Systematic Conservation Assessment used to prepare the D'MOSS layer. This layer has guided the process of the proclamation of Nature Reserves, an integral part of the system protecting the City's ecosystem infrastructure.

7.3 Financial Implications.

Financial Year	Vote Number	Budget	Available Funds	Proposed Expenditure
2018/19	26440.16315.12120.0000. MRC01.0010	R 145,000.00	R 14,742.74	R 13,664.76

FC No. 2019/46/94

7.4 Legal Implications.

There are no legal implications suffice to say that the proposed land use zone re-enforces the purpose, through the land use schemes, of the proclamation of the Nature Reserves.

7.5 Ethical Implications.

The proposal has been undertaken within the ambit of Section 24 of the Constitution which requires the environment to be protected for present and future generations through the promotion of conservation.

8. PROPOSAL AND CONCLUSION.

8.1 The Development Facilitation Table.

In terms of NEMPAA, a Nature Reserve may be proclaimed whether it is in state or private ownership. Based on this principle, the land use management approach toward Nature Reserves is to apply a land use zone and not a reservation for the effective management of this type of land use. The intention of the Zone is for the protection of an area which is proclaimed in terms of the Act or an area which, in the opinion of the Environmental Planning and Climate Protection Department, is being considered for proclamation, whether state or privately owned land, and it is considered appropriate to apply the land use as a zone.

In developing management controls, cognizance has been taken of the requirements for Nature Reserves in both NEMPAA and the "*Norms And Standards For The*

Management Of Protected Areas In South Africa". These have been outlined under sub-para 4.2.1 above. The primary areas to be considered for this Zone are those which have been identified as being of biodiversity importance comprising ecosystem goods and services necessary for the sustainability of the City's biodiversity and have the environmental protection of the D'MOSS Layer. Initially, the Zone will apply to those areas which have been Proclaimed as Nature Reserves as listed under sub-paragraph 4.1 above.

8.1.1 Intention.

The intention of the zone is related to the purpose for which the land was, or may be, proclaimed. An important aspect of this is to understand the need to "preserve" the biodiversity found within the Nature Reserve. The word "preserve" is often used by the Town Planners in framing an Intention without necessarily understanding its purpose or potential implication. In the context of the proposed land use zone, the preservation is of the areas indicated on the zonation map for natural protection. It is not intended to "*preserve*" those areas identified for alternative uses, as pristine natural areas.

The full meaning of the intention of the proposed land use zone is to therefore "*protect, preserve, conserve land, dedicated to the conservation and management of natural areas of land and/or water for the ecosystem goods and services that the areas provide and the biodiversity which they support,*" in the first instance. In the second instance, as a means towards an economic and social benefit which will complement the primary purpose, allow land uses which have been identified within the Management Plan.

8.1.2 The Primary Land Uses.

Generally, the list of land uses within the Development Facilitation Table are specific in their nature and leave no room for doubt. In the case of a proclaimed Nature Reserve, it is required that a Management Plan be prepared for each Nature Reserve which includes a "*zonation*" map indicating the land uses within the boundaries of the reserve. Areas of natural vegetation and water bodies are not necessarily uses of land which feature within the ambit of land use definitions of a scheme. Within the Nature Reserve there may be areas which may accommodate future land uses, or areas where land uses such as facilities generally associated with a Nature Reserve, are found. These areas are indicated on the "*zonation*" map. It is therefore proposed that, in the case of the primary land uses, these are identified from the Management Plan and its "*zonation*" map and that specific uses are not included in Column 1 of the Development Facilitation Table. The uses therefore become more aligned to the relationship with the biodiversity of the Nature Reserve. It becomes the cross-reference to the Management Plan and its zonation plan that guides the Town Planner in assessing the need and desirability of land uses within the Nature Reserve. Clarity is to be given within the Additional Controls on the application of these land uses. In addition, any amendment to the Management Plan is one undertaken through the provisions of NEMPAA and would not require an amendment of the land use scheme because with the correct wording, any amendment to the Management Plan can be undertaken independently of the land use scheme itself.

