



# MSUNDUZI MUNICIPALITY'S SPLUMA IMPLEMENTATION PRESENTATION

17 FEBRUARY 2017

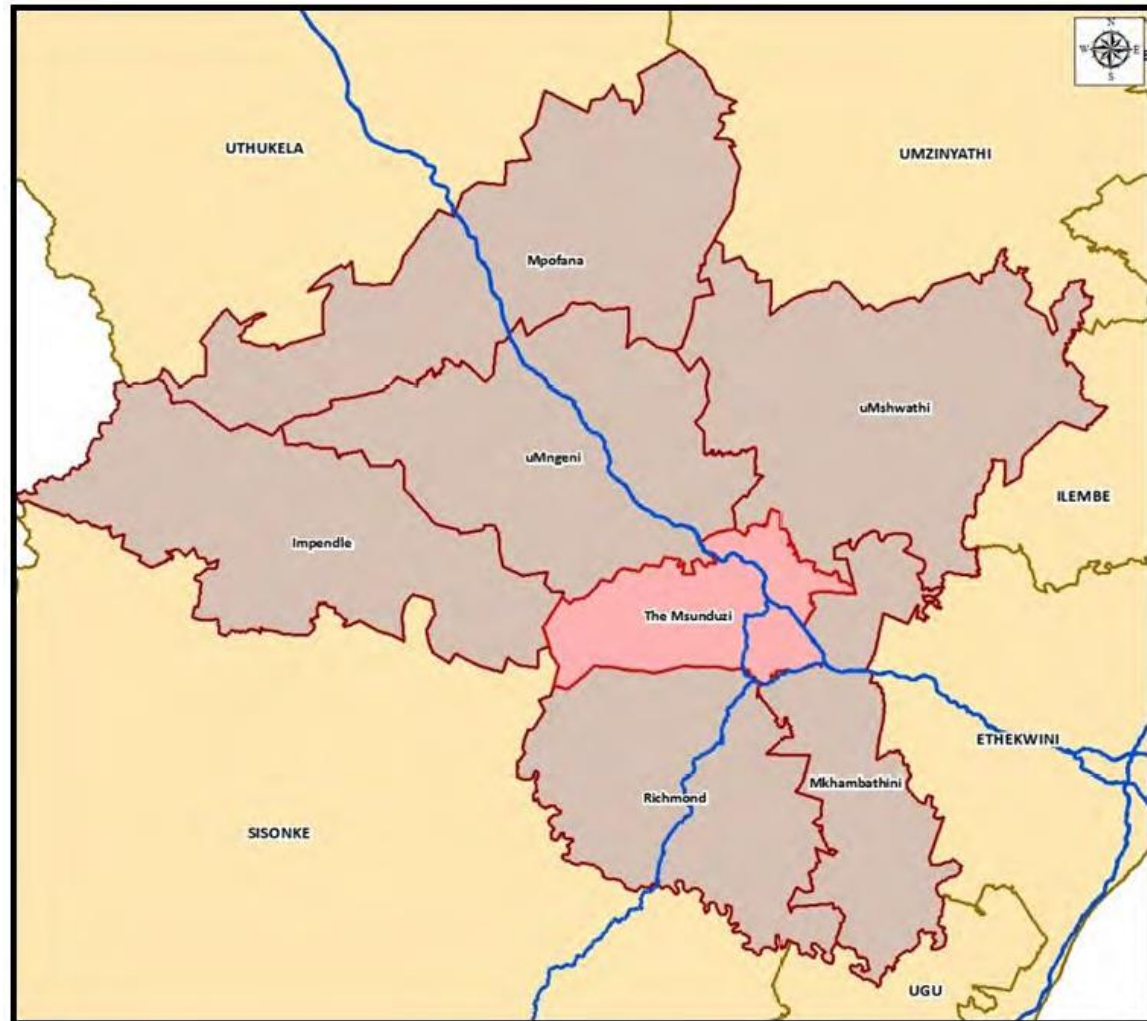
BY NOMBUSO HLOPHE



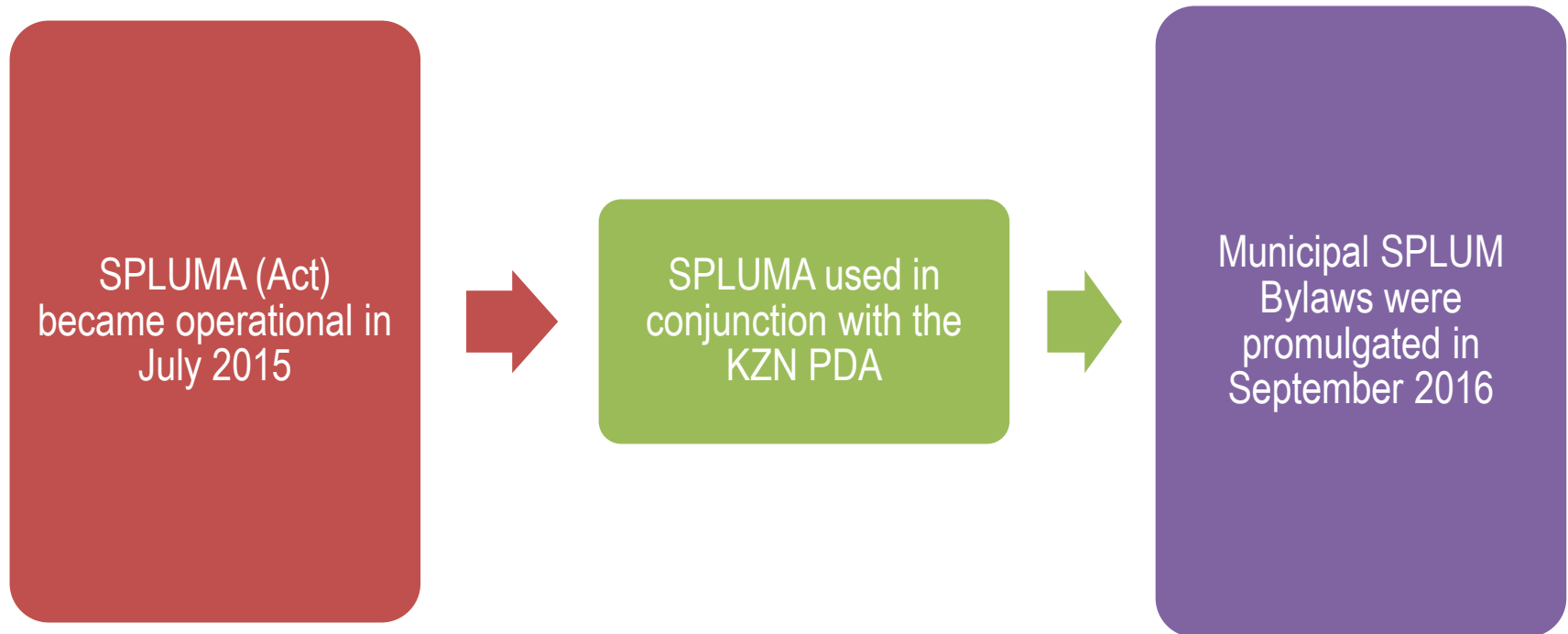


# MSUNDUZI MUNICIPALITY

- PART OF MGUNGUNDLOVU DISTRICT.
- TOWN PLANNING IS A SECTION UNDER THE SUSTAINABLE DEVELOPMENT AND CITY ENTERPRISES BUSINESS UNIT.
- UNDER TOWN PLANNING THERE ARE 2 SUB-UNITS, SPATIAL PLANNING AND DEVELOPMENT MANAGEMENT.
- SPLUMA IMPLEMENTATION IS UNDERTAKEN BY THE DEVELOPMENT MANAGEMENT SUB-UNIT.



# SPLUMA IMPLEMETATION TO DATE



**SPLUMA IS FULLY OPERATIONAL IN MSUNDUZI MUNICIPALITY.**

# SPLUMA IMPLEMENTATION TO DATE



- ✓ In the 2015/2016 financial year the municipality set aside R 800 000.00 for the implementation of SPLUMA. In the 2016/2017 financial year we are operating with a budget of R 500 000.00
- ✓ Msunduzi Municipality's SPLUM Bylaws, gazetted in September 2016 (Council funding)
