

DID YOU KNOW?

Explaining land use management schemes – previously known as Town Planning schemes.

In terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) each Municipality must approve and adopt a land use management scheme (Scheme) for its entire area. The Scheme has the force of law, and all landowners and users of land, including a municipality, a state-owned enterprise organs of state within the municipal area are bound by the provisions of such a scheme.

A Scheme is a tool used to guide and manage development according to the vision, strategies and policies of the Municipality in the interest of the general public, to promote sustainable development and quality of life.

A Scheme is intended to be transparent and to provide information to officials, consultants, homeowners, developers and politicians on what may or may not occur on a parcel of land or what uses the municipality may consider at its own discretion. The Scheme is used by a municipality to manage the development which occurs within its area of jurisdiction.

The legal provisions of the Scheme comprise two main components which operate in tandem, namely: a Scheme map depicting the zone; and the Scheme clauses (development controls) containing regulations. A register is kept of all amendments to a Scheme.

For each portion of land in a geographic area within the municipal area, the Scheme clauses stipulate land uses that are freely permitted, permitted with consent and land uses that are prohibited. The clauses stipulate the minimum property size and shape, building restrictions including the size, height and position of buildings, parking requirements and access and egress.

Scheme clauses set the limits or extent of a development to ensure that the proposed use will not create undue negative impact on infrastructure, the natural environment, established residential neighbourhoods, commercial nodes, agricultural land, public open spaces, recreational uses, community facilities and amenities.

The Scheme map is prepared on a cadastral base that shows all registered subdivisions of land and existing roads. Each use zone and the reservation of all land for all public purposes is overlaid onto this map.

The Scheme map has a dual purpose. Firstly, it enables identification of any erf or subdivision of land in terms of its physical relationship with its surroundings, including matters that might have a direct effect on the erf or subdivision such as street widening or the allocation of adjoining land for other purposes.

The second role of the Scheme map is a property zoning key for the application of the regulations.

Any development taking place must be in accordance with the Scheme. A landowner, prospective landowner and developer needs to be aware of the zoning and zoning regulations on his/her property and in the area to see how the regulations can impact them in terms of the limits of the erf, how the regulations could benefit them and how it could affect them.

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