



**DEVELOPMENT PLANNING,
ENVIRONMENT AND
MANAGEMENT UNIT**

A DEVELOPER'S GUIDEBOOK

*What you need to know before submitting
a development application in terms
of the KZN Planning & Development Act
or National Building Regulations.*

The Development Planning Environment and Management Unit of the eThekweni Municipality has a variety of processes and procedures to manage the processing of planning and development applications in compliance with both national and provincial legislation and its respective planning schemes. The legislation includes the following:

- Municipal Systems Act 32 of 2000
- Spatial Planning and Land Use Management Bill 16 of 2013
- KZN Planning and Development Act 6 of 2008
- Town Planning Ordinance 27 of 1949
- Local Authorities Ordinance 25 of 1974
- Subdivision of Agricultural Land Act 70 of 1970
- National Environmental Management Act 107 of 1998
- Mineral and Petroleum Resources Development Act 28 of 2002
- National Building Regulations and Building Standards Act 103 of 1977

These procedures and requirements, in particular the KZN Planning and Development Act, the National Building Regulations and Building Standards Act and the respective schemes, are not always clearly understood by the client base, viz. including ordinary citizens, investors, developers and professional practitioners. The Unit has consequently prepared a Toolkit of the development approval process within a Developer's Guidebook.

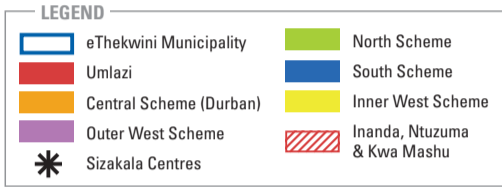
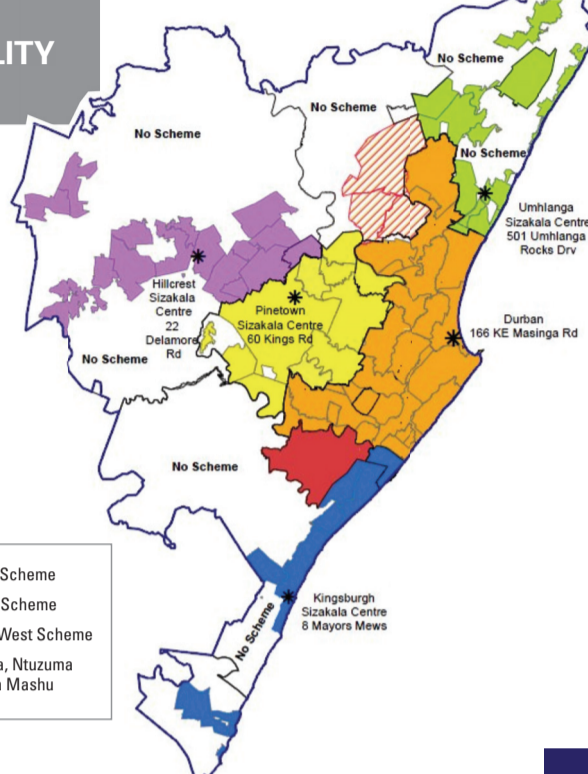
Building plans for the erection of new structures are required to be lodged with the municipality in terms of the National Building Regulations and Standards Act, its regulations and the SANS codes of practice. This is not only a legal obligation to ensure a safe and healthy living environment for the occupants, but furthermore an approved plan is normally a prerequisite to obtaining a bond to finance the construction of the structure and finally failure to lodge same could possibly result in prosecution and financial hardship.

Only building plans application prepared and submitted under the name of a person appropriately registered with the South African Council for the Architecture Profession (SACAP) are acceptable.



