CITY PLANNING OPERATION
LAND USE MANAGEMENT

City of Ekurhuleni

a partnership that works

Key Issues

- ± *AUTHORITY, ROLE AND RESPONSIBILITY*
- ± *RECAP ON SPLUMA*
- ± *PROGRESS TO DATE*
- ± *ACTIONS TO BE UNDERTAKEN*
- ± *CONCLUSION*

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ABOUT CITY PLANNING

City Planning Division is responsible for:

- SPLUMA implementation
- Land Use Management
- Regularisation of Townships (pdt)
- Human Settlements Development Applications
- Service Delivery
- Legal Administration (sect 82, 101 etc.)
- Law Enforcement

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AUTHORITY

:-Constitution

Applicable legislation:

- ORDINANCE
- SPLUMA
- Land Use Scheme (ETOPS)
- MSDF and
- Other applicable pieces of legislation from both national and provincial sphere

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BACKGROUND- SPLUMA RECAP

- The Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) was assented by the President on 2 August 2013 and Gazetted on 5 August 2013. The President has, on the 27 May 2015, pronounced 1 July 2015 as the commencement date for SPLUMA. SPLUMA is now law.
- The Final SPLUMA Regulations were published in terms of section 54 (1) and 54 (2)(b) of SPLUMA on the 23 March 2015.
- It should be noted that the Regulations as published deals with Chapter 6 of SPLUMA only.

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SPLUMA Fundamental Changes

The enactment of SPLUMA has brought 7(seven) fundamental changes in spatial planning and land use management. These changes are the-

- ☑ Reiteration of the sole mandate of municipalities where municipal planning (land development, land use management) is concerned, placing municipalities as authorities of first instance invalidating inconsistent parallel mechanisms, parallel systems, measures or institution that existed dealing with land development application;
- ☑ Establishment and composition of Municipal Planning Tribunals and Appeals structures by municipalities to determine and decide on land development applications. Also providing municipalities with options for Tribunals and appeals structures to be created based on capacity.
- ☑ Development of a single and inclusive land use scheme for the entire municipality with special emphasis on municipal differentiated approach including areas under traditional leadership.
- ☑ Development of respective SDFs by all three spheres of government, norms and standards guided by development principles.
- ☑ Development of Regional Spatial Development Framework as may be required;
- ☑ Strengthened intergovernmental support through enforcement, compliance and monitoring processes
- ☑ Alignment of authorisations processes where necessary on policies and legislation impacting land development applications and decision making processes.

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Re-Engineering Municipal Planning

In order for the Municipalities to implement the provision of SPLUMA and be able to deal with the above mentioned changes the Municipality is required to:-

- ☑ Choose the form of Tribunal structure by either establishing the Municipal Planning Tribunal within the municipal structure or become part of a Joint Municipal Planning Tribunal with other municipalities in order to increase and strengthen capacity.
- ☑ Determine the Appeals Structure appropriate for the municipality, it could be the executive authority of the municipality or any external body /institution as may be authorised by the municipality as per Section 51 (6) or person delegated in terms of Section 56 of SPLUMA
- ☑ Categorise land development applications: those to be dealt by the Municipal Planning Tribunal and those to be referred to the authorised official (authorised official has equal powers and functions as per Section 35 of SPLUMA)
- ☑ Review of delegations including the withdrawal of existing delegations and promulgation of new delegations.

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Re-Engineering Municipal Planning: (*Continued)*

- ☑ Review tariffs associated with land use management and land development processes.
- ☑ Review of existing capacity both human and financial capacity (budget review to cover the appointment of complimentary staff with necessary qualification and expertise, running cost of the Tribunal, Publications of notices, including Government Gazettes).
- ☑ Manage the appointment of Tribunal Members.
- ☑ Set up an appropriate Land Use Management System (LUMS) taking cognisance of associated development pressures and ensuring that each LUMS component will be able to function effectively.

SPLUMA ACTIONS

- On the 26 November 2015, the Municipal Council, approved the SPLUMA implementation report. The resolution included the establishment of Ekurhuleni Municipal Planning Tribunal (EMPT) IN TERMS OF Sect 35 of SPLUMA and Ekurhuleni Municipal Appeals Authority (EMAA) in terms of section 56 of SPLUMA .
- On the 18 December 2015, the call for nomination interested persons to serve on the EMPT and EMAA was done. The closing date was the 22 January 2016.
- The EMPT will constitute of municipal officials, a provincial official independent expect the members of the Non-Government Organisation (NGO). EMAA will comprise of nominated Councillors, provincial official and independent expect.
- A report to council to appoint the EMPT and EMAA is to serve in March Council sitting -targeting April 2016.
- The draft By-Law is also planned to serve in March Council Meeting, in order to start with the public participation process.

PROGRESS TO DATE

- Part of the SPLUMA Report as approved by Council, dealt with categorisation of development applications and delegations for the EMPT, Authorised officials and EMMA.
- Authorised Officials (incl. area managers) - all development applications with no objections
- EMPT –all development applications with objections and those slightly deviating from the SDF.
- EMAA- with all appeals matters

TRANSITIONAL MEASURES

- The municipality is partially implementing SPLUMA:- SDF has been approved, system of delegations are in place. However no decision making bodies in accordance with SPLUMA are in place and no By-laws.
- all land development applications submitted prior 1 July 2015 are processed as submitted and considered in terms of the old order legislation as used.
- All land development applications with objections submitted 1 July 2015 are on hold pending the appointment of EMPT Members by Council. Same goes to appeals received (option of sec62 of MSA follows same procedure)

TRANSITIONAL MEASURES

- After the announcement of the 1 July 2015 by the President, the Province indicated that they will finalise all applications pending to them. However, after number of court judgement received on municipal planning (latest on PDA), it was then communicated that all appeals submitted post 1 July 2015 will be decided upon by municipalities. As a result the municipality has few appeals that are waiting the establishment of the appeals body.
- 68 development applications are to be forwarded to the municipality by the province.

TRANSITIONAL MEASURES

- In considering and deciding on land development applications submitted post 1 July – Authorised official add….. “read with SPLUMA”. This is done to recognised that should any one wants to challenge the decision, the authority is given in terms of SPLUMA.
- The above will be done until such time the By-law is approved, then all development applications will be submitted in terms of the By-law.

ACTION TO BE UNDERTAKEN 2015/16

- Publication of the members of the EMPT
- Training of EMAA and EMPT members
- Participation of the By-laws to stakeholders
- Adoption of By-law (June)
- Training of all officials and Councillors on SPLUMA
- Conducting a Land Use Survey for the entire EMM
- Educational and Awareness campaign on land use management, Building control activities:- Operation Lungisa and enforcement

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THANK YOU

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