

# KWADUKUZA LOCAL MUNICIPALITY



## THE KWAZULU-NATAL SCHEME SYSTEM

### *Zoning Companion Document 1*

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**Prepared for:**  
The Municipal Manager  
**KwaDukuza Local Municipality**  
14 Chief Albert Luthuli Street  
KwaDukuza  
4450

Tel: +27 032 437 5000

E-mail: [municipalM@kwadukuza.gov.za](mailto:municipalM@kwadukuza.gov.za)

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## **1.0 DEFINING LAND USE MANAGEMENT?**

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Land use management is the combination of all the tools and mechanisms used by a municipality to manage the way in which land is used and developed, and includes: -

- IDP/SDF – integrated development planning approach;
- Vision Statement/Principles;
- Land Use Framework Plans;
- Land Use Schemes;
- Other sectoral plans that influence or inform the Land Use Schemes;
- By-laws;
- Licensing;
- Geographic Information System (GIS) and Mapping; and,
- Rates and general property information.

The Scheme (sometimes referred to as a Zoning, Planning or Land Use Scheme) is only one component of the Land Use Management System.

## **2.0 WHY DO WE NEED TO MANAGE LAND?**

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Land needs to be managed because it is a finite resource and requires a framework for sustainable use. In terms of integrated development planning, there are additional reasons for supporting land use management, which include: -

- Orderly development, e.g. putting land uses in the right place;
- Sustainable development, e.g. ensuring the continued use of land and resources for future use;
- To provide certainty and proactive planning, e.g. knowing what is allowed or what may occur, so that developers and residents are able to make informed decisions;
- To protect land assets and resources, e.g. planning for areas of environmental, cultural and historical importance;
- To provide efficient and planned services; and
- To assist with health and safety, e.g. to be able to get emergency services and vehicles to areas where they are needed.

### **3.0 WHAT IS LAND USE PLANNING?**

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Land use planning aims to co-ordinate all the land uses and their relationship to each other in order to create safe and liveable environments, e.g. “pleasant places to live, to work, to shop and to play and recreate in”. This objective is achieved by providing rules and procedures for the use and development of land and buildings. It makes use of a suite of standards or planning regulations dealing with: -

- The interrelationship between different land uses, e.g. the number of people required to support a school, a clinic, a park, for cemeteries and land fill sites, a playground or a shop;
- The appropriate location for the grouping or separation of land uses, e.g. polluting industries away from houses, or the placing of parks; shops and clinics near to residential areas where people can get to them easily;
- The relationship between land use and roads and other elements of the transportation system;
- The interrelationship of different types of plans and how they be integrated into or aligned with each other; and.
- Balancing the need between the use of land, and the need to protect natural resources e.g. the sustainable use of agricultural land and conservation of environmentally sensitive areas.

### **4.0 WHO IS RESPONSIBLE FOR LAND USE PLANNING?**

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All municipalities are required to prepare and approve Integrated Development Plans (IDPs) and Spatial Development Frameworks which incorporate land use guidelines. These documents and plans create a strategic framework for planning at the municipal level. All local municipalities are responsible for preparing Schemes<sup>1</sup> in consultation with local communities and any other party affected by it. District Municipalities are not required to prepare Land Use Schemes, however they are required to prepare Spatial Development Frameworks and a set of land use management guidelines which assist with the alignment of Local Municipalities’ SDF plans. In addition, District Municipalities can prepare Land Use Framework Plans to provide clarity to the proposed spatial outcomes of the SDF and to provide generic policy guidelines for planning and development issues that are common in the Local Municipalities within the District.

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<sup>1</sup> Schemes are also referred to as Zoning, Planning or Land Use Schemes.

## 5.0 THE LEGAL FRAMEWORK

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There are a number of existing laws and regulations that are used to manage and develop land. In KwaZulu-Natal, the statutes used at present for the development and management of land are:-

- The national Spatial Planning and Land Use Management Act (Act No. 16 of 2013);
- The Ingonyama Trust Amendment Act (Act No. 9 of 1997) for land falling under the administration of Traditional Councils and managed by the Ingonyama Trust Board.

A Local Municipality must also be aware that other laws impact on land use management e.g.:-

- The Sub-division of Agricultural Land Act (Act No. 70 of 1970);
- The National Environmental Management Act (Act No of 107 of 1998);
- NEMA: Biodiversity Act (Act No.10 of 2004);
- NEMA: Integrated Coastal Management Act (Act No. 24 of 2008);
- Local Government: Municipal Systems Act (Act No. 32 of 2000);
- Local Government: - Municipal Demarcation Act (Act No. 27 of 1998);
- Sea Shore Act (No. 21 of 1935) partially retained (coastal municipalities);
- Admiralty Reserve (coastal municipalities);
- National Water Act (Act No. 36 of 1998);
- National Forest Act (Act No. 84 of 1984);
- National Land Transport Transition Act (Act No. 22 of 2000);
- Housing Code 2001; and,
- Land Reform – Restitution of Land Rights Act (Act No.22 of 1994) as amended.

The national Spatial Planning and Land Use Management Act (Act No. 16 of 2013) (SPLUMA) and the “to be” amended provincial PDA will be aligned so that the sections related to municipal planning and development e.g. land use management are complementary and synchronized. The Spatial Planning and Land Use Management Act (Act No. 16 of 2013) were enacted on 5 August 2013; the SPLUMA Regulations were gazetted and subsequently proclaimed on 23 April 2015; and the date of effect of implementation of the SPLUMA, 2013 was 1 July 2015. The KwaDukuza Municipality Spatial Planning and Land Use Management By-laws were adopted February 2016 by Council respectively and successively gazetted on 04 March 2016. Existing laws such as the

Municipal Systems Act have also been considered in the preparation of the LUMS for KwaDukuza.

## **6.0 MANAGING LAND THROUGH A SUITE OF PLANS**

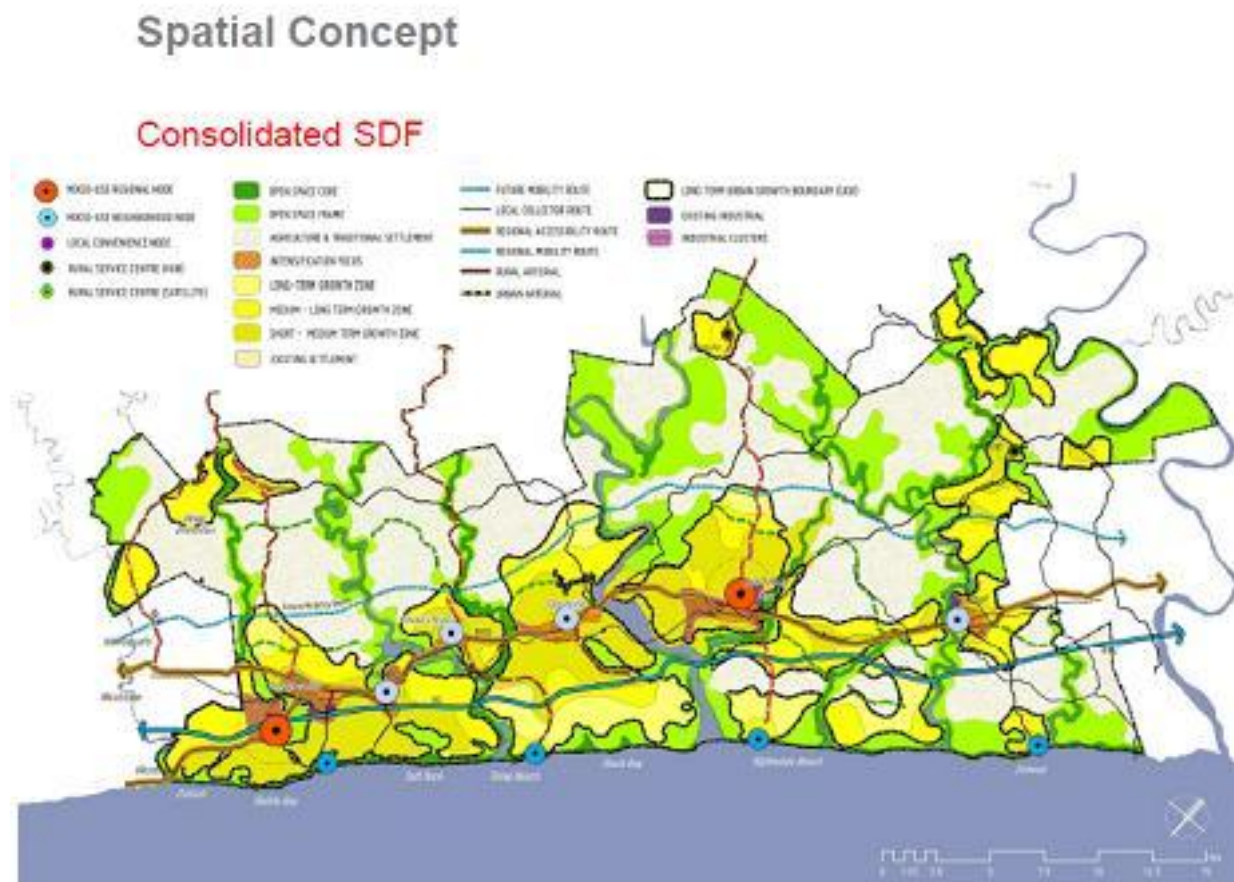
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Land is managed through policy frameworks, legislation and regulations and developed through a suite of interrelated plans and documents. The government requires that each District and Local Municipality prepare an Integrated Development Plan (IDP) in terms of the Municipal Systems Act (Act No. 32 of 2000). IDP's indicate, in broad terms, the intentions and responsibilities of each municipality, and the actions that various government departments and service providers need to take in order to meet the needs of people. An important part of any IDP is the Spatial Development Framework, which is a plan that shows how the municipality wants to develop its area in broad strategic terms. (See diagram below, which shows the KwaDukuza SDF from 2013). The IDP is based on a strategic vision for the municipality. KwaDukuza's vision statement reads as follows:-

***“By 2030, KwaDukuza shall be a vibrant city competing in the global village economically, socially, politically and in a sustainable manner.”***

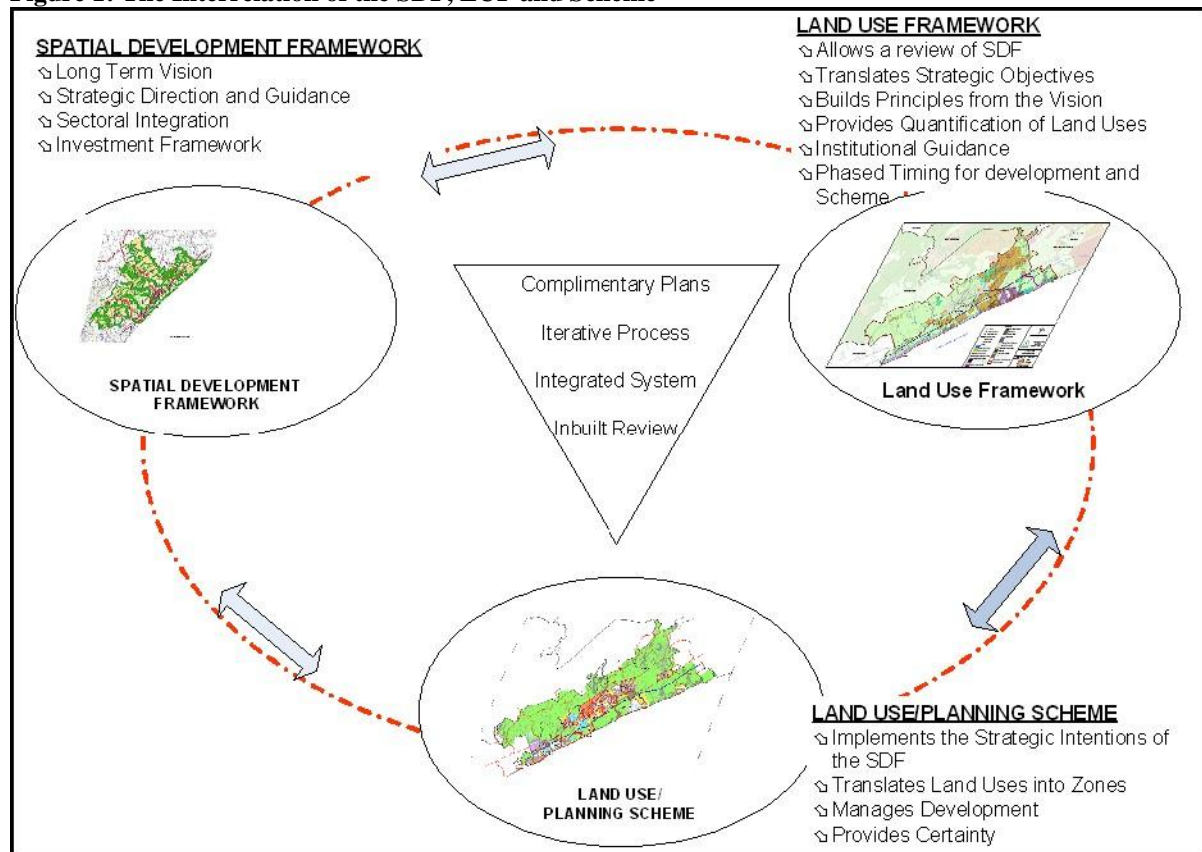
A Spatial Development Framework is also required to outline a broad Land Use Management System or a set of guidelines, which would outline all the actions a Local Municipality needs to take, to manage the use and development of land. Land Use Schemes are a very important part of a municipality's Land Use Management System. The Integrated Development Plans and Spatial Development Frameworks are representative of broad scale strategic planning.

