



cogta

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Co-operative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

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IMPLEMENTATION EVALUATION OF KZN COGTA'S APPROACH TO ROLLOUT PLANNING SCHEMES

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LIST OF ACRONYMS

Acronym	Definition
COGTA	Co-operative Governance and Traditional Affairs
DARD	Department of Agriculture and Rural Development
DRDLR	Department of Rural Development and Land Reform
IDP	Integrated Development Planning
ITB	Ingonyama Trust Board
KZN	Province of KwaZulu-Natal
KZN COGTA	KwaZulu-Natal Co-operative Governance and Traditional Affairs
LUMS	Land Use Management Systems
MSA	Municipal Systems Act
PDA	Planning and Development Act
RSA	Republic of South Africa
SALGA	South African Local Government Association
SAPI	South African Planning Institute
SDF	Spatial Development Framework
SPLUMA	Spatial Planning Land Use Management Act
TPO	Town Planning Ordinance
UKZN	

1. EXECUTIVE SUMMARY

1.1 Introduction

The implementation evaluation of KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (KZN COGTA) approach to rollout planning schemes was undertaken as part of the Departmental Evaluation Plan for 2015/16 -2017/18. Planning schemes are regarded as having an important contribution to make towards ongoing improvements to government service delivery with an aim to promote sustainable development and quality of life. The purpose of the evaluation was to review whether the current approach used by the Department to support the implementation of schemes will achieve the target of 100% scheme coverage by 2020 as required by the current legislation Spatial Planning Land Use Management Act (SPLUMA).

A qualitative approach was undertaken to collect data in evaluating the current approach used by the Department to support the implementation of planning schemes in the Municipalities. Evidence was collected internal and external participants. Internal participants were staff members in COGTA. External participants were the municipalities as beneficiaries of the support and other stakeholders. The sample targeted one municipality per each district, including the metro. Other stakeholders were the Academic institutions: University of KwaZulu-Natal (UKZN), Durban University of Technology (DUT) and sector Departments were the Department of Agriculture and Rural Development (DARD), Department of Rural Development and Land Reform (DRDLR), Department of Human Settlements (DHS), Ingonyama Trust Board (ITB), and SALGA. The stakeholders are participatory partners in the implementation of schemes.

1.2. Background

The Department of Co-operative Governance and Traditional Affairs is mandated by law to amongst others to support Municipalities with the implementation of planning schemes to achieve the 100% coverage target by 2020. The Department has conducted an evaluation study on the approach used to rollout planning schemes in KwaZulu-Natal (KZN). It is envisaged that this study will contribute towards the enhanced implementation of the Spatial Planning Land Use Management Act, Act No. 16 of 2013 (SPLUMA) in the Province.

This report defines how the programme was designed, whether the current approach is effective, relevant and efficient to achieve the desired outcomes. It also outlines suggestions on the alternative approach that can be used to better support the implementation of planning schemes in KZN.

1.3 SUMMARY OF FINDINGS

1.3.1 Is the intervention designed to enhance project achievement?

The desktop review conducted found that internally, Municipal Planning Directorate has planned to achieve its goal through “Well integrated spatial planning system” as per the Strategic Plan document 2015-2020. Operationally through the Annual Performance Plan an indicator “Percentage of total provincial geographic area with Land Use Management schemes and systems” with a target of 50% was set for 2015/2016, incrementing to 100% by 2020.

The analysis found that the developed indicator has combined two related terms which are schemes and systems. The combination of the two key terms was found to be ambiguous, therefore containing threats to the validity of final outcomes to be reported. Over and above strategic planning, the Department put processes in place to support municipalities towards successful implementation by providing them with funding and staff to support municipalities per region.

Department provided its support to the municipalities through drafting of terms of reference, attending meetings, management of Service Providers, monitoring and technical support. The implementation has however been hampered by challenges of: limited capacity to support municipalities with a vacancy rate at 53% as at 31 October 2015; lack of awareness from the ultimate beneficiaries (community and Amakhosi) and non- collaborative approach towards formalizing working relations with other Departments and relevant stakeholders. The Department has not articulated the package of support services to the municipalities, which makes it difficult for municipalities to understand exactly what should they expect from the Department.

The analysis founded that capacity challenge is not due to limited funding but rather due to non-feeling of vacant posts. This is evidenced by the fact that a substantial amount (close to R20 million) has been put aside for the appointment of Service Providers, instead of being utilized to fund vacant posts.

In conclusion, besides appointment of Service Providers, no different method has been implemented to qualify the stretching of targets. Hence the appointment of Service Providers has been viewed as a short term compliance measure towards reaching the targets and not building capacity of the Department and municipalities.

1.3.2 Is the current approach the most effective, relevant and efficient to achieve the desired outcome?

1.3.2.1 Perspective of Municipalities

Relevance of the current approach

The municipalities defined the approach as a legislatively driven intervention to assist the municipalities towards building of wall-to-wall schemes. The current approach was substantially deemed relevant by all participants whereby 64% of the municipalities were assisted by the Departments to start the processes and the remaining 36% managed to initiate the process on their own.

Effectiveness of the current approach

All participating municipalities felt that the current approach used to implement planning schemes is mostly suitable for urban municipalities where there are resources (funding and capacity). The urban relationship was established due to the fact that urban municipalities mostly have internal capacity, therefore requiring minimal support from COGTA. Participation of beneficiaries was viewed to be more satisfactory in the urban areas. Rural and Ingonyama Trust Board land mostly under rural municipalities were found to be having challenges relating to capacity, spatial planning unit within municipalities not well established and usually grant dependent. They noted that a differentiated approach for rural schemes development should be implemented.

Efficiency of the current approach

Eighteen percent (18%) of the municipalities felt that the approach was not efficient, since they either received support very late in in the process or none. Eighty-two percent (82%) received different forms of support but felt there needs to be improvement for the approach to be defined efficient. Improvements in the following areas were mentioned:- funding provided to be adequate, more intense support to be provided, support to be early in the process and quality assurance of deliverables from the Service Providers.

1.3.2.2 Perspective of Stakeholders

Relevance of the current approach

All stakeholders consulted (100%) deemed the support to be highly relevant.

Effectiveness and efficiency of the current approach

The majority (60%) felt that the support is effective but can still be improved to address challenges such as lack of capacity, consultation and understanding in the main. The remaining forty percent (40%) were divided. While some felt that it was early to comment on the approach, others felt the approach is good and headed to the right direction.

In the main, stakeholders viewed planning as a tool to facilitate sustainable development and emphasized that it is for the people, not for the Department or municipality nor the Service Provider to dictate. It was concluded that this should be participatory exercise.

Overall, majority of participants felt that the approach is relevant, however the majority felt that in order for it to be efficient and effectiveness much more is still to be done.