8.1.3 The Special Consent Uses.

These are land uses which fall outside the ambit of the "*zonation*" map but may complement the purpose of the Nature Reserve itself. In certain instances, the "*zonation*" map may indicate that areas are set aside for ecotourism purposes which include overnight stay for visitors. The nature of these facilities may have an impact on the Nature Reserve and through the public process of Special Consent, factors to mitigate against potential impacts can be prescribed. It is necessary that the importance in protecting the environment of a Nature Reserve does require that restrictions be placed on possible Special Consent land uses. This has resulted in re-defining some of the uses which may be considered in order that they can be applied within a Nature Reserve.

8.1.4 Defined Land Uses.

8.1.4.1 Ecotourism and Nature Reserve.

In the literature surrounding the natural environment and tourism, two specific terms have been applied to the use of Nature Reserves within the tourism industry. To accommodate the economic importance of tourism for the sustainability of Nature Reserves, Nature-Based Tourism was introduced into the land use schemes as meaning

"a low key outdoor recreation and participatory travel experience in a natural environment, which contributes to the sustainable use of that environment, and which produce economic opportunities that contribute to the long-term conservation of the ecosystem goods and services within that environment, thereby reinforcing the concept that conservation can bring meaningful benefits. This use does not necessarily require the provision of accommodation or other built infrastructure."

Within the Management Plan which had been prepared for the Roosfontein Nature Reserve, as part of the activities for the development zones, "*sustainable ecotourism infrastructure*" is permitted. The Roosfontein Management Plan defines "*ecotourism*" as

"an interactive, participatory and enlightening travel and visitation experience to environments, both natural and cultural, that ensures the sustainable use, at an appropriate level, of environmental resources and, while producing viable economic opportunities for the tourism industry and host/local communities, makes the use of these resources through sound environmental management beneficial to all tourism role players."

According to work prepared for his dissertation on "*Environmental law perspectives on the regulation of ecotourism in South Africa's transition to a green economy*", Lubbe draws a distinction between "*ecotourism*" and "*nature-based tourism*".[1] Ecotourism includes a broader spectrum that encompasses the natural environment as well as cultural and historical dimensions. It therefore goes beyond the realm of the enjoyment of nature. Within ecotourism, there is an expectation that facilities will be available

[1] RE LUBBE (May 2014): Environmental law perspectives on the regulation of ecotourism in South Africa's transition to a green economy. Masters Dissertation submitted in partial fulfilment of the requirements for the degree *Magister Legum* in Environmental Law and Governance at the Potchefstroom Campus of the North-West University. 21064148

which would pamper, on-site, to the needs of the visitor such as restaurants, boutique shops and health spas.

In the case of nature-based tourism, the emphasis is on the natural world and is therefore specific. The emphasis is "*low key outdoor recreation and participatory travel experience*". It is expected that the experience gained by the visitor is limited to the pristine characteristics of the Nature Reserve without the frills of the accommodation of facilities expected in the camps found in the game reserves of the country.

In the case of the eThekwini Proclaimed Nature Reserves, it was never the intention to provide ecotourism facilities because the primary purpose of these reserves is the protection of the ecosystem services they provide the City, whilst providing facilities which attract the visitor to enjoy the pleasures of the flora and fauna through walking trails and guided tours in an un-spoilt area.. Visitation, whilst open to all, has always been expected to be limited and on a controlled daily basis, providing a nature-based experience.

The inclusion of the term "ecosystem" within the Roosfontein Nature Reserve Management Plan has therefore made it necessary to include a new definition. This has also meant that the attention of the officials within the Environmental Planning and Climate Protection Department has been drawn to the need for careful consideration to be given when preparing Management Plans so that conflict between the zonation plan and the land use zone is avoided.

In the preparation of the Roosfontein Management Plan, ecotourism is referred to as the potential activity within Zone 1 – Development: Visitors Use, although it is not clear what the drafters of the Management Plan intended by "*ecosystem infrastructure*". Considering Lubbe's interpretation, this could include camping facilities and an information media centre, however, this cannot be confirmed. As a result, it is necessary to consider including a definition of "*ecotourism*" into the land use schemes and to use it interchangeably with the definition of "*nature-based tourism*" depending where it is most appropriate, based on the Nature Reserve's Management Plan. For example, it is possible to use the term within the context of Paradise Valley Nature Reserve where there are conference facilities and picnic areas.

