

# MANDENI LAND USE MANAGEMENT SCHEME

(Municipal perspective on Act 70 of 70)

Planning Law Forum

25 August 2017

Royal Hotel

**CTRP\_DPSS**



MANDENI MUNICIPALITY

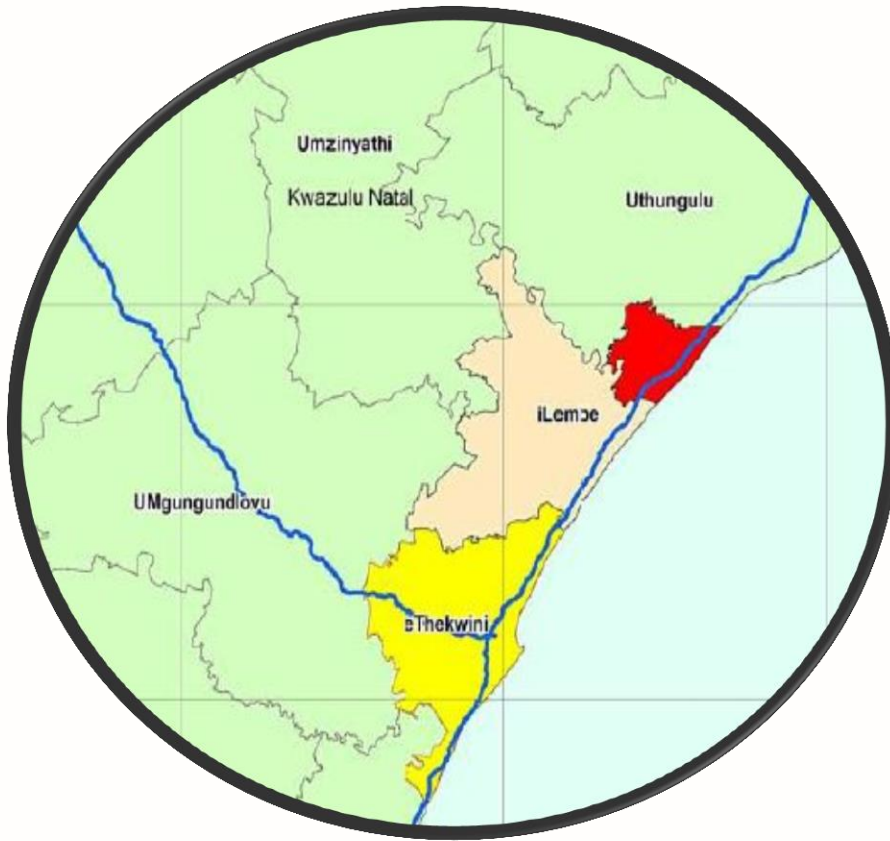
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# OUTLINE OF THE PRESENTATION

1. Municipal area
2. Project Background
3. LUMS work plan
4. Legislative context
5. Initial study Area
6. LUMS informants
7. Approach to 70 of 70
8. Challenges
9. Lessons learnt
10. Way forward



# MUNICIPAL AREA



**Located on the east coast within the Ilembe District Municipality's jurisdiction - MIDRAND OF KZN**



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# PROJECT BACKGROUND

- KZNCOGTA's Spatial Planning Directorate has a mandate to give effective support to Local Government and Traditional Institutions for effective integrated planning.
- In terms of the Department's Annual Performance Plan; 2015/16, the Directorate Spatial Planning had an Annual Target to support 25 Local Municipalities to produce legally compliant schemes.
- The Mandeni Local Municipality was identified as one such municipality that received comprehensive (high- level) support from Spatial Planning in finalizing their Scheme.
- This was done as an **“in-house”** project utilizing municipal, DPSS, MISA and KZNCOGTA: Spatial Planning staff.



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# PROJECT BACKGROUND

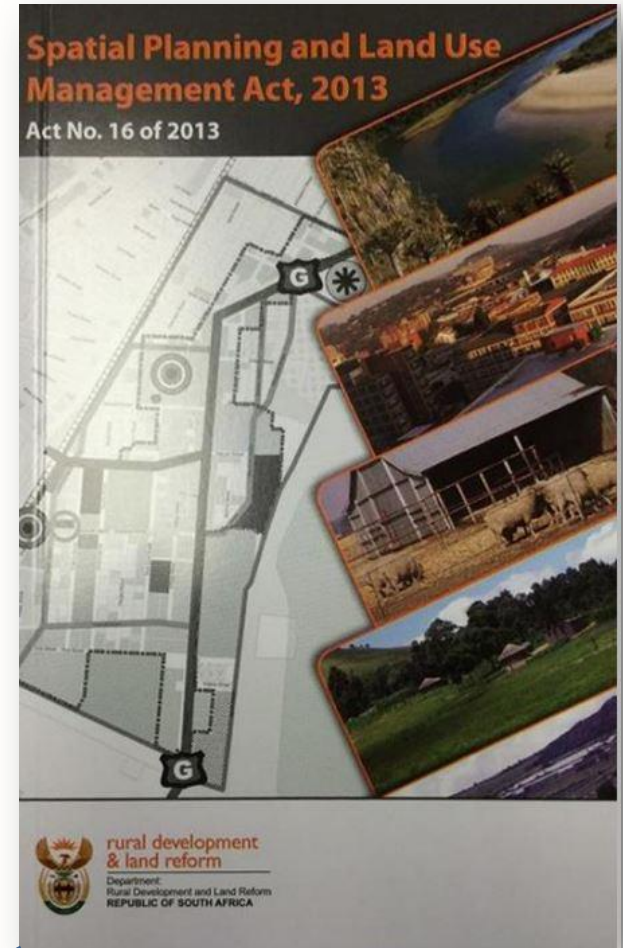
## Legislative Context - Spatial Planning and Land Use Management Act, 2013

- Enacted in August 2013
- Regulations gazetted in March 2015
- Became law in July 2015