ETHEKWINI MUNICIPALITY SCHEMES

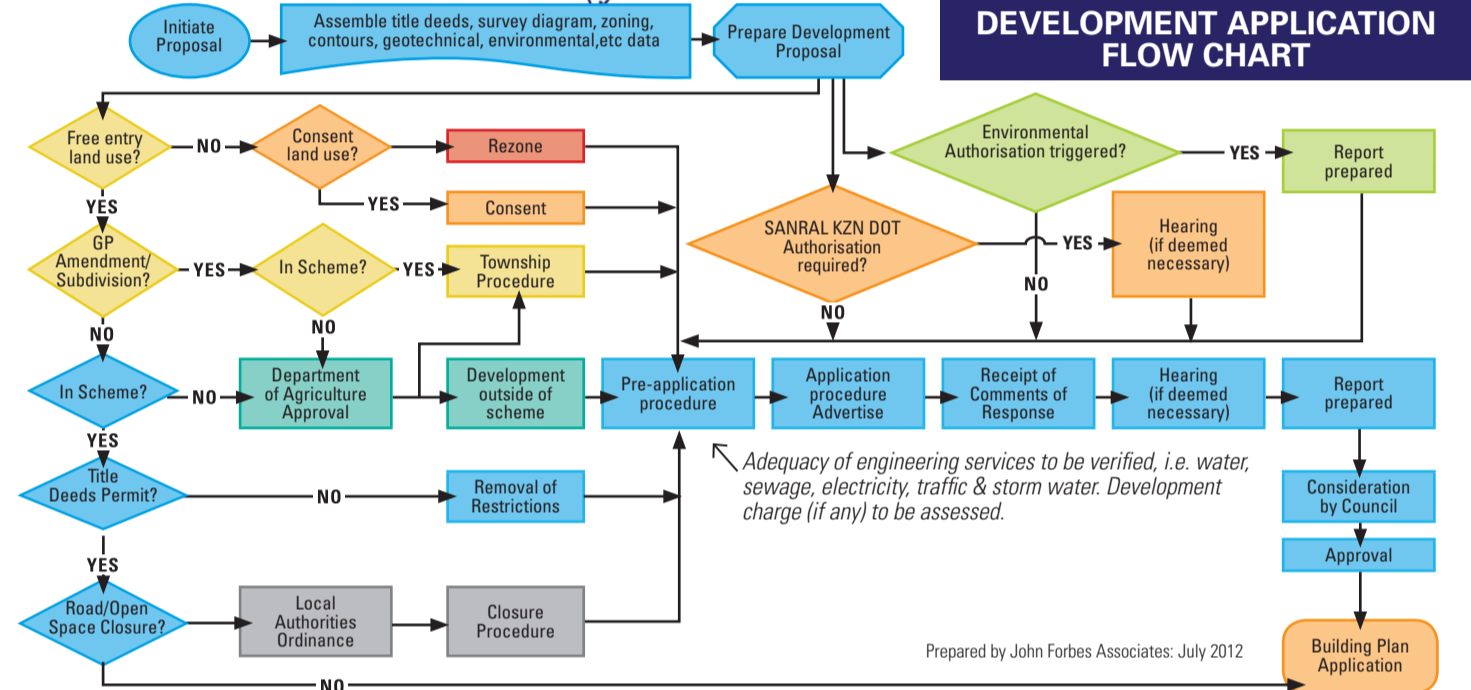
The eThekweni Municipality has recently consolidated and replaced the approximately 50 regulatory planning schemes within its area of jurisdiction and reduced them down to five schemes, one for each of the Major regions. They are the North, South, Inner West, Outer West and Durban Schemes. These are either in the new LUMS format or may be expected to be so shortly in the case of the latter two. This will ensure a common approach between the regions, while still allowing for diversity of the different areas.



