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



DEVELOPMENT ADMINISTRATION,

24 JUNE 2016

MR GK SUZOR

TOGETHER WE HAVE MADE KZN A BETTER PROVINCE TO LIVE IN, TOGETHER WE WILL MOVE SOUTH AFRICA FORWARD



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Name: Development Administration

Purpose:

Section 105(2)Municipal Systems Act (Act 32/2000)

Key Areas

Assist with commenting on applications

Function:

- Comment on applications in compliance with Provincial norms and standards.
- Consider if applications are defined as Provincial interests.



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APPLICATIONS PROCESS

- **PDA Requirement**
- **Manner of public notice**
- 6.(1) A municipality must
- (a) display a notice as contemplated in item 5(1) of a size at least 60cm by 42cm on the frontage of the erf, or at any other conspicuous and easily accessible place on the land concerned;
- (b) serve a notice as contemplated in item 5(1) on all parties who in the opinion of the municipality may have an interest in the matter, including
- (i) the owners of land within 100m from the boundary of the erf, or the chairperson of a body corporate representing the owners of land within 100m from the boundary of the erf, or the chairperson of a home owners association representing the owners of land within 100m from the boundary of the erf;
- (ii) the municipal councillor of the ward in which erf is situated;
- (iii) **organs of state** with jurisdiction in the matter; and



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APPLICATIONS PROCESS

- Municipal Systems Act (Act 32/2000)
- **Section 105 Provincial monitoring of municipalities**
- **Section 105(2)**
- The MEC for Local Government in a Province may by notice in the Provincial gazette require municipalities of any category or type specified in the notice or of any kind described in the notice, **to submit to a specified provincial organ of state** such information as may be required in the notice, either at regular intervals or within a specified period as may be specified



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APPLICATIONS PROCESS

- SPLUMA by-laws (Version 10.3)
- **SCHEDULE 4**
- **Pre-application procedure**
- **3.(1)** An applicant must obtain approvals from **organs of state**, including municipal departments, and any other information which are necessary for determining an application for municipal planning approval.
- **(2) Organs of state**, including municipal departments, must provide an applicant with the information that he or she needs in order to make an application for municipal planning approval within 60 days from being served with a request for the information, or such further period as agreed upon with the applicant.



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APPLICATIONS PROCESS

- SPLUMA by-laws (Version 10.3)
- **SCHEDULE 4**
- **Failure by an organ of state to comment on an application for municipal planning approval**
- **4.(1)** An organ of state shall be regarded as having no comment on an application for municipal planning approval, if it did not provide comment on the proposed application within the time permitted, unless the use or development of land is dependent on an engineering service that it must provide.
- **(2) An organ of state may refuse to comment on an application for municipal planning approval, if a separate application for its approval is required in terms of a law administered by it.**
- **(3)** The Municipal Planning Registrar may proceed with the processing of an application for municipal planning approval, if an organ of state failed to provide comment on a proposed application for municipal planning approval within the timeframe specified, or such further period as agreed upon with the organ of state, unless –
 - (a) the use or development of land is dependent on an engineering service that must be provided by the organ of state;
 - (b) the organ of state refused to comment on the application because a separate application for its approval is required in terms of a law administered by it; or
 - (c) another law prohibits the Municipal Planning Registrar from proceeding with the application.



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APPLICATIONS PROCESS

- **SPLUMA by-laws (Version 10.3)**
- **SCHEDULE 5 Methods of public notice**
- **(5) Serve a notice on –**
 - (a) the **owner of adjacent land**, if it is not governed by a body corporate or a land owners association;
 - (b) the **Chairperson of a body corporate** that governs adjacent properties who must serve the notice on the members of the body corporate who may be affected by the application;
 - (c) the **Chairperson of a land owners association** of adjacent properties who must serve the notice on the members of the land owners association who may be affected by the application;
 - (d) the **holder of a servitude** registered against the land that may be affected by the application;
 - (e) a **person** in whose favour a condition of title is registered against the land that may be affected by the application;
 - (f) the **Municipal Councillor** of the ward in which the land is situated;
 - (g) **traditional leaders** or other community leaders; or
 - (h) **any other person** who may in the opinion of the Municipality have an interest in an application for municipal planning approval.

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APPLICATIONS PROCESS

- **Item 3(1) of Schedule 4**
 - **Pre- application**
 - **Comments that the development is in line with provincial Norms and Standards**
 - **Developments that relate to Provincial Interest**
 - **(form part of the application documentation)**



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APPLICATIONS PROCESS

- **Item 5 of Schedule 5**
 - **Methods of public notice – not obligatory**

- **Can we assist**
 - **Complete application**
 - **Procedural correctness**
 - **Planning perspective and evaluation**
 - **Closure of public places**
 - **Drafting of –**
 - **Interpretation of Title Deed conditions**
 - **Conditions of establishment**
 - **public notices**
 - **Completion certificate**



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BACK TO BASICS: SERVING OUR COMMUNITIES BETTER