13.3.2.3 Is the approach most suitable or are there other alternative approach?

The issue of lack of capacity became prominent throughout the findings, with a general agreement that the current approach needs to be modified for it to be deemed more effective. Twenty percent (20%) of stakeholders noted that there are alternative approaches that the Department can use to address some of the challenges (e.g. lack of capacity in the municipalities); noting that these alternative approaches can enable municipalities who have no capacity to achieve the target of 100% scheme coverage by 2020. The two alternative approaches are summarized hereunder

- **The first approach:** the Department should establish partnership that is mutually beneficial with universities. The purpose of this partnership will be to build capacity and to engage rigorously in development and implementation of planning schemes in the municipalities.
- **The second approach:** In order to maximize and build capacity, the suggestion was presented for the Department to employ a pool of graduates, to assist the municipalities in all processes of scheme development especially in municipalities where there is no capacity.

Overall Conclusion

Lack of capacity, understanding and awareness has been viewed as a major challenge by all stakeholders. The element of technical support in the development of schemes did not come out strongly in the evaluations conducted for sampled municipalities. It was more indicating to the monitoring; hence the majority felt that the current support is more suitable to municipalities with capacity, therefore concluding to the fact that the support provided can only be deemed effective if certain measurers are put in place and modified.

However, it is important to note that even though the findings have confirmed the lack of capacity. These findings are unsupported since there is no benchmark on how many planners should be available in a particular municipality as per the organogram indicates. In most municipalities the assumption has always been that one planner is suitable to conduct all planning activities especially in smaller municipalities whereas that is not the necessary valid.

Overall, the continual of use of Service Providers is viewed as a strategy to allow for the Departments to inefficiently comply and reach the expected targets, however this does not build the capacity of internal Planners, institutional memory and has the short term benefits.

2. INTRODUCTION

An implementation evaluation of the KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (KZN COGTA) approach to Rollout Planning Schemes was undertaken as part of the Departmental Evaluation Plan for 2015/16 -2017/18. As part of its mandate, the KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (KZN COGTA) supports Municipalities in its endeavours towards achieving the legislated target of 100% planning scheme coverage by 2020. The purpose of the evaluation was to review whether the current approach used by the Department to support the implementation of schemes will achieve the target of 100% scheme coverage by 2020 as required by the current legislation (Spatial Planning Land Use Management Act, SPLUMA).

According to the KwaZulu-Natal Land Use Management System Guidelines for the Preparation of Schemes for Municipalities (2011), a scheme is defined as *“a statutory document which divides a municipality into zones. These zones are then regulated according to:*

- *The use of land and buildings for commercial, industrial, residential and other purposes*
- *The height and bulk of buildings and other structures*
- *The area of a lot which may be occupied, sometimes the size of required open spaces and*
- *Indirectly the density of population.”*

Accordingly, the purpose of a Scheme is *“a tool used by municipalities to guide and manage development according to the vision, strategies and policies of the Integrated Development Plan and Spatial Development Framework, and in the interests of the general public to promote sustainable development and quality of life. The general purpose of a Scheme is to create coordinated, harmonious and sustainable development of a municipal area in such a way that it efficiently promotes health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development.”*

Through an in-depth qualitative evaluation method, data was collected on the current approach used by the Department to support the implementation of planning schemes in the Municipalities. Evidence was collected from various sources including: internal and external participants, where internal participants were staff members in COGTA. External participants were the municipalities as beneficiaries of the support, other professionals (Academic institutions: UKZN and DUT) and other stakeholders. The other stakeholders were the Department of Agriculture (DOA), Department of Rural Development and Land Reform (DRDLR), Department of Human Settlements (DHS), Ingonyama Trust Board (ITB), and SALGA as participatory partners in the implementation of schemes.

In this report we have defined how the Department has planned to achieve its objectives; the voices of the immediate beneficiaries and other stakeholders have been anonymously articulated to; further it provides answers to the key questions asked through findings and makes recommendations on the subject.

3. BACKGROUND

Historically, Schemes in KwaZulu-Natal were generally prepared and approved in terms of the Town Planning Ordinance, Ordinance No. 27 of 1949 (TPO)(as amended), and post-apartheid the Development Facilitation Act, Act No. 67 of 1995 also made provision for the preparation of Schemes.

It is noteworthy that the Natal Town Planning Ordinance of 1949 (as amended) gave effect to town planning conditions in only what was considered “former Natal areas” and “Japie Uys Towns”. The Natal Town Planning Ordinance of 1949 (as amended) was therefore, not applicable in the following areas:-

- Former KwaZulu Towns which were established in terms of Regulation 293 of 1962 and governed by the KwaZulu Land Affairs Act, 1992 (Act No. 11 of 1992) ;
- Towns proclaimed in terms of Section 33 and 35 of the Black Communities Development Act, 1984 (Act No. 4 of 1984);
- Areas that had been released under the South African Development Trust in terms of the Black Laws Amendment Act, 1949;
- Section 30 Towns which were established under the Black Communities Development Act, 1927 (Act No. 38 of 1927); and Ingonyama Trust Land as specified in Government Gazette Notice R232 of 1986).
- Areas within the Umzimkhulu Local Municipality, which historically formed part of the Eastern Cape Province and was hence governed by the Cape Townships Ordinance, 1934 (Ordinance No. 33 of 1934) and the Cape Land Use Ordinance, (Ordinance No. 15 of 1985)
- Areas within the uPhongolo Municipality which historically formed part of the erstwhile Transvaal and hence was governed by the Transvaal Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986)

After the dawn of democracy, the promulgation of the Municipal Systems Act, Act No. 32 of 2000 (MSA) stipulated that each municipality must prepare an Integrated Development Plan (IDP) for their area of jurisdiction. A key component of an IDP is a Spatial Development Framework (SDF), which should include basic guidelines for a Land Use Management System (LUMS) that apply to the whole municipality.

The development of Schemes is aligned to the Kwazulu-Natal Provincial Growth and Development Plan of 2011 to 2030 (PGDP), goal no. 7 – Spatial Equity which is to actively promote spatial concentration and facilitate integrated land management and spatial planning.

Accordingly, the Planning and Development Act, Act No. 6 of 2008 (PDA) came into effect on the 1st May 2010 as per the Government Gazette dated 22 April 2009 thus superseding the TPO. In terms of Chapter 2 4(1), *“A municipality must, within five years from the commencement of this Act adopt a scheme or schemes for its whole area of jurisdiction, unless the responsible Member of the Executive Council has granted an extension of time.”*

As an extension to the above mandate, the Spatial Planning Land Use Management Act, Act No. 16 of 2013 (SPLUMA) requires that in terms of Chapter 5 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 the Act.”* Beyond this, the objective of the Act is to:

- (a) “Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;*
- (b) Ensure that the system of spatial planning and land use management promotes social and economic inclusion;*
- (c) Provide for development principles and norms and standards;*
- (d) Provide for the sustainable and effective use of land;*
- (e) Provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government ; and*
- (f) Redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.”*

4. DEFINING THE APPROACH

The approach used currently by the Department to provide support to the municipalities is determined by different factors, which include:

- i) Municipality category:- The support is prioritised to the municipalities that are defined under the Provincial Growth Development Strategy (PGDS) as well as those that are under the service delivery improvement programme (i.e. Back to Basics and other programmes)
- ii) Needs assessment:- The Department, through its engagements with the municipalities, identifies the level of support required by the each. Depending on the needs, the Department provides different levels of support in a form of light, medium and high. **Light support** is defined as minimal support provided, e.g. Department participating in certain municipal meeting. **Medium support** is whereby the Department has been involved and provided the tangible inputs to the success of a particular project, e.g. assessing various planning documents and assist in the development of the Terms of Reference. **High support** refers to the active and hands-on support provided, the outputs are usually development of planning and related documents and providing financial assistance to the municipalities.