## Makeshift from PDA to SPLUMA in relation to the draft LUMS



SPLUMA principles  
Bylaw



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# LUMS WORKPLAN

PROJECT INCEPTION

LAND USE FRAMEWORK

LAND USE SURVEY

SCHEME CLAUSE & MAPPING

CONSULTATION AND  
REVIEW

COUNCIL ADOPTED THE  
LUMS IN DECEMBER 2016





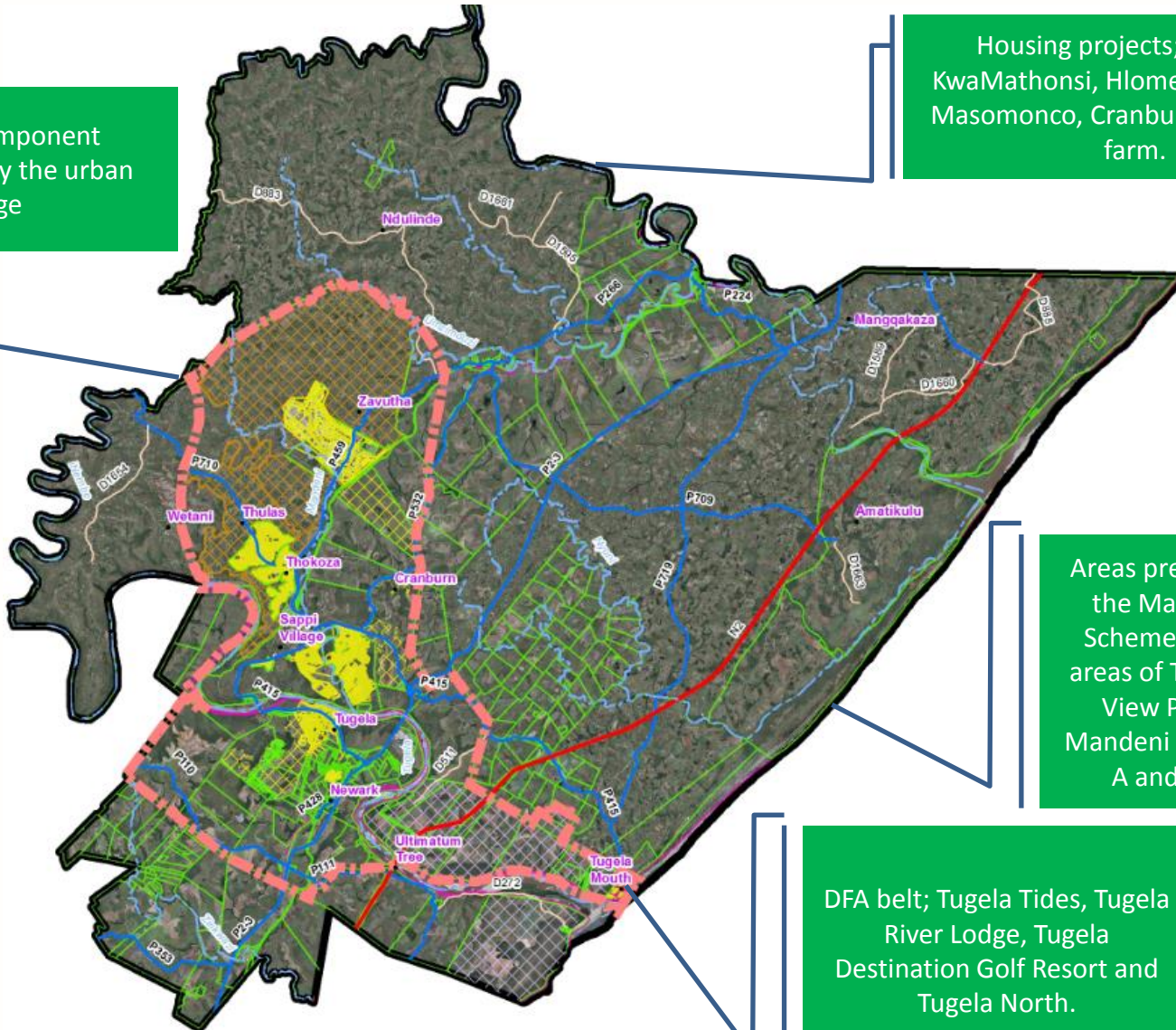
# INITIAL STUDY AREA

Urban component  
Influenced by the urban  
edge

Housing projects; IsiThebe,  
KwaMathonsi, Hlomendlini, Nyoni,  
Masomonco, Cranburn and Manda  
farm.

Areas previously covered by  
the Mandeni and Tugela  
Scheme; incorporates the  
areas of Tugela Mouth, High  
View Park, Padianagar,  
Mandeni suburb, Sundumbili  
A and B and isiThebe

