



GREATER
KOKSTAD
MUNICIPALITY
PROVINCE OF KWAZULU-NATAL

GREATER KOKSTAD MUNICIPALITY SPLUMA FORUM PRESENTATION

“A people-centred City of economic possibilities “

OVERVIEW

- ADOPTION OF SPLUMA BY-LAW
- IMPLEMENTATION OF SPLUMA BY-LAW
- CATEGORISATION OF APPLICATIONS
- AMMENDMENT OF GAZETTED SPLUMA BY-LAW

ADOPTION OF SPLUMA BY-LAW

- **THE GREATER KOKSTAD MUNICIPALITY'S COUNCIL ON THE 24th of JUNE 2015 ADOPTED THE FOLLOWING:**
 - 1. A PLANNING BY-LAW,**
 - 2. DECIDE ON THE NOMINATION PROCESS OF MEMBERS TO FORM A MUNICIPAL PLANNING TRIBUNAL IN TERMS OF THE ACT**
 - 3. DECIDING ON THE CATEGORISATION OF APPLICATIONS AND SPLUMA RELATED INFRASTRUCTURE**

Conti. **ADOPTION OF SPLUMA BY-LAW**

- This was done to ensure the appointment of a Municipal Planning Tribunal, to devolve decision making powers to officials and perform all other actions required by it (Council) before the commencement of the Spatial Planning and Land Use Management Act (No. 16 of 2013) on 1 July 2015

IMPLEMENTATION OF SPLUMA BY-LAW

- SPLUMA requires Municipalities to adopt Spatial Development Frameworks and Land Use Schemes and empowers them to approve applications for the rezoning of land, subdivision of land, township establishment and removal, amendment and suspension of restrictive condition of title.

Conti. IMPLEMENTATION OF SPLUMA BY-LAW

- Municipalities in KwaZulu-Natal have performed these functions since 2010. However, Municipalities will now be required to establish Municipal Planning Tribunals to decide applications, to devolve the power to approve routine applications to officials, decide appeals against decisions by the Municipal Planning Tribunal etc.

Conti. IMPLEMENTATION OF SPLUMA BY-LAW

- The Draft Greater Kokstad Municipality's Proposed Municipal Land Use Planning By-Law was advertised for Public Comments and Inputs.
- The closing date for public comments and inputs was the 19th of August 2015

Conti. IMPLEMENTATION OF SPLUMA BY-LAW

- The Greater Kokstad Municipality's Council on the 2nd of September 2015 Adopted the Greater Kokstad Municipality's Municipal Land Use Planning By-Law and Delegations of Powers In Terms of Section 56 of The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 Of 2013).

Conti. IMPLEMENTATION OF SPLUMA BY-LAW

A funding request for Gazetting of the Greater Kokstad Municipality's Municipal Land Use Planning By-Law and Delegations of Powers In Terms of Section 56 of The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 Of 2013)

Conti. IMPLEMENTATION OF SPLUMA BY-LAW

- The Greater Kokstad Municipality's Municipal Land Use Planning By-Law and Delegations of Powers In Terms of Section 56 of The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 Of 2013) were Gazetted in December 2015 with funding from Department of Rural Development and Land Reform

CATEGORISATION OF APPLICATIONS

- Council resolved to adopt the categorisation of applications as provided for in schedule 5 to the Regulations, detailed hereunder:
- (1) Category 1 Applications are -
- (a) the establishment of a township or the extension of the boundaries of a township;
- (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
- (c) subject to sub item (3), the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
- (d) the amendment or cancellation in whole or in part of a general plan of a township;

Conti. CATEGORISATION OF APPLICATIONS

- e) the subdivision and consolidation of any land other than a subdivision and
- consolidation which is provided for as a Category 2 application;
- (f) permanent closure of any public place;
- (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use
- scheme;
- (h) any consent or approval provided for in a provincial law.

Conti. CATEGORISATION OF APPLICATIONS

- 2) Category 2 Applications are:
- (a) the subdivision of any land where such subdivision is expressly provided for in a land use scheme;
- (b) the consolidation of any land;
- (c) the simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land;
- (d) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application;

Conti. CATEGORISATION OF APPLICATIONS

- (e) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.