For the purposes of the Nature Reserve land use zone, and in particular to align with the interpretation of terms contained within the Management Plans, the following definitions shall apply:

"Ecotourism" *means an interactive, participatory and enlightening travel and visitation experience to environments, both natural and cultural, that ensures the sustainable use, at an appropriate level, of environmental resources and, while producing viable economic opportunities for the tourism industry and host/local communities, makes the use of these resources through sound environmental management beneficial to all tourism role players."*

"*Nature Reserve*", as a definition, is to be amended by the removal of the reference to the Protected Areas Bill as this is now referred to as NEMPAA and it is not required to cross reference it in the land use scheme. Nature Reserve is defined as follows:

*"**Nature Reserve:** means premises declared to supplement the system of national parks in South Africa; protect areas with significant natural features, species, habits or biotic communities; protect a particular site of scientific, cultural, historic, or archaeological interest; provide for its long-term protection and the maintenance of its biodiversity; provide for a sustainable flow of natural products and services to meet community needs; enable a variety of traditional consumptive uses; or, provide for nature-based recreation and tourism opportunities"*

8.1.4.2 Development Facilitation Table: Nature Reserve Zone.

The following is the Development Facilitation Table for the proposed Nature Reserve Zone.

NATURE RESERVE		
INTENTION: To protect, conserve land, dedicated to the conservation and management of natural areas of land and/or water for the ecosystem goods and services that the areas provide and the biodiversity which they support, where the land is proclaimed, or where there is an intention to proclaim, as a Nature Reserve in terms of the relevant environmental legislation. To consider the inclusion of land uses which are beneficial to the Nature Reserve and are in compliance with the approved Management Plan. Colour: To be determined.		
1. PRIMARY	**2. SPECIAL CONSENT**	**3. PROHIBITED**
Land uses which are directly aligned with the Management Plan specifically related to the Nature Reserve.*	Unless provided for in the Management Plan, land uses which complement the purpose of the Nature Reserve which may include residential, commercial, and educational.**	Uses not under Columns 1 and 2.
ADDITIONAL CONTROLS		

* **Primary Land Uses:** These are land uses included in the Management Plan which are deemed compatible with the intention of the Nature Reserve. They will enhance the environmental, economic and social purpose of the Nature Reserve. All Primary Land Uses are subject to alignment with the Zonation Map of the Management Plan and to the approval of the Deputy Head: Environmental Planning and Climate Protection.

For the purposes of this Land Use Zone:
"**Zonation Map**" means a map forming part of a Management Plan, indicating areas within a protected area, the use to which the land may be put, whether by indicating the natural occurrence of vegetation or areas of human disturbance through artificial land uses.
"**Management Plan**" means a document required in terms of the National Environmental Management: Protected Areas Act of 2003 which describes the methods of environmental management of a protected area.

** For the purposes of this Land Use Zone, residential, commercial and educational are defined as follows:
- "**Residential**" means a residential use conforming to the land use scheme definition of chalet development, dwelling house, multiple unit development and mobile home park and camping ground (excluding a mobile home park) which is specifically for ecotourism purposes; provided that in the case of a dwelling house, such use may be for the purposes of housing a Reserve Manager or caretaker on-site.
- "**Commercial**" means shop and restaurant which is specifically for ecotourism purposes and enhances the economic viability of the Nature Reserve as may be determined by the Management Plan zonation provisions.
- "**Educational**" means premises used as a place of instruction for the education of the public on matters relating to the environment or the Nature Reserve as may be determined by the Management Plan zonation provisions.

*** For the purposes of this Land Use Zone, Space About Buildings means that space free of all buildings or structures between the outer wall of such building or structure, and an area designated on the zonation map as being a natural zone. The positioning of all buildings and structures within the Nature Reserve shall be to the satisfaction of the Head: Development Planning, Environment and Management in consultation with the Deputy Head: Environmental Planning and Climate Protection.

1. Within a Nature Reserve Zone, unless with the prior written authorization from the Municipality in consultation with the Deputy Head: Environmental Planning and Climate Protection and within the principles encompassed within the Scheme intention for this Zone;

1.1 No development of any building or structure, including but not restricted to buildings, fencing, swimming pools, wastewater, and storm water infrastructure (including evapo-transpiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails, or dams, shall be permitted;

1.2 No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a Management Plan approved in terms of the provisions of the National Environmental Management: Protected Areas Act of 2003;

1.3 No harvesting, collecting, cutting, hunting or otherwise damaging of indigenous flora or fauna and soil and water resources, shall be permitted;

1.4 No vehicles, motorized or non-motorized, other than on established roads, driveways or tracks, shall be permitted;

1.5 No pets or other domestic animals shall be permitted.

1.6 No use of the land, which, in the opinion of the Deputy Head: Environmental Planning and Climate Protection, may be detrimental to the intentions of this Zone, shall be permitted.

