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



STATUS OF LAND USE SCHEMES IN KZN

23 AUGUST 2019
SPATIAL PLANNING DIRECTORATE

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



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OUTLINE OF PRESENTATION

- BACKGROUND/INTRODUCTION
- SPLUMA DEADLINE
- CURRENT SITUATION IN KZN
- DELINEATION OF AGRICULTURAL LAND ITO SALA - DAFF



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BACKGROUND/INTRODUCTION

- 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 comes into effect on 01 July 2015, as per Government Gazette dated 27 May 2015. **Specifically, this therefore implies that all 44 Local Municipalities will be required to have single Land Use Schemes by the 01 July 2020.**



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SPLUMA DEADLINE

- KZNCOGTA wrote to all local municipalities and metro in January 2019, way of a MEC Circular, requesting municipalities to confirm their statuses/progress based on our annual monitoring.
- In addition, municipalities were requested to confirm (in writing) that they will meet the SPLUMA deadline, or that they would require an exemption (inclusive of the additional time they require) . Municipalities were further requested to submit workplans/action plans on how they would meet the SPLUMA deadline, or how they would phase/use the extended time, if approved.



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SPLUMA DEADLINE

- It was noted that 22 out of 44 municipalities have responded despite numerous requests.
- Of those that have responded:
 - 13 municipalities have confirmed they will meet the deadline, and do not require an exemption
 - 9 municipalities have confirmed that they will require an exemption
 - those requiring exemption have requested between 1-3 additional years to develop and adopt a single land use scheme.
- However, those that have requested exemption have not adequately addressed the requirements for application for exemption to SPLUMA.



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CURRENT SITUATION IN KZN: ADOPTED SCHEMES

- Since the inception of the erstwhile KwaZulu-Natal Planning and Development Act, No. 6 of 2008 (KZN PDA) and now the SPLUMA era:
 - only 12 municipalities (33,69%) have managed to adopt and put in place land use schemes
 - some with conditions such as Demarcation Issues, Rural Land Use Policy substitutions (Incremental introduction of Land Use Management and Reg) where there are challenges with Traditional Authorities and or Act 70 of 1970 .
- These municipalities include uMzumbe LM, Newcastle LM, Danhauser LM, uMlalazi LM, Nkandla LM, KwaDukuza LM, Umzimkhulu LM, Okhlamba LM, Richmond LM, Ubuhlebezwe LM, Greater Kokstad LM and now uMhlabuyalingana (NEW)
- The uMshwathi LM has also noted a single land use scheme adoption. Awaiting confirmation – Council Resolution



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CURRENT SITUATION IN KZN: SCHEMES UNDER PREPARATION

No of Municipalities	Names of Municipalities	Land Use Scheme Funding	Current Situation
7	1) Ray Nkonyeni, 2) Msunduzi, 3) Umshwathi 4) Alfred Duma, 5) Inkosi Langalibele, 6) eDumbe, 7) uMhlabuyingana,	Local Municipalities are currently developing Single Land Use Schemes with the <u>assistance of 2017/18 grant funding from CoGTA</u>	With the exception of Umhlabulingana LM , all Municipalities still undergoing scheme development and are at an advanced stage. Most delays stem from, grappling with the rural scheme components and the SALA issue, as well as operational issues such as non payment.
8	1) Umfolozi, 2) Mtubatuba, 3) Big 5 Hlabisa, 4) Ulundi, 5) Uphongolo, 6) Umngeni, 7) Emadlangeni, 8) Jozini	Local Municipalities are currently developing Single Land Use Schemes with the <u>assistance of 2018/19 grant funding from CoGTA</u>	Municipalities are in the early stages of scheme development, due to some municipalities experiencing significant delays in SCM processes.
7	1) Umdoni , 2) Mpofana, 3) Impendle, 4) Richmond (Review) , 5) Msinga, 6) uMvoti, 7) Nkandla, 8) Mandeni	Local Municipalities will be developing Single Land Use Schemes with the <u>assistance of 2019/20 grant funding from CoGTA</u>	Facilitation of grant transfer underway. Some municipalities have already appointed Service Providers and are currently prepping PSC composition.



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CURRENT SITUATION IN KZN: SCHEMES UNDER PREPARATION

No of Municipalities	Names of Municipalities	Land Use Scheme Prep	Current Situation
2	1) Nongoma, 2) Mkhambathini	Local Municipalities will be developing Single Land Use Schemes with the <u>assistance of 2019/20 funding from DRDLR</u>	Scheme development is at early stages
9	1)NosazanaDlamini-Zuma, 2)Nqutu, 3) Endumeni, 4) Mthonjaneni, 5) Abaqulusi, 6) Ndwedwe, 7) Umuziwabantu,8) eThekwini, 9) Maphumulo,	Municipalities undertaking Single land use schemes development using their own funding or in-house resources.	Municipalities at various levels of preparation and consultation with bottlenecks experienced in relations to Traditional Authority buy-in and the support of DAFF in adopting a land use scheme over of agricultural land in terms of Act 70 of 1970. Some municipalities have stalled scheme development and intervention is required.



