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

B4B
BACK TO BASICS
SERVING OUR COMMUNITIES BETTER

SPLUMA IMPLEMENTATION: LAND USE SCHEMES(LUS)

KZN SPLUMA FORUM

Mandisa Zungu
22 February 2019

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



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PRESENTATION OUTLINE

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- 2. CURRENT SITUATION IN KWAZULU-NATAL**
- 3. LAND USE SCHEME SUPPPORT**
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1.BACKGROUND/ INTRODUCTION

- Land Use Schemes are understood to be tools used by Municipalities to guide and manage development as well as land usage in accordance with the vision, objectives and broad strategic focus of the Integrated Development Plan (IDP) and Spatial Development Framework (SDF).
- The Spatial Planning and Land Use Management Act 16 of 2013 (hereafter noted as SPLUMA) notes that as per Section 24 (1), *“a Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act”*.
- SPLUMA came into effect on 01 July 2015, as per Government Gazette dated 27 May 2015. Specifically, this therefore implies that all 44 Local Municipalities, including the Metro, in KwaZulu-Natal are required to have single Land Use Schemes by the 01 July 2020.



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2. CURRENT SITUATION IN KWAZULU-NATAL

- **Since the inception of the Spatial Planning & Land Use Management Act (SPLUMA) came into effect:**
 - **of the 44 Municipalities only 11 (25%) have managed to adopt and put in place single land use schemes**
 - **some with conditions such as Demarcation Issues, Rural Land Use Policy substitutions (Incremental introduction of Land Use Management and Regulations) where there are challenges with Traditional Authorities and or Act 70 of 1970 .**
- **These municipalities include uMzumbe, Newcastle, Dannhauser, uMlalazi, Nkandla, KwaDukuza, Umzimkhulu, Okhlamba, Richmond, Ubuhlebezwe and Greater Kokstad.**



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3. LAND USE SCHEME SUPPORT

- **The Department of COGTA, Spatial Planning Directorate has been supporting Municipalities in the preparation, approval, and review of their Municipal Land Use Schemes. The support include but not limited to:**
 - **assessing all municipalities on compliance with SPLUMA Provisions**
 - **Development of Remedial Action Plans (inclusive of programme of Scheme preparation) in association with municipalities**
 - **Ongoing engagement, Monitoring and Review**



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3. LAND USE SCHEME SUPPPORT... (Cont.)

No. of Muns	Names of Municipalities	Land Use Scheme Status	Support
7	Ray Nkonyeni, Msunduzi, uMshwathi Alfred Duma, Inkosi Langalibele, eDumbe, uMhlabuylingana,	Municipalities currently developing Land Use Schemes with <u>2017/18 grant funding from COGTA</u>	Municipalities form part of a comprehensive support programme that entails: Training and development, Grant funding (where indicated) , Drafting of Terms Of Reference, Supporting & Monitoring of Supply Chain Management Processes, Technical input onto Land Use Scheme Development, Engagement of Institutions of Traditional Leadership, Project Management and Legislated Land Use Scheme adoption processes.
8	Umfolozi, Mtubatuba, Big 5 Hlabisa, Ulundi, Uphongolo, Umngeni, Emadlangeni, Jozini	Municipalities currently developing Land Use Schemes with <u>2018/19 grant funding from COGTA</u>	
14	Nkosazana Dlamini-Zuma, Msinga, Nqutu, Endumeni, Mthonjaneni, Abaqulusi, Mpofana, Impendle, Ndwedwe, Umuziwabantu, Umvoti, eThekwini, Maphumulo, Umhlathuze	Municipalities developing Land Use Schemes using their own funding/ funding sourced elsewhere or in-house resources.	
4	Nongoma, Mandeni Mkhambathini, Umdoni,	Municipalities currently not doing any scheme development processes in 2018/2019	<p>Possibilities</p> <ul style="list-style-type: none"> Municipalities to allocate funds in their 2019/2020 financial year towards development of Land Use Schemes DRDLR and COGTA to consider funding support in their 2019/2020 financial year.
33	TOTAL		