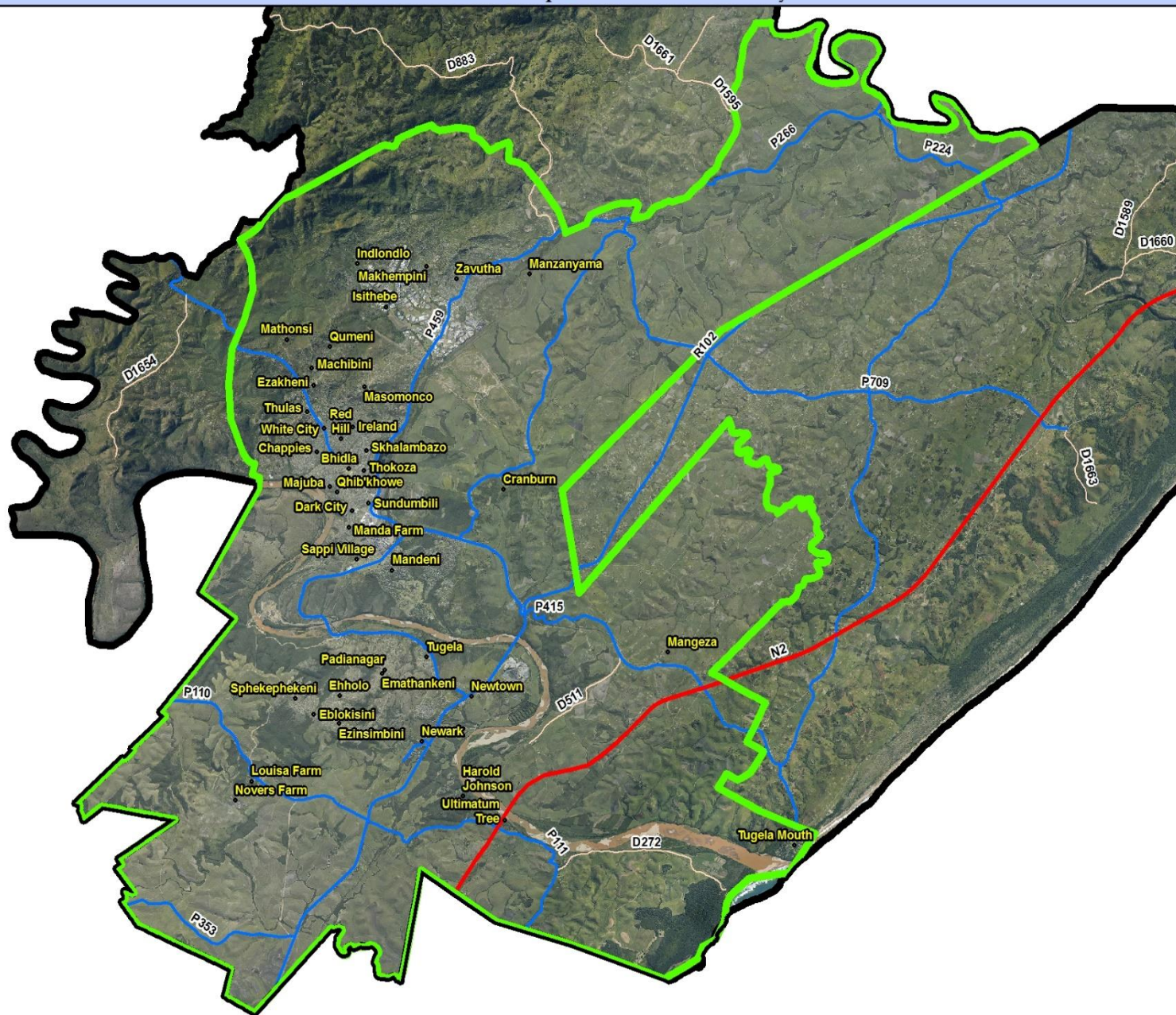
DFA belt; Tugela Tides, Tugela  
River Lodge, Tugela  
Destination Golf Resort and  
Tugela North.







# Mandeni Municipality Updated Scheme Boundary



- Place Names
- National Road
- Provincial Road
- District Road
- Updated Scheme Boundary
- Local Municipality Boundary

**Data Sources**  
- Roads - Department of Transport, KZN  
- Demarcation of Boundaries - Municipal Demarcation Board  
- Placenames - Statistics South Africa

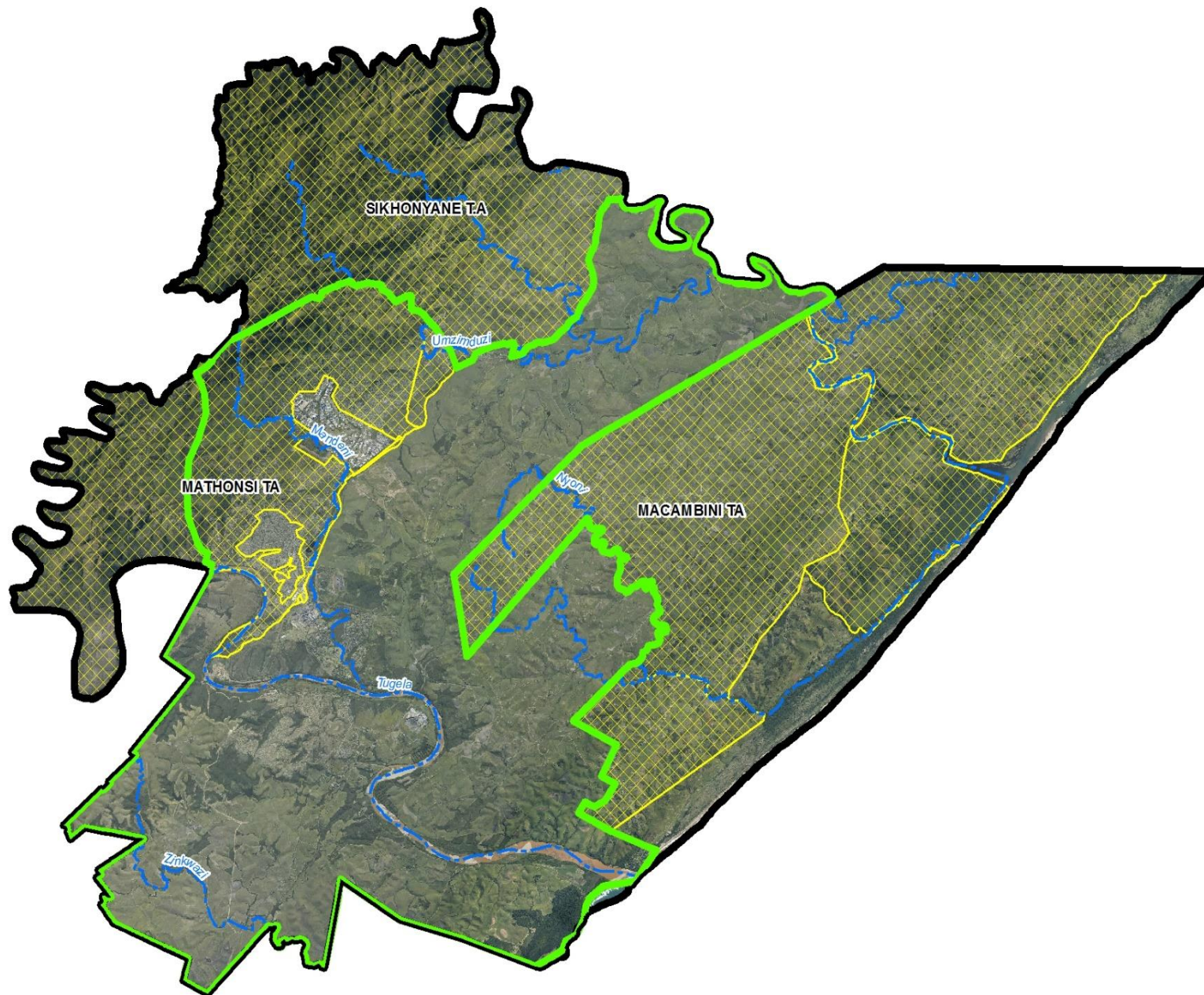
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# Mandeni Municipality ITB Land