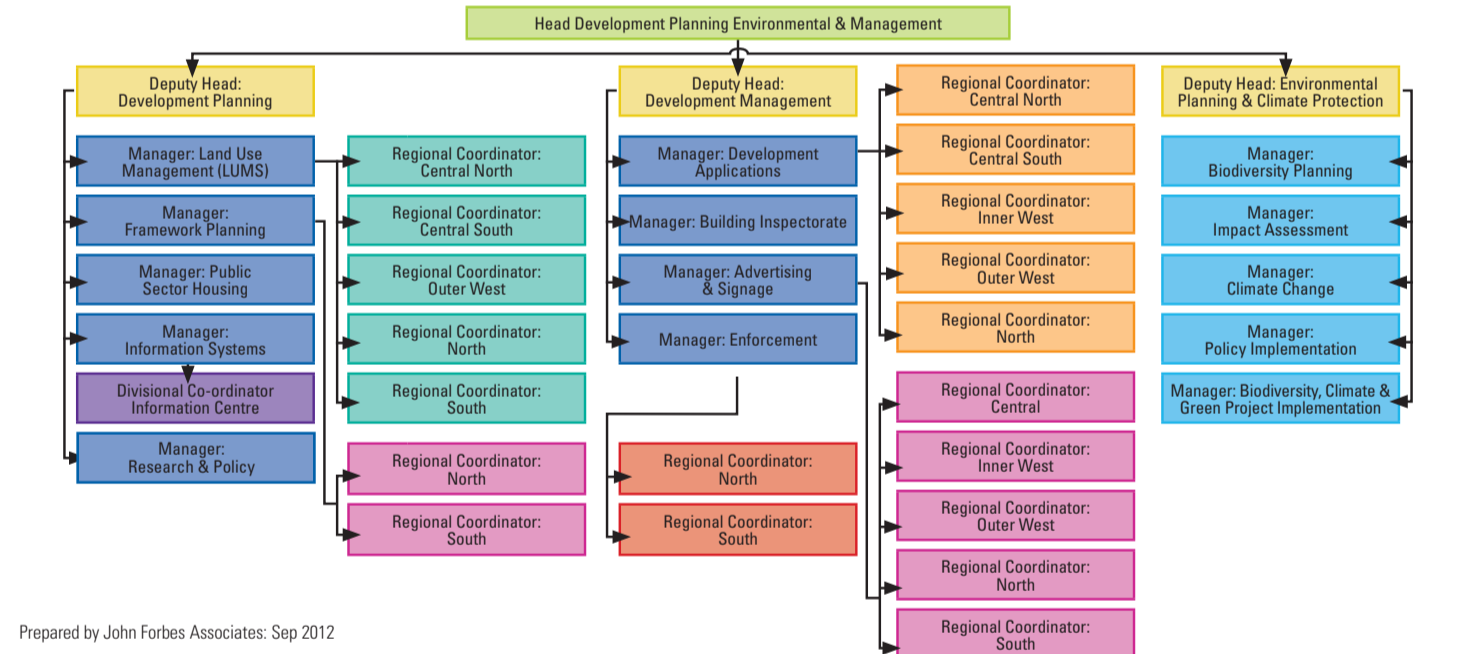
Planning & Development processes covered:

- Special & Written Consent
- Rezoning
- Township, Subdivision & Consolidation
- Development of Land Outside the Area of a Scheme
- Phasing or Cancellation of an Approved Layout Plan
- Site Development Plan
- Removal of Restrictive Conditions of Title
- Closure of Open Space & Public Roads
- Site Inspection & Public Hearings

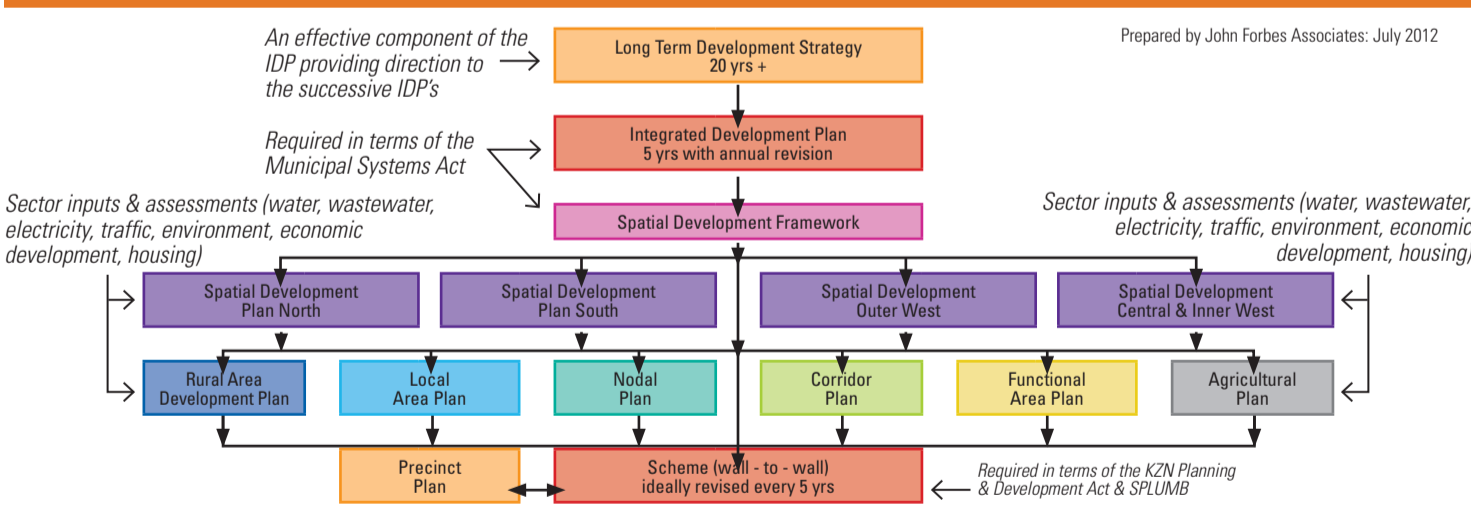
Note: Land use changes, relaxation of scheme controls and consent applications controlled in terms of Town Planning Ordinance, 1949 and NOT the KZN Planning & Development Act, 2008



