

# KwaDukuza CMP Coastal Development Planning Tool Implementation Report



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A project for KwaDukuza Municipality



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## DOCUMENT DESCRIPTION

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**Client:**  
KwaDukuza Municipality

**Project Name:**  
KwaDukuza CMP Coastal Development Planning Tool Implementation Report

**SSI Environmental Reference Number:**  
E02.DUR.000150

**Compiled by:**  
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**Date:**  
March 2012

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# 1 INTRODUCTION

## 1.1 Overview

The development of a Coastal Management Programme (CMP) for the KwaDukuza Local Municipality (KDM) WAS undertaken and completed as prescribed by the Integrated Coastal Management Act, No 24 of 2008 (ICM Act) and comprised three components, namely:

- The preparation of a situational analysis;
- A public participation and consultation process; and
- The compilation of management objectives, priorities, strategies and responsibilities (a programme of implementation).

A fourth additional component was added to the KDM CMP, viz. a stand-alone Draft Coastal Development Management Tool, which was intended to inform stakeholders in respect to proposed coastal planning, zoning and associated land use, setback lines and development controls.

Following the adoption of the Inaugural KwaDukuza CMP by the KwaDukuza Municipality Executive Committee during 2010, the local municipal approval process was thereafter concluded with the final Public and Stakeholder Participation stage taking place on the 27<sup>th</sup> of January 2011. A formal request has since been made to the iLembe District Municipality to endorse the adopted KDM CMP.

Further action in respect to approval in terms of the ICM Act vests with the Provincial Department responsible for integrated coastal management, namely the KZN Department of Agriculture, Environmental Affairs and Rural Development (DAEA&RD). This Department is required to formally undertake their own consultation process, particularly in respect to any proposed amendments to coastal boundaries in terms of the ICM Act – as detailed below.

## 1.2 Amendments to the coastal protection zone

In terms of section 28 of the ICM Act, the responsibility for the determination and adjustment of the coastal protection zone (CPZ) vests with the MEC of the respective coastal province. KwaDukuza Municipality, in consultation with Provincial and National government, has been proactive in determining a draft CPZ in terms of the ICM Act. In consultation with Provincial and National government, the private sector, as well as members of the public and other stakeholders, KwaDukuza Municipality has demonstrated a commitment to addressing environmental and socio-economic concerns by recognising the crucial role played by its coastal zone. In light of these considerations, the KwaDukuza Municipality requests that the determination and adjustment of the coastal protection zone for the area under its jurisdiction be prioritised by the MEC and that the draft KwaDukuza CPZ, as proposed, be considered.

During the development of the KDM CMP and specifically the draft Coastal Development Management Tool, the implementation of a By-law to implement the Coastal Development Management Tool was identified as the most appropriate coastal management tool to be applied as an interim measure prior to the updated KwaDukuza Land Use Management System (LUMS) becoming operational. This was later confirmed by the the KwaDukuza Municipal Economic Development Planning (EDP) committee. The KwaDukuza Coastal Protection Zone Development Management draft By-law was developed to this end, further details of which are provided in section 3.

## 2 KWADUKUZA COASTAL DEVELOPMENT MANAGEMENT TOOL BRIEF

### 2.1 Project brief

As detailed above, in addition to the minimum legal requirements that the KDM CMP was required to fulfil, as contemplated in the ICM Act, the KwaDukuza Municipality specified that the KDM CMP had to, *inter alia*, also investigate and develop a coastal-specific management tool which would provide input into the preparation of the LUMS. To this extent the KDM Coastal Development Management Tool needed to inform planning and management decisions of the Municipality and therefore had to address specific areas of the coastline in keeping with the Coastal Management Vision for the entire KwaDukuza coastline as detailed in Figure 1 below.