5. PROBLEM STATEMENT

From 1950 – 2009, the then Provincial Department of Local Government, in its various forms, managed to develop town planning schemes for about 5% of the land. Following the implementation of the PDA, the Department of Cooperative Governance and Traditional Affairs (COGTA) managed to extend its implementation by developing 1% more schemes within five years. Even though the previous rates of implementation are indicating slow progress, the Department has stretched its targets from an overall of 6% to 100% coverage by 2020. The current backlog is 94% which must be completed by 2020.

6. PURPOSE OF THE EVALUATION

The evaluation was conducted for the purpose of reviewing whether the current approach used by the Department to support the implementation of schemes will help to achieve the target of 100% coverage by 2020?

7. EVALUATION QUESTION

Is the approach in which the Department implements its support to the Municipalities assisting in speeding up the process of schemes in KwaZulu-Natal?

8. OBJECTIVES AND KEY EVALUATION QUESTIONS

To determine whether the intervention is designed to enhance project achievements

- Is the program logic model targeted at achieving its objectives?

To assess the effectiveness of the current approach used to implement schemes

- Is the approach the most effective, relevant and efficient to achieve the desired outcome?

To assess the most possible approach to achieve 100% scheme coverage by 2020

- What are other alternative approaches that can be used?
- What is the most suitable approach?

9. METHODOLOGY

A qualitative approach was undertaken to collect data on the current approach used by the Department to support the implementation of planning schemes in the Municipalities. The qualitative approach used assisted in collecting in-depth data through use of an interview guide. It created openness and gave the interviewees a platform to share their experiences, therefore enabled drawing of conclusions.

10. SCOPE

The focus of this evaluation was to review the current approach used by the Department to support the Municipalities to rollout planning schemes in KZN. The target population identified for this evaluation were internal and external participants. Internal participants were Spatial Planning Directorate who provided support to the Municipalities and external participants were Municipalities as the beneficiaries of the support provided. The evaluation targeted one municipality per each district, including the metro. It also targeted other stakeholders which were professionals and participatory partners in the field of planning schemes (Academic institutions: UKZN and DUT, Department of Agriculture and Rural Development (DARD), Department of Rural Development and Land Reform (DRDLR), Department of Human Settlements (DHS), Ingonyama Trust Board (ITB), and SALGA).

11. SAMPLING

Purposive sampling was used for the selection of the municipalities; through desktop analysis the evaluation team selected municipalities that are knowledgeable and were supported on planning schemes implementation by the Department. Snowball sampling was used to select other stakeholders whereby interviewees nominated others with the same trait as the next nominees.

12. DATA COLLECTION METHODS

12.1 Desktop review

A qualitative approach used both desktop review and in-depth interviews to collect data. A desktop review used the secondary data from the existing documentary. The information gathered during this phase was used to determine the status quo and understanding the current approach used by the Department.

12.2 In-depth interviews

The evaluation also used in-depth interviews with open-ended questions where primary data was collected from the participants to inform the current evaluation findings and recommendations.

13. LIMITATIONS

The findings largely reflected on capacity issues in the municipalities, however due to outdated information presented as well non-availability of the benchmark information; a fair data analysis and comparison could not be done.

14. FINDINGS

14.1 Is the intervention designed to enhance project achievement?

The Municipal Planning Directorate has according to the KZN COGTA's Strategic Plan 2015-2020 document, defined its goal as "well integrated spatial planning system". In the same document, the strategic objective for the intervention is stipulated as "improved spatial hierarchy of services" which is aimed at improving spatial location of services through SPLUMA and PDA implementation. The planned target as per the 2015/2016 Annual Performance Plan performance indicator ("Percentage of total provincial geographical area with Land Use Management Schemes and systems") is set at 50%, incrementing to 100% by 2020.

The Department has planned to implement SPLUMA and PDA through assisting the municipalities to implement Land use management schemes and systems, where land use management schemes refers to the actual development of planning schemes to achieve the wall-to-wall coverage and systems refers to other plans other than schemes e.g. Spatial Development Frameworks, Spatial Development Plans, etc.

Through desktop and interviews conducted, the analysis found that the Department has loosely combined two related indicators, for schemes and systems. These indicators as stated above are related but different. The combination may ultimately indicate that the Department is progressing towards achieving the expected results at a faster rate, whilst the reality may be opposite.

The combination of indicators has been found to be ambiguous or not specific, therefore violating the principles for indicator development and proper programme monitoring. The logic model has been properly developed and is targeted at achieving the expected results; however because of the combination outcomes to be achieved are threatening the validity of information.

Through interviews the Department described its function in relation to schemes development amongst other things as to strategically plan for implementation by ensuring that there are guidelines, acts and measurement indicators in the Strategic plan and Annual Performance Plan, providing the necessary support, etc. Further to the development of guidelines the Department has an identified role to ensure implementation and legal compliance for municipalities when developing a scheme.

To ensure implementation thereof the Department has put in place some mechanisms. These come in a form of providing funding, centralized support staff and training of municipal officials on SPLUMA. Funding

is provided mainly to assist the municipalities to procure services of the Service Provider in development of schemes. Centralized support is currently provided through the allocated regional Chief Planners located in Pietermaritzburg and Durban offices, to provide support in these regions (Ugu and eThekweni, Umkhanyakude and Zululand, Uthungulu and Ilembe, Amajuba and Umzinyathi, Uthukela and Sisonke, lastly Umgungundlovu).

Support is further supplied through assisting municipalities to draft their terms of reference for the appointment of Service Provider's, attending meetings, management of consultants, monitoring and technical support in the development of schemes.

The ability to provide the support effectively is however hampered by the below mentioned challenges:

Capacity: - The Department views the issue of capacity as a major challenge affecting them as well as the municipalities. As at 31 October 2015, the Spatial Planning Unit vacancy rate is at 53%. The high vacancy rate has been reportedly to be leading to the inability for Department to deliver services adequately. According to the Department, the municipalities are also facing capacity related challenges. High staff turnover at the municipalities results to the lack of continuity and to some processes being halted, both of which have a detrimental effect to the development of the wall to wall schemes. Capacity issues have been attributed to, *inter alia*, the failure by some municipalities to prioritize planning as an integral part of their function, un-attractive salary packages for the Planners and in some cases the non-urban location of the municipalities.

With the capacity issue remaining a challenge, the Department is currently not able to appoint staff, due to posts currently not being filled. They indicated that at some point, posts were advertised but stopped due to moratorium during the time. To enhance achievements under the circumstances, the use of Service Providers has been intensified to enable the Department to achieve the target of 100% by 2020. Over the next three years, starting in 2015/2016 to 2017/2018 the Department has allocated about R20 million for outsourcing of the services.

Travelling: - The Department identified the restrictions put for official kilometres as limiting factor to reaching out to municipalities. However, they usually combine trips to municipalities as a mitigating factor.