DEVELOPMENT PLANNING ENVIRONMENT & MANAGEMENT UNIT ORGANOGRAM



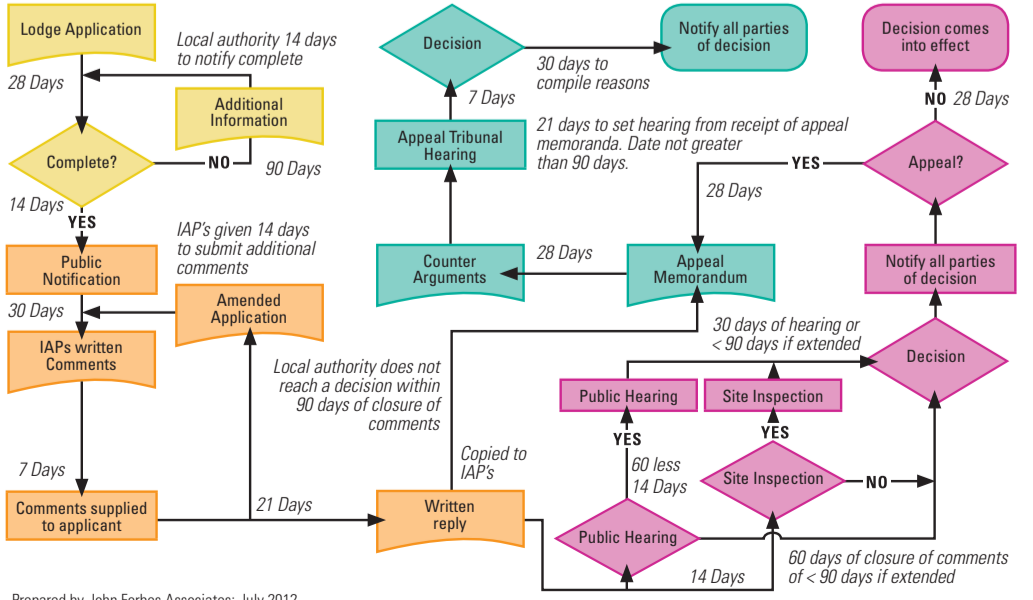
SCHEMATIC HIERARCHY OF PLANS



What is an IDP, what is an SDF & how do they relate to Scheme (town planning scheme)?
What is a hierarchy of plans? How do I make a planning application?

Understand the Planning Application (Pre-Scutiny) process for building plans.
Understand the Pre-Submission process for Planning & Development applications.
Know how to go about an appeal to the Appeal Tribunal or to the Review Board.

SCHEME AMENDMENT, SUBDIVISION & CONSOLIDATION DEVELOPMENT OUTSIDE OF SCHEME PHASING/CANCELLATION OF LAYOUT PLAN, ROAD/OPEN SPACE CLOSURE, REMOVAL/AMENDMENT OF RESTRICTIONS



Inquire about how you can obtain your copy of the Developer's Guidebook from the Information Centre at 166 KE Masinga (Old Fort) Road or at your local Sizakala Regional Office in Umhlanga, Pinetown, Hillcrest or Kingsburgh.

