

# IMPLEMENTATION OF SPLUMA BY-LAWS PROVINCIAL PLANNING LAW FORUM 2 SEPTEMBER 2016



# JMPT in Umgungundlovu



# SPLUMA STRUCTURES

- Participating municipalities agreed to establish a Joint Municipal Planning Tribunal (JMPT) and that Shared Services would be the vehicle for SPLUMA implementation.
- Executive Committees of municipalities confirmed as Appeal Authority.
- Chief Planner DPSS designated as the Municipal Planning Authorised Officer (MPAO).
- Each municipality designated a member of staff as Municipal Planning Registrar.

# **SPLUMA BY-LAWS**

- Participating municipalities adopted identical By-Laws during November and December 2015.
- DRDLR took responsibility for publication in Provincial Gazette.
- Published on 15 January 2016, which was the effective date.

# NOTEWORTHY ELEMENTS OF THE BY-LAWS

- Wider responsibilities of MPAO in terms of categorization (up to 10 subdivisions, all consent applications)
- Registrar has discretion regarding:
  - Who must prepare application
  - Manner of public notice
- Avoid duplication (Environmental authorisation and Schedule 3).
- Streamlined process (Joint public notices)
- Municipal Approval Authority can request additional information.

# **THE MUNICIPAL PLANNING APPROVAL AUTHORITY**

- 1. Consists of:**
  - The Municipal Council.
  - The Municipal Planning Authorised Officer (MPAO).
  - The Joint Municipal Planning Tribunal (JMPT).
- 2. Approval responsibilities determined by categorisation of applications (Section 22 & Schedule 2)**
- 3. MPAO can at any time refer an application to JMPT**

# APPOINTMENT OF JMPT

- MM's forum appointed as Evaluation Panel.
- Formulate agreement between municipalities.
- Obtain Municipal and Departmental nominations.
- Call for private nominations.
- Submit recommendations to the Mayor's Forum
- Final approval by District Council.
- Public Notices in Witness and Provincial Gazette (17 March 2016).
- Formulate operating manual.
- Two induction meetings.
- First meeting 13 May 2016.

# MEMBERS OF THE JMPT

## MUNICIPAL EMPLOYEES

### **uMngeni Local Municipality**

- General Manager: Economic Development & Planning
- IDP Manager
- Manager Town Planning

### **Mpofana Local Municipality**

- Director Technical Services
- Town Planner

### **Impendle Local Municipality**

- Manager: IDP/PMS

### **Mkhambatini Local Municipality**

- Technical Services Manager
- Development Officer / Administration



# MEMBERS OF THE JMPT (Continued)

## **uMshwathi Local Municipality**

- HOD: Technical Services
- Development Planning Officer

## **Richmond Local Municipality**

- Manager: Development and Planning
- Technical Services Manager

## **uMgungundlovu District Municipality**

- Manager Development Planning
- Executive Manager: Technical Services or Manager Infrastructure Planning and Development

# MEMBERS OF THE JMPT (Continued)

## NON MUNICIPAL MEMBERS

### **Umgeni Water**

- Planner: Planning Services (Ms. A Ramnath)

### **Dept. Economic Development, Tourism & Env. Affairs**

- District Manager: Environmental Services (Ms. K van Heerden) or
- Assistant Manager: Environmental Planning (Mr. I Felton)

### **KZN Dept. of Agriculture & Rural Development**

- Scientific Manager: Natural Resources (Ms. F Mitchell)

# MEMBERS OF THE JMPT (Continued)

## **PRIVATE SECTOR MEMBERS**

- Mr TG Nkosi (Chairperson)
- Mr S Maseko (Deputy Chairperson)
- Mr ABZ Ngcobo
- Mr A Lax
- Mr J A Forbes
- Mr ML Povall
- Mr AR Muir
- Mr S Ndlovu
- Dr TG Kowalski
- Ms SG Sithole
- Mr Nsuntsha