Awareness: - The Department highlighted that there is no rigor and formalized method to sensitize the stakeholders, especially Amakhosi on planning issues. The function has mostly been done by the Service Providers. Some gaps in the process have been acknowledged whereby the level consultation was not according to expectation and failure to consult Amakhosi with requisite etiquette. The Department has however been able to ad-hocly intervene where there are challenges.

Collaboration with other Departments: – The Province has Planners within different Departments, with related functions e.g. Human Settlements. The operations are generally in the same space, i.e. working towards achieving development goals of the Province at the municipalities. It was mentioned that even though the relations are generally good amongst the Departments, there are no formalized working relations for Spatial Planning purposes except for Land use management trainings conducted on SPLUMA. Other role players e.g. Department of Agriculture and Rural Development, bilateral engagements between the Ministers were reported to be on-going. The aim of these meetings is to discuss the reviewal of Sub-division Agricultural Land Act 70 of 70, which has been cited as one of the stumbling blocks in achieving the targets.

Despite these challenges, the Department can be commended for its success towards standardization of planning activities (scheme development) through implementation of PDA, the implementation allowed municipalities to have a standardized framework to give guidelines and ensured Provincial uniformity towards development of planning schemes. Not many achievements were however noted within the first five years, since the progression was only at one percent over the years. Even though the Department provided the standardized framework linking to PDA, there are no specific or standardized operational documents outlining internal processes on what municipalities should expect as a prescribed package of support. This may result to different interpretations and non-consistency in the support provided especially since it is delivered through different Planners provincially.

Evaluators Observations

The ground work towards the success of this implementation has been done, by driving the legislative mandate and implementing other strategies. The challenges highlighted are presenting limitations to the expected achievements since the Department is unable to expand its support using internal capacity. Even though the appointment of Service Providers is used as an alternate solution towards achieving the targets this is viewed inefficient, unsustainability and an initiative that will result to internal skills bankruptcy in a long run. The non-effective collaboration of Departments presents the risk of implementation failure and development processes being delayed.

Recommendations

- Indicator – For effective monitoring the indicator needs to be redesigned, to be independent of each other to enable proper measurements.
- Build capacity within the Department, and only appoint specialist skills through the Service Providers where there is no internal capacity.

- Standardize support to different municipalities - The standardization of the support will result to all municipalities to receive more similar support even though they are supported by different Planners.
- Structures for collaboration need to be revived for effective decision making towards achieving the goals.

Conclusion

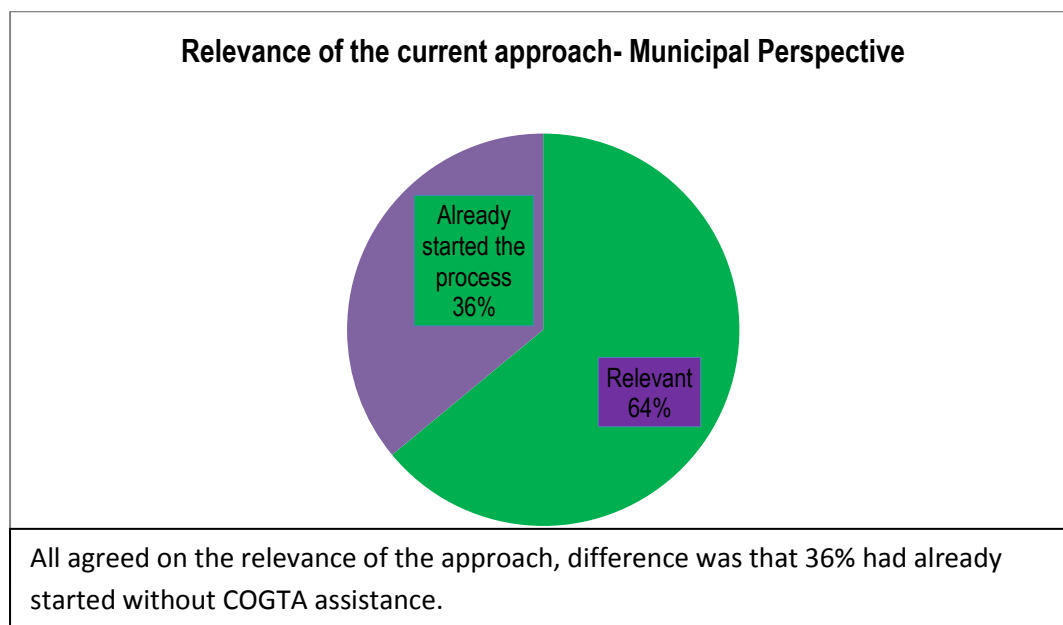
The question assessed how the Department has mobilized internally to delivery on its strategy. In relation to internal resources, the analysis found that the Department has operationally not employed different methods towards achieving the higher targets set to be achieved by 2020 besides outsourcing the services. Amongst the challenges identified capacity has been identified as limiting towards municipal support provision. The findings showed that the capacity shortage is not due to unavailability of funds since there are funds to appoint Service Providers, but it is due to the non-filling posts. Further to this, the combination of two indicators as spelt out, bears a risk to misinform the programme achievements.

Even though the appointment of service providers may drive the Department towards achieving the targets, it is viewed as a short-term compliance measure put in place, without necessarily building and preserving capacity within the Department and municipalities. The measuring indicator combination also makes it unrealistic to appraise the outcomes of this intervention at this point.

14.2 Is the current approach the most effective, relevant and efficient to achieve the desired outcome? – Municipal Perspective

14.2.1 Relevance of the current approach

The current approach according to the views of beneficiaries was defined as an intervention to fulfill the legislative requirement as guided by SPLUMA and PDA. Substantially it was deemed relevant. Sixty four percent (64%) of the sampled municipalities felt that this approach is relevant in the sense that it allowed them to start working towards developing planning schemes in their municipalities. They described the support as delivered through funding, provision of assistance in the development of terms of reference, appointment of service providers and COGTA team attending project steering committee meetings. The remaining 36% felt that whilst they agree on the relevance of the support, they initiated the process without the assistance from the Department.



14.2.2 Effectiveness of the current approach

The development of planning schemes generally involves intense stakeholder engagements and agreements in the process. Depending on the targeted beneficiary, in urban areas – involvement of rate payers, business owners in the area is of importance, whereas in rural areas, Amakhosi and the community at large should be involved.

The municipalities assessed defined the process of consultation and public participation as key to success of the scheme adoption, citing the fact as SPLUMA specifies that “...public participation process must be undertaken to ensure that all affected parties have an opportunity to make representations on, object to and appeal the decision” on developed schemes.

100% of municipalities agreed that the kind of support provided by the Department on schemes development is currently designed to suit mostly urban scheme development, on condition that municipality is not completely dependent to the Department for funding and other resources are available. Success in the urban scheme development has been attributed to the reasons as specified below:

- **Capacity within the municipalities** – The indication was that urban municipalities mostly have staff and funding within their municipalities to ensure development of schemes. The demand for hands on support from the Department is limited and only are required on ad-hoc basis when there are specific interventions to be dealt with, mainly involving other Departments (e.g. Department of Agriculture and Amakhosi, etc.).
- **Participation of stakeholders** – The rate payers, individuals, business owners and ward committees were described as mostly interested and participative in municipal planning process. Therefore, creating the demand for planning and encourages buy-in generally.