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Prepared by John Forbes Associates: July 2012



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IBHUKU ELIWUMKHO MBANDLELA WABATHUTHUKISI

Yikuphi okumele ukwazi ngaphambi kokuthumela isicelo sokuthuthukisa indawo njengokulandisa koMthetho iKZN Planning & Development Act noma iNational Building Regulations (okuyiMithetho ephathelene nezokuThuthukiswa kwamaPulani kanye neMitheshwana eQondisayo Yezowakha kaZwelonke)

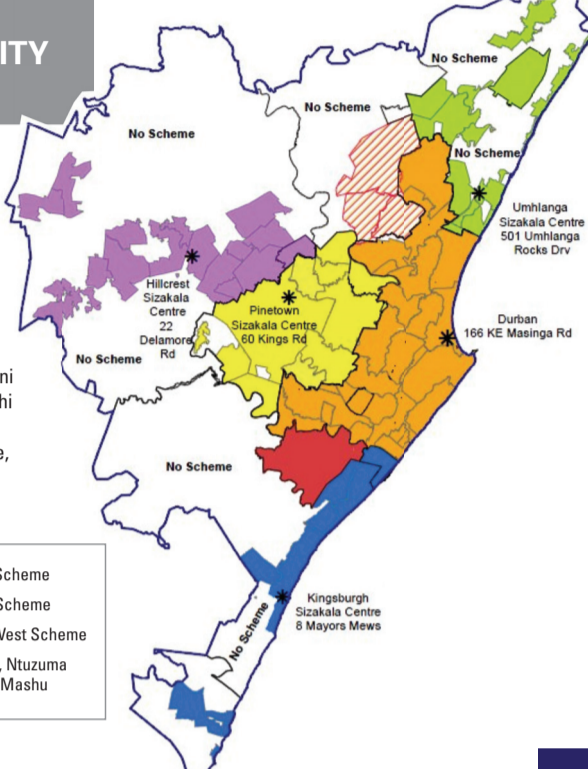
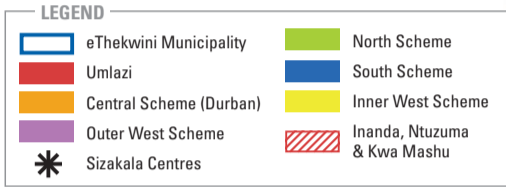
uPhiko lwezokuThuthukiswa kwezokuHlela nezeMvelo kanye nezokuPhatha kuMasipala waseThekwini lunezinhlelo nezinqubo ezahlukene zokuphatha uhlelo lokuhlela kanye nokucutshungulwa kwezicelo ngokuhambisana noMthetho kaZwelonke kanye mowesifundazwe kanye nezinhlelo ezihambisana nezikimu ezahlukene. Lemithetho ihlaganisa nalena elandelayo:

- Municipal Systems Act 32 of 2000
- Spatial Planning and Land Use Management Bill 16 of 2013
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- National Building Regulations and Building Standards Act 103 of 1977

Lezi zinqubo kanye nemibandela edingekayo, ikakhulukazi ngokuqondene noMthetho wokuHlela nokuThuthukiswa kweziNdawo wakwaZulu-Natali (phecelezi i"KZN Planning & Development Act", Imitheshwana eQondisayo (phecelezi "amareguleshini" kaZwelonke yezokwakha kanye namaZinga okwakha kanye nezikimu ezahlukene, zivamise ukungaqondisiswa kahle ngabantu abaningi, okungabantu nje phaq, abatsali - zimali, abathuthukisi kanye nabasebenzi abangocwepheshe kwezokwakha. Lolu Phiko njegomphumela wokubona lokhu, selusungule uhlu lwezinkomba (phecelezi i"toolkit" olukhombisa indlela yokucutshungulwa kwezinhlelo zentuthuko ezifakwe phakathi kwibhuku elingumkhomba-ndlela wabaThuthukisi. Amapulani okwakha ezakhiwo ezintsha kudingeka ukuba athunyelwe kuMasipala njegokulandisa koMthetho kaZwelonke neMitheshwana yakhona kanye nendlela yokwenza yakwaSANS. Lokhu akukhona nje kuphela ukulandela isibophezelo sezomthetho ukuqinisekisa ezokuphepha kanye nokuphila endaweni ehlanzekile ngokwezempilo kulabo abahlala kuyo, kodwa ngaphezu kwalokho ipulani yokwakha ephasisiwe iwumbandela osemqoka wokuthola imali yokubolekwa (phecelezi i"bond") yokwakha isakhiwo esisha kanti ngokunjalo ukwehluleka ukuletha amapulani afanele kungahlelela ekutheni ushushiswe nasebuzimeni obukhulu bezizimali.