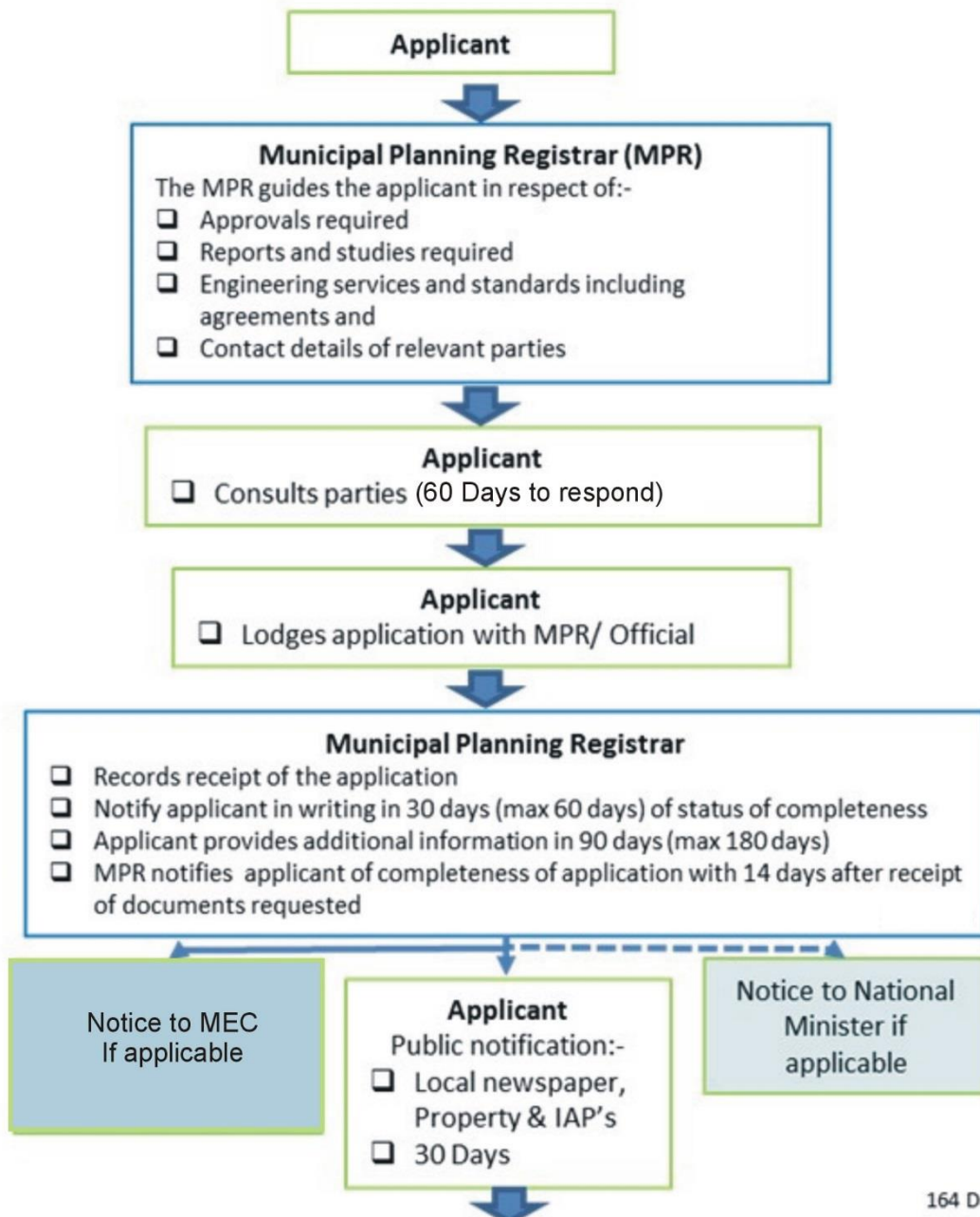
# **JMPT ESTABLISHMENT, RESPONSIBILITIES AND OPERATIONS GOVERNED BY:**

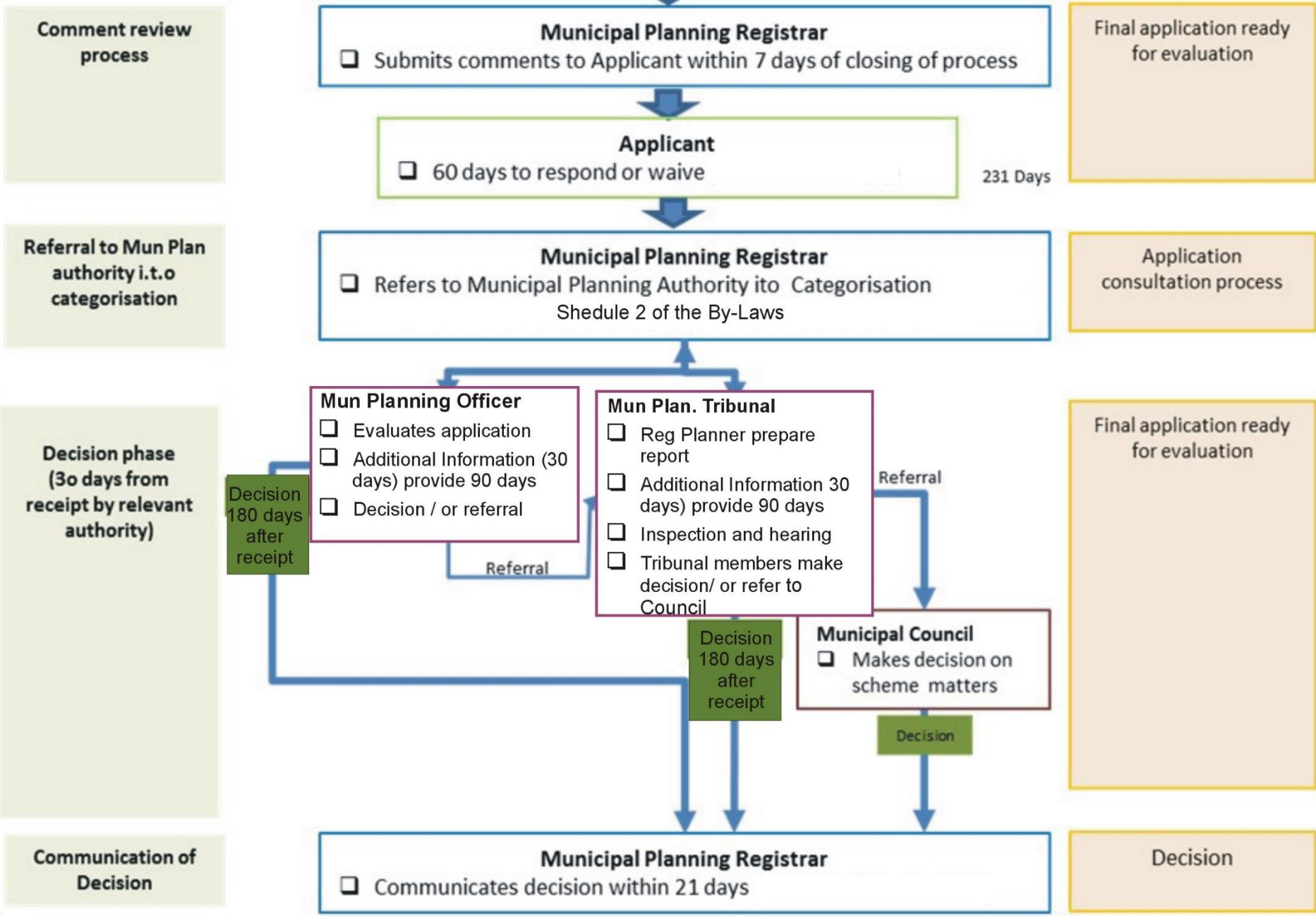
- SPLUMA and its Regulations.
- Spatial Planning and Land Use Management By-laws.
- JMPT Agreement between participating municipalities.
- Terms and Conditions of Service.
- Code of Conduct.

# SPLUMA PROCESS, PROCEDURE AND OUTCOMES SCHEDULE 4 OF BY-LAWS

Process stage
Pre application
Lodge application
Review of application
Public notification

Outcomes
Complete application ready for assessment
Application lodged
Complete application ready for evaluation
Application consultation process





# UMGUNGUNDLOVU JMPT: ANALYSIS OF APPLICATIONS

Municipality	Submitted to Registrar	JMPT Meetings/ Hearings Held	Additional Information /Action Required	ROD Issued
Mkhambatini	3	2	1	1 (-)
uMshwathi	2	2	-	2 (1)
uMngeni	8	6	3	1 (5)
Mpofana	1	-	-	- (1)
Richmond	-	-	-	- (1)
Impendle	-	-	-	- (1)
<b>Total</b>	<b>14</b>	<b>10</b>	<b>4</b>	<b>4 (9)</b>

( ) ROD's issued by Municipal Planning Authority Officer

# EMERGING ISSUES

- Registrar dedicated to JMPT.
- Widen scope of MPAO responsibilities.
- Distinguish between hearing and public hearing.
- Subsequent application: Amnesty for imposition of the civil penalty.
- Role of municipality.
- Cost of running the MPT.



**NGIYABONGA**

**THANK YOU**

**DANKIE**