In areas where the municipality is not the sole custodian of the land, the opposite is experienced. These are Ingonyama Trust Board land governed by Amakhosi as well as land categorized under Subdivision of Agricultural Land Act 70 of 1970.

The rural scheme development has been found to be experiencing different challenges. Even though 100% of municipalities have agreed that support provided by COGTA is mostly suitable for the urban scheme development, they are also in agreement that the approach used by COGTA should be tailor-made to fit the rural scheme development. Noting that in-order for the approach to be applicable in rural scheme development certain elements of the approach should to be modified to fit rural setting.

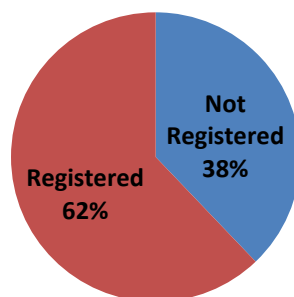
The challenges experienced by municipalities who are mostly expected to implement schemes in rural areas were identified as follows: -

- a) **Lack of capacity** - 64% of municipalities felt that they are not well capacitated in terms of staff members and some are not Registered Planners. Further, the municipalities have identified causes to this effect as;
- Planning Units in the municipalities are not well established, either they are managed by non-planning personnel or planning activities are not budgeted for because they are not priorities within the municipalities which results in posts not being filled. Their view was that spatial planning should not be viewed separately from service delivery but should be used as a tool towards achieving sustainable development.
 - Not enough funding – This limits the municipalities from attracting suitably qualified candidates to do the job. They are only able to attract junior planners who also do not stay long in the positions.

In order to mitigate the above mentioned challenges the Department has resorted to use of Service Providers and Shared Services concept. The shared services approach according to the previous evaluation conducted in 2012/2013 has been found to be having challenges, whereby the smaller rural municipalities were not receiving similar attention as the urban municipalities.

The graph below shows the total number of available Planners in the municipalities as at April 2013. In terms of numbers a total of 140 Planners were appointed in different localities within the Province, with the exception of Emadlangeni and Mandeni local municipalities, where there was no Planner. It further shows percentage of registered with the South African SACPLAN at different levels (Professional, Candidate and Technical Planner) vs those who are not registered with the Association. It is important to note that from the registered 40% of the 62% are Professional Planners. This graph does not however compare the available resources to the norm or expected (as per the approved organogram), since that information is not yet available.

Registration Status KZN Planners - April 2013



Total number of Planners : 140

b) Lack of Understanding – 64% of municipalities have identified the lack of understanding and buy-in in the implementation of rural planning schemes. Municipalities cited that most of Amakhosi are unable to visualize the benefits of planning schemes but view it as a threat with no benefits to them except for the municipalities who will generate revenue through rates collection from the communities. Some Amakhosi were cited pointing out to the fact that they have been doing planning on own for a long time, therefore see no need for the municipality to intervene.

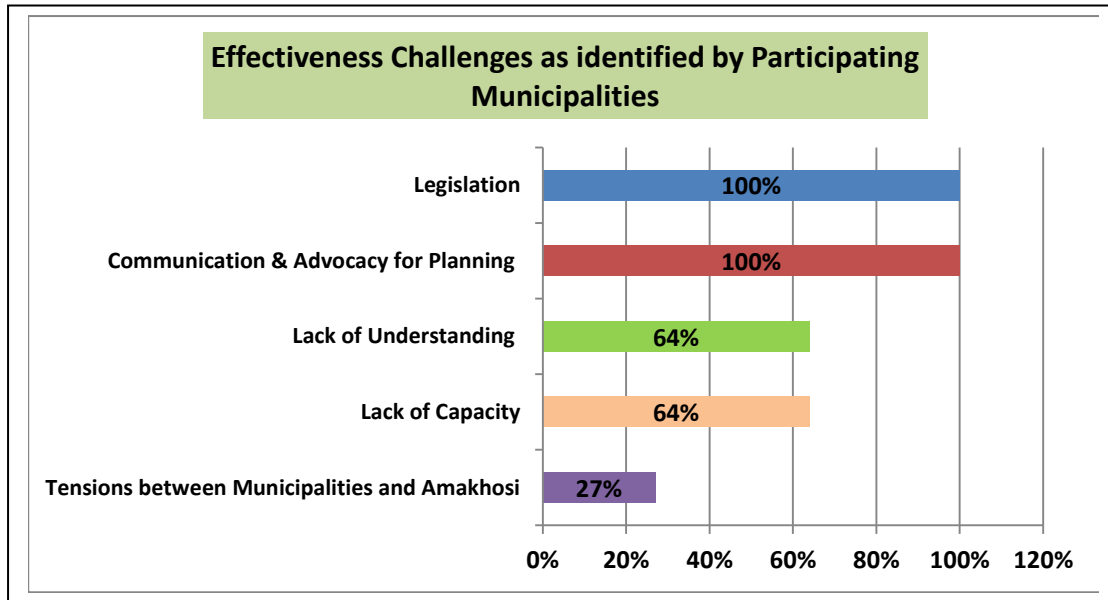
c) Communication and Advocacy for Planning – The lack of understanding has been largely attributed to the lack of communication and advocating for planning. In its attempt to raise awareness the Department has incorporated this function as part of schemes development through the Service Providers. The municipalities felt the experience and the approach used by the Service Provider in conducting this function determined the outcomes of engagements. They further cited that only a few Service Providers were able to communicate properly with Amakhosi for buy-in.

In raising the awareness, some municipalities (about 18%) have gone a step further and appointed Amakhosi as serving members in their council meetings. This has been found to be working in a sense that the processes for scheme development were not objected. The municipalities have however expressed concerns on the minimal level of participation of Amakhosi in these meetings. They noted that they were not sure whether the non-objection from Amakhosi was related to lack of understanding or not.

d) Tensions between municipalities and Amakhosi: 27% of municipalities indicated that their delays were due to the tensions amongst the parties. These were reported to the Department in an effort to resolve them, however not much progress has been done.

e) **Legislation** – Whilst all municipalities understand the “good” intentions the Subdivision of Agricultural Land Act 70 of 1970, they felt it is one of the obstacles that is a cause for delay in the process of schemes implementation.