They incorporate other sectoral plans e.g. Water, Housing, Transportation and Strategic Environmental Assessments and provide the spatial translation of the vision statement of the municipality.

**Map 1: The Spatial Development Framework (IDP)**

**Source: KwaDukuza Spatial Development Plan 2013**

Land Use Framework Plans bridge the gap between the SDF's and the Schemes by providing additional detail and policy guidelines which assist the municipality with decision making whilst a Scheme is being implemented. The preparation of a Land Use Framework provides an opportunity to review and refine the methodology and content of the SDF and the Scheme. It is possible that as SDF's are reviewed and refined they will take on some of the positive attributes of the Land Use Framework.

**Figure 1: The Interrelation of the SDF, LUF and Scheme**

Source: Atelier von Riesen

Land Use Schemes are more detailed than either the SDF or LUF since they show all the intended land uses as Zones which conform to cadastral parcels. They set the rules and procedures for land development which are presented a Scheme document. A Scheme plan shows land uses on a map in the form of Zones. The municipality prepares a Scheme for all the land under its jurisdiction with due regard to the interests of the public.

The scheme is a tool for managing development in accordance with the strategic intentions of the IDP and the SDF, whilst promoting sustainability and quality of life. It consists of a plan and document, which is approved in terms of relevant legislation.



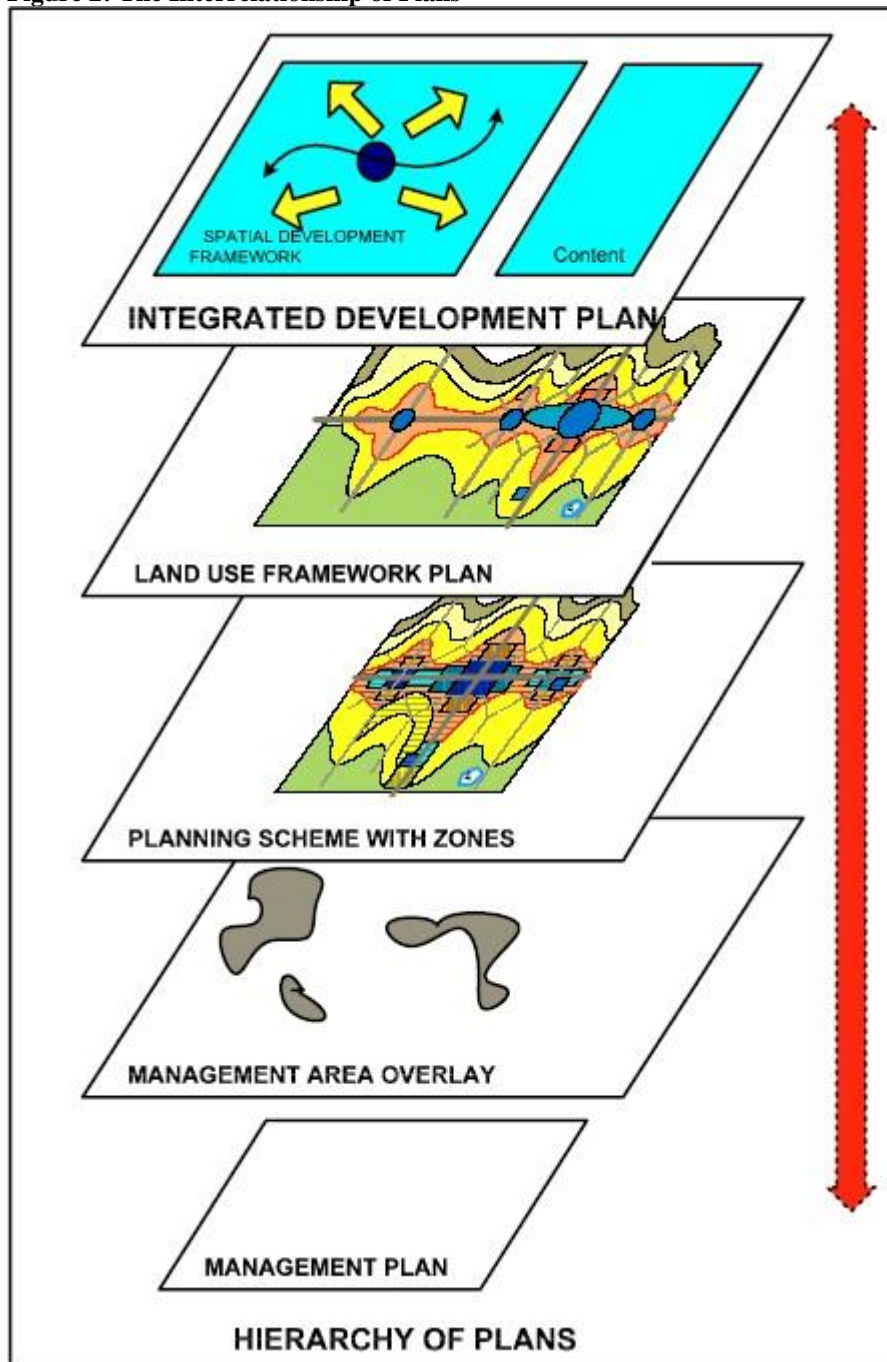
The Scheme regulates land use and development through a number of mechanisms as outlined below:-

- It provides the grouping of complementary land uses together to create specific and desirable urban and rural environments;
- It deals with what uses are freely permitted, allowed through a consent procedure and which uses are not permitted on each piece of land or site;
- It guides or controls the shape, size and position of buildings;
- It makes provision for additional architectural or urban design controls or guidelines; and,
- It indicates the parking requirements, loading, ingress and egress for certain land uses with high on-site traffic volumes.

These requirements are necessary to avoid: -

- Uncoordinated development which cannot be adequately serviced or managed;
- The grouping of incompatible land uses together which create conflict and undesirable environments; and,
- The impact of development on each site, on adjoining or neighbouring sites, and the surrounding area.

Collectively this complementary suite of plans – the SDF, the LUF and the Scheme constitute the core components of the KwaZulu - Natal LUMS model as shown in the diagram below.

**Figure 2: The Interrelationship of Plans**

Source: Land Use Management Manual 2001

## 7.0 WHAT ARE THE ELEMENTS OF THE LAND USE SCHEME?

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A Land Use Scheme is made up of a number of elements: -

- Statements of Intent (SOI);
- Land Use Definitions;
- Land Use Zones;
- Tables that indicate which land uses are permitted or prohibited for each Zone;
- Development Controls for each of the Zones identified;
- Land Use Procedures;
- Use of Management Overlays or Management Plans that have been approved and are aligned with or integrated within the Scheme; and,
- Policies or Guidelines to assist with the management of newer concepts and special developments.

Each of these elements is explained in more detail below.

### 7.1 STATEMENTS OF INTENT (SOI)

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A Land Use Scheme is linked to the Integrated Development Plan (IDP) and Strategic Development Framework Plan. The linkage is created by making use of a series of **Statements of Intent**, which clarify how areas are to be developed. Statements of Intent can be prepared for:

- A whole Land Use Scheme in the form of a vision statement for the entire municipality ( this would build directly on the vision of IDP);
- Large Areas of a Land Use Scheme;
- A street; or a small set of sites (a precinct);
- Areas where architectural heritage or urban design issues need addressing; and,
- A special project area.

## 7.2 LAND USE DEFINITIONS

A set of Land Use Definitions forms part of the Scheme document and outlines the meaning of land use types and building descriptions found in the municipality. The provision of a list of definitions with a clear descriptive explanation and classification of what is referred to is necessary. It prevents misunderstandings or confusion in implementing the regulatory aspect of the Scheme which is an adopted legal document.

## 7.3 ZONES

A zone is applied to a property and sets the property aside for a particular purpose/land use or land uses usually used to separate different, incompatible land uses. Zones are applied to registered parcels of land that have cadastral boundaries. It is also possible for one property to have a split zoning. A zone may allow several different land uses as freely permitted, by consent and may prohibit some land uses.

Zones are depicted on the Scheme map using different colours. Standardised colours are used to facilitate common understanding especially when working across different municipalities. This ensures consistency and legibility. For example, residential should usually be coloured from yellow to brown depending on typology and density, commercial is usually blue and industrial in various shades of purple.

Zones can be formulated with different degrees of detail, depending on the need or requirement for simplicity or complexity. For small and /or simple settlements it appropriate to make use of relatively few zones; whilst for large and more complex areas would require a greater range of zones. The translation of the land uses identified by the Spatial Development Framework into a Land Use Management Framework (LUMF) or other linking plan usually requires the expansion of basic land uses into a series of broad “generic” land use areas or a sets of land uses e.g. typologies. These land uses are designed to be appropriate for each particular municipality. The formulation of the zones for a Scheme requires that these broad land use areas or typologies are then translated into the zones with development controls or parameters.

Zones provided the mechanism which conveys potential development rights that are stipulated in the Scheme. They form one of the bases for property valuations and property tax (rates) calculation purposes. The minimum size of erven and potential density of development must

also take into account the type of engineering services required and available. They also provide the present and future development potential of land and how it may change through procedural applications e.g., special consent.

#### **7.4 THE SELECTION OF ZONES AND THE PREPARATION OF A SCHEME MAP**

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The selection of appropriate Zones for a Scheme is dependent in the first instance of the identification of accurate land uses but has to consider the strategic intentions of the SDF. Once the zones have been identified then Statements of Intent (Sol) will be need to be prepared for each spatial area. This also requires the consideration of available infrastructure versus what is needed and the requirement for social facilities.

There are two major assumptions implicit in the above requirement, namely:-

1. That there is, usually, a layout or subdivision plan to which the zones can be allocated. Such a plan indicates the road reserves and each cadastral land parcel; and,
2. For the most part, each land parcel has a single zone ascribed to it.

Where there is no detailed layout plans, and where there are large sites which will be subdivided into individual land parcels at a later stage there has been a tendency to address these as “Special Zones” to which subsequent subdivision will be applied at a later stage, but under specified conditions. This process of the detailing internal zones may require additional work and the preparation of Precinct Plans and/or Spatial Development Plans. In cases of large sites, it is possible that “split” zoning can be applied, such that two or more zoning types will occur across a single site, approximately in accordance with the alignment of the zoning map. A spilt zone can occur where there are significant environmental considerations which need to be protected or managed on a site or set of sites e.g. where sites are located adjacent to rivers, forests or wetlands.

In preparing the zoning map, it is necessary to answer a number of questions:

1. What is the design population of the area? What is the planning horizon prior to future revision?

2. How many sets of zones should there be? This is dependent on the size, complexity demands and development trends emerging in the area, as well as the role of the municipality. In addition the Statements of Intent and the strategic intentions of the SDF have to inform the choice of zones.
3. How much space should be allocated to each type of zone?
4. What social facilities are needed to support the population?
5. Where should the different sets of zones be located?
6. What types of land are suitable and appropriate for each type of zone?
7. What types of land uses are appropriate for the different zones?
8. What should be the physical relationships between various types of zones?
9. Where should the exact boundary lines of each zone run, bearing in mind that some zones are separated by street pattern, some by the mid-block line, and some are narrow bands of transition from one zone to the next?
10. Treatment and alignment with an “Urban Edge” or “Urban Growth Boundary” as identified in the SDF?
11. Alignment with Act No. 70 of 2002 in terms of obtaining permission for change of land use of subdivision of land in agricultural areas?

## **8.0 DEVELOPMENT PARAMETERS / SCHEME CONTROLS**

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A municipality manages development within zones through a series of development parameters, or Scheme controls relating to each zone that detail the requirements in respect of buildings, built form and sub-divisional matters. Conventionally, development parameters set out the maximum development permitted on a site. However, they may also be used to set out the desirable or minimum development allowed.

The table on the next page illustrates the relevant parameters/scheme controls applicable to the Residential Only Detached Zones found throughout the new consolidated KwaDukuza Scheme.

ZONE	MINIMUM ERF SIZE	FAR	COVERAG E (%)	HEIGHT (Storey )	FRONT SETBACK (M)	SIDE SETBACK (M)	REAR SETBACK (M)	FRONTAGE (M)
<b>RODE 1</b>	1000	NA	25%	2	7.5 m	2.5 m 4.5 m for MDH	2.5 m	18 m 4 m for Hatchet and Cul de sacs
<b>RODE 2</b>	450	60	75%	2	3 m	1.5 m	1.5 m	12 m 4 m for Hatchet and Cul de sac
<b>RODE 3</b>	1,100	0.50	35%	2	7.5 m	2.5 m	2.5 m	18 m 3 m for Hatchet and Cul de sac
<b>RODE 4</b>	250	1.50	75%	2 3 for PG	2 m	2.0 m	2.0 m	10 m 4 m for Hatchet and Cul de Sacs
<b>RODE 5</b>	900	1.00	50%	2	7.5 m	2.0 m with one boundary to nil to allow for common wall where dwelling adjoined	2.0 m	18 m 4 m for Hatchet and Cul de sac
<b>RODE 6</b>	900	0.35	30%	2	7.5 m	2.0 m	2.0 m	18 m 4m for Hatchet and Cul de sac
<b>RODE 7</b>	350	0.8	70%	2	2.0 m	1.5 m with one boundary to nil to allow for common wall where dwelling adjoined	1.5 m	4 m

To this end Schemes may contain rules relating to:-

- Minimum/maximum lot sizes;
- Height restrictions;
- Floor Area Ratio (FAR) or the ratio of the total floor area of the building to the total area of the subdivision on which the building is to be erected;
- Coverage – the percentage of the plot that may be covered by a building or roofs;
- Parking and vehicle loading requirements;
- Setbacks – building lines;
- Build-to-lines ;
- Space around the buildings – side and rear spaces;
- External appearance of buildings;
- Urban design criteria; and,
- Signage and advertising.