- ITB-Land
- Updated Scheme Boundary
- Local Municipality Boundary

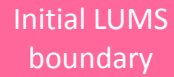
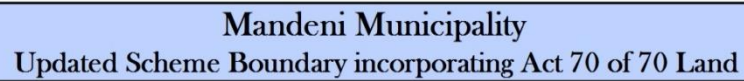
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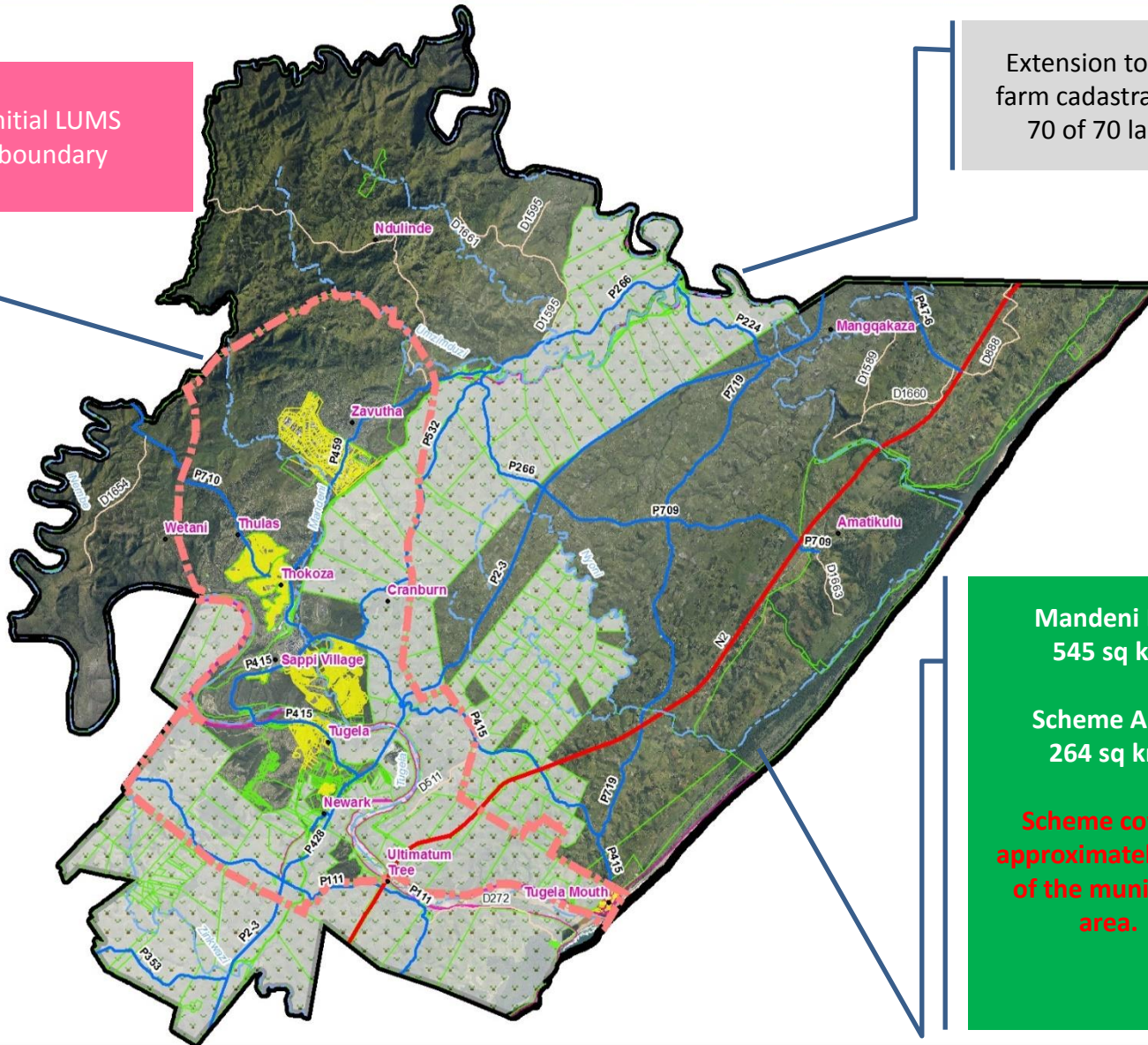
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Extension to reg.  
farm cadastral and  
70 of 70 land



**Mandeni LM**  
**545 sq km**

**Scheme Area**  
**264 sq km**

**Scheme covers approximately 48% of the municipal area.**

- Placenames
- Rivers
- National Road
- Provincial Road
- District Road
- Act 70 of 70
- Erf
- Farm
- Stateland
- Scheme Boundary
- Municipal Boundary

## Data Sources:

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- Demarcation of Boundaries:- Municipal Demarcation Board
- Placenames :- Statistics South Africa

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# Mandini



1:6,000

## Legend

- Scheme Boundary
- Proposed Roads

## Proposed Zones

- Administration
- Education
- General Commercial
- Office
- Open Space

## Zones

- Special Residential
- Prestige Special Residential
- Medium Density Residential
- General Residential 1
- General Residential 2
- Car Park
- Limited Commercial
- General Commercial
- Public Garage
- Office
- Light Industry
- Service Industry
- Education
- Private Education
- Institution
- Place of Public Assembly
- Public Administration
- Commercial Agriculture
- Open Space
- Private Open Space
- Roads