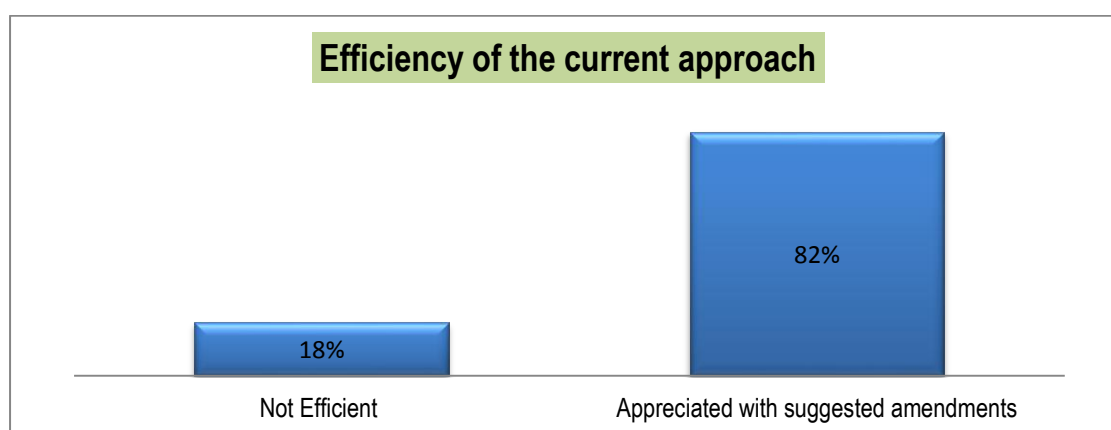
The graph below gives a summary on challenges identified by participating municipalities



14.2.3 Efficiency of the current approach

Municipalities described the approach used by the Department as legislatively driven, with an understanding that targets should be met. They specified the need to start the development of wall-to-wall schemes as triggered by implementation of PDA and later SPLUMA.

The graph below represents the views of the municipalities on the efficiency of the current approach



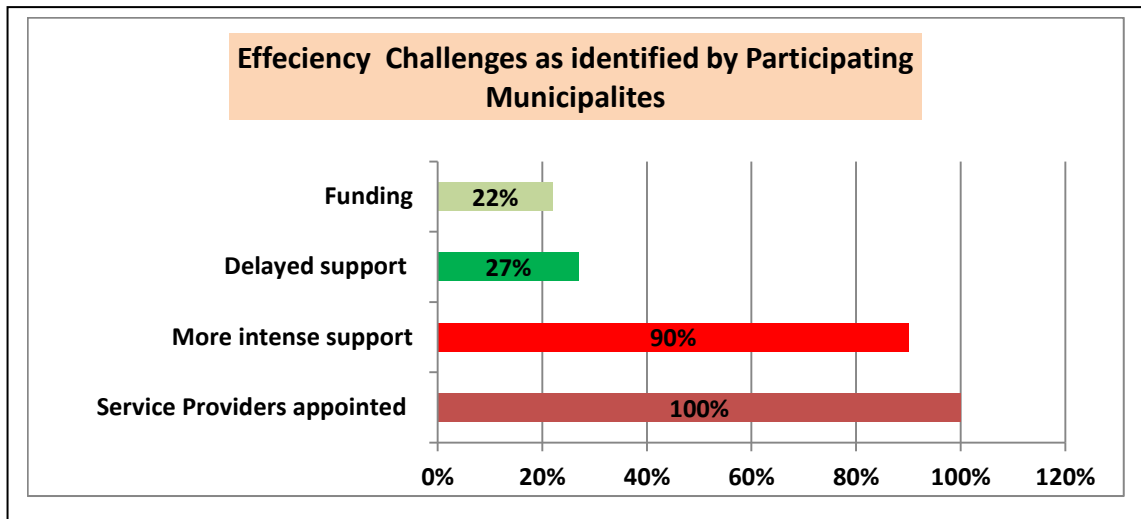
According to the findings 18% of municipalities mentioned that there was no support received from the Department, and concluding to the approach not being efficient, further mentioning that the approach will not work where there are no internal resources (capacity and finance).

Eighty two percent (82%) of the municipalities felt that whilst the support is appreciated, more can still be done to meet the demand on the ground. They related their areas of concern to the following:

- **Funding** - 22% of the municipalities mentioned that funding provided was not sufficient to support full implementation of planning schemes, indicating that “partially assisting municipalities will not assist the Province to achieve the target”.
- **More intense support** – 90% of the sampled municipalities felt that an understanding that COGTA has in relation to lack of capacity in the municipalities, should grant the Department permission to not limit its support to monitoring role in order to realize this goal. One participant was cited saying “more people are required on the ground”. About 10% of participating municipalities felt that there has been a notable shift from monitoring to hands-on, whereby the team was involved in data collection.
- **Delayed support** – This was identified by about 27% of the municipalities citing that even though there are open and direct lines of communication with the District support staff, it sometimes takes longer to get support or comments. 33% of the 27% recommended that the use of regional offices could encourage more support and collaboration between the Department and the municipalities.

- **Service Providers appointed** - The municipalities have noted that whilst they are getting assistance from the Service Providers since there is not enough specialist capacity within the municipalities. They expressed concerns on the sustainability of these services since the Department has limited funding and also that there is no proper quality assurance in delivering of certain aspects of the deliverables (training).

The graph below shows the summary of challenges related to the efficiency as identified by participating Municipalities.



14.2.4 Evaluators Observation

Through findings it became apparent that most challenges are with rural schemes development. Further to this there is no differentiated support that is tailored for the struggling municipalities. The Department has allocated staff per region, however findings indicated that there is no standardised method for delivery of the same service in different regions hence hands-on support was provided in a fewer municipalities. Therefore, there is a need for the Department to redefine its role to the municipalities and standardise its support. Most municipalities are solely depended on Service Providers to deliver on schemes, which raise concerns on the sustainability of these services. Overall the findings suggested that the attempt for COGTA to support municipalities is appreciated, however there are certain elements needing attention in order for it to be deemed effective and efficient.

14.2.5 Recommendations from the municipalities

- The analysis shows that there is an urgent need for the Department to internalize the process of training Amakhosi and not leave it to ad-hoc and Service Providers to conduct it. This could be done by :
 - Developing a standardized curriculum and be included in the Amakhosi training programme in University of KwaZulu-Natal and or
 - Workshop for Amakhosi per district using the same curriculum
 - Identify an advocate for planning within each ward to work together with Amakhosi
 - Develop simplified pamphlets for Amakhosi and its stakeholders.
 - Redesign COGTA's approach to be more intense at rural municipalities.
- To address the capacity issue and staff turn-over – A suggestion to standardize the salaries to match those at the equivalent municipalities in urban areas with an addition of a rural allowance could attract Planners to stay in rural municipalities.
- The Department to re-look at the sustainability of using service providers, versus appointment of permanent staff in the municipalities.
- The Department should ensure that a differentiated approach is implemented to improve planning in rural areas.
- Municipalities recommended that COGTA should be more out providing support to municipalities rather than monitoring (asking for information).
- In relation to staff turnover, COGTA to provide on-the-job trainings on the guidelines in cases where there are new recruits.
- They have recommended that since scheme adoption is one thing for compliance but enforcement as a challenge especially in township areas. They felt that there is a need for the Department to assist with appointment of law-enforcement teams to assist municipalities.
- The Department needs to ensure that posts within the organogram are filled, and to ensure that planning posts are planned for where there is no organogram.

14.2.6 Conclusion

A large number of municipalities felt that the approach used by COGTA is relevant since it responds to the legislation. There were however debates regarding the efficiency and effectiveness of the approach, where most municipalities felt much still needs to be improved on certain aspects of the approach in order for the Department to make planning work. Lack of capacity in the municipalities, lack of funding as well as lack of understanding amongst stakeholders proved to be the most eminent challenges. Participants further articulated to the fact that the approach is mostly suiting for the municipalities with capacity and resources, and have identified a gap in understanding amongst urban and rural stakeholders. This gap has been referred to as leading factor to non-achievements. The use of Service Providers has assisted the Province to mitigate the capacity issue even though sustainability cannot be confirmed.