## 9.0 SCHEME MAPS

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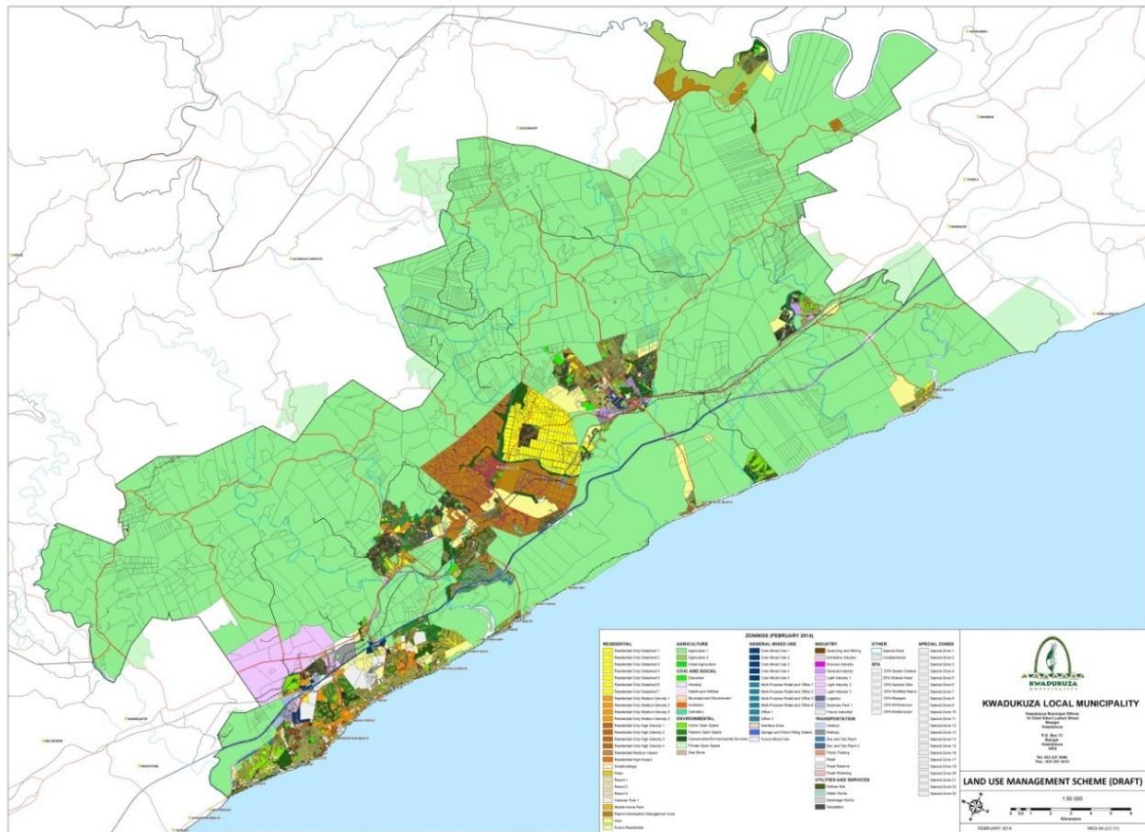
Scheme maps are part of the statutory Scheme document. They should be prepared at an appropriate scale and show or contain at least the following:-

- The area to which the Scheme shall apply;
- The different Zones and Management Areas required to accommodate various categories of buildings and land uses;
- A suitable colour notation ;
- Areas of land to be set aside for future development in the short and medium-term, together with the proposed zoning;
- Additional maps or overlays that may be necessary to reflect intensity of development and/or other development controls
- A reference numbering system that links all maps and overlays ;
- Due to the amount of information a municipality may wish to show on its Scheme map it is often necessary to separate the information out onto more than one map; and
- The scheme map must contain the following: scale, north point, title block, the municipality name and date of plan.

The following map is produced at a scale of 1: 50,000 and illustrates the Scheme for the entire KwaDukuza Local Municipality. It is quite clear that the majority of the municipality is identified for agricultural and environmental use with the detailed zoning in the urban centres where former Town Planning Schemes were prepared to manage land use and development.

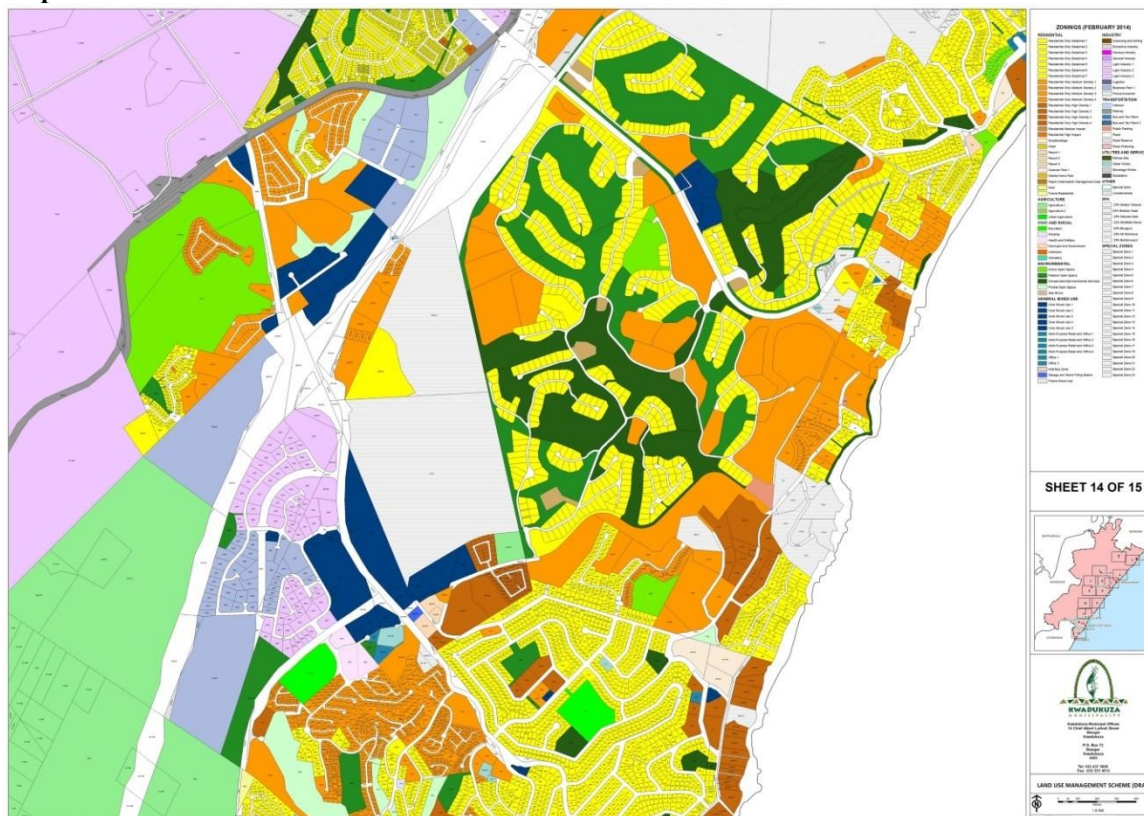


### Map 2: The Scheme Plan for KwaDukuza



**Source: KwaDukuza Scheme 2014**

The map, below, provides an example of the scheme. It is drawn at a 1:5,000 scale and indicates the detail zoning for a portion of the Scheme. This sheet is one of a total of fifteen (15) sheets that cover the largely built-up area of the KwaDukuza Local Municipality. It clearly shows the areas where environmental considerations have been included in the Scheme. Different zones are delineated using a standard colour scheme proposed by the provincial Land Use Management System.

**Map 3: A Detailed Section of the Land Use Scheme**

Source: KwaDukuza Scheme 2014

## 10.0 MANAGEMENT OVERLAYS

A Scheme provides the basic controls and regulations in respect of the nature and form of development possible on any parcel of land or area. However, in certain circumstances there is a need to augment these controls with additional considerations or more detailed plans. In these instances Management Overlays may be used to further inform and regulate development i.e. overlays are used in Schemes to facilitate the management of specific uses across and in addition to several underlying zonings.

A Management Overlay applies to a defined area of land with a distinct set of intentions or policy guidelines that influence and facilitate its development in a unique or specific manner and may not have an exact cadastral boundary. Management Overlays may be shown spatially using an overlay to the Scheme map.

A Management Overlay can be used:-

- To elaborate the visions or policy statements for a particular area to differentiate them from surrounding areas;
- To provide general and/or specific guidelines for particular types of development;
- To provide area specific schematic plans for particular areas or developments;
- To demarcate an environmental or conservation management plan for an area; and,
- To manage detailed area-specific development plans

A Management Overlay applies, in addition to the underlying zone or base zone of the properties to which it relates, and may vary the development rules relating to a particular area or land unit, or may set new development rules.

The provisions of a Management Overlay may not conflict the provisions applicable to the base zone of the property concerned, and may set specific development rules for a particular area or land unit.

If the provisions of a Management Overlay are different to, or in conflict with, the provisions of a base zone, the more restrictive provisions shall apply. The provisions of a Management Overlay may apply to a land unit or land units, identified within a specific area or to the Scheme as a whole, as may be stipulated in the adoption of such a Management Overlay. The provisions of more than one Management overlay may apply to an area.

There are essentially two kinds of Management Overlays:-

- Overlays which refer to the area where a plan that has been formally adopted by the Municipality applies. These may include Policy Plans, Housing Plans, Environmental Plans, and Coastal Management Plans; and.
- Informant Overlays which require practitioners/administrators to consider additional criteria and to negotiate between different requirements, which usually require a level of adjudication / trade-off. Informant Overlays include: Ecosystem Goods and Services Maps, and Historical / Cultural Maps.

## 11.0 THE SCHEME DOCUMENT

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Previous Town Planning Scheme documents were perceived as being difficult to interpret and use by developers and members of the public. In the preparation of the new Land Use Schemes thought has been given to the content and presentation of the information and its use linked to GIS mapping. The Scheme document should include the following sections:-

- An Introduction including definition, description of the Scheme area and date of adoption;
- A set of principles linked to the vision statement of the Integrated Development Plan (IDP), and the Spatial Development Framework (SDF);
- Statements of Intent for Broad Areas/Precincts within a municipality;
- Zones, associated Statements of Intent and Intensity of Development;
- Development Parameters and/or Scheme Controls;
- Management Area Overlays and Plans;
- Special Zones;
- Definition of Terminology;
- Policies and Guidelines;
- Procedures;
- Forms;
- Monitoring and Review Requirements;
- Reference to related legislation and procedures; and
- Scheme Maps, Management Area Overlays and Management Plans, as appropriate.

### 11.1 THE USE OF SCHEMES

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Land Use Schemes are used: -

- To guide decisions regarding the land uses allowed on individual land parcels;
- To indicate if there are special or unique characteristics or concerns that affect the development of a site e.g. environmental or geological concerns and.
- To provide guidelines regarding the form, shape and position of the buildings on a site.

In addition, the Land Use Scheme assists with: -

- Managing the sub-division of land in certain areas;
- Managing the use and development of land in all areas; and,
- Making possible the identification of appropriate land to implement the intentions of the IDP or special projects.

## **12.0 SCHEME APPLICATION AND IMPLEMENTATION IN KWADUKUZA**

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Prior to 2000, when the new municipalities were constituted by the Demarcation Board, land and development in KwaDukuza had been managed via nine Town Planning Schemes and a General Plan of similar land uses and management regulations for the former Mission Area of Groutville.

The former nine Town Planning Schemes adopted in terms of the Natal Town Planning Ordinance were:

- Umhlali;
- Zimbali;
- Stanger (KwaDukuza);
- Shaka's Kraal;
- Prince's Grant;
- Nkwazi;
- Ballito;
- Blythedale Beach; and,
- Tinley Manor.

