



**DEPARTMENT OF LOCAL
GOVERNMENT AND TRADITIONAL
AFFAIRS**

INFORMATION DOCUMENT:

**ASSESSMENT OF *IN-SITU*
HOUSING PROJECTS ON
INGONYAMA TRUST LAND**

JULY 2004

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GUIDELINE DOCUMENT FOR THE ASSESSMENT OF HOUSING PROJECTS ON INGONYAMA TRUST LAND

SECTION A: BACKGROUND

The National Department of Housing developed guidelines for housing in rural areas. In addition to the Department of Housing's requirements the Department of Local Government and Traditional Affairs has prepared a guideline document for the assessment of *in-situ* housing projects on Ingonyama Trust land since it is required to give planning consent for rural housing projects on Ingonyama Trust Land. The Chief Directorate Development Planning is *inter alia*, responsible for the promotion of orderly development of land in urban and rural areas in the Province and the Chief Directorate Traditional Land Administration is responsible for the management of land tenure processes in traditional authority areas in the Province. It is these responsibilities that have mandated the **Department of Local Government and Traditional Affairs** to assess rural housing projects.

With this mandate in mind, a workshop was held on 15 March 2004 between representatives from the **Department of Local Government and Traditional Affairs** and Department of Housing where it was agreed that the most suitable way of assessing these projects is by way of a technical assessment committee, similar to the process provided by the Development Facilitation Act (the Development Tribunal). It was also resolved that it would be useful to prepare an information document for municipalities, implementing agents and the Department of Housing setting out the planning application process as well as the documentation that would be required in order to assess rural housing projects (insofar as planning consent is concerned). This document is a result of numerous workshops with various role-players, including implementing agents. All municipalities and implementing agents are requested to meet the terms and conditions contained in this guideline document.

It must be noted however, that when a municipality applies for a greenfield development, that municipality shall be required to apply in terms of Chapter 6 of the Development Facilitation Act (Act No 67 of 1995).

SECTION B: APPLICATION PROCESS

During the rural housing application process, the implementing agent is required to submit the 'pack of information' as required by **the Department of Local Government and Traditional Affairs**, to the Department of Housing in order to obtain planning consent.

The Department of Housing will then forward the 'pack of information' to:

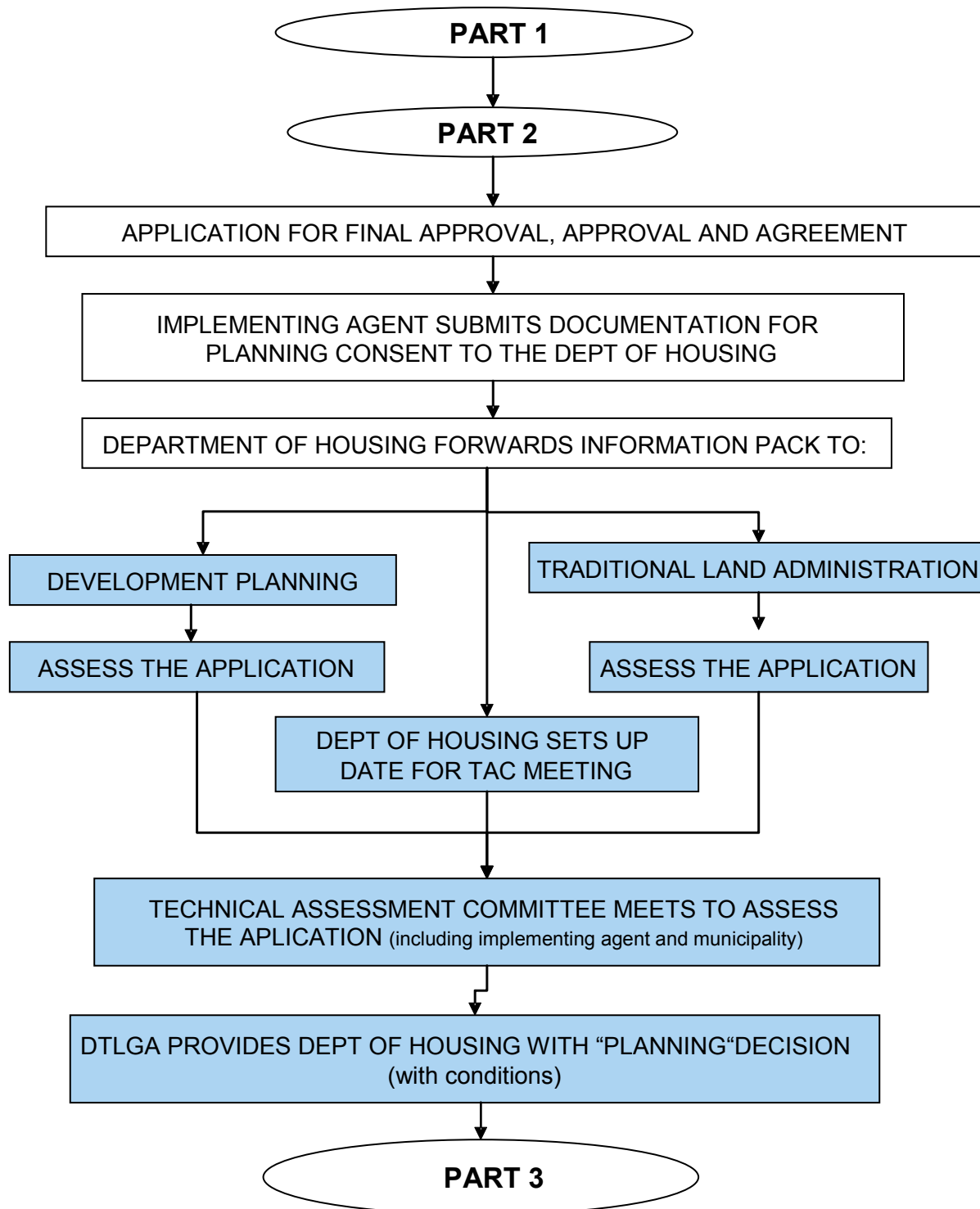
- Development Planning (LGTA)
- Traditional Land Administration (LGTA) and;
- will simultaneously schedule a date for the Technical Advisory Committee (TAC) to meet

LGTA will make a decision with technical assistance from the TAC.

After the **assessment** the **Department of Local Government and Traditional Affairs** will provide the Department of Housing with a '**planning**' decision (with conditions attached). The Department of Housing will then proceed with the application upon gaining this decision.

The 'flow diagram' on the following page clearly sets out the application process required in order to obtain 'planning consent'.

PLANNING CONSENT FOR RURAL HOUSING PROJECTS ON INGONYAMA TRUST LAND



SECTION C: DOCUMENTS REQUIRED BY THE DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS IN ORDER TO ASSESS RURAL HOUSING PROJECTS ON INGONYAMA TRUST LAND

The Department Local Government and Traditional Affairs require the following documents, reports and