



edtea

Department :

Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

**REFLECTIONS ON SPLUMA
IMPLEMENTATION: PRESENTATION TO
SPLUMA FORUM**

By

MR. S. Ngcobo (EDTEA)

19 MAY 2017

COASTLANDS HOTEL, UMHLANGA





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

Presentation Outline

1. Purpose
2. Abbreviations
3. Legislative Background
4. Information on EDTEA Representation in MPTs.
5. Experiences.
6. Matters for further discussion(Questions to ponder).





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

PURPOSE OF PRESENTATION

- To provide information on the participation of the Department of Economic Development, Tourism and Environmental Affairs : Environmental Management in the Municipal Planning Tribunals.
- To share experiences.
- To highlight matters for further discussion and interpretation.





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ABBREVAIATIONS

- **EDTEA** : KZN Department of Economic Development, Tourism and Environmental Affairs.
- **DWS** : Department of Water and Sanitation
- **DMR** : Department of Mineral Resources.
- **NEMA** : National Environmental Management Act No.107 of 1998.
- **SPLUMA** : Spatial Planning and Land Use Management Act No. 16 of 2013
- **EIA** : Environmental Impact Assessment.
- **WML** : Waste Management License
- **JMPT** : Joint Municipal Planning Tribunal
- **MPT** : Municipal Planning Tribunal





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

Legislative Background *(not exhaustive)*

- Constitution of the Republic of South Africa, Act No. 108 of 1996.
- Spatial Planning and Land Use Management Act No.16 of 2013.
- National Environmental Management Act 107 of 1998.
- National Water Act No.36 of 1998.
- NEM: Air Quality Act No.39 of 2004.
- NEM: Waste Act No.59 of 2008.
- NEMA EIA Regulations, 2014.
- NEM: Biodiversity Act No.10 of 2004.
- NEM: Protected Areas Act No. 57 of 2003.





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

Environmental Approval Requirements

Legislation	Approval Process Requirements	Competent Authority
NEMA, EIA Regulations	Environmental Impact Assessment (EIA)	EDTEA/DEA
NEM:Waste Act Regulation	Waste Management Licensing (WML)	EDTEA/DEA
National Water Act	Water Use Licensing Application (WULA)	DWS
Mineral and Petroleum Resources Development Act	Mining Permitting	DMR





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

EDTEA Participation in the MPTs

S36 (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 knowledge and experience of spatial planning, land use management and land development or the law related thereto.





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

EDTEA Participation in the MPTs

Municipal District	MPT TYPE
Ugu District	Joint MPT (Ray Nkonyeni and Umuziwabantu)
UMgungundlovu	Joint MPT for the entire municipal District.
Umzinyathi	Joint MPT for the entire District





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

EDTEA EXPERIENCES: POSITIVES

- Helps EDTEA keep abreast of development proposals within the area covered by the J/MPT.
- Helps the process by identifying potential environmental issues.
- Helps EDTEA officials to gain insight on municipal approval process.
- **???? Helps EDTEA to inadvertently discover potential/non-compliance with Environmental Legislation.**





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

EDTEA EXPERIENCES: Logistics and Work load.

- High frequency of meeting e.g. between 31 March 2016 and 10 May 2017, the Ray Nkonyeni and Umuziwabantu JMPT has sat 14 times!!
- Short Notice for meetings.
- Access to documentation prior to meetings.
- Quality of submissions by municipal planners.
- Reasons for referral to Tribunal.





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

Question to ponder: Procedural and Legal Issues.

- Ad hoc membership of EDTEA across districts i.e. only three MPTs have EDTEA members, and Ugu the JMPT consists of only two municipalities.
- Interpretation of SPLUMA requirements:

*S42 (2): When considering an application affecting the environment, a Municipal Planning Tribunal **must** ensure compliance with environmental legislation.*

QUESTION: What does this clause mean and what is the mechanism for complying with it?





edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

Questions to ponder: Procedural and Legal Issues.

- (Possible) Conflict of Interest.
- Alignment of approval processes..... Optional or Compulsory?

KZN SOPA 2017:

“Significantly, more needs to be done to alter and accelerate economic growth in KZN....”

SONA 2017

“There must be no undue delays and no unnecessary red tape. From issuing licences to visas, we should make it easy to do business in South Africa”





edtea

Department :

Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

End

Thank you.

contacts details

sabelo.ngcobo@kznedtea.gov.za

039 688 4941

082 312 6597