2. A Memorandum of Understanding, outlining the management of the Nature Reserve and the method of exchange of scientific information necessary for the preparation of the annual State of Biodiversity Report, shall be entered into between the Deputy Head: Environmental Planning and Climate Protection and the Deputy Head: Parks, Recreation and Culture.

3. For the purposes of this Use Zone, and in particular to align with the interpretation of terms contained within the Management Plans for Nature Reserves, the following definitions shall apply:

"Ecotourism" means an interactive, participatory and enlightening travel and visitation experience to environments, both natural and cultural, that ensures the sustainable use, at an appropriate level, of environmental resources and, while producing viable economic opportunities for the tourism industry and host/local communities, makes the use of these resources through sound environmental management beneficial to all tourism role players.

"Nature-based Recreation and Tourism means recreation and tourism that is based on the natural attractions of the area, e.g. bird watching, hiking, trail running, and photography, which does not conflict with the primary land use viz. nature conservation. This activity may contribute to the conservation of the environment and improve the well-being of the local community."

"Nature Reserve means premises declared to supplement the system of national parks in South Africa; protect areas with significant natural features, species, habits or biotic communities; protect a particular site of scientific, cultural, historic, or archaeological interest; provide for its long-term protection and the maintenance of its biodiversity; provide for a sustainable flow of natural products and services to meet community needs; enable a variety of traditional consumptive uses; or, provide for nature-based recreation and tourism opportunities

SPACE ABOUT BUILDING			BUILD-TO / SETBACK LINE	MIN ERF SIZE	DWELLING UNITS / HA	HEIGHT	COVERAGE	FLOOR AREA
B.L	S.S	R.S.						
Refer to Additional Controls.***			N/A	N/A	To be determined in consultation with the Deputy Head: Environmental Planning and Climate Protection.****			

9. RECOMMENDATIONS.

9.1 THAT authority be granted to the Acting Deputy Head: Environmental Planning and Climate Protection to undertake public participation, in terms of By-Law 14 of the eThekwini Municipality: Planning and Land Use Management By-Law, 2016, through advertising for public comment on the proposal to amend the North, Durban, South, Inner West, and Outer West Land Use Schemes and the Westville Scheme No. 2, of the eThekwini Municipality by:

9.1.1 the introduction of a new land use zone called Nature Reserve as detailed under paragraph 8.1.4.2;

9.1.2 the introduction of the definition of "Ecotourism" as detailed under paragraph 8.1.4.1;

9.1.3 the deletion of the words "Protected Areas Bill" in the definition of "Nature Reserve"; and

9.1.4 the introduction of the definition of "Nature Reserve" and "Ecotourism" as detailed under paragraph 8.1.4.1, into the Westville Scheme No. 2.

9.2 THAT on completion of the public participation process referred to 9.1 above, the Acting Deputy Head: Environmental Planning and Climate Protection reports back to the Committee on the outcome of the process.

Ms. N. Ngubeni
Acting Manager: Biodiversity Planning

Date: 25/03/2019

Ms C. Thengwa
Acting Deputy Head: Environmental Planning and Climate Protection

Date: 26/03/2019

Ms C. Norton
Senior Manager: Land Use Management

Date: 28/03/2019

J.S. Ndebele
Acting Head: Development Planning
Environment and Management

Date: 28/03/2019

M. Mtkwane
Acting Head: Legal & Compliance

Date: 3/4/19

NNKOMYENI
K. Kumar
Deputy City Manager: Finance

Date: 09/04/2019

P. Sithole
Deputy City Manager:
Economic Development and Planning

Date: 12-04-19

S. Nzuza
City Manager: eThekwini Municipality

Date:

10. REPORT AUTHOR

MR G.CLARKE
DESIGNATION: REGIONAL CO-ORDINATOR (BIODIVERSITY PLANNING)
gerald.clarke@durban.gov.za
Tel. No. 031 311 7668