#### ***Vision for KwaDukuza's Coast***

***To sustainably manage the KwaDukuza coast, in so doing ensuring a safe home for residents and a regionally prominent and world-class destination for visitors where the free benefits and services that the coast provides are equally accessible to all.***

***This will be achieved through sharing the responsibility of management of all coastal activities including recreation and development, thereby uniting all stakeholders in a spirit of stewardship.***

***Furthermore, the philosophy which informs coastal management in KwaDukuza must promote a balance between conservation and the sustainable use of coastal resources, as well as acknowledge the dynamic and interconnected nature of the KwaDukuza coast and its hinterland while fostering a growing awareness and understanding of the important relationship that we have with our coast.***

**Figure 1: A Vision for KwaDukuza's coast as detailed in the KwaDukuza CMP**

In response to the original project brief, as well as in response to the long title of the ICM Act, the initial purpose of this extended study was to provide the Municipality with a draft By-law in aid of the draft Coastal Development Management Tool (which was an integral part of the KDM CMP implementation process) that would facilitate the establishment of a coastal planning scheme and an integrated coastal, and in future an estuarine management system, that would:

- Promote conservation and rehabilitation of natural attributes;
- Ensure sustainable use of natural resources;
- Ensure appropriate development and re-development in the coastal zone; and
- Facilitate access to the coast and its social-, economic and environmental benefits that it offers.

To this extent it was of paramount importance that the KDM CMP be incorporated as an element of the Municipality's Integrated Development Plan (IDP) and that it was located at a level between the Spatial Development Framework (SDF) and the LUMS.

The Coastal Development Management Tool was proposed to inform the Planning Framework insofar as zonation of activities in each area of the coastline, development setback lines and development controls appropriate for each coastal location (coastal planning) was concerned.

The Coastal Development Management Tool was also proposed to be aligned with the key programmes and their associated goals and objectives as set out in the KDM CMP. These are as follows:

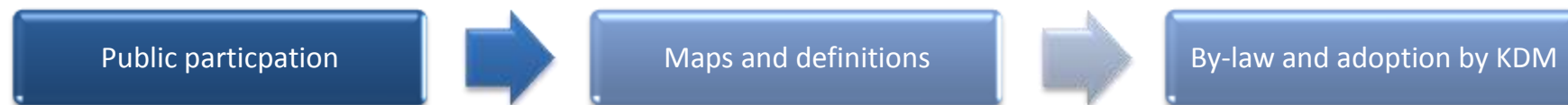
- Governance and Capacity Building;
- Our Coastal Assets;
- Coastal Planning;
- Natural Resource Management; and
- Pollution Control and Waste Management.

The Coastal Development Management Tool, as detailed in this implementation report and as attached, includes:

- A clear **definition of the coastal zone** and includes an attached map, proposed as new layer over existing plans and schemes covering the coastal zone;
- A **policy statement for planning and development** for each of the areas along the KwaDukuza Coastline, hereinafter referred to as the Coastal Precincts; and
- A set of draft **Clauses** stating specific land use, including but not limited to:
  - Exclusions and prohibited areas;
  - Restriction on uses and activities, including management interventions, development controls and setbacks; and
  - Inclusions to promote certain activities together with its associated capital investment interventions;
- A set of **Planning Scheme Maps for KwaDukuza Municipality** with the **coastal zone boundary delineated** thereon to enable the public to determine the position of the coastal zone boundary in relation to the existing cadastral boundaries (Coastal Planning Scheme).

## 2.2 Actions Required and Undertaken

Various actions were required to be undertaken as part of this project extension and these are detailed in figure 2 below. The three phases shown are further elaborated on in terms of two key deliverables and the actions associated with these deliverables detailed below.

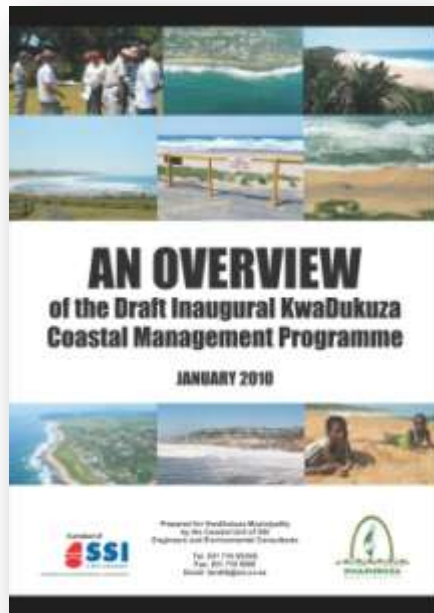


**Figure 2: Actions Undertaken**

### 2.2.1 Deliverable 1: KDM CMP Approval Process

Actions undertaken in respect of the CMP Approval Process are detailed as follows:

- A glossy popular document to allow the core content of the detailed CMP to be readily available to Councillors and Municipal Officials in order to facilitate approval and implementation was prepared and limited printing undertaken (see Figure 3);
- A PowerPoint presentation detailing the completed KDM CMP was prepared and presented to both the KwaDukuza Municipal Economic Development Planning (EDP) committee on 23 March 2010 as well as to the general public on 27 January 2011;
- The glossy popular document was updated and finalised for printing and distribution; and
- A Z-Fold pamphlet outlining the content of the approved KDM CMP was prepared and copies printed (see Figure 4).