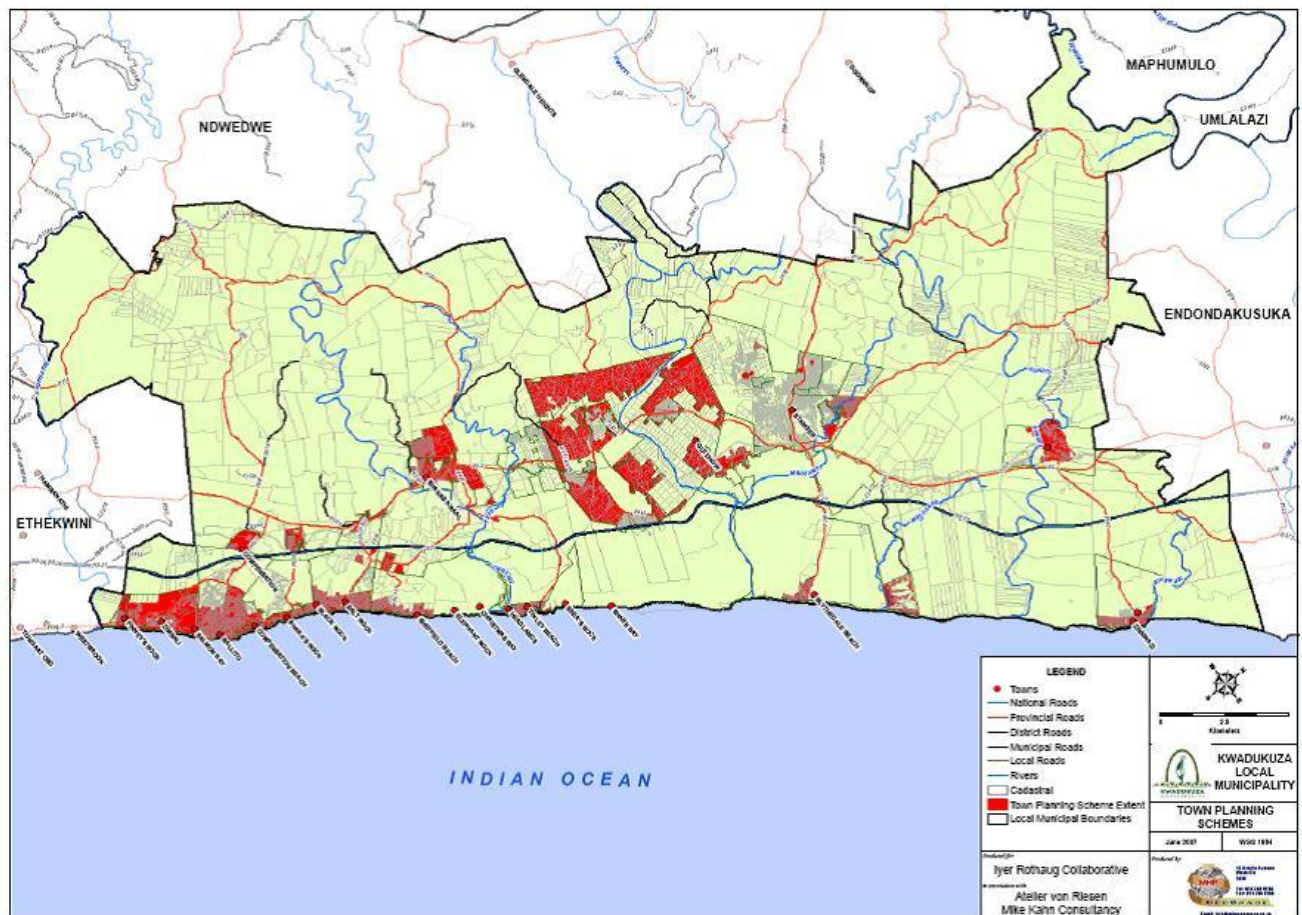
The following map identifies those areas which were covered by the nine Town Planning Schemes (seen in red). The nine Town Planning Schemes were all fairly similar to each other in that they follow the format of the original Provincial model Town Planning Scheme system. The town of Zimbali, as a relatively new settlement has a slightly different format and was considered an exception from the other eight.

Over time, each of the Schemes has evolved, and several variations emerged between towns and the type of land use development allowed. These differences covered: -



- Differences in respect of the General (or operational) Definitions;
- Differences in the Land Use and Development Definitions;
- Differences in respect of the Land Use Zones nomenclature;
- Different development regulations pertaining to each of these zones; and
- Variations in respect of policies and other clauses embedded in the Town Planning Schemes.

**Map 4: Map illustrating Areas with former Schemes**



**Source: KwaDukuza Scheme 2014**

Notwithstanding the fact that many of the towns that comprise KwaDukuza Local Municipality have been growing fast and exhibited many of the newer types of developments, several aspects of the Town Planning Schemes reflect the older and earlier forms of zones and development regulations. They do not include many of the newer forms of uses and zones that have been emerging in the last decade. In this sense, the nine current Town Planning Schemes

(TPS's) are lacking in terms of their strategic intent and were not able to respond sufficiently to the challenges of contemporary forms of developments. This was reflected in the numerous DFA Special Zones.

### **12.1 LAND LOCATED OUTSIDE THE FORMER TOWN PLANNING SCHEMES**

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It is also clear that the majority of the municipal area was not covered by a TP Scheme. The majority of the land inside the KwaDukuza Municipal area has been surveyed and is held as individual farms or property. The applicable legislation from a land management perspective is the Spatial Planning and Land Use Management Act (Act No. 16 of 2013), although the KwaZulu-Natal Planning and Development Act (Act No. of 2008) and the Town Planning Ordinance No. 27 of 1949 have not been repealed by SPLUMA, 2013. Most of this land is used for commercial agricultural, forestry and settlement.

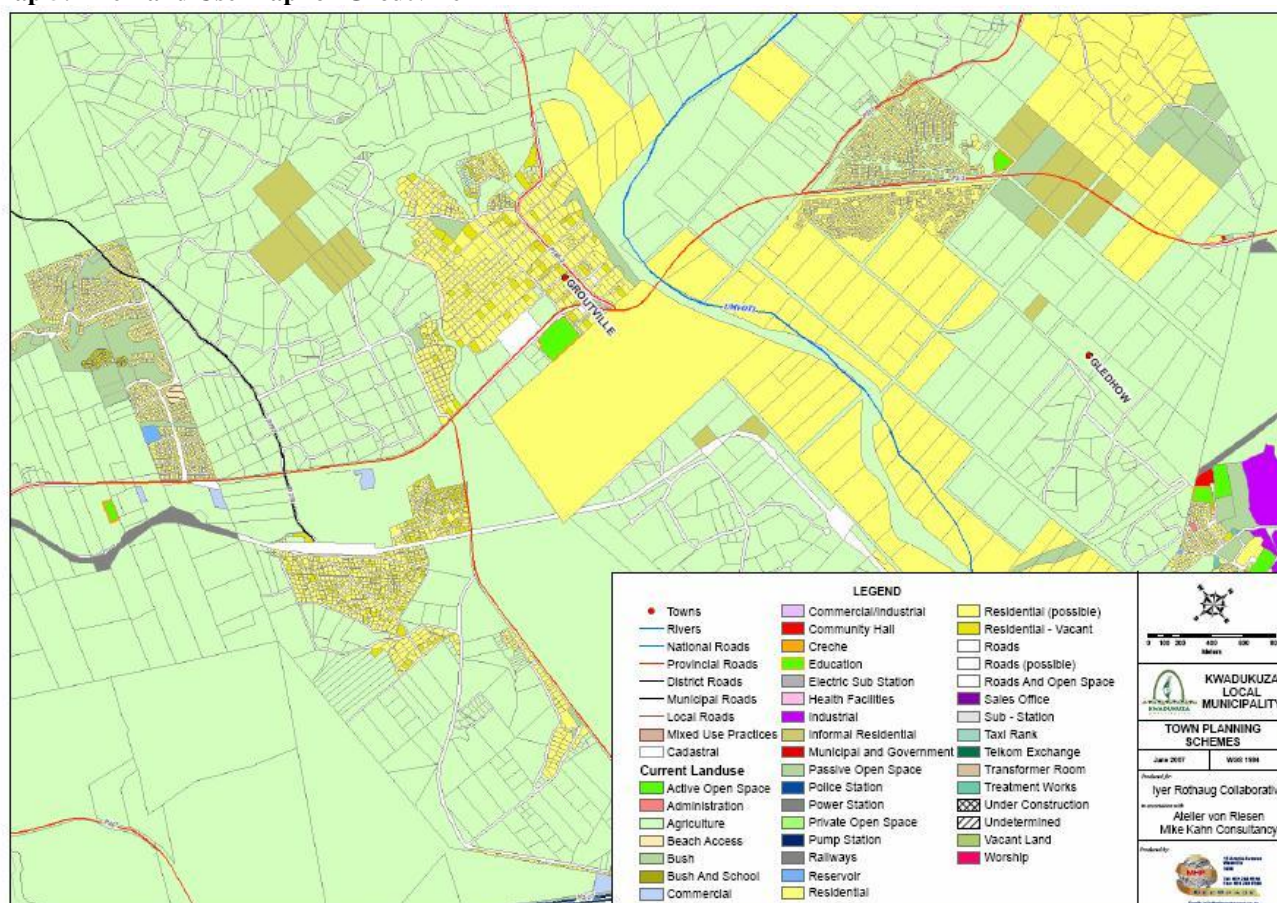
### **12.2 THE INCLUSION OF AREAS FROM KWAZULU IN THE SCHEME**

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Groutville is composed of former church owned land from the Umvoti Mission Area (also referred to as Charlottedale). The Mission Reserve was established in by Reverend Grout of the American Board Mission and was converted to trust Land (in terms of the 1936 Land Act). Areas of trust land are interspersed with small areas of privately owned land which were sold to individual land owners by the mission before the colonial government stopped the sale of church land in the early nineteenth century. Groutville was managed by the former Department of Development Aid located in Pretoria (Tshwane) until 1986 when the land was transferred to Homeland Government of KwaZulu (Gazette number 10560 December 1986). A number of upgrading projects have taken place in order to rationalize land ownership, upgrade tenure, and to provide services and housing and these developments require appropriate zoning and development parameters.

Prior to 2008, development and land use were managed in terms of a General Plan and utilized KwaZulu Land Affairs Act (Act No. 11 of 1992) or national statutes e.g. the Upgrading of Land Tenure Rights Act (Act No. 112 of 1991). However the introduction of a unitary provincial PDA has allowed the area to be considered in the same manner as other parts of the municipality. The new approach has provided the opportunity to make provision for new zones such as Rapid Urban Management Area (RUMA) for upgrading informal housing and Urban Agriculture. The following map identifies the land uses of the Groutville General Plan. These land uses will have to be converted to zones for the implementation of the Scheme.

**Map 5: The Land Use Map for Groutville**

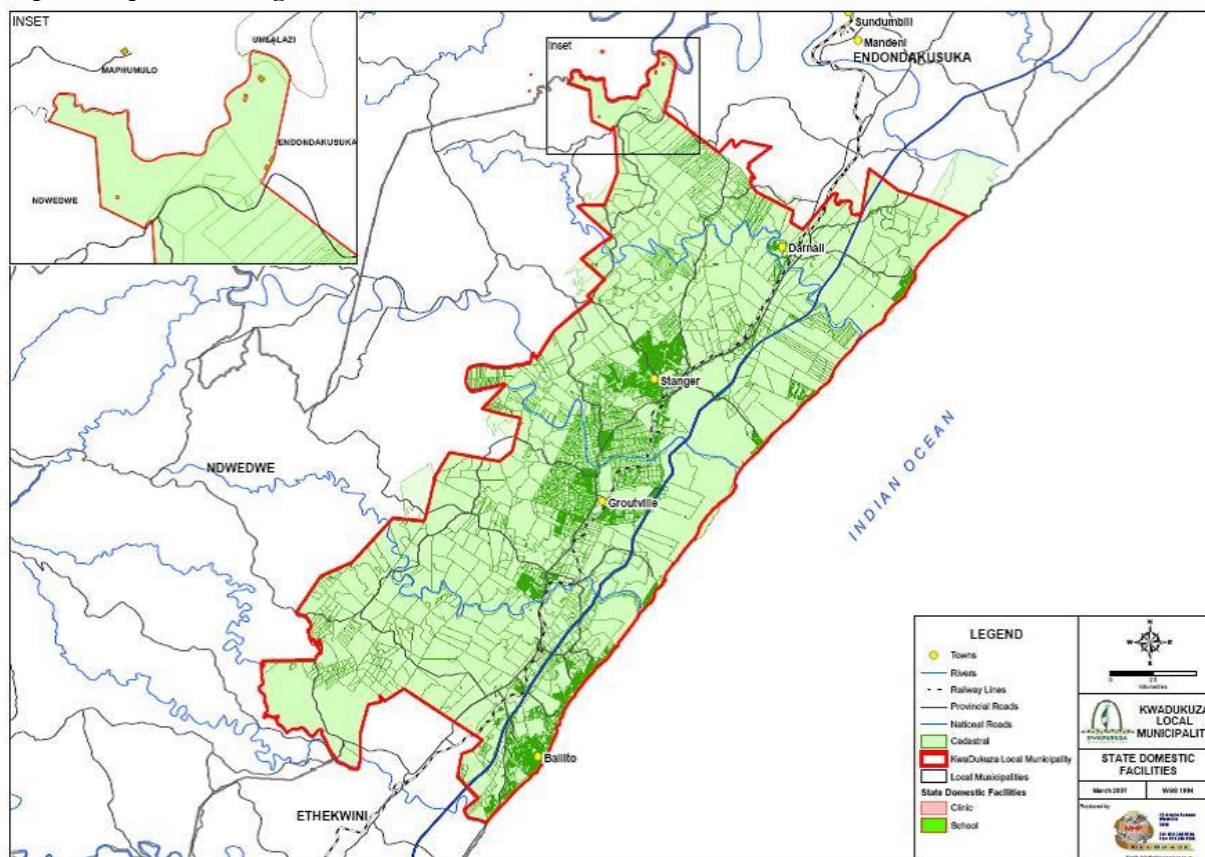


Source: KwaDukuza Scheme 2014

### 12.3 TRADITIONAL COUNCIL LAND

A small portion of the municipality, located on the North West border with Ndwedwe Local Municipality is communally owned and administered by a Traditional Council. The Traditional Governance Act, and the Ingonyama Trust Act are applicable in this area. Land is held in trust and managed on a communal basis. Aside from some three types of State Owned Facilities e. g. education, health and social welfare sites, there are no cadastral parcels in this area (see map below). In terms of the Municipal Systems Act (No. of 2000), a set of land use guidelines has to be developed for the entire municipality along with a ‘wall to wall’ Scheme which included Traditional Council Areas. The new national Spatial Planning and Land Use Management Act (Act No. 16 of 2013) has emphasized this requirement.