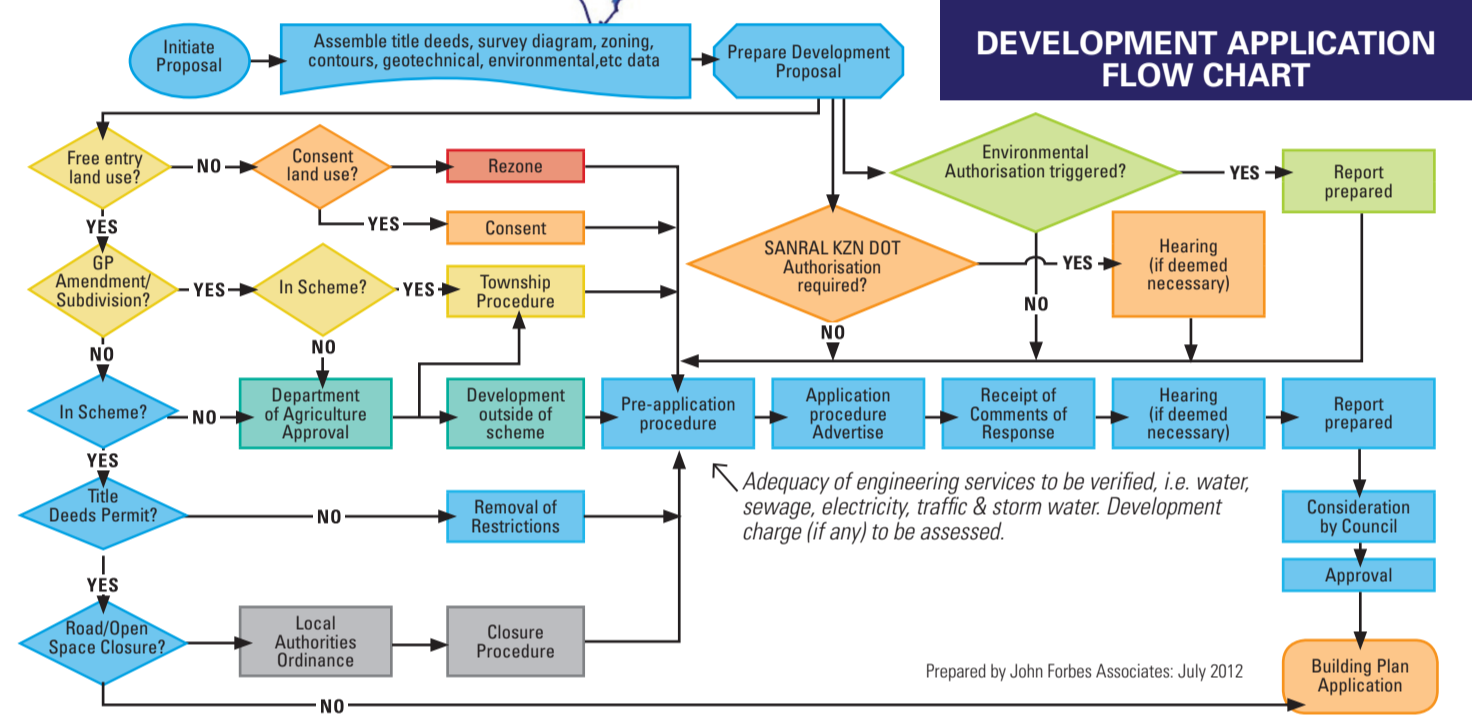
ETHEKWINI MUNICIPALITY SCHEMES

uMasipala waseThekwini kamunva nje ushlanganise ndawonye wabuye washintsha izikimu ebezibuthule ebezinbalelwa ngaphezu kwamashumi amahlanu kwizikimu ezisemqoka. Lezi ziFunda yilezi, yiNyakatho, iNingizimu, Imaphakathi eseNtshonalanga, Intshonalanga eseNla, kanye nemaphakathi nedolobha laseThekwini. Lezi zikimu zitholakala kwizindawo ezintsha