**CHRISTINE PLATT**

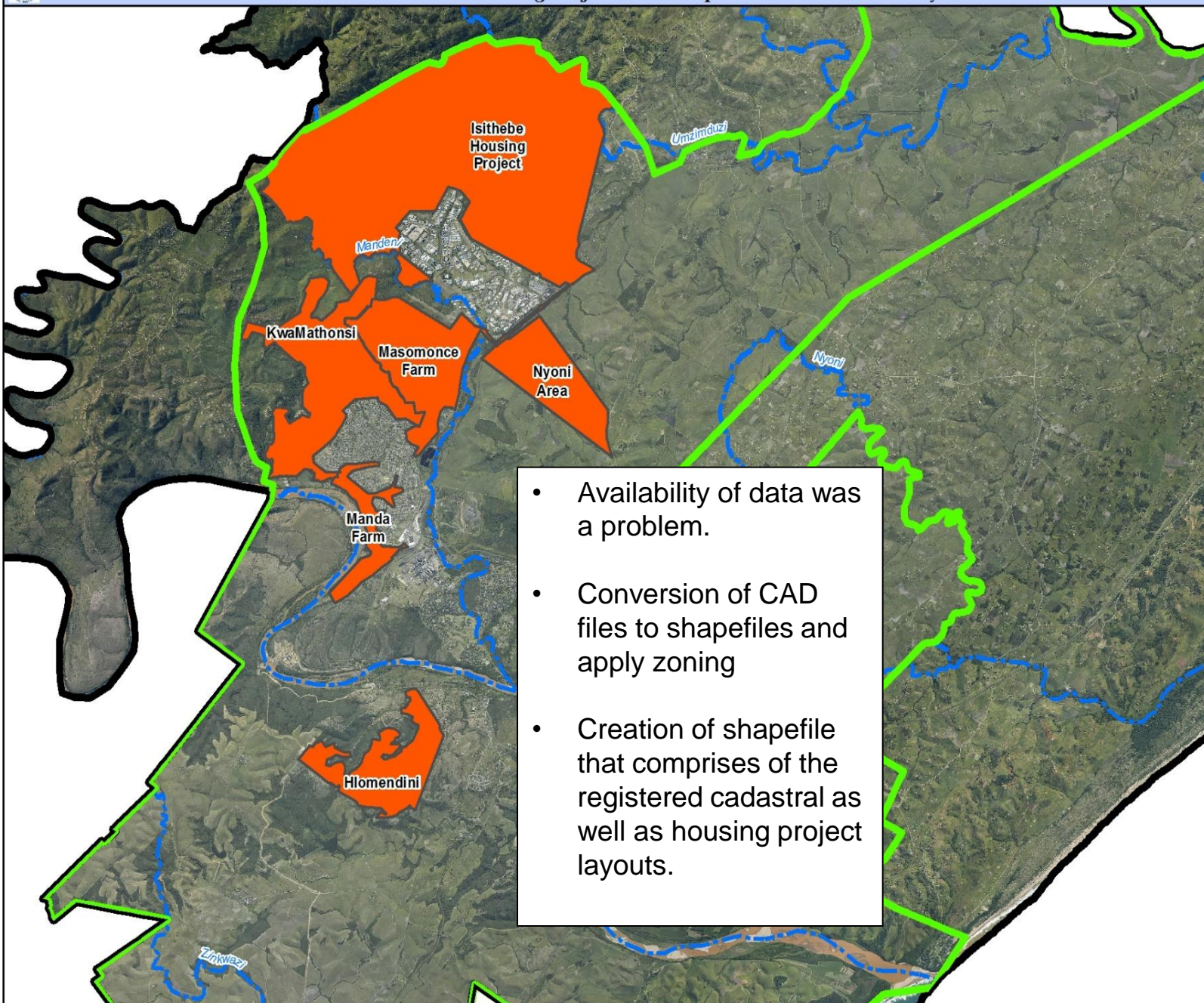
CONSULTING TOWN PLANNER  
7 Canal Drive Westville 3600, Tel & Fax 0312671231  
email: platc@mvweb.co.za





# Mandeni Municipality

## Housing Projects within Updated Scheme Boundary



- Availability of data was a problem.
- Conversion of CAD files to shapefiles and apply zoning
- Creation of shapefile that comprises of the registered cadastral as well as housing project layouts.

	Housing Projects
	Updated Scheme Boundary
	Local Municipality Boundary

#### Data Sources

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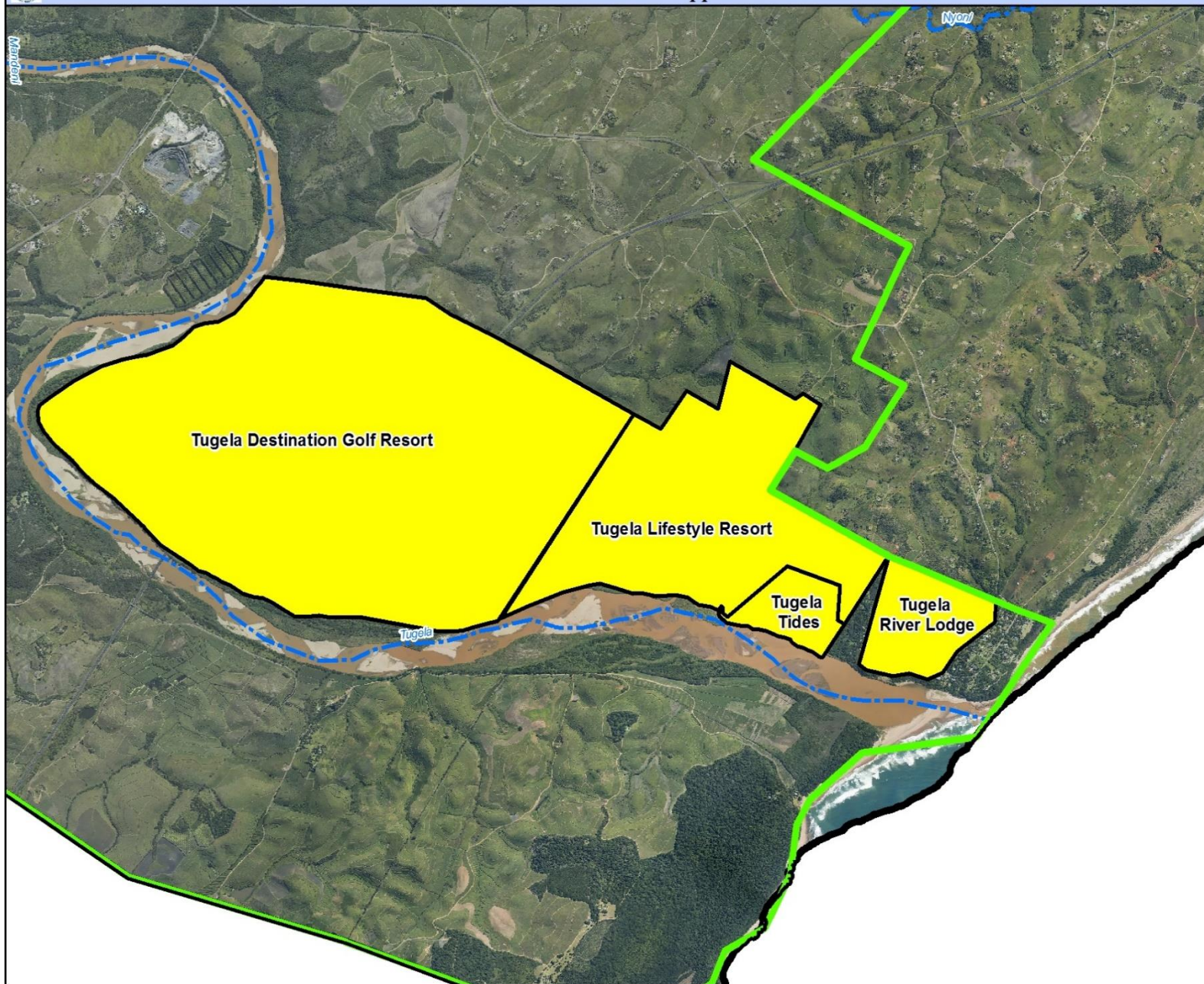
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# Mandeni Municipality DFA Applications