**Map 6: Maps illustrating the Extension of the Scheme in Traditional Council Areas**

Source: KwaDukuza Scheme 2014

In terms of current legislation, a Scheme must be prepared for the whole of the municipal area. For some Local Municipalities this requires the integration and alignment of a number of inherited Town Planning Schemes and their translation into a coherent unitary Land Use Scheme that can be implemented across the whole municipality. The urban and rural areas need be considered equally and this means the extension of land use management into areas where none has previously been utilized. Preparing a wall-to-wall Scheme can be daunting and it is now proposed that the municipalities undertake a phased approach dealing with priority areas where there is evidence of development pressures.

Developing a coherent and equitable Scheme across a municipality places requires that planners address the variation and specific needs of different areas. There is a need to develop policies to contain urban sprawl, promote development that restructures the city form, guides the appropriate growth of built up areas, balances natural and built form environments and

identifies high potential agricultural land needing protection to prevent the uncontrolled spread of unsustainable development into rural areas. These challenges can be accommodated by using a continuum of approaches from simple to complex and from policy-based to more prescriptive.

- Where an area requires detailed management and has complex land uses then it is appropriate to prepare the Land Use Scheme more detailed resolution e.g. with differentiated Zones;
- Where parts of a municipality are fairly simple or uncomplicated, then the Land Use Scheme can be prepared at the basic level of detail;
- Where there is cadastral uncertainty or a lack of cadastral information a simple approach can be adopted e.g. informal settlements surrounding the urban area (fewer zones and regulations) and where only the main roads and basic or strategic land uses are identified;
- Very strict controls in environmentally sensitive areas e.g. coastal strips; and,
- Policy guidelines which are compatible with traditional methods of land use management can be used in Traditional Council Area.

If and when more detail is required the elementary and basic Land Use Schemes can be upgraded or changed to include the appropriate level of detail. These new Land Use Schemes accommodate the variety of environments found in the rural and Traditional Council areas. An overview of the systems of plans is provided overleaf.

Until 2008, there was no unitary legislation in terms of which the proposed wall to wall Land Use Schemes envisaged in the Municipal Systems Act could be adopted. The introduction of the provincial Planning and Development Act and new national Spatial Planning and Land Use Management Act confirm the preparation of a single scheme for a municipality. However the implementation of these laws have been hindered by the limitations imposed by the Sub-division of Agricultural Land Act (No. 70 of 1970) which prevents the extension of the scheme into areas deemed to be set aside for agriculture. There have been ongoing discussions regarding this issue between the national Department of Agriculture, Fisheries and Forestry (DAFF) and provincial officials in CoGTA but the current situation is as follows:-

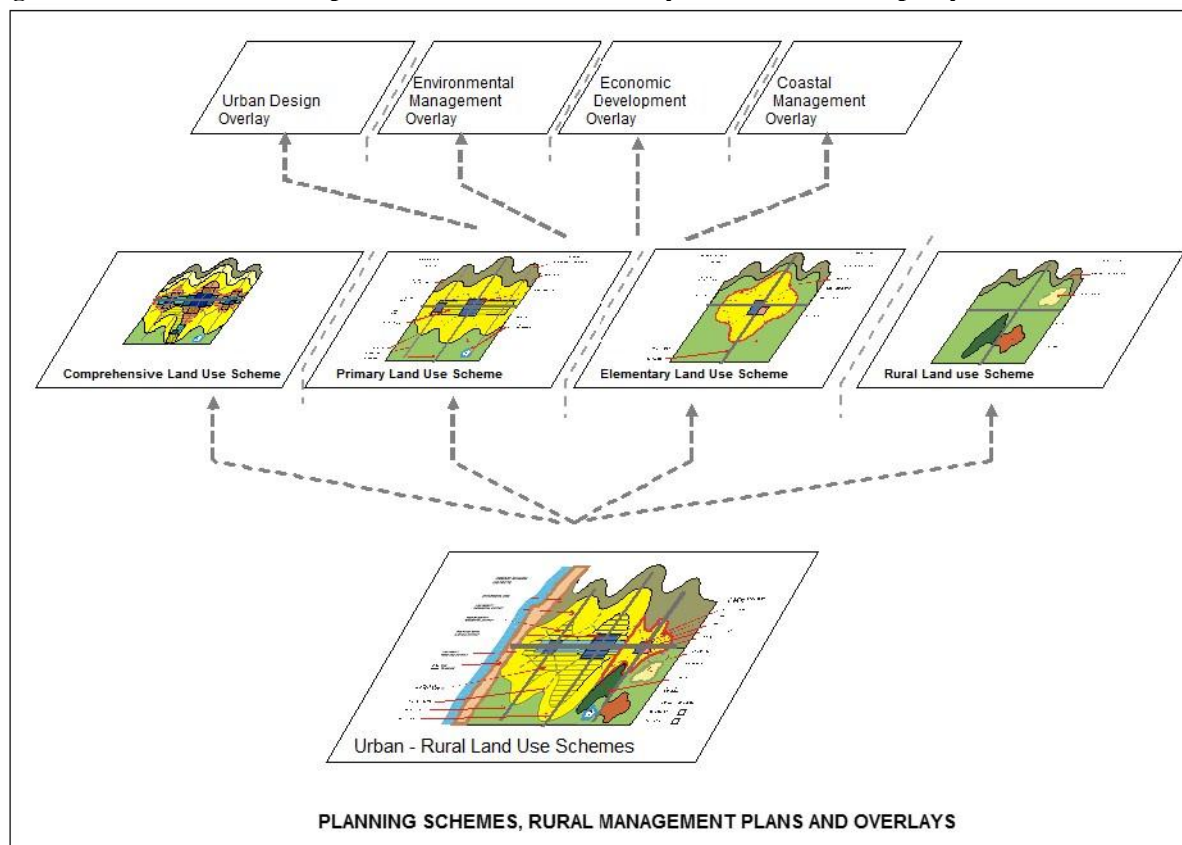
1. A scheme is prepared for the whole municipal area as required by the national Spatial Planning and Land Use Management Act (No. 16 of 2013) and the Local Government:- Municipal Systems Act (No 32 of 2000);
2. It is adopted to parts of the municipality based on the boundaries of separate municipal areas as determined by the Transitional Local Government Act Second Amendment Act (No. 97 of 1996);
3. Those areas that fall outside the Transitional Local Council (TLC) boundaries still use the scheme but as guidelines and are managed by the provisions of the Spatial Planning and Land Use Management Act (No. 16 of 2013) read with the KwaDukuza Municipality Spatial Planning and Land Use Management By-laws.
4. Areas that fall under the Ingonyama Trust Act (No. 9 of 1997) have additional procedural applications that have to be considered when development applications are considered by the municipality; and
5. All applications inside and outside the implemented scheme area are subject to the requirements of the National Environmental Management Act (No. 107 of 1998) as amended.

### **13.0 PREPARING A CONSOLIDATED LAND USE MANAGEMENT SYSTEM (LUMS) SCHEME**

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The approach taken to construct a single / consolidated Scheme across the entire Municipal area comprised the following stages:-

1. Consolidate and align the nine existing Town Planning Schemes;
2. Add-in existing development not in Town Planning Schemes;
  - a. By modifying existing Town Planning Schemes; and,
  - b. By modifying existing Development Parameters;
3. Add-in Approved Development Facilitation Act (DFA) applications;
4. Add-in Short-term change from SDF; and,
5. Extend the Consolidated Scheme to cover the remaining administrative area of the Municipality.

**Figure 3: The Interrelationships of the Schemes and Overlays across the Municipality**

Source: Land Use Management Manual 2001

### 13.1 CATEGORIES OF ZONES

The current TPS's make use of the Provincial Model system and, to varying degrees, uses a particular classification system. The Table below is an example of this system and does not include all Zoning types.

**Table 1: Categories of Zones**

TYPE OF DEVELOPMENT	ZONE NAME	ACRONYM (WHERE APPLICABLE)
<ul style="list-style-type: none"> <li>▪ Detached Housing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Special Residential</li> </ul>	SR
<ul style="list-style-type: none"> <li>▪ Attached Multi- family units               <ul style="list-style-type: none"> <li>▪ Duplexes</li> <li>▪ Flats</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Intermediate Residential</li> <li>▪ General Residential</li> <li>▪ Group Housing</li> </ul>	IR  GR

<ul style="list-style-type: none"> <li>▪ Holiday / resort Accommodation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lodge</li> <li>▪ Resort village</li> <li>▪ Caravan Park</li> <li>▪ Mobile Home park</li> <li>▪ Beach Cottage</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Commercial               <ul style="list-style-type: none"> <li>• Shops</li> <li>• Offices</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ General Commercial</li> <li>▪ Life Style Centre</li> <li>▪ Activity Zone</li> <li>▪ Limited Commercial</li> <li>▪ Village Centre</li> <li>▪ Professional Office</li> <li>▪ Office</li> <li>▪ Garage and Service Station</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agriculture 1 (Commercial)</li> <li>▪ Agriculture 2 (Communal)</li> <li>▪ Agriculture 3 (Urban)</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Civic and Social</li> </ul>	<ul style="list-style-type: none"> <li>▪ Education</li> <li>▪ Administration</li> <li>▪ Institution</li> <li>▪ Worship</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Public Open Space</li> </ul>	<ul style="list-style-type: none"> <li>▪ Private Open space</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Industry</li> </ul>	<ul style="list-style-type: none"> <li>▪ Extractive Industry</li> <li>▪ General industry</li> <li>▪ Light Industry</li> <li>▪ Service Park</li> </ul>	

### 13.2 NEW ZONING TYPOLOGY

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Based on the recommended Guidelines for preparing Schemes the approach taken to classify zones took a decision to make a sharp break with the past and developed a “new” set of names in order to distinguish the consolidated Scheme from the past zones.

For example, instead of a typology for different types of residential dwellings such as Special Residential (SR); General Residential (GR), Intermediate Residential, and Small Holdings; the new model uses a typology that includes:-

- Residential Only Detached;
- Residential Only Medium Density;
- Residential Only High Density;
- Residential Medium Impact , which allows some conversion of houses to offices;
- Residential High Impact, which allows conversion of houses to offices and restaurants;
- Smallholdings and Estates;
- Resorts;
- Lodge;
- Hotels; and,
- Caravan Parks.

In addition, the Consolidation process has had to conflate many similar zones into a reduced number of new zones that can be applicable across the entire municipality. For example, between the nine TPS’s there were twenty Special Residential Zones. These have been reduced into seven new Residential Only Detached (RODE) zones where the new names and land uses would indicate more clearly the form of development that is intended. The table below is an extract from that identifies an example of the old zones and new zone names in the Consolidated Land Use Scheme.

Table 2: Former and New Zones

	ZONE NAME	TOWN	ZONE TYPE	ACRONYM
	PREVIOUS TPS ZONE		LAND USE SCHEME ZONE	
RESIDENTIAL Detached Type Zone	R4	Zimbali	RESIDENTIAL ONLY DETACHED (RODE)	RODE 1
	R7	Zimbali		RODE 2
	R9	Zimbali		
	SR3	Shakaskraal		RODE 3
	SR4	Shakaskraal		
	SR2	Nkwazi		
	R5	Zimbali		RODE 4
	R6	Zimbali		
	R9	Zimbali		
	R11	Zimbali		
	SR1	Nkwazi		RODE 5
	SR2	Shakaskraal		
	SR3	Nkwazi		RODE 6
	R1	Princes Grant		
	SR1	Blythedale		RODE 7
	SR1	Stanger		
	SR1 900	Umhlali		RODE 7
	SR1 900	Ballito		
	SR1 900	Tinley Manor		
	SR1 900	Shakaskraal		
	New Zone	Groutville		

#### 14.0 WHAT ARE THE BENEFITS OF A LAND USE SCHEME?

There are a number of benefits associated with Land Use Management such as: -

- Assists in implementing and reviewing the strategic intentions of the IDP's;
- Complies with the legal requirements set up for the development of integrated suite of plans within a sustainable framework;
- Encourages orderly planning and development;
- Integrates living and working environments;
- Provides a mechanism to align and integrate the outcomes of other plans through the overlay system;
- Provides a mechanism to protect areas of environmental, cultural or historical significance;

- Ensures that the amenity and value of properties is maintained through the certainty of what land uses and development rights are applicable;
- Provide the basis for the development of a rates base;
- Balances the needs of individuals with those of the wider community e.g. the principle of the public good;
- Outlines transparent procedures for land development applications and appeals;
- Creates safe, living environments;
- Speeds up development because it provides clarity regarding the location of different developments; and,
- Directs development to appropriate locations to the benefit of all.

