

Introduction – The uMhlathuze Land Use Scheme in the context of a Land Use Management System

In terms of the Municipal Systems Act (Act No. 32 of 2000), each municipality must prepare an Integrated Development Plan (IDP) for their area of jurisdiction. A key component of an IDP is a Spatial Development Framework (SDF), which must provide a visual representation of long term land uses to support the Municipality's vision for the area, and should include basic guidelines for a Land Use Management System (LUMS).

A Land Use Management System refers to all the actions required by a municipality to manage land, of which "Schemes" are one component. Typically, key elements of a Land Use Management System include:

- The Spatial Development Framework, various Spatial Plans, Frameworks **and Schemes**;
- Valuation and rating system;
- Property registration, ownership and tenure;
- Infrastructure and services provision;
- Building laws, including outdoor advertising;
- Health Bylaws;
- Environmental issues and requirements;
- Roads and transportation requirements.

For the City of uMhlathuze, the abovementioned tools are now in place, including the new uMhlathuze Scheme.

What is a Scheme?

According to the *"Kwazulu-Natal Land Use Management System : Guidelines for the preparation of Schemes for Municipalities (2011)"* a "Scheme" is a statutory document which divides the municipality into zones in order to guide and manage development.

These zones are then regulated according to:

- The use of land for residential, commercial, industrial and other purposes;
- The height and bulk of buildings and other structures that may be erected on land zoned for a specific purpose;
- The area of a lot/erf which may be occupied by buildings; etc.

The Scheme generally consists of a document (Scheme Regulations) and maps (Scheme Maps).

The objectives of a scheme can be summarized as follows:

- To designate desirable land uses and provide clarity on what may or may not occur on a property, and what may be considered at the discretion of the municipality;
- To promote the certainty of land use which protects property values and creates investor confidence;
- To promote and protect the amenity within areas and neighbourhoods;
- To resolve conflict between different land uses, and to control negative impacts;
- To balance the interests of individuals with those of the public;
- To enable the coordinated and efficient use of land;
- To enable the efficient movement of persons and goods;

- To promote the economy;
- To protect natural resources or ecosystem services, including high potential agricultural resources;
- To protect unique areas or features;
- To protect cultural resources and places of religious and cultural significance;
- To manage land generally, including change of land use and building type;
- To provide a statutory basis for public involvement;
- To provide a means of enforcement
- To ensure the retention of land for future uses, etc.

Creating a new uMhlathuze Land Use Scheme

Previously, land use matters within the uMhlathuze Municipal area were governed by means of:

- *The Richards Bay Town Planning Scheme* (applicable to the areas of Richards Bay, eSikhaleni, eNseleni and Vulindlela);
- *The Empangeni Town Planning Scheme* (applicable to the areas of Empangeni and Felixton); and
- *The scheme adopted for Dumisane Makhaye Village Phases 1-8 in accordance with the relevant Development Facilitation Act Judgements.*

Prior to 2014, vast areas within uMhlathuze (including Ngwelezane, agricultural areas and Traditional Authority areas) fell outside the town planning scheme boundaries.

In terms of Section 4(1) of the KZN Planning and Development Act, 2008, each Municipality must adopt a scheme or schemes for its entire area of jurisdiction by May 2015.

Therefore, the uMhlathuze Municipality drafted the new **“uMhlathuze Scheme”**, which aims to :

- a) replace the existing Richards Bay, Empangeni and Dumisane Makhaye Village town planning schemes; and
- b) implement a scheme for those areas which were previously not covered by a town planning scheme, but excluding agricultural areas which are subject to the Subdivision of Agricultural Land Act (Act 70 of 1970).

The uMhlathuze Scheme consists of:

- A Scheme Regulation Document; and
- Scheme Maps.

The Public Participation Process

The Municipality gave notice of its intent to adopt the uMhlathuze Scheme in terms of Section 10(1) of the KZN Planning and Development Act, 2008, in the local newspapers on 25 July 2013.

Public comments were invited, and hard copies of the Draft uMhlathuze Scheme Document and Maps were open for inspection until 18 September 2013 during office hours (between 07:30 and 16:00, Monday to Friday) at the following venues:

- Richards Bay Civic Centre – City Development Department;
- Empangeni Offices – City Development Department;
- Enseleni, Esikhaleni, Felixton and Ngwelezane libraries;
- uMhlathuze Treasury Office – Vulindlela

Public meetings to discuss the Draft uMhlathuze Scheme took place as follows:

	WARDS	VENUE	DATE	TIME
1.	1, 2, 3, 4,26	Richards Bay Civic Centre Auditorium	Monday 12 August 2013	15:00
2.	15, 16, 17, 21, 22	eSikhaleni College Hall	Tuesday 13 August 2013	15:00
3.	18, 19, 20	Hlanganani Community Hall	Wednesday 14 August 2013	15:00
4.	5, 6, 7and 8	eNseleni Community Hall	Thursday 15 August 2013	15:00
5.	10, 11 & 30	Vulindlela Community Hall	Friday 16 August 2013	15:00
6.	24, 25, 27, 28, 29	Ngwelezane Community Hall	Wednesday 21 August 2013	15:00
7.	9, 23, portion 24	Imbizo Hall, Empangeni	Thursday 22 August 2013	15:00
8.	12, 13 and 14	Madlankala Community Hall / Sports Field	Friday 23 August 2013	15:00
9.	General Public Meeting	Richards Bay Civic Centre Auditorium	Thursday 22 August 2013	17:30

An extensive public participation process was therefore followed in order to inform the public of the new uMhlathuze Scheme and to provide the public an opportunity to influence the contents of the Scheme.

Adoption and Appeal Process:

The Draft uMhlathuze Scheme was submitted to Council for consideration on 3 December 2013. Council adopted the new uMhlathuze Scheme.

In accordance with the provisions of Section 14(1) of the KZN Planning and Development Act, every person who lodged a written comment was informed of Council's decision on 6 December 2013, and was informed of his/her right to appeal the decision. No appeals were received, and the uMhlathuze Scheme therefore became effective on 7 January 2014.