Conti. CATEGORISATION OF APPLICATIONS

3) The division of functions between an authorised official and a Municipal Planning Tribunal are as follows:

- (a) All category 1 applications and all opposed category 2 applications must be referred to the Municipal Planning Tribunal.
- (b) All category 2 applications that are not opposed must be considered and determined by the authorised official.

AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- THE GKM SPLUMA BY-LAWS WERE GAZZETTED AS PER THE STANDARD PROVISIONAL SPLUMA BY-LAWS WITHOUT AMMENDING THE **CATEGORISATION OF APPLICATIONS**

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- The gazzetted GKM SPLUMA BY-LAW READS
AS FOLLOWS:

A Municipal Planning Authorised Officer may decide the following applications for municipal planning approval;

a) the granting of consent in terms of land use scheme for the relaxation of a development control, including spaces around buildings;

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- b) the subdivision and consolidation of land –
- (i) that does not involve a change of land use;
and
- (ii) of which the end result is the creation of
no more than two new properties, excluding
properties used exclusively for the
accommodation of roads or other engineering
services;

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- (c) the subdivision and consolidation of land exclusively for the purpose of accommodating engineering services;
- (d) the removal, amendment or suspension of a restrictive condition of title –
 - (i) that has been imposed in terms of these By-Laws or a repealed municipal planning law; or
 - (ii) that is accompanied by the written approval of the person or entity in whose favour the condition is registered;

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- (e) an amendment to an application in terms of paragraphs (a) to (d), prior to the approval thereof by the Municipal Planning Authorised Officer;
- (f) a correction to a decision of a Municipal Planning Authorised Officer on an application in terms of paragraphs (a) to (d) to correct an error in the wording of the decision, correct a spelling error, update land description, or update a reference to a law, person, institution, place name or street name; and
- (g) a non-material amendment to a Municipal Planning Authorised Officer's decision on an application in terms of paragraphs (a) to (d).

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- The Municipal Planning Tribunal must decide the following applications for municipal planning approval –
- (a) the zoning or rezoning of land in accordance with an existing zone;
- (b) the granting of consent in terms of land use scheme for land use;
- (c) approval for a development situated outside the area of land use scheme;

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- (d) the subdivision and consolidation of land –
- (i) that involves a change of land use; or
- (ii) of which the end result is the creation of more than two new properties, excluding properties used exclusively for the accommodation of roads or other engineering services;
- (e) township establishment;
- (f) the notarial tying of adjacent properties;
- (g) the extension of a sectional title scheme by the addition of land to common land in terms of section 26 of the Sectional Titles Act;

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- (h) the removal, amendment or suspension of a restrictive condition of title –
- (i) that has not been imposed in terms of these By-Laws or a repealed municipal planning law; or
- (ii) that is not accompanied by the written approval of the person or entity in whose favour the condition is registered;
- (i) the permanent closure of a municipal road or a public place;
- (j) an application for municipal planning approval that has been referred to the Municipal Planning Tribunal by a Municipal Planning Authorised Officer;
- (l) a non-material amendment to a Municipal Planning Tribunal's decision on an application in terms of paragraphs (a) to (j).

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- The Adopted Categorisation adopted by Council 24th of JUNE 2015 are different to the GKM SPLUMA BY-LAW adopted by Council on the 2nd of September 2015.
- The Greater Kokstad Municipality therefore would like to amend the Gazetted GKM SPLUMA BY-LAW to the Adopted Categorisation adopted by Council 24th of JUNE 2015 TO ALLOW MORE DECISION MAKING TO THE MUNICIPAL PLANNING AUTHORISED OFFICER

Conti. AMMENDMENT OF GAZETTED SPLUMA BY-LAW

- Reasons are as follows:
 1. Non Existence of the District JMPT
 2. Non processing or decision making on existing or new applications
 3. Cost of running District JMPT
 4. Number of Development application received compared to the other municipalities in the district would make GKM JMPT's sittings expensive

THE END.....Thank you

QUESTIONS!!!!!!!