**Figure 3. KwaDukuza CMP Popular Document (Appendix A).**



**Figure 4. KwaDukuza CMP Z-fold Document (Appendix B).**

### 2.2.2 Deliverable 2:- Coastal Development Management Tool

The process undertaken to achieve the study objectives in the development of the Coastal Development Management Tool (Appendix A) and were carried out jointly by SSI Environmental and Helena Jacobs<sup>PSF</sup> in three phases and were undertaken as follows:



**Figure 5. Completed KwaDukuza CMP Coastal Development Management Tool (Appendix C).**

#### 1. Phase 1:

- a. Public Participation in formulation of the development vision and clauses for the KwaDukuza coastline (additional detail provided below).

The individual development visions, or policy statement for planning and development, for each precinct were included as part of the draft Clauses but are adapted and summarised here for ease of reference.



| Precinct                              | Development Vision  |
|---------------------------------------|---|
| <b>1 - Zimbali</b>                    | Sustainable urbanisation which consolidates development and preserves natural assets must be encouraged.  |
| <b>2 - Ballito</b>                    | Sustainable, mixed-use urbanisation in a nodal form must be promoted which preserves the remaining natural assets of the area.  |
| <b>3 - Chaka's Rock and Salt Rock</b> | Sustainable, mixed-use urbanisation in a nodal form must be promoted which preserves the remaining natural assets of the area.  |
| <b>4 - Sheffield</b>                  | Sustainable, mixed-use urbanisation in a nodal form must be promoted which preserves the remaining natural assets of the area.  |
| <b>5 - Sheffield North</b>            | Future planning must focus on sustainable, nodal coastal settlements and the preservation of natural assets.  |
| <b>6 - Tinley Manor</b>               | Sustainable, mixed-use urbanisation must be promoted which preserves the remaining natural assets of the area.  |
| <b>7 – Addington/Blythedale South</b> | Sustainable, mixed-use urbanisation must be promoted which preserves the remaining natural assets of the area.  |
| <b>8 - Blythedale</b>                 | Future planning must focus on sustainable, nodal coastal settlements and the preservation of natural assets.  |
| <b>9 – Nonoti</b>                     | The establishment of a sustainable, nodal coastal settlement which protects and enhances the specific character and natural heritage assets of the area must be promoted. |
| <b>10 – Zinkwazi</b>                  | Sustainable coastal nodes which promote mixed use and enhancement of natural assets must be promoted.   |

## 2. Phase 2:

- a. Contextualizing the Coastal Protection Zone in the form of maps and definitions of the proposed limited development line or CPZ, the identification of coastal access land (Figure 6), as well as the decision-tree used to delineate and identify these areas. The spatial datasets and maps created are provided on DVD and included in Appendix D.



**Figure 6. Draft Coastal Protection Zone and Draft Coastal Access Land at Precinct 2, Ballito (Appendix D).**



**Figure 7. Draft Coastal Protection Zone Development Management By-Laws (Appendix E).**

3. Phase 3:

- a. Preparation of the “KwaDukuza Coastal Protection Zone Development Management draft By-laws” in draft form and proposed presentation to KDM for adoption in conjunction with the updated LUMS process (Figure 7).

**2.2.3 Stakeholder Engagement and Presentation of Coastal Development Management Tool**

In order to gain input from stakeholders regarding the Coastal Development Management Tool, the following stakeholder engagements took place during November 2011:

- An ‘open day’ was held on 23 November 2011 to allow stakeholders to peruse and engage with project documentation which included maps indicating the draft coastal protection zone, draft coastal access land, the adopted CMP document and the draft Coastal Development Management Tool; and
- A public meeting, later that same day, at which the Coastal Development Management Tool, draft by-law and draft coastal protection zone were presented to stakeholders for final public input (Figure 5).

A series of focus group meetings was originally proposed to be held with, inter alia, the KwaDukuza Municipality Development and Planning officials, coastal landowners, Environmental Management officials and practitioners, etc. A Focus group meeting was held with environmental management officials and interest groups on 28 February 2011 and, after numerous unsuccessful attempts, with KwaDukuza Municipality Development and Planning officials via the EDU on 23 March 2011.