The municipalities concluded on this matter through indicating that, there is a high chance for the Department to meet the targets provided that the challenges highlighted especially for the rural planning are addressed. Further, concluding with a suggestion that achievements on targets should not be the end, further steps to enforce the law will serve as an assurance towards making planning work.

14.3 Is the current approach the most effective, relevant and efficient to achieve the desired outcome? – Stakeholders Perspective

14.3.1 Relevance of the current approach

Municipal Planning at the local government level requires all relevant stakeholders to participate for the development and implementation of planning schemes in municipalities to become a success. All stakeholders should co-operate and work together, as municipalities cannot achieve the desired results on their own.

One hundred percent (100%) of Stakeholders interviewed indicated that the current approach is highly relevant and greatly appreciated by the Municipalities.

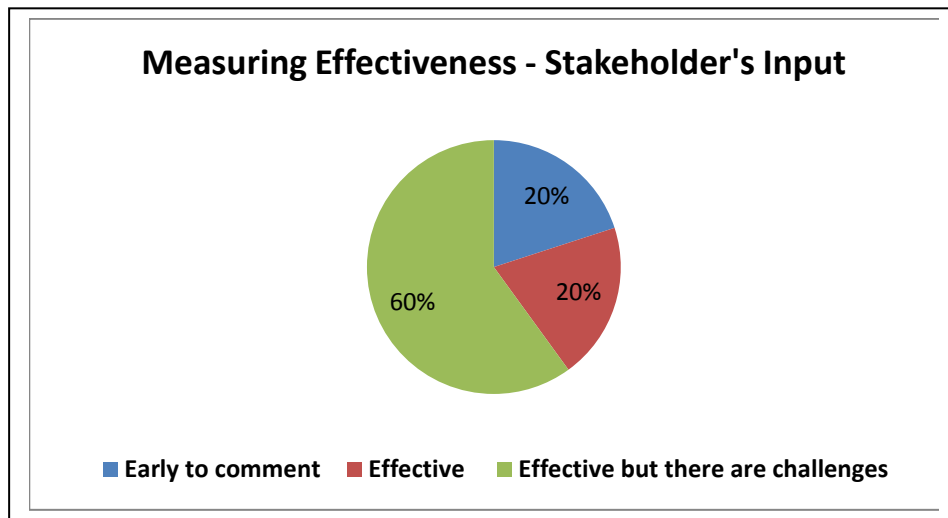
14.3.2 Effectiveness of the current approach

The function of the Department is viewed by stakeholders as that of working with other Departments and stakeholders to achieve the legislated objectives. As an overall support to the success of implementation, the Department should provide technical assistance to dysfunctional municipalities. Moreover, the Department must ensure that all relevant stakeholders are engaged for effective implementation and necessary success factors and systems are in place.

About sixty percent (60%) of stakeholders felt that institutional arrangement is the key to the success towards achieving the results. This was related the effect that the Department should create structures and a conducive environment that allows for knowledge sharing, whereby municipalities are encouraged to learn from each other as well from other stakeholders. These structures to involve different stakeholders will assist the Department to be more relevant and encourage communication and learning from one another.

About 20% of stakeholders felt that it is still early for them to comment on the approach used by the Department. Noting that implementation of SPLUMA is still at its infancy stages. They believed that their comments were going to be more effective if the evaluation was going to be conducted in 2016 in order to give the municipalities some time to implement SPLUMA. Having noted that, they felt that it should be understood that implementing this should not be viewed as an event, but rather be viewed as a tool towards sustainable development in a way that it facilitates an opportunity for development, therefore serving as an enabler for economic growth. They also mentioned that the Province is faced with different challenges (as mentioned below) which should be taken forward in order to implement SPLUMA effectively. Another 20%

felt that the approach used is most suitable and the remaining 60% felt that it is suitable but there are challenges.



SPLUMA became effective in July 2015. Currently the Department is implementing both the PDA and SPLUMA, and there is no indication to the municipalities thus far on whether PDA is to be repealed by SPLUMA. Even though the two Acts are not very different from one another, with each having its advantages and disadvantages, the distinct is on scheme approval, where in the PDA it is done by Council (elected politicians in the municipality and municipal staff) and SPLUMA approval is done by the Municipal Tribunal Council which includes other appointed stakeholders with different specialties e.g. Engineers, Environmentalist, etc.

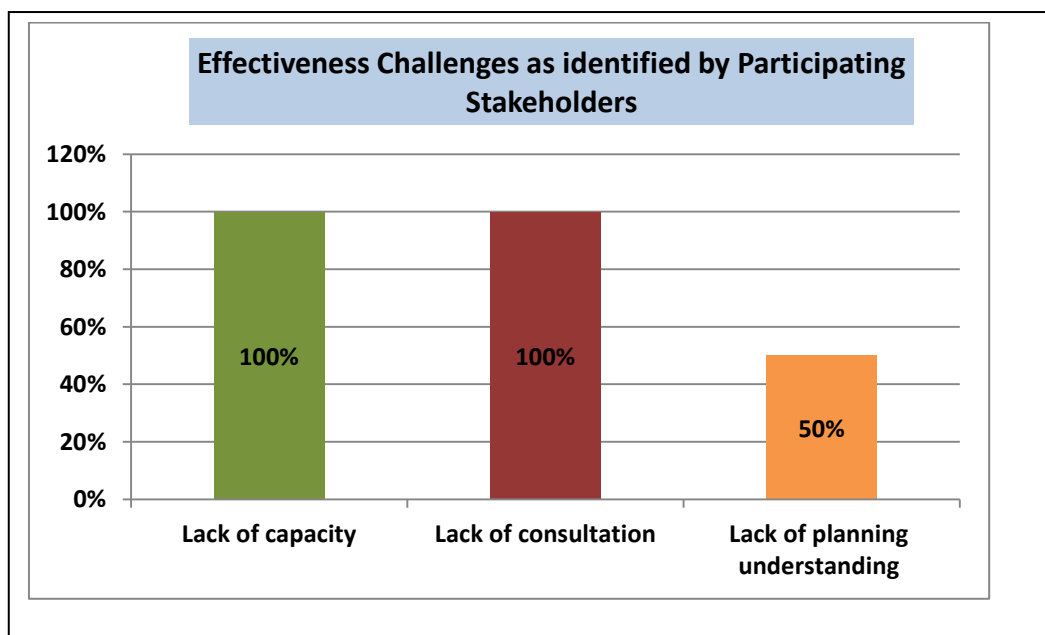
About forty three percent (43%) of the stakeholders acknowledged the fact that planning and development is the responsibility if the municipalities which are governed by political heads. They however felt that there is generally level of interference from the Politicians where the technical reasoning of Planners is undermined because of political decisions.