- DFA Applications
- Updated Scheme Boundary
- Local Municipality Boundary

#### Data Sources

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- Demarcation of Boundaries - Municipal Demarcation Board
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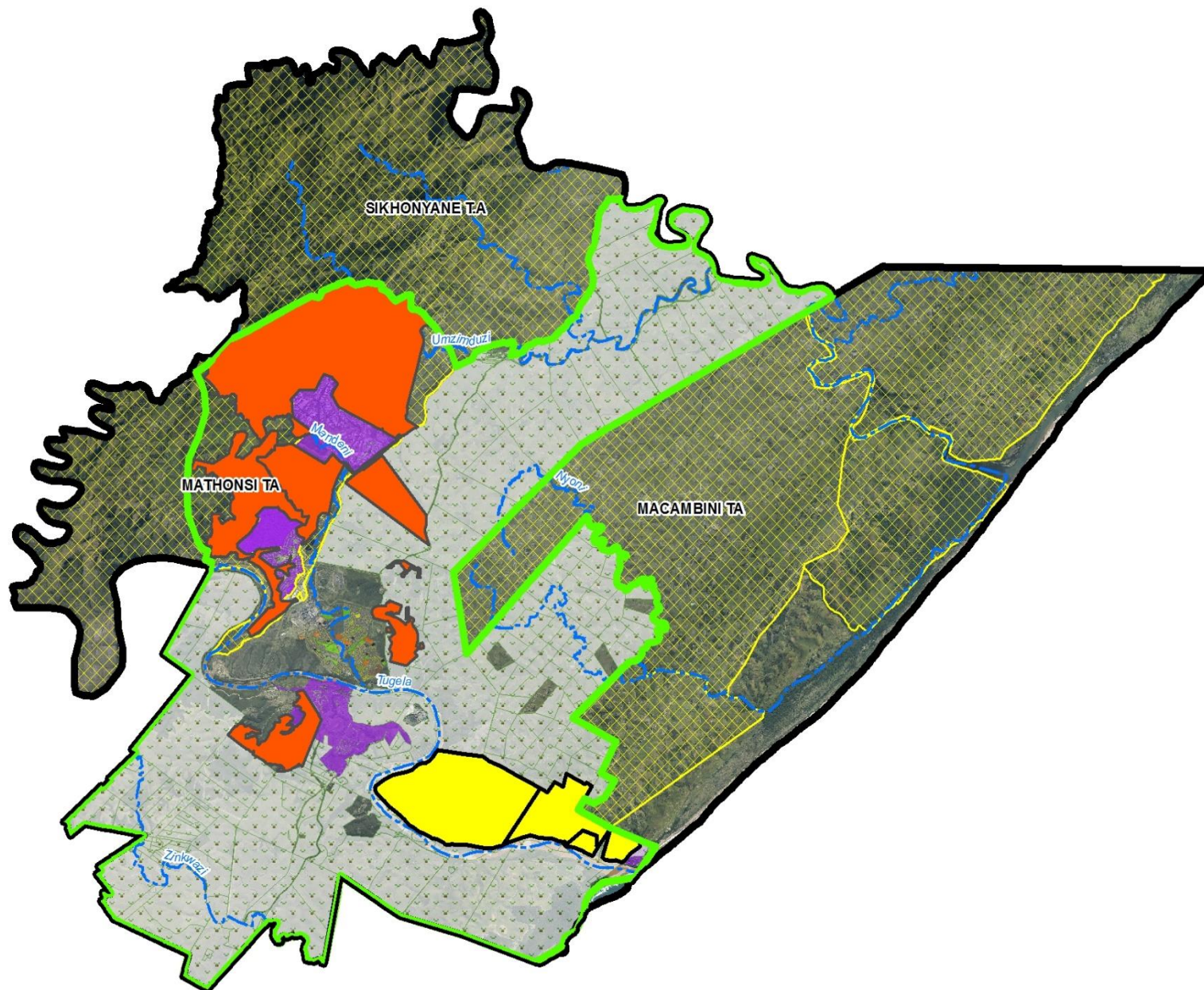
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# Mandeni Municipality Scheme Informants



- Rivers
- Act 70 of 70 Land
- ITB-Land
- Housing Projects
- DFA Applications
- Updated Scheme Boundary
- Local Municipality Boundary

## Data Sources

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**SDF**

**IRSDP  
DGDP**

**LAND USE  
SURVEY**

**EXISTING  
SCHEMES**

**ITB**

**EMF**

**DFA**

**LAPs**

**SPATIAL  
ANALYSIS**

**ACT 70 OF 70**



# AGRICULTURAL LAND (ACT 70 OF 70)

## 1 – THE INTENTION

- “Agricultural zoning” – attempt to preserve the agricultural base
- Valuable resource that should be preserved to ensure the continued production of agricultural commodities.
- Limit the construction of all buildings and structures unrelated to agricultural land uses and activities.