## **5.0 COMMUNITY PARTICIPATION AND THE IMPACT OF THE SCHEME ON INDIVIDUALS AND THE PUBLIC?**

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Land Use Schemes can only be implemented if they have the backing of the local community. It is a legal requirement that all Land Use Schemes include a consultation process in terms of which members of the public, key stakeholder groups, commercial and business interests are given an opportunity to comment on the Scheme prior to its adoption. The national Spatial Planning and Land Use Management Act (Act No. 16 of 2013) has emphasised the role of the Traditional Councils and requires their inclusion in the participation process as a prerequisite for adoption of a Land Use Scheme.

A two phase approach to consultation was proposed and implemented. Phase one involved the translation of the old Town Planning Schemes into the new model and additional or minor adjustments were undertaken and therefore have taken place. In a series of workshop and meetings the proposed new Scheme was presented for comment and therefore amended accordingly. Phase two of the consultation process related to the formal decision by the Municipal Council to adopt the Scheme. In this instance a statutory process was followed with formal notification of all rate payers who are allowed to view the Scheme document and plan and they may formally object to it by providing written submissions to the municipal planning officials.



The public consultation process is summarised as follows:

**Public Consultation in terms of the Planning and Development Act, 2008 (Act No. 6 of 2008)**

- The LUMS was advertised in the North Coast Courier and Stanger Weekly on 18 March 2015 and 20 March 2015. Copies of the document laid for public viewing for a period of 30 days.
- Copies of the document were forwarded to all interested and affected parties, for its comments e.g. Sector Departments, Service Authorities, Government Institutions.
- 2 Public Meetings held on 21 March 2015, at the following venues:
  - La Montagne Hotel, 100 Compensation Road, Ballito; and
  - iLembe Auditorium, 12 Haysom Road, KwaDukuza.
- 2 Stakeholder Meetings held on 24 March 2015 and 26 March 2015, at the KwaDukuza Municipality Council Chamber.
- Council adopted the KwaDukuza Scheme on 30 September 2015.

**Public Consultation in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013):**

- The draft Scheme was advertised for a period of 39 days (3 May 2016 with closing date being 10 June 2016) notifying members of the public on the intention to adopt the new Scheme and giving the public an opportunity to view the document and accompanying mapping;
- As part of the Public Participation Process (PPP), two Public Meetings were held on 7 May 2016 as follows:
  - KwaDukuza Town Hall, 08h30 – 10h30; and
  - Ballito Library, 11h00 – 13h00.
- Members of the public were given an opportunity to submit comments related to the Scheme. A total of 39 comments were received as part of the PPP.
- All comments/ objections were scrutinized and responses provided for each comment received.
- The draft scheme was presented to Traditional Leaders on the 27th September 2016.
- After the PPP was concluded, the draft scheme was then amended;
- The amended scheme was submitted to Municipal Council to be considered for adoption and,

- The scheme was then formally adopted by Municipal Council on the 24th November 2016 and will come into effect on the 31st March 2017.

The Land Use Scheme impacts on the public in the following ways: -

- Provides clear indication of what they can, and cannot do, on their land;
- Indicates what neighbours can or cannot do on adjacent properties;
- Provides information on how to make an application to the Local Municipality for change of land use;
- Indicates where developers and potential investors can invest in the municipality;
- Highlights areas of important environmental, cultural or historical areas where development is limited; and,
- Demonstrates what facilities are available to residents and their families in the surrounding area e.g. the municipality's investment in the provision of public facilities.

## **16.0 THE ROLE OF THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN ASSISTING ORDINARY CITIZENS AND THE NEW MUNICIPALITIES TO IMPLEMENT THE LAND USE MANAGEMENT SYSTEM?**

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The Department of Cooperative Governance and Traditional Affairs (CoGTA) has provided training and information to empower the municipalities to prepare Land Use Schemes. These Land Use Schemes have been introduced in all the municipalities across the province, which includes urban and rural areas. Other key government and service departments e.g. Agriculture and Environmental Affairs, KZN Ezemvelo Wildlife, Housing, Transport and Water Affairs have an important role to play in the development of the Land Use Schemes in the municipalities. It is anticipated that they will assist where necessary in accordance with their mandated roles so that the intended integrated nature of the Land Use Schemes is ensured.

## **17.0 HOW IS THE DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS DOING THIS?**

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The Department of Cooperative Governance and Traditional Affairs (CoGTA) has been actively involved in the implementation of the new Land Use Management System and Schemes in the

following ways:-

- Through the creation of a new legal framework for the implementation of schemes e.g. the KwaZulu-Natal Planning and Development Act was prepared by the staff of CoGTA and legal services;
- Through a training and development programme for Local Municipalities, practitioners and the Traditional Councils;
- Through providing financial assistance in collaboration with Development Bank of Southern Africa (DBSA) to the municipalities to prepare Schemes;
- Providing forums at District level for municipalities to share examples of ‘good practice’ and exchange information on the implementation of Schemes;
- Through the provision of additional aerial photography and the introduction of Geographic Information Systems in the Local Municipalities;
- In association with the KwaZulu-Natal Provincial Planning Commission (PDCC) to providing documents to assist municipalities with the preparation of Schemes e.g. the LUMS Manual completed in 2001 and the Guidelines for the Preparation and Implementation of Schemes published in 2004;
- By commissioning the preparation of an updated version of the previous reports prepared by the PDCC and entitled KwaZulu-Natal Land Use Management System – Guidelines for the Preparation of Schemes for Municipalities 2011; and,
- Through the holding of regular forums to assist municipalities with the implementation of the PDA which includes the conversion of Town Planning Schemes (in preparation) adopted in terms of the Ordinance to the new approach proposed by the KZN PDA.

## **180.0 CONCLUSION**

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The Land Use Management System and the conversion of Town Planning Schemes have been underway for a number of years in the province. As the new approach to Schemes is adopted, used and refined, new components will be added to the current model. In contrast to their predecessors (Town Planning Schemes), new Schemes are intended to be proactive as well as regulatory. The linkage of the Scheme to the strategic plans like the SDF through the Statements of Intent and the built in flexibility allow this new tool to be responsive to changes in development imperatives in the Local Municipalities. The Scheme prepared for the KwaDukuza

Municipality is aligned with the strategic intentions of the SDF and contains contemporary best practice.

Currently KwaZulu- Natal leads the way nationally for the development of a flexible system for Land Use Management and the implementation of Schemes which has the capability of adapting to changes in provincial and national requirement for spatial plans. At the local government level, KwaDukuza Local Municipality has demonstrated its commitment to meeting the requirements of the Municipal Systems Act, and the provincial Planning and Development Act through on-going reviews of the IDP and SDF, and the development of a unitary and sustainable Scheme for its area of jurisdiction. Due regard has been taken of the requirements of the National Environmental Management Act (No 107 of 1998) and has included appropriate aspects in the Scheme parameters. KwaDukuza's unitary Land Use Scheme has also taken into account the legal directives of the new Spatial Planning and Land Use Management Act and will therefore be compliant with both national and provincial planning laws and procedures. In this regard it will be one of first Schemes in the province to have holistically responded the principles of sustainability, and inclusiveness.

**APPENDIX 1: A DETAILED LIST OF LAND USE ZONES**

CATEGORY	ZONE	SUB-ZONE
AGRICULTURE	Agriculture 1 - Commercial Farming	
	Agricultural 2 - Mixed Use Practices	
	Urban Agriculture	
ENVIRONMENTAL MANAGEMENT	Environmental Services /Conservation	
	Sea Shore/Coastal Management	
	Active Open Space	
	Passive Open Space	
	Private Open Space	
CIVIC AND SOCIAL	Cemetery	
	Education	
	Health and Welfare	
	Institutions	
	Municipal and Government	
	Worship	
GENERAL MIXED USE	Core Mixed Use	
	Medium Impact Mixed Use	
	Low Impact Mixed Use	
	Multi Use Retail and Office	
	Office	Centralized Suburban
	Petrol Filling Station	
INDUSTRIAL	Extractive Industry	
	Noxious Industry	
	General Industry	
	Light Industry	
	Logistics	
	Business Park	Business Park 1
		Business Park 2
		Business Park 3
	Quarrying & Mining	
	Future Industry	
RESIDENTIAL	Residential Only	Residential Only Detached Residential Only Medium Density Residential Only High Density
	Residential Medium Impact	

CATEGORY	ZONE	SUB-ZONE
	Residential High Impact	
	Residential Estate and Smallholdings	
	Transitional Residential	
	Hotel	
	Resort	
	Smallholdings	
	Caravan Park	
	Mobile Home Park	
	Rapid Urbanisation Management Area	
	Imizi / Traditional settlement	
	Future Residential	
TRANSPORTATION AND ACCESS	Harbour Resort	
	Railway	
	Bus and Taxi Rank	
	Harbour	
	Public Parking	
	Existing Road	
UTILITIES AND SERVICES	Refuse Sites	
	Water Works	
	Sewerage Disposal	
	Undetermined	
SPECIAL ZONES	Special Zone	
	DFA Special Zone	

## APPENDIX 2: COMPARISON OF NEW CONSOLIDATED SCHEME AND PREVIOUS ZONES

ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE		PREVIOUS ZONE		
RESIDENTIAL (RO)				
	RESIDENTIAL ONLY DETACHED RODE	RODE 1(a)	Residential 2	Zimbali
			Residential 3	Zimbali
			Residential 6	Zimbali
			Residential 8	Zimbali
		RODE 1(b)	Residential 4	Zimbali
			Residential 4a	Zimbali
			Residential 5	Zimbali
		RODE 1(c)	Residential 7	Zimbali
		RODE 1(d)	Residential 9	Zimbali
			Residential 10	Zimbali
		RODE 2	Special Residential 2	Shakaskraal
				Stanger
				Nkwazi
			Special Residential 3	Shakaskraal
				Stanger
			Special Residential 4	Shakaskraal
		RODE 3	Special Residential 1	Nkwazi
		RODE 4	Special Residential 3	Nkwazi
			Residential 1	Prince's Grant
		RODE 5	Special Residential 1	Blythedale
			Special Residential 1	Stanger
		RODE 6	Special Residential 1	Ballito
			Special Residential 1	Umhlali
			Special Residential 1	Shakaskraal
			Special Residential 1	Tinley Manor
			Special Residential 2	Tinley Manor
		RODE 7	Special Residential 4	Stanger
			New Zone	N/A
	RESIDENTIAL ONLY MEDIUM DENSITY	ROMD 1	Extended Residential	Stanger
		ROMD 2	Intermediate Residential	Ballito
			Intermediate Residential	Umhlali
			Intermediate Residential	Tinley Manor
			Group Housing	Ballito
			Group Housing	Umhlali
		ROMD 2(a)	New	N/A
		ROMD 3	Intermediate Residential	Nkwazi
		ROMD 4	New Zone	N/A
	RESIDENTIAL ONLY HIGH DENSITY	ROHD 1	General Residential 1	Ballito
			General Residential	Umhlali
		ROHD 2	General Residential	Ballito

ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE			PREVIOUS ZONE	
			2	
			General Residential	Nkwazi
			General Residential	Shakaskraal
		ROHD 3	General Residential	Blythedale
			General Residential 2	Stanger
		ROHD 4	General Residential 1	Stanger
		ROHD 5	Residential 2	Prince's Grant
	RESIDENTIAL MEDIUM IMPACT	RMIM 1	New Zone	N/A
	RESIDENTIAL HIGH IMPACT	RHIM 1	New Zone	N/A
	SMALLHOLDINGS	RSMH 1	New Zone	N/A
		RSMH 2	New Zone	N/A
	HOTEL	RHOT 1	New Zone	N/A
		RHOT 2	New Zone	N/A
		RHOT 3	New Zone	N/A
		RHOT 4	New Zone	N/A
	RETIREMENT FACILITY	REVL 1	New Zone	N/A
		REVL 2	New Zone	N/A
		REHO 1	New Zone	N/A
		REHO 2	New Zone	N/A
		REHO 3	Old Age Home	Zimbali
	RESORT	REST 1	Beach Cottage	Zimbali
		REST 2	Beach Cottage	Tinley Manor
		REST 3(a)	Resort Village 1	Zimbali
			Resort Village 2	Zimbali
			Resort Village 5	Zimbali
		REST 3(b)	Resort Village 3	Zimbali
		REST 3(c)	Resort 4	Zimbali
		REST 4	Resort	Nkwazi
	CARAVAN PARK	RCPK 1	Caravan Park	Ballito
				Umhlaii
				Stanger
				Blythedale
	MOBILE HOME PARK	RMHP 1	Mobile Home Park	Umhlali
	RAPID URBANIZATION MANAGEMENT AREA	RUMA 1	New Zone	N/A
	TRADITIONAL SETTLEMENT / IMIZI	RIMI 1	New Zone	N/A
	FUTURE RESIDENTIAL	RFUT 1	New Zone	N/A
AGRICULTURE				



ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE			PREVIOUS ZONE	
(AG)				
	AGRICULTURE	AGRIC 1	Agriculture	Ballito
				Umhlali
				Shakaskraal
				Stanger
				Nkwazi
	AGRICULTURE 2	AGRIC 2	New Zone	N/A
	URBAN AGRICULTURE	AGUR	New Zone	N/A
	AGRIC – BUSINESS	AGBS	New Zone	N/A
CIVIC AND SOCIAL (CS)				
	EDUCATION	CSED 1	Education	Nkwazi
	HEALTH AND WELFARE	CSHW 1	Administration	Ballito
				Umhlali
				Shakaskraal
				Tinley Manor
				Stanger
				Nkwazi
		CSHW 2 (Clinics)	New Zone	N/A
	WORSHIP	CSWO 1	Worship	Ballito
				Umhlali
				Shakaskraal
				Tinley Manor
				Stanger
				Blythedale
				Nkwazi
	MUNICIPAL AND GOVERNMENT	CSMG 1	New Zone	N/A
		CSMG 2	New Zone	N/A
	INSTITUTION	CSIN 1	Institution	Nkwazi
	PRISION	CSPR 1	New Zone	N/A
	CEMETERY	CSCE 1	Cemetery Land Reservation	Ballito
				Umhlali
				Shakaskraal
				Tinley Manor
				Stanger
				Blythedale
				Nkwazi
ENVIRONMENTAL				

ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE			PREVIOUS ZONE	
SERVICE (ES)				
	ACTIVE OPEN SPACE	EAOS 1	Sports Amenity	Zimbali
		EAOS 2	Sports Amenity	Prince's Grant
	PASSIVE OPEN SPACE	EPOS 1	Public Open Space	Ballito
			Land Reservation	Umhlali
				Shakaskraal
				Tinley Manor
				Stanger
				Blythedale
				Nkwazi
	PRIVATE OPEN SPACE	EPRS 1	Equestrian Centre	Zimbali
		EPRS 2	Private Open Space	Ballito
				Umhlali
				Stanger
				Nkwazi
	PRIVATE CONSERVATION	ESPC 1	Conservation Amenity	Zimbali
			Conservation Amenity	Prince's Grant
	CONSERVATION AREA	ESCA 1	Conservation Land Reservation	Umhlali
	NATURE RESERVE	ESNR	New Zone	N/A
	ENVIRONMENTAL INTERFACE	ESEI	New Zone	N/A
	SEA SHORE	ESSH	New Zone	N/A
	BEACH FRONT FACILITY	ESBF	New Zone	N/A
GENERAL MIXED USE (MU)				
	CORE MIXED USE MUCO	MUCO 1	General Commercial	Ballito
		MUCO 2	General Commercial	Umhlali
		MUCO 3	General Commercial	Stanger
		MUCO 4	Activity Zone	Ballito
				Umhlali
		MUCO 5	Commercial	Nkwazi
				Blythedale
	MIXED USE LIGHT IMPACT	MULI 1	New Zone	N/A
		MULI 2	New Zone	N/A
	MULTI-PURPOSE RETAIL AND OFFICES	MPRO 1	Limited Commercial	Ballito
			Limited Commercial	Umhlali

ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE			PREVIOUS ZONE	
	MPRO		Limited Commercial	Tinley Manor
			Limited Commercial	Stanger
			Commercial	Shakaskraal
		MPRO 2	Village Centre	Prince's Grant
		MPRO 3	Limited Commercial	Zimbali
		MPRO 4	Mixed Use	Zimbali
			Mixed Use 1	Zimbali
	MPRO 5	New Zone	NA	
	OFFICES	MOFF 1	Professional Office	Ballito
			Office	Umhlali
		MOFF 2	Professional Office	Stanger
		MOFF 3	Office Park	Ballito
		MOFF 4	Office Park 1	Zimbali
			Office Park 2	Zimbali
	INTERFACE ZONE	MITF	New Zone	N/A
	GARAGE AND PETROL FILLING STATION	MPFS 1	Garage	Ballito
				Umhlali
				Shakaskraal
				Stanger
				Blythedale
			Service Station	Ballito
				Umhlali
				Blythedale
		Petrol Filling Station	Nkwazi	
		MPFS 2	New Zone	N/A
	FUTURE MIXED USE	MFUT	New Zone	N/A
INDUSTRY (IN)				
	QUARRYING AND MINING	INQM	New Zone	N/A
	EXTRACTIVE INDUSTRY	INEX	Extractive Industry	Ballito
				Stanger
				Blythedale Beach
	NOXIOUS INDUSTRY	INOX	New Zone	N/A
	GENERAL INDUSTRY	IGEN	General Industry	Stanger
			General Industry	Nkwazi
	LIGHT INDUSTRY	INLI 1	Light Industry	Ballito
				Shakaskraal
				Nkwazi
		INLI 2	Light Industry	Stanger
			Service Industry	Stanger
		INLI 3	Service Industry	Ballito
				Umhlali

ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE			PREVIOUS ZONE	
				Nkwazi
	LOGISTICS	INLG	New Zone	N/A
	BUSINESS PARK	INBP 1	New Zone	N/A
		INBP 2	New Zone	N/A
		INBP 3	New Zone	N/A
	FUTURE INDUSTRY	IFUT	New Zone	N/A
TRANSPORTATION (TR)				
	AIRPORT	TRAP	New Zone	N/A
	AIR STRIP	TRAS	New Zone	N/A
	HARBOUR RESORT	TRHR	New Zone	N/A
	RAILWAY	TRRW	New Zone	N/A
	INTERMODAL FACILITY	TRIF	New Zone	N/A
	BUS AND TAXI RANK	TRBS 1	New Zone	N/A
		TRBS 2	New Zone	N/A
	CAR PARKING	TRCP	New Zone	N/A
	EXISTING ROAD	TRER	New Zone	N/A
	PROPOSED NEW ROADS AND ROAD WIDENING	TRNR	New Zone	N/A
		TRRW	New Zone	N/A
UTILITIES AND SERVICES (US)				
	REFUSE SITE	USRS	New Zone	N/A
	WATER WORKS	USWW	New Zone	N/A
	SEWERAGE WORKS	USSW	New Zone	N/A
	ELECTRICAL SUB-STATION	USES	New Zone	N/A
	BASE TELECOMMUNICATION TRANSCIVER STATIONS	UBTT	New Zone	N/A
	UNDETERMINED	UNDT	New Zone	N/A
SPECIAL ZONE (SZ)				

ZONE USE	ZONE TYPE	ACRONYM	ZONE NAME	TOWN
LUM SCHEME ZONE			PREVIOUS ZONE	
	SPECIAL ZONES	SZ	New Zone	N/A
	DFA SPECIAL ZONES	SZ (DFA)	New Zone	N/A

## **APPENDIX 3: PLANNING APPLICATION CRITERIA FOR HOSPITALITY USES**

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### **1.0 BED AND BREAKFAST ESTABLISHMENT**

#### **1.1 Policy Statement:**

Bed and Breakfast accommodation is provided in a private family home and the owner / manager lives in the house or on the property. Breakfast must be available. In general, the guests share the public areas with the host family. The primary use on the premises remains residential for occupation by the host family.

The operation of a Bed and Breakfast facility shall not detract, as defined solely by Council, from the residential character and amenities of the property concerned or the immediate surroundings.

#### **1.2 Rates Policy:**

For rating purposes, it is suggested that three categories of varying impact be applied, i.e.:-

- Historically Disadvantaged area BandB - 1-6 Rooms (60% rebate on residential property)
- Low Impact BandB - 1-3 Rooms (Residential classification with a 50% rebate)
- Medium Impact BandB - 4+ Rooms (RCP classification with 40% rebate)
- Grading incentive rebate - + 5%

#### **1.3 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

*(1) Minimum Lot Size and Zoning Requirements:*

- The maximum number of lettable rooms shall be determined by the available lot area and space for provision of parking.
- A Band B Establishment may only be permitted on land zoned or land used for "Special Residential", "Rural Residential", "Peri-Urban Residential" and "Low Density Residential" purposes.
- Notwithstanding the provisions of the relevant planning scheme, the Municipality may, in the use zones referred to above, exempt an applicant from applying for Consent and relax the requirements of the scheme to such an extent as it may decide if it is satisfied that no interference with the amenities of the neighbourhood existing, or as contemplated by the scheme will result; provided that the prior written consent of the registered owner of each adjoining property with street frontages contiguous to the site and such other properties within a 100m radius from the application site has first been obtained.
- If the written consent cannot first be obtained within a 60 days period, then the Consent procedure shall apply.
- No place of public assembly or place of entertainment will be permitted.
- A valid Public Liability Insurance Policy shall cover the establishment at all times and a valid certificate to this effect shall be displayed.
- An indemnity form shall be signed by all guests and a sign of indemnity shall be displayed at all times.

*(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the*

*Lot:-*

- 1 Parking bay per guest room and
- 2 Parking bays for the owner / occupier.
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality. The Municipality may relax these requirements on application and taking the specific merits into account, with specific emphasis on the attempt to promote the hospitality industry in historically disadvantaged areas.

(3) *The Maximum Number of Bedrooms/beds which may be Rented Out:-*

- The maximum number of rooms shall be determined by the available lot area and the applicable planning scheme density controls.
- No unit or room shall be let out for self-catering purposes.

(4) *Serving of Meals:-*

- Meals provided and facilities offered shall be limited to guests only.

(5) *Control of signage:-*

- No advertising sign or notice shall be larger than 0,5m<sup>2</sup>, and there shall be no public display of goods.

## **2. GUEST HOUSE**

### **2.1 Policy Statement:**

A guest house may include a building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families. A guest house may offer Band B accommodation as well as self catering accommodation. A guest house will have public areas for the exclusive use of its guests. A guest house is a commercial enterprise and the owner or manager must live on the premises. The Guest House may include a business/conference centre not exceeding 20m<sup>2</sup> GLA in area, for use of its guests.

The operation of a Guest House facility shall not detract, as defined solely by Council, from the residential character and amenities of the property concerned or the immediate surroundings.

### **2.2 Rates Policy:**

- For rating purposes, it is suggested that three categories be applied:
  - ❖ Historically Disadvantaged Area - 1-12 rooms (Residential Classification and 50% rebate)
  - ❖ Low Impact Guest House - 1 - 6 Rooms (RCP classification and 40% rebate)
  - ❖ Medium Impact Guest House - 7+ Rooms (RCP classification and 30% rebate)
  - ❖ Grading incentive rebate - + 5%

### **2.3 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

*(1) Minimum Lot Size and Zoning requirements:*

- The maximum number of rooms shall be determined by the available lot area and the applicable planning scheme density controls.
- A Guesthouse Establishment of less than 6 rooms may only be permitted on land on which the **Consent** of the Municipality has been obtained.
- A Guesthouse Establishment of more than 6 rooms may only be permitted on land zoned for "Guest House" purposes. In other words, a **rezoning application** has to be submitted.

*(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the Lot:-*

- 1 Parking bay per guest room and
- 2 Parking bays for the owner / manager / occupier.
- 1 Parking bay for every two conference centre seats, and provision of bus and / or minibus parking may be required at the discretion of the Municipality.
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.

*(3) The Maximum Number of Rooms which may be Rented Out:-*

- The maximum number of rooms shall be determined by the available lot area and the applicable planning scheme density controls.

*(4) The Maximum Number of Guests:-*

- There shall be no restriction on the number of persons that may be employed in connection with the use, whether or not such persons ordinarily reside on the premises.

*(5) Serving of meals:-*

- Meals provided shall be limited to guests only.
- A Liquor Licence may be applied for guests only.

*(6) Control of Signage:-*

- No advertising sign or notice shall be larger than 0,5m2, and there shall be no public display of goods.

### **3.0 COUNTRY HOUSE**

#### **3.1 Policy Statement:**

A country house can be either a guest house or a Band B, situated in agricultural or natural, peaceful surroundings such as on a farm, in or near a nature reserve, a forest, a lake etc. The rates charged are usually inclusive of all meals and the experience offered at the Country House or -lodge, with game drives, tours, etc. The amenities, including the restaurant, may be open to the general public. A place of public assembly and place of public entertainment may be allowed to cater for weddings and other similar type of events. A small curios / arts and crafts / fresh produce (farm) shop may be permitted, provided that it does not exceed 50m2 GLA. The owner and/or manager must live on the premises.



### **3.2 Rates Policy:**

- For rating purposes, it is suggested that a single category be applied regardless of size of establishment. Residential rate to be applied.

### **3.3 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

*(1) Minimum Lot Size and Zoning Requirements:*

- The minimum lot area shall be 1 hectare.
- A Country House or -Lodge Establishment may only be permitted on land zoned for, and used for "Agricultural", "Resort", "Conservation Area" or "Game Reserve" purposes.
- Environmental Authorisation, and Planning approval, through the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) or any other relevant legislation shall first be obtained.

*(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the Lot:-*

- 1 Parking bay per guest room
- 1 Parking bay per 25% of the restaurant seating capacity
- Minimum of 15 bays for use by general public if the facility is open to the general public and
- 2 Parking bays for the owner / manager / occupier.
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.