Through findings the following challenges emerged, cited as the determinants of success if they can be resolved:

- **Lack of capacity-** All stakeholders indicated that capacity is the biggest challenge in the municipalities, especially in rural areas where municipalities fail to attract professional planners, and there is a high staff turnover. All stakeholders agreed that the introduction of wall-to-wall schemes is a good concept and its effectiveness is dependent on the availability of capacity within the municipalities. Stakeholders further highlighted that readiness assessment should be done in the municipalities to assess capacity and whether other resources are available to allow for the

achievement of targets. This assessment should indicate *inter alia* the status for each municipality towards the development of by-laws as they are a legislated requirement for effective implementation of SPLUMA.

- **Lack of consultation** – The findings indicated that there is a lack of consultation from the municipalities. All stakeholders viewed the lack as caused by a top-down approach implemented whereby community and Amakhosi are not properly engaged, leading to resistance towards planning schemes implementation. They highlighted that the importance of participation cannot be over-emphasized in this process. One cited saying “planning is about people not places and spaces, people change spaces into places”. Therefore participatory involvement is important.
- **Lack of planning understanding** - Fifty percent (50%) of stakeholders indicated that municipality’s leadership should take planning schemes as a priority; and must take ownership in order to realize effectiveness. The stakeholders felt that the Department should take a step further to inform the management at municipal level of its intent towards achieving the wall-to-wall scheme development. In its engagements it should highlight the package of services to be expected by the municipalities.



14.3.3 Efficiency of the current approach

According to the Medium Term Expenditure Framework (MTEF) documentation the Department planned to address the situation of lack of capacity by appointing Service Providers. This aspect has been identified by 20% of stakeholders as contributing to the problems faced by municipalities. They cited that Service Providers come and leave whilst the “community needs to know who is the Planner to go to if there is some information needed”. Others felt that the use of Service Provides serves a short term solution to the development of schemes.

Fifty percent (50%) of stakeholders believed that achievements will not be realised where there is no capacity by 2020. The remaining 50% indicated that municipalities can achieve the target of 100% by 2020 if they can get assistance from other relevant stakeholders (academic institutions and sector departments / entities).

14.3.4 Evaluator’s observation

Overall, stakeholders are in support of the Department’s initiative to support the implementation of schemes. They picked up that since the introduction of SPLUMA there has been no directive to guide on its implementation versus the previously implemented PDA. In the main most stakeholders do not know what should be done with PDA. The debates raised by municipalities on Act 70 of 70 restrictions, were found to be unnecessary by the stakeholders, who noted that “after all the developments, people need to be provided with food”. Municipalities are faced with challenges that need some urgent attention for the implementation to be effective.

14.3.5 Recommendations from the stakeholders

- There needs to be a directive from the Department to inform implementers on whether to continue with PDA or SPLUMA.
- Readiness assessment needs to be conducted to gauge the level so that relevant resources are employed effectively and future planning be based on the needs.
- To Department to prioritize the development of by-laws in each municipality for enforcement purposes.
- Progress should be tracked continuously and results be shared with relevant role-players at least once a year.
- A forum with other sector department should be established to improve communication and address implementation challenges.

- An opportunity for the Department of Agriculture and municipalities should be allowed, for them to understand the roles and objectives of Act 70 of 70 even though it is currently under review.
- Participatory methods to involve the youth and women should be introduced for proper consultation with involved stakeholders.
- In relation to rates payment - the Department should consider subsidizing the rural and needy communities for the successful implementation of schemes. An example of France was cited whereby in 1960's, the country invested a lot in developing rural areas therefore encouraged economic growth in those areas.
- The Department to establish partnerships with academic institutions for sharing of resources and knowledge.

14.3.6. Conclusion

All stakeholders (100%) believed that the current approach is relevant and most municipalities are going to benefit from the implementation of schemes. Sixty percent felt that the support can still be improved to address challenges such as lack of capacity, consultation and understanding in the main. The remaining 40% divided into two felt that it was early to comment on the approach and others felt the approach is good and headed to the right direction.

In the main, stakeholders viewed planning as a tool to facilitate sustainable development and emphasized that it is for the people, not for the Department or municipality nor the Service Provider to dictate. It was concluded that this should be participatory exercise.

15. Is the approach most suitable or are there other alternative approach?

The issue of lack of capacity became prominent throughout the findings, with a general agreement that the current approach needs to be modified for it to be deemed effective and efficient. Twenty percent (20%) of stakeholders noted that there are alternative approaches that the Department can use to address some of the challenges (e.g. lack of capacity in the municipalities); noting that these alternative approaches can enable municipalities who have no capacity to achieve the target of 100% scheme coverage by 2020.

- **The first approach:** the Department should establish partnership that is mutually beneficial with universities. The purpose of this partnership will be to build capacity and to engage rigorously in development and implementation of planning schemes in the municipalities. The University of KwaZulu-Natal will assign a number of Master's students with a Planning related undergraduate qualification in the municipalities depending on their needs. They will be supervised by the university together with the Department in order to develop in house capacity since the university has resources and capacity to assist the municipalities.
- **The second approach:** In order to maximize and build capacity, the suggestion was presented for the Department to employ a pool of graduates, to assist the municipalities in all processes of scheme development especially in municipalities where there is limited capacity.

16. Overall Conclusion

The findings suggest that the approach to support municipalities on scheme development is certainly relevant, since it is driven by the legislated directive from the Province as well as National. To some degree other municipalities were found to have initiated the process prior to receiving the support from the Department. The Department was found to have planned and developed indicators to measure the progress, however an outcome indicator developed (i.e. Percentage of total provincial geographical area with land use management schemes and systems) was found to be ambiguous, meaning measuring two related indicators, which may ultimately provide skewed results.

Debates on effectiveness and efficiency were found amongst the municipalities as well as the stakeholders. The majority of the municipal participants felt that the approach could be more effective if certain challenges are addressed. Common challenges towards implementation of planning schemes were raised by the municipalities as well as stakeholders, these were identified as major issues that could lead to ineffective implementation of planning schemes i.e. Department's and municipality's lack of capacity, lack of consultation especially in rural areas, lack of understanding from the communities.

Issues on efficiency were raised largely by the municipalities as the first recipients of support services. The feeling was that, support provided is appreciated but also the Department needs to improve on certain aspects in order for it to be appropriately deemed efficient. Issues identified were funding not adequate, support to be more intense, support delivered within acceptable timeframes, sustainability of service Providers versus internal capacity building.

The conditions raised by the municipalities supported by stakeholder for the effectiveness and efficiency of the approach, has led to a conclusive decision to note that whilst the approach is relevant, it is not effective and efficiency. The Department still has to put processes in place in order to improve.

17. REFERENCES

D.M. Briginshaw; M. Kahn; C.A.C. Ferguson (2011). KwaZulu-Natal Land Use Management System Guidelines for the Preparation of Schemes for Municipalities. KZN COGTA

KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (2015), Annual Performance Plan 2015/2016. KZN COGTA

KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (2015), 2015-2020 Five-Year Strategic Plan. KZN COGTA

KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (2013), Assessing the Impact of the Development Planning Shared Services (DPSS). KZN COGTA

Government Gazette (2008), Kwazulu-Natal Planning and Development Act, RSA Government

Government Gazette (2013), Spatial Planning and Land Use Management Act, RSA Government