## 2 – CONSULATTAION

- Inclusion of DAFF staff to LUMS PSC. Should not be treated as an external stakeholder.
- One on one work session **to present the scheme and intended zones**
- **In house = More work sessions that PSC meetings**



### 3– ZONING OF AGRICULTURAL LAND

- As opposed to excluding Act 70 of 70, the Municipality opted to zone all Act 70 of 70 land and incorporate into the LUMS
- In accordance with the KZN guide lines for the preparation of schemes – 2011 (Blue book)

Applicable zones;

**AGRICULTURE 1:** A zone intended to provide for land and buildings where the primary activity is extensive agricultural production of crops, plantations, mostly free-roaming livestock, poultry, etc. or products for the commercial market.

**AGRICULTURE 2:** A zone where the land is used for low intensity agricultural practices in association with other uses and may include market gardening, wood lots, the production of small crops such as sugar cane and small crops such as sugar cane and livestock.





## STEP 3 – RELEASE FROM SALA

- DAFF is currently embarking on a process to re-demarcate agricultural land throughout the country.
- After an agreement has been reached with municipalities, properties will formally be gazetted and excluded from SALA.

Developed areas

Areas that have permanently transformed

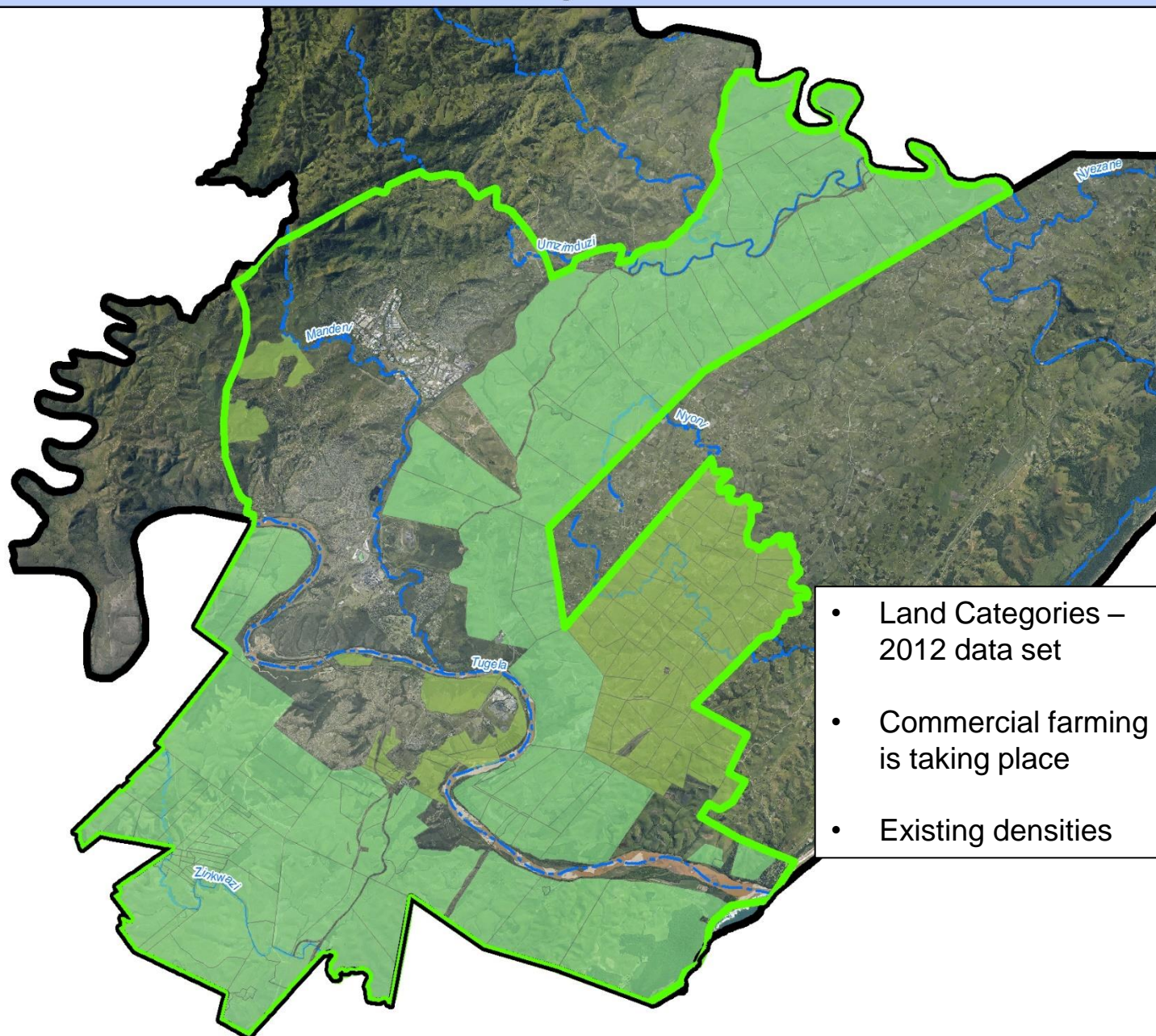
Future development





# Mandeni Municipality

## Agriculture 1 & 2



- Land Categories – 2012 data set
- Commercial farming is taking place
- Existing densities

- Rivers
- Agriculture 1
- Agriculture 2
- Updated Scheme Boundary
- Local Municipality Boundary