- ✓ Categorisation of applications
- ✓ Appointment of the Municipal Planning Tribunal and Authorised Official
- ✓ Exco is the Appeals Authority, Appeals Advisory Panel assists Exco in dealing with Appeals
- ✓ 4 Professional Planners internally for the evaluation of applications
- ✓ Registrar appointed in terms of SPLUMA

# Msunduzi Municipality's SPLUM Bylaws: Generic Version 10.2



CHAPTER	PROVISION
1	PRELIMINARY PROVISIONS (DEFINITIONS, APPLICATION OF BYLAW ETC.)
2	INSTITUTIONAL (ESTABLISHMENT OF MPT, APPOINTMENT OF SUPPORTING STAFF AND FUNCTIONS ETC)
3	LAND USE SCHEME
4	MUNICIPAL PLANNING APPROVAL
5	MUNICIPAL PLANNING PROPOSAL BY A MUNICIPALITY
6	APPEALS
7	ENFORCEMENT
8	COMPENSATION
9	SERVICE OF DOCUMENTS
10	DELEGATIONS
11	KEEPING OF RECORDS
12	GENERAL PROVISIONS (TRANSITIONAL ARRANGEMENTS, TITLE OF THE BYLAWS ETC.)

THERE ARE 13 SCHEDULES AFTER THE ABOVE CHAPTERS.