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CURRENT SITUATION IN KZN: SCHEMES CLOSE TO ADOPTION

No of Municipalities	Names of Municipalities	Current Situation
8	UMhlathuze , Mthonjaneni , Endumeni, Inkosi Langalibalele , Alfred Duma, Umuziwabantu , Ray Nkonyeni , Dr. Nkosazane Dlamini Zuma	These municipalities have completed final drafts of their schemes clauses are currently workshopping their schemes with various stakeholders. Adoption is close but hurdles exist with traditional councils and the SALA issue.



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DELINEATION OF AGRICULTURAL LAND ITO SALA - DAFF

- The Department of Agriculture has a mandate for food security, however noting that land is a shared resource with various stakeholders.
- Therefore to balance the use the Department has embarked on a project, which is about delineating or Mapping agricultural land throughout the country to fulfil the mandate of the Department.
- Distinction between agricultural land and non agricultural land.



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DELINEATION OF AGRICULTURAL LAND ITO SALA - DAFF

EVALUATION PRINCIPLES

- The distinction between low and potential agricultural land throughout the country.
- The intention is to release agricultural land to be in cooperated into the Municipal area. It was identified that there is a need for the growth of the municipal in all provinces due to the high population.
- Criteria followed during the assessment:
 - Land capability
 - Crop suitability
 - Protected Agricultural Areas
 - Land uses
 - Relevant, formal plans and decisions taken



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DELINEATION OF AGRICULTURAL LAND ITO SALA - DAFF

PROCESS FLOW

- Interaction process consist of a series of interactions between DAFF, Municipality and the Executive Committee.
- The series occurs in a sequence of actions and reactions until the agricultural edge is drawn based on the need.
- Firstly DAFF liaise with the LM on intent of demarcation process
 - Requesting shape files and / or relevant spatial development data
- DAFF - Conduct initial spatial assessment
 - Municipal land prior 1994, Guide plans /Town files, Gazettes on exclusions, Decisions taken i.t.o SALA committee.



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DELINEATION OF AGRICULTURAL LAND ITO SALA - DAFF

PROCESS OUTCOME

- DAFF - Provide maps and data to LM to identify discrepancies— misalignment/issues of concern based on the outcome of the initial spatial assessment
 - Agricultural edge
 - List of land parcels & erven
- Formal meeting between DAFF, executive committee of the Province as per SALA, LM and PDA to discuss proposals for consensus
- DAFF - Publish Gazette for public comments
 - 30 days commenting period



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PROCESS OUTCOME CONT..

- DAFF - Evaluate and incorporate comments, where applicable
- Final meeting between DAFF, LM and PDA.
- Executive committee and DAFF meeting for recommendation
- Submission submitted to the Minister for sign off to formally Gazette the properties out of the provisions of SALA
- DAFF - Gazette final areas of exclusion for implementation



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DELINEATION OF AGRICULTURAL LAND ITO SALA - DAFF

PROGRESS ON MUNICIPALITIES

Municipality	Progress to date	Municipality	Progress to date
Mandeni Muni	Finalised	Richmond Muni	Finalised
Kwadukuza Muni	Finalised	Umngeni Muni	Finalised
Umswathi Muni	Finalised	Alfred Duma Muni	Partially finalised
Impendle Muni	Finalised	Umhlathuze Muni	Partially finalised
Mpofana Muni	Finalised	Kokstad Muni	Partially finalised
Mkhambathini	Finalised	eThekwini Muni	Done internal demarcation



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NATIONAL SPLUM FORUM

NATIONAL SPLUM FORUM – 14 August 2019

- A recent court case: Greenpoint Ratepayers Association v City of Cape Town, regarding the composition of MPT Members may have significant implications on the implementation of SPLUMA across the country.
- Provinces are encouraged to raise matters (such as above) at the national forum to raise awareness etc.
- The Department of Agriculture, Land Reform and Rural Development has recently commissioned a legal opinion on how the Minister is to deal with the SPLUMA deadline. Further detail to be communicated to provinces in due course.



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NATIONAL SPLUM FORUM

- The Department of Agriculture, Land Reform and Rural Development has recently commissioned a legal opinion on how the Minister is to deal with the SPLUMA deadline. Further detail to be communicated to provinces in due course.
- The Spatial Planning and Land Use Management Chief Directorate is developing a Strategy to engage with Traditional Leaders on SPLUMA and Land Use Schemes. The Chief Directorate to keep provinces posted on the development and finalisation of the strategy.



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THANK YOU

BACK TO BASICS: SERVING OUR COMMUNITIES BETTER