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4. CHALLENGES

CHALLENGES / BOTTLENECKS	POTENTIAL INTERVENTION
Capacity constraints: Low capacity levels both at provincial level and local (staff and financial). The support that has to be afforded municipalities becomes a challenge as most municipalities require hands-on support owing to the fact that they also lack capacity.	There is a need to explore possible ways of supporting municipalities build spatial planning capacity so that municipalities are able to perform their municipal planning role with the Province performing a monitoring , regulating and supporting function as opposed to hands-on support.
Scheme development process delayed at Supply Chain Management Phase	Engagement required between municipality, COGTA/ DRDLR to resolve SCM issues, noting that there is limited involvement / influence on the SCM process itself
Municipalities noted that there were no funds to undertake scheme development.	<ul style="list-style-type: none"> - Municipalities need to acknowledge importance of planning and prioritise funding. - COGTA and DRDLR funding where possible - Identify alternative funding streams.
Planning challenges in Ingonyama Trust Board (ITB) land owing to negative perceptions of SPLUMA and misconception of roles and responsibilities with regards to the municipal planning mandate and land administration role of the traditional institutions.	<ul style="list-style-type: none"> - Provincial Executive Council established a committee of MECs to deal with this challenge +- 2 yrs back . Little progress made. - Need to identify new strategies and approaches to fast tracking scheme development.
Slow progress in preparing and implementing Land Use Scheme, with indications that the 1 July 2020 deadline of SPLUMA will not be met	To apply in terms of section 55(1) of SPLUMA for exemption for some municipalities from the deadline for the adoption of a single land use scheme for their entire area of jurisdiction to the Minister of Rural Development and Land Reform.



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5. APPLICATION FOR EXEMPTION FROM SPLUMA

- The majority of municipalities in KwaZulu-Natal, 33 in total, have not yet adopted a single land use scheme for their entire area of jurisdiction, but have adopted a land use scheme for some parts of their area of jurisdiction.
- Noting the slow pace of progress, the Provincial Executive Council Lekgotla resolved in August 2018 as following (Resolution 6.12)—
 - *“COGTA to initiate a process to seek an extension of time for the preparation of Land Use Schemes by Municipalities in the Province from the Minister of Rural Development and Land Reform after having consulted and received proposed plan of action from each municipality”.*



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5. APPLICATION FOR EXEMPTION FROM SPLUMA... (Cont.)

- In implementing the Provincial Executive Council Lekgotla resolution, the KwaZulu-Natal MEC for Cooperative Governance and Traditional Affairs has forwarded to the Minister of Rural Development & Land Reform a letter of intent to apply in terms of section 55(1) of SPLUMA for exemption for some municipalities from the deadline for the adoption of a single land use scheme for their entire area of jurisdiction.
- In order for the MEC to make an appropriate application and comply with the Act and for the Minister to make an informed decision each Local Municipality and Metro was requested to confirm whether or not it will be able to comply with the 1 July 2020 deadline. (**Deadline for municipalities to respond 28 February 2019**)



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5. APPLICATION FOR EXEMPTION FROM SPLUMA... (Cont.)

- In the event a Municipality will not be able to make the deadline, the following information was requested, required in terms of regulation 32(2) and 33(7) of the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 (Government Notice No. R. 239 of 2015) (SPLUMA Regulations) and which should include the date by which each Municipality will be able to adopt a single land use scheme for the entire area of jurisdiction:
 - (a) a cadastral description of the land within each municipality for which exemption is requested;
 - (c) the reasons why the municipality is unable to meet the 1 July 2020 deadline;
 - (d) the degree to which the objects of the Act referred to in section 3 of the Act will be undermined per municipality;
 - (e) the degree to which the development principles, norms and standards referred to in Chapter 2 of the Act will be promoted or prejudiced by the exemption;
 - (f) the degree of risk or potential risk posed by the exemption;
 - (g) the impact of the exemption on existing and surrounding land uses;
 - (h) the reasons why a refusal by the Minister to grant the exemption would be extremely prejudicial to the interests of the community;
 - (i) a programme with milestones for adopting a single land use scheme for the municipal entire area of jurisdiction; and
 - (j) a new deadline for adopting a single land use scheme for the entire municipal area of jurisdiction.
- Once all municipalities have submitted the requested information the MEC is to make a formal application to the Minister.



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THANK YOU

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