*(3) The Maximum Number of Rooms which may be Rented Out:-*

- A maximum of 12 rooms may be permitted.

*(4) The Maximum Number of Guests:-*

- The maximum daily number of visiting guests shall be determined by the nature and size of the operation, and it shall be controlled by the planning and environmental authorisation stipulations.

*(5) Serving of Meals:-*

- Meals provided need not be limited to guests only, provided that the necessary planning authorisation has been obtained for a restaurant.
- A Liquor Licence may be applied for.

*(6) Control of Signage:-*

- No advertising sign or notice shall be larger than 1m<sup>2</sup>.

## **4.0 BOUTIQUE HOTEL**

### **4.1 Policy Statement:**

A building, which is not used as a Dwelling House or Guest House, used for temporary accommodation in the form of single or double rooms, with en suite or communal ablution facilities, which may or may not have a liquor license, the occupants of which

are provided with meals in a communal dining room or restaurant, lounge and other amenities such as in a lapa or similar facility. The restaurant and other amenities such as Conference facilities, meeting room(s), and business centre may be open for use by the general public”

Boutique hotels differentiate themselves from larger chain or branded hotels by providing an exceptional and personalized level of accommodation, services and facilities. The concept the term "boutique" may also refer to the term "lifestyle hotels".

Boutique hotels are sometimes furnished in a themed, stylish and/or inspirational manner. Although usually considerably smaller than a mainstream hotel (maximum 50 guestrooms) boutique hotels are generally fitted with telephone and Wi-Fi Internet connections, honesty bars and often cable/pay TV. Guest services are attended to by 24 hour hotel staff. The boutique hotels may have on site dining facilities, and offer an attractive bars as well as lounge facility which may also be open to the general public.

#### **4.2 Rates Policy:**

- For rating purposes, it is suggested that a single commercial related category be applied.

#### **4.3 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

*(1) Minimum Lot Size and Zoning Requirements:*

- The minimum lot area shall be 5000m<sup>2</sup>.
- A Boutique Hotel may only be permitted on land zoned for, and used for “Boutique Hotel” purposes.
- Environmental Authorisation, and Planning approval, either vide the DFA or a rezoning / zoning as per the provisions of the Natal Town Planning Ordinance, or any other relevant legislation, shall first be obtained.
- The conference facility / meeting rooms may not cater for more than 50 guests.
- The business centre may not exceed 80m<sup>2</sup> GLA.
- The curio / arts and crafts shop may not exceed 50m<sup>2</sup> GLA.

*(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the Lot:-*

- 1 Parking bay per guest room
- 1 Parking bay per 25% of the restaurant seating capacity
- 1 Parking bay per 25m<sup>2</sup> GLA conference / meeting room / business centre area
- Minimum of 15 bays for use by general public if the facility is open to the general public and
- 2 Parking bays for the owner / manager / occupier.
- Adequate Staff Parking and public transport pick up and drop off facilities shall be provided.
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.

*(3) The Maximum number of rooms which may be rented out:-*

- A maximum of 50 rooms may be permitted.

*(4) The Maximum Number of Guests:-*

- The maximum daily number of visiting guests shall be determined by the nature and size of the operation, and it shall be controlled by the planning and environmental authorisation stipulations.

*(5) Serving of Meals:-*

- Meals provided may not be limited to guests only.

*(6) Control of Signage:-*

- No advertising sign or notice shall be larger than 2m<sup>2</sup>.

## **5.0 LODGE**

### **5.1 Policy Statement:**

A Lodge is usually situated in a conservation area or a nature reserve, such as a forest, a lake, coastal belt etc. The rates charged are usually inclusive of all meals and the experience offered at the lodge, with guided tours, etc. The amenities, including the restaurant, may be open to the general public. A place of public assembly, such as conference facilities and place of public entertainment may be allowed to cater for weddings and other similar type of events. A small curios / arts and crafts shop may be permitted, and a business centre provided that it does not exceed 50m<sup>2</sup> and 20m<sup>2</sup> GLA respectively. The owner and/or manager must live on the premises.

### **5.2 Rates Policy:**

- For rating purposes, it is suggested that a single commercial category be applied.

### **5.2 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

*(1) Minimum Lot Size and Zoning Requirements:*

- The minimum lot area shall be 1 hectare.
- A Lodge Establishment may only be permitted on land zoned for, and used for "Resort", "Conservation Area" or "Game /Nature Reserve" purposes.
- Environmental Authorisation, and Planning approval, either vide the DFA or the Natal Town Planning Ordinance, or any other relevant legislation shall first be obtained.

*(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the Lot:-*

- 1 Parking bay per guest room
- 1 Parking bay per 25% of the restaurant seating capacity
- Minimum of 15 bays for use by general public if the facility is open to the general public and
- 2 Parking bays for the owner / manager / occupier.
- Adequate provision has to be made for staff parking, to the discretion of the Municipality
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.

- (3) *The Maximum Number of Guests:-*
- The maximum number of visiting guests shall be determined by the nature and size of the operation, and it shall be controlled by the planning and environmental authorisation stipulations.
- (4) *Serving of meals:-*
- Meals provided may not be limited to guests only, provided that the necessary planning authorisation has been obtained for a restaurant.
  - A Liquor Licence may be applied for.
- (5) *Control of Signage:-*
- No advertising sign or notice shall be larger than 2m<sup>2</sup>.

## **6.0 BACKPACKERS ESTABLISHMENT**

### **6.1 Policy Statement:**

A combination of holiday resort facilities, including a chalet development in association with a caravan park and a resort or public picnic place together with such entertainment facilities, service rooms, ablution and sanitary facilities as are ordinarily used therewith, all under the supervision of a resident supervisor or caretaker who must live on the premises.

Means an area of land which is designed and laid out for the use of land and buildings as holiday accommodation, served by communal ablution and sanitary facilities, which may include a kitchen and one dwelling house or unit for a manager or caretaker, and each unit being supplied with permanent water, waterborne sanitation and electricity points and refuse receptacles, the establishment containing within it sufficient open space for recreational purposes, all of which shall be to the satisfaction of the Municipality .

### **6.2 Rates Policy:**

- For rating purposes, it is suggested that a single commercial category be applied.

### **6.3 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

#### *(1) Minimum Lot Size and Zoning Requirements:*

- The minimum lot area shall be 4000m<sup>2</sup>. A variance of 10% in the minimum lot area may be permissible at the discretion of the **Municipality** .
- A Backpackers' Facility may only be permitted on land zoned for, and used for "Backpacker Establishment" purposes.
- Environmental Authorisation, and Planning approval, either vide the DFA or the Natal Town Planning Ordinance, or any other applicable legislation, shall first be obtained.
- The curio / arts and crafts / convenience goods shop may not exceed 50m<sup>2</sup> GLA.

#### *(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the Lot:-*

- 1 Parking bay per 2 guest rooms

- Parking for buses and mini-bus taxis' at a ratio of 1 bus bay per 25 rooms, or 2 mini-bus bays for every 10 rooms.
- Minimum of 15 bays for use by general public if the facility is open to the general public and
- 2 Parking bays for the owner / manager / occupier.
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.

(3) *The Maximum Number of Rooms which may be rented out:-*

- Limited by the planning and environmental authority granted.

(4) *The maximum number of guests:-*

- Limited by the planning and environmental authority granted.
- The maximum daily number of visiting guests shall be determined by the nature and size of the operation, and it shall be controlled by the planning and environmental authorisation stipulations.

(5) *Serving of Meals:-*

- Meals provided shall be limited to guests only.

(6) *Control of Signage:-*

- No advertising sign or notice shall be larger than 2m<sup>2</sup>.

## **7.0 RESORT**

### **7.1 Policy Statement:**

A Resort Complex usually offers, in addition to accommodation, a number of facilities and holiday experiences, and it is particularly well-suited for family vacations. A resort offer a variety of experiences within a fixed boundary that includes accommodation, entertainment and other facilities which may include inter alia hotels, conferencing, public entertainment areas, golfing, sport, water sports, wildlife, wellness centres, hydros, spas, health resorts, cultural, historical, and gambling. The amenities may be open to the general public. A place of public assembly and place of public entertainment may be allowed to cater for weddings and other similar type of events.

Resorts are mostly orientated to serving a combination of: business travel, conferencing, casino's, golf estates and family holidays.

Holidaymakers would pay a fee for their accommodation and decide whether to go full board (all meals would also be included in the price), half board (only the main meal would be included) or self catering (no meals provided). There may be childcare facilities such as a crèche and various clubs to keep youngsters occupied, enabling parents to follow their own pursuits.

In addition there are usually other facilities for which a fee is charged: bars, restaurants,

amusement arcades, etc.

## **7.2 Rates Policy:**

- For rating purposes, it is suggested that a single commercial category be applied.

## **7.3 Minimum Requirements:**

The following minimum requirements shall be met on the application site:

### *(1) Minimum Lot Size and Zoning Requirements:*

- The minimum lot area shall be 0.5 hectare.
- A Resort may only be permitted on land zoned for, and used for “General Residential” (limitation on types of uses included), and “Resort” purposes.
- Environmental Authorisation, and Planning approval, either vide the DFA or the Natal Town Planning Ordinance, or any other relevant legislation shall first be obtained.

### *(2) Particular Parking Requirements and Accommodation of Motor Vehicles on the Lot:-*

- 1 Parking bay per dwelling unit
- 1 Parking bay per 25% of the restaurant seating capacity
- Minimum of 15 bays for use by general public if the facility is open to the general public and
- Parking bays for the owner / manager / occupier.
- Adequate provision has to be made for Staff parking, to the satisfaction of the Municipality.
- All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.

### *(3) The maximum number of guests:-*

- The maximum number of visiting guests shall be determined by the nature and size of the operation, and it shall be controlled by the planning and environmental authorisation stipulations.

### *(4) Serving of Meals:-*

- Meals provided may not be limited to guests only, provided that the necessary planning authorisation has been obtained for a restaurant.
- A Liquor Licence may be applied for.

### *(5) Control of Signage:-*

- No advertising sign or notice shall be larger than 2m<sup>2</sup>.

## **8.0 SELF –CATERING ESTABLISHMENTS**

### 8.1 Policy Statement:

Means a self-contained unit of accommodation such as flats, maisonettes, dwelling units, cabanas, etc. in or upon which the business of supplying lodging without meals for reward is conducted. The owner and/or letting agent must be registered with Tourism KwaZulu-Natal and the local Publicity Association or CTO. Self-catering excludes any property let out for permanent accommodation, hostelling and boarding house purposes.

### 8.2 Rates Policy:

For rating purposes, it is suggested that three categories of varying impact be applied, i.e.:-

- Historically Disadvantaged area - 1-6 Rooms (60% rebate on residential property)
- Low Impact Self Catering - 1-3 Rooms (Residential classification with a 50% rebate)
- Medium Impact SC - 4+ Rooms (RCP classification with 40% rebate)
- Grading incentive rebate - + 5%

### 8.3 Minimum Requirements:

The following minimum requirements shall be met on the application site:

- (1) *Minimum Lot Size and Zoning requirements:*
  - The minimum lot area shall be as per the provisions of the scheme.
  - The type of occupation permitted shall be as per the provisions of the scheme.
  - The Body Corporate or Home Owners Association permission shall be first obtained.
- (2) *Particular parking requirements and accommodation of motor vehicles on the lot:-*
  - 1.5 Parking bays per unit and a trailer bay facility at 1 bay per unit may be permissible at the discretion of the Municipality. The additional parking provided shall be excluded from the calculation of FAR.
  - All loading and parking provision has to be provided off street and it shall be to the satisfaction of the Local Municipality.
- (3) *The Maximum Number of Rooms:-*
  - The facilities should be adequate to cater for the maximum approved number of guests that the facility can accommodate.
  - The number of occupants in an apartment shall not exceed the number permitted in the Registered Conduct Rules of the Body Corporate, when applicable.
- (4) *Control of Signage:-*
  - No advertising sign or notice shall be larger than 0,2m<sup>2</sup>, and there shall be no public display of goods or as per the Registered Conduct Rules where a Home Owners Association Articles of Association or Body Corporate is applicable.

#### APPENDIX 4: REFERENCES

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1. **The KwaZulu-Natal Land Use Management System – Guidelines for the Preparation of Schemes for Municipalities:** The Planning Initiative Team; Department of Cooperative Governance and Traditional Affairs (KZN CoGTA) Updated document, 2011
2. **Guidelines for the Preparation and Implementation of Schemes – KwaZulu-Natal Land Use Management System Update:** The Planning Initiative Team for the KwaZulu-Natal Provincial Planning and Development Commission; 2004
3. **Guidelines for the Preparation and Implementation of Schemes – Quick Overview:** the Planning Initiative Team for the Department of Local Government and Traditional Affairs and the Provincial Planning and Development Commission, April 2005.
4. **The KwaZulu- Natal Land Use Management System – A Quick Overview:** the Planning and Development Consortium in association with Department of Traditional and Local Government Affairs, November 2002.
5. **The Land Use Management System:** Town and Regional Planning Commission; June 2001.
6. **The KwaZulu-Natal Planning and Development Act:** (No. 6 of 2008) provincial gazette publication.