# ACTIVITIES WHICH REQUIRE MUNICIPAL PLANNING APPROVAL



- the adoption of a land use scheme;
- the amendment of a land use scheme;
- a Municipality's consent in terms of a land use scheme;
- the repeal of a land use scheme;
- the development of land that is situated outside the area of a land use scheme, if the development constitutes an activity contemplated in Schedule 3;
- the extension or replacement of a building on land that is used for a purpose defined in Schedule 3, notwithstanding that municipal planning approval was not required at the time that the use of the original building for that purpose commenced;
- the subdivision of a land;
- the consolidation of land;
- township establishment;
- the notarial tying of adjacent land;
- the extension of a sectional title scheme by the addition of land to common property in terms of section 26 of the Sectional Titles Act;
- the permanent closure of a municipal road or a public place;
- the removal, amendment or suspension of a restrictive condition of title or a servitude;
- a material change to a Municipality's decision on an application for municipal planning approval;
- the cancellation of a Municipality's decision on an application for municipal planning approval, except a decision to adopt or amend a land use scheme.

Note: Phasing or Cancellation of approved layout is not provided for in our Bylaws, this activity will be applied for through the KZNPDA

# CATEGORISATION OF APPLICATIONS



- Council initially adopted schedule 5 of the SPLUMA regulations as the approved categorisation of applications for Msunduzi.
- In the process of adopting the bylaws, it was noted that chapter 4 of the bylaws listed more activities that required municipal planning approval.
- Categorisation was adjusted slightly to accommodate the additions.



# MUNICIPAL PLANNING AUTHORISED OFFICIAL & MUNICIPAL PLANNING REGISTRAR



- The Manager: Town Planning is currently appointed as the Municipal Planning Authorised Official.
- The Chief Town Planner: Development Management is appointed as the Registrar supporting the MPT, AO and the Appeals advisory Panel.
- No formally appointed Deputies.



# MUNICIPAL PLANNING TRIBUNAL



- The Msunduzi Municipal Planning Tribunal was appointed by Council in August and their appointment was gazetted in September 2015. They started operating on the 18<sup>th</sup> of September 2015.
- The MPT consist of the following members:

## **Private/ Non-Municipal Employees:**

- Town and Regional Planners: Simtembile Gaxela and Mark Povall
- Legal Practitioners: Nomfuneko Mkhize and Mlungisi Hlubi
- Land Surveyor: Francis Naude

## **Municipal Employees:**

- General Manager: Sustainable Development And City Enterprises (Chairperson)
- Manager Land Survey
- Manager Building Survey
- Manager Transportation Planning
- Registered Town Planner
- Manager Environmental Conservation

# MUNICIPAL PLANNING TRIBUNAL



- The MPT sits twice every month to consider applications.
- In its operations, the Municipal Planning Tribunal has considered over 130 matters to date.
- 5 of its decisions have been taken on Appeal, 2 have been resolved. The others are still pending.

# MUNICIPAL PLANNING TRIBUNAL OPERATIONS



- MPT convenes twice a month (every second Tuesday)
- All members are usually invited to meetings
- On average agenda will have six items for consideration.
- Meetings start at 09h00, the shortest meeting taking 2 hours.
- The meetings are directed by an agenda prepared by the municipality. The agenda is distributed 7 days before the meeting.
- Matters not finalised are listed in the outstanding matters report, which is updated and presented at every meeting.
- Parties to an application are invited to tribunal meetings but attendance is not compulsory.
- The municipality is in the process of developing operational procedures for the municipal planning tribunal.

# CONTINUED....



- Tribunal members are remunerated according to the national treasury rates.

	COMMISSION OF INQUIRY		COMMITTEE OF INQUIRY	
	Per day	Per hour	Per day	Per hour
Chairperson	R4 699	R587	R3 879	R485
Member	R3 493	R437	R2 353	R294

- Travelling claims are calculated according to the monthly rates issued by the department of transport.
- Members are also paid for preparation, this is limited to 3 hours and anything beyond requires a motivation.

# APPEALS ADVISORY PANEL



- Initially the Appeals Advisory Panel was appointed to assist EXCO in dealing with Appeals on municipal planning decisions by providing expert advice, however, due to the complexity and technicality of the process, the Panel has delegated power to hear Appeals and recommend to the Executive Committee.
- **The Appeals Advisory Panel consists of the following members who are external to the municipality:**
  - Town and Regional Planners: Sibongiseni Maseko, John Forbes
  - Legal Practitioner: Thulani Nkosi (Chairperson)
  - Land Surveyor: Peter Hoffmann
  - Engineer: Preben Naidoo

# CHALLENGES IN THE IMPLEMENTATION



Subsequent applications and the enforcement of bylaw 99.

- Managing the involvement of the public in MPT meetings

MPT too technical at times, seen as delaying applications.

- Confusion regarding the MPT as a municipal structure. Is it independent or is it also a municipal committee?

Appeals against MPT decision which is different to the planners recommendation. The Bylaws are unclear who defends that decision.

- Lack of personnel to carry out SPLUMA function and lack of funding for additional capacity.

# LESSONS LEARNT.....



- The implementation of SPLUMA has been challenging, especially because at first we did not receive any support from COGTA and RDLR.
- It required a lot of hard work, research, innovation and consultation.
- Now that there is a system that is working, it is rewarding.
- There's always room for improvement, so we still working on getting the system right.





THANK YOU

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