**Data Sources**  
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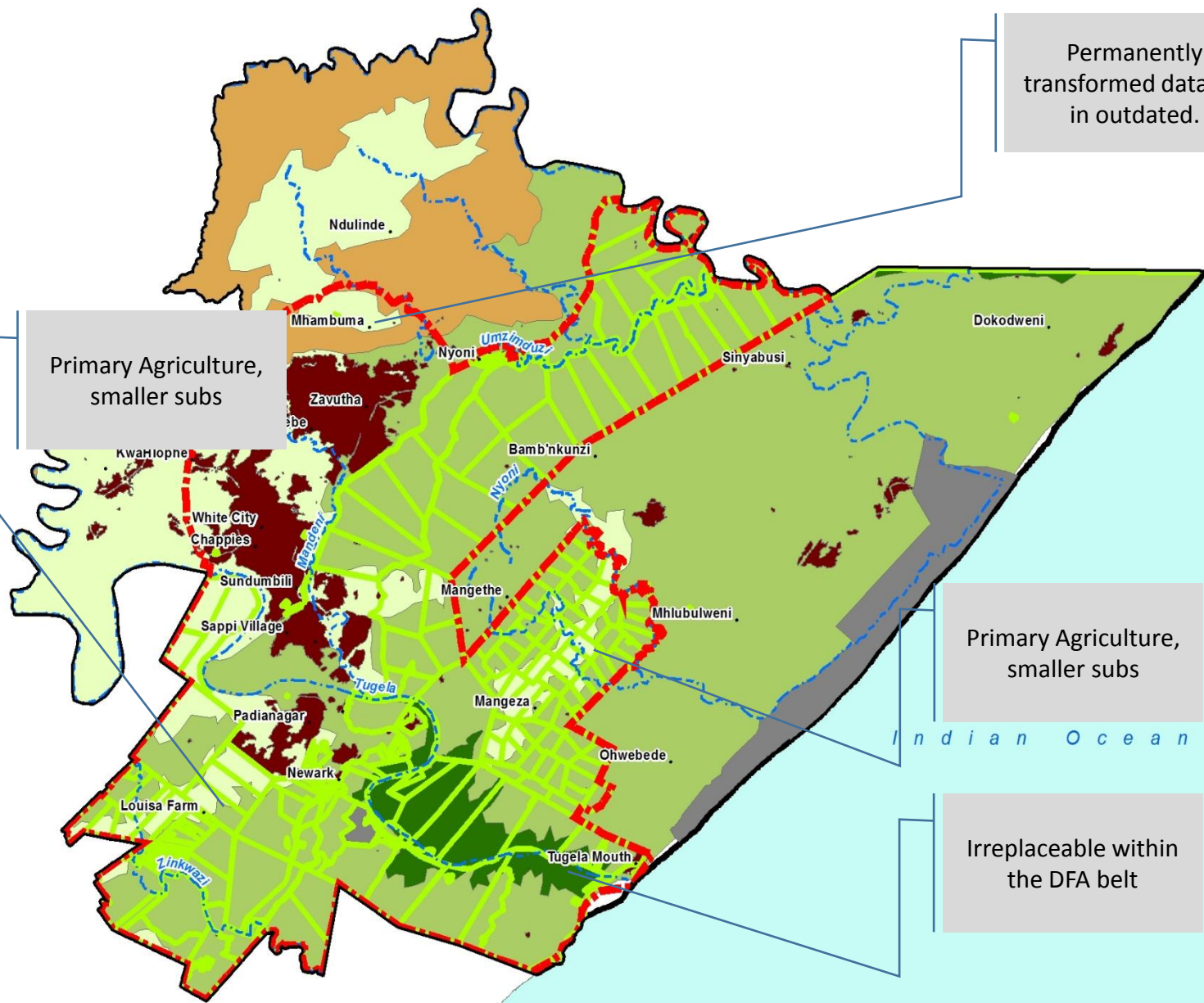
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# Mandeni Municipality

## Agricultural Land Categories/ Act 70 of 70 Land



Permanently transformed data set in outdated.

Primary Agriculture, smaller subs

Primary Agriculture, smaller subs

Irreplaceable within the DFA belt

- Placenames
- Scheme Boundary
- Rivers
- Act 70 of 70
- Irreplaceable
- Threatened
- Primary Agricultural Land
- Secondary Agricultural Land
- Permanently Transformed
- Proclaimed Reserves
- Municipal Boundary

### Data Sources:

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# APPROVAL AND CONDITIONS

- DAFF accepted the adoption of the Mandeni LUMS
- Proposed Agricultural zones
- DFAs application that have no positive comments from DAFF will still be regarded as Agricultural land in terms of SALA...
- *“The DAFF noted that the LUMS document indicated that no subdivision or change of agricultural land will be permitted unless the Municipality is satisfied that the resulting subdivision is viable for agricultural purposes and that such subdivision has been supported by the Minister of DAFF”*



# CHALLENGES

- Inaccuracy of Act 70 of 70 database – (GIS)
- Inaccuracies of the cadastral database
- Turnaround time re: LUMS comments from sector departments
- Notwithstanding the Agricultural zones, ever increasing developmental pressures on agricultural land. **BY LAND OWNERS**
- **DFA belt – Irreplaceable Agricultural category. Yet is a strategic location for development**
- **Land will still be regarded as Agriculture if DAFF did not provide comments to an application. i.e. Existing housing projects**
- Incorporation of DFA applications into conventional scheme zones
- 2017 review. Ability to remove consent uses



# PUBLIC PARTICIPATION/ CONSULTATION

- ❖ Existing IDP Structure
- ❖ Planners Forum (Technical inputs)
- ❖ Mandeni and Tugela Mouth Rate Payers
- ❖ Traditional Leaders
  
- ❖ iLembe District Municipality
- ❖ Department of Rural Development and Land Reform
- ❖ Department of Cooperative Governance and Traditional Affairs
- ❖ Ezemvelo KZN Wildlife
- ❖ Ingonyama Trust Board
- ❖ Department of Agriculture, Forestry and Fisheries
- ❖ KZN Department of Agriculture and Rural Development
  
- ❖ Management Committee
- ❖ EDP&H Portfolio Committee
- ❖ EXCO

❖ **Adopted by Council on 8<sup>th</sup> December 2016**



# LESSONS LEARNT AND WAY FORWARD

- Blanket approach timeframe for LUMS is not realistic
- Benefits of compiling LUMS in-house
- Availability of dedicated GIS personnel
- Status quo vs LUF
- Stricter controls for Agricultural land
- Is LUMS

**2017/18 – WALL TO WALL SCHEME: DRAFT INCEPTION REPORT IN PLACE. INCEPTION MEETING IS SCHEDULED TO TAKE PLACE ON THE 1<sup>ST</sup> WEEK OF SEPTEMBER 2017.**

**WALL TO WALL BY JUNE 2018.**







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