ezaziwa ngamaLUMS noma zisazofakwa ohlelweni kulezi ziFunda ezimbili ezingasekugcineni (okuyiNtshonalanga esseNhla kanye nemaphakathi nedolobha laseThekwini). Lokhu kuyoqinisekisa ukwenza ngokufanayo phakathi kweziFunda zonke, kodwa kube kuvumela ukwenza ngokwehlukile ezindaweni ezahlukene.

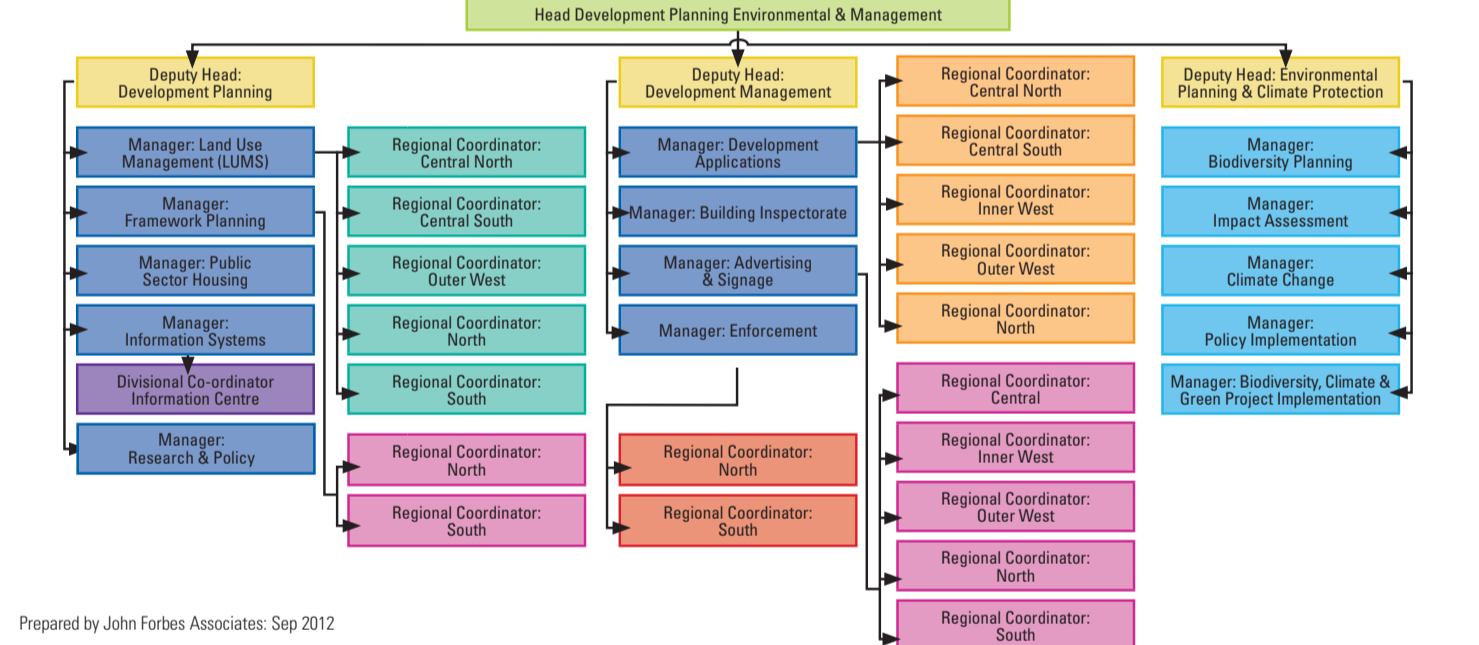


Uhlelo lwezokuThuthukisa kanye nezamaPulani lukhava lokhu okulandelayo:

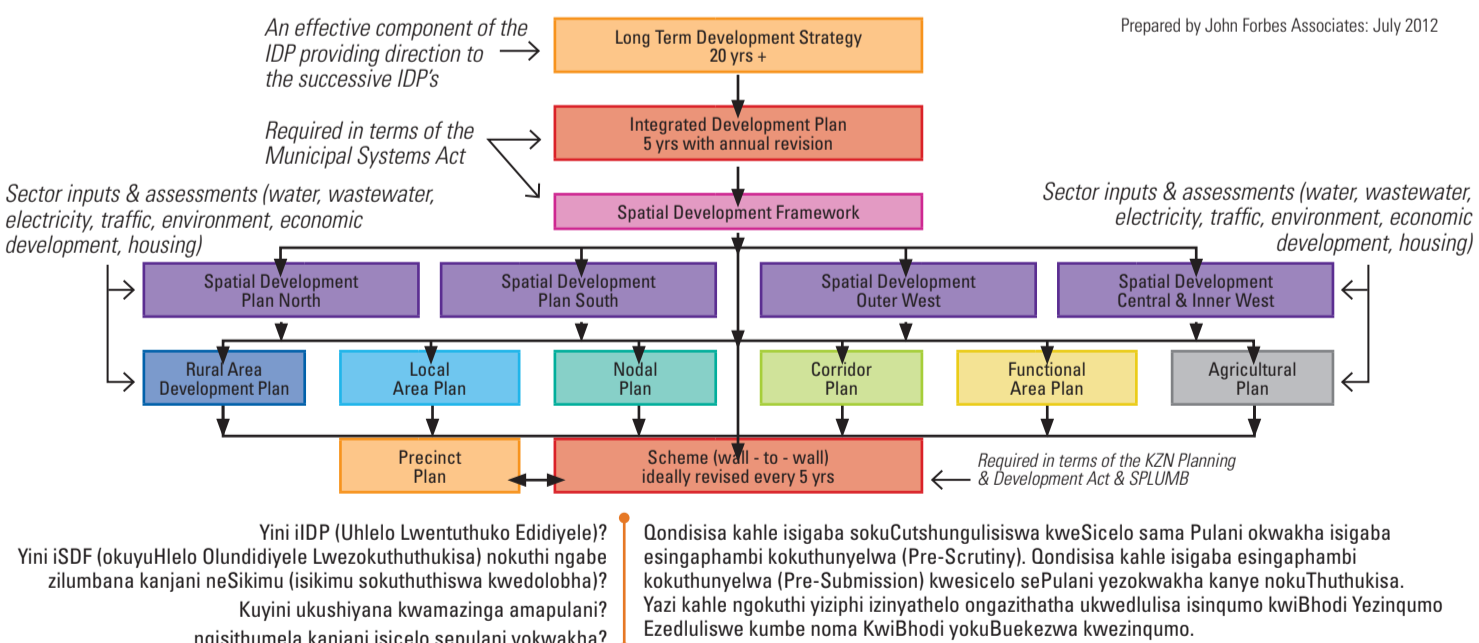
- Imvume eyiSipesheni futhi eBhalwe phansi
- Ukuklanya kwendawo kabusha
- Ilokishi, Ukuklanyiswa kwendawo kanye noKuhlanganisa ndawonye
- Ukuithuthukiswa koMlaba ongaPhandle kweMiklamo yesiKimu
- Ukuqeda ngokwezigaba noma ukuKhanselawa kwamaPulani Asephasisiwe
- AmaPulani okuThuthukiswa kwesiKhungo
- Ukugudluzwa Kwemibandela Eyisengabelo KwiTayitela
- Ukuvalwa kweziNdawo Ezingakhelwa kanye nemiGwaqo yoMphakathi
- Ukuhlolwa KweziKhungo kanye nokulalelwa KweZimvo zoMphakathi.



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