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Department:  
Cooperative Governance and Traditional Affairs  
**PROVINCE OF KWAZULU-NATAL**



# DEVELOPMENTS IN LAND USE MANAGEMENT **APPLICATIONS**

PLANNING LAW FORUM  
COASTLANDS GATEWAY

**19 MAY 2017**

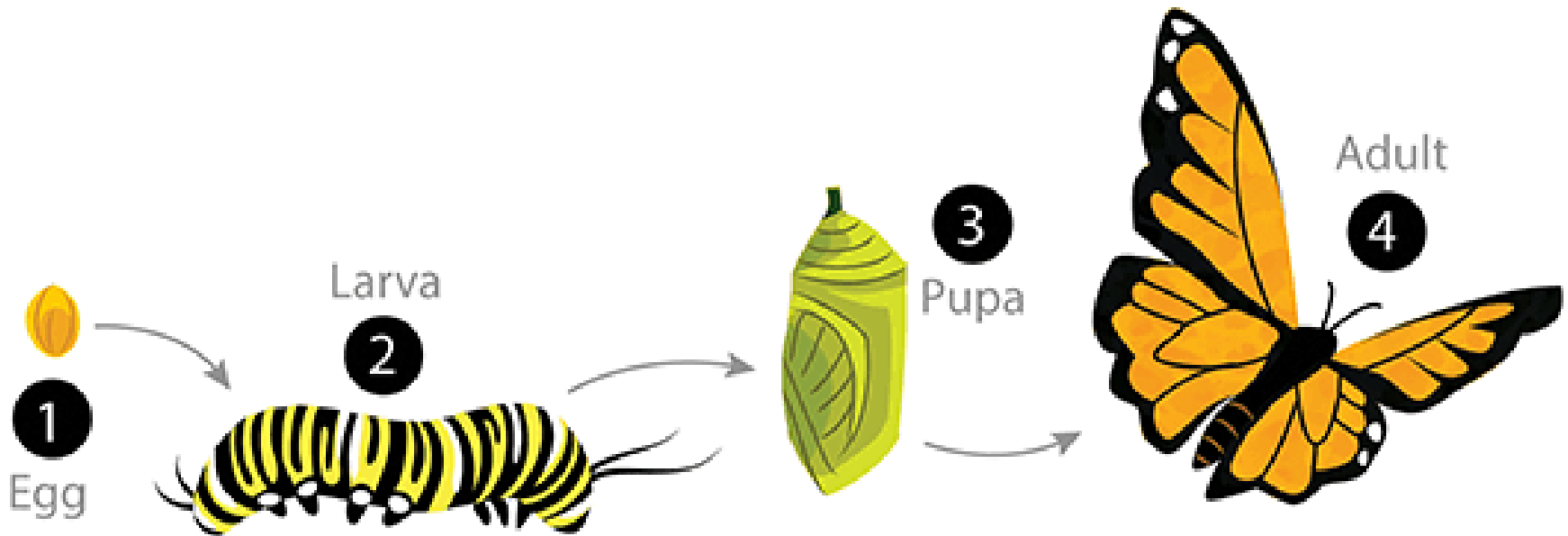
**Kevin Suzor**



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# Transformation





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# SPLUMA Act Section 36(1)

- **Section 36(1) A Municipal Planning Tribunal must consist of –**
- (a) officials in the full time service of the Municipality; and
- **(b) persons appointed by the Municipal Council who are not municipal officials and who have a knowledge of and experience of spatial planning, land use management and land development or the law related thereto**



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# SPLUMA Regulations

- **Chapter 2 Part B**
- **3 Institutional requirements for establishment of Municipal Planning Tribunal for local municipal area**
- **(2) A member of the Municipal Planning Tribunal appointed in terms of section 36(1)(b) maybe-**
- **(a) an official or employee of a national government department, provincial government department, an organ of state, a state-owned enterprise, a nongovernmental organisation, an organisation created by government to provide municipal support and organised local government as envisaged in the Constitution.**



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# SPLUMA Regulations

- **Chapter 2 Part B 3**
- **(3) An invitation to nominate an employee to serve on the Municipal Planning Tribunal may be extended to the departments in the national and provincial sphere of government, other organs of state, enterprise and organisation referred to in subregulation (2)(a) and**
- **must be in writing but does not have to be published.**



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# District Champions

- Ethekwini - Dr. Annoop
- Ugu - Audrey Murgatroyd
- Ilembe - Ashok Byrodoyal
- Umkhanyakude - Rejoice Mbatha
- Harry Gwala - Hanneke Clifton
- Umgungundlovu - Bianca Asaram
- King Cetshwayo - Marge Chetty
- Umzinyathi - Zandile Ngwenya
- Amajuba - Cynthia Khaile
- Zululand - Patrick Sibisi
- Uthungulu - Vijay Jungmohan





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# How do we assist

- **Chapter 2 Part F**
- **11 Technical and other advisors to Municipal Planning Tribunal**
  - (1) A Municipal Planning Tribunal may establish a database of persons it considers appropriate to serve as technical and other advisors to it.
  - (2) The technical and other advisors may be -
    - (a) an official or employee of a national and provincial government department, an
    - organ of state, a state-owned enterprise, a non-governmental organisation, an
    - organisation created by government to provide municipal support and organised
    - local government as envisaged in the Constitution;



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## How do we assist

- **Serving on Municipal Planning tribunals**
- **Serving as Technical advisors**
  - **Reduce the need for LUM officials commenting on applications**
  - **In some cases Spatial Planning will comment on applications**





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# Historic Applications

- **Schedule 4 Item 10**
- **Applications for township establishment In terms of section 12 of Ordinance not finalised before commencement of this Act.**
- **10.(1) An application for the township establishment in terms of section 12 of the Ordinance**
  - (a) that was lodged before 1 January 2003;
  - (b) that has not been finalised before the commencement of this Act; and
  - (c) that has not been finalised due to the applicant having failed to
    - (i) submit information required for the completion of the application after having been requested in writing to do so; or
    - (ii) comply with the conditions of approval, must be treated as having been refused.



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BACK TO BASICS: SERVING OUR COMMUNITIES BETTER