Following discussions with the KwaDukuza Municipal Economic Development Planning (EDP) committee, it was however resolved that the final focus group meeting as well as stakeholder engagement process for the adoption of the draft By-law and the CMP Development Tool, would be integrated into the LUMS stakeholder engagement process. The final input into the Draft By-law would therefore take place during the LUMS process, allowing simultaneous input from municipal officials, councillors and members of the public, among others.

#### **2.2.4 Contextualizing the Coastal Zone in the form of a set of Maps and Definitions**

This component of the project comprised the following actions:

- A clear definition and delineation of the proposed Coastal Protection Zone and proposed coastal access land and depiction of the area over which the draft By-law to facilitate implementation would be declared / depicted spatially (Spatial data included at Appendix E):
  - The most recently available aerial photography (2009) was used as the base layer on which to delineate the proposed Coastal Protection Zone;
  - Local knowledge and existing spatial data was used to identify environmental and cultural assets which have coastal attributes;
  - Estuarine boundaries (as defined in the National Freshwater Ecosystem Priority Areas dataset – SANBI, 2011) were included as part of the definition of the proposed Coastal Protection Zone;
  - The proposed Coastal Protection Zone (i.e. the landward boundary of the coastal zone) was delineated based on the basis of practicality (i.e. using existing, easily-identifiable features such as roads and cadstral boundaries for delineation purposes) for each precinct as identified in the Coastal Development Management Tool;
  - Existing spatial data and local knowledge were combined to identify proposed coastal access land which was added as an additional layer; and

- The results of the above process for each individual precinct were collated and a single spatial layer was generated and overlaid onto aerial photography with cadastral boundaries in order to allow stakeholders to identify individual properties in relation to the proposed Coastal Protection Zone.
- Preparation of a draft set of clauses taking into account the development visions and policy statements for each area with reference to:
  - Zonation of activities;
  - Potential development set back lines; and
  - Development controls appropriate for each coastal location.
- Preparation of the KwaDukuza CMP “Development Management By-law”.

Actions not completed as part of this component as agreed by the KwaDukuza Municipal Economic Development Planning (EDP) committee, included:

- The updating of Scheme Maps to include the CMP By-law Coastal Zone; and
- Obtaining legal input and advertising the By-law as per the legislated requirements.

These, as well as the stakeholder engagement process for the adoption of the By-law will be integrated into the LUMS stakeholder engagement process.

### 3 CONCLUSIONS AND THE WAY FORWARD

The KwaDukuza Municipality has been proactive in prioritizing both the development of its CMP and the Coastal Development Management Tool and its accompanying By-law. Given the lack of precedent for the adoption and implementation process at provincial or national level, much of the process to date can be considered groundbreaking, although not without challenges.

In conclusion, this implementation report overviews and summarises the following aspects:

- The adoption of the KwaDukuza CMP;
- The proposed amendment of the Coastal Protection Zone in terms of the ICM Act (to be approved after consultation by the DAEA&RD);
- The revision of the Coastal Development Tool (including development visions for each identified precinct);
- The development of the KwaDukuza Coastal Protection Zone Development Management draft By-laws; and
- The stakeholder engagement processes undertaken.

It was resolved by the KwaDukuza Municipal Economic Development Planning (EDP) committee to integrate the outstanding adoption and stakeholder engagement processes with the imminent KwaDukuza LUMS process. To this end, the following actions are still to be undertaken by KwaDukuza Municipality to draw the project to a successful conclusion:

- Letters from the Mayor and/or Municipal Manager of KwaDukuza Municipality to the MEC and iLembe District Municipality requesting endorsement of the process (draft letters attached as Appendix F);
- Integration of the remaining stakeholder engagement processes with those of the KwaDukuza LUMS process.
- The updating of Scheme Maps to include the CMP By-law Coastal Zone; and
- Obtaining legal input and advertising the By-law as per the legislated requirements.

Key actions required to be undertaken by the KZN DAEA&RD to bring this project to a successful conclusion include:

- Approval of the KwaDukuza CMP with accompanying public participation process; and
- Approval of the proposed amended KwaDukuza Coastal Protection Zone.

## APPENDIX A

APPENDIX B

APPENDIX C



APPENDIX D

APPENDIX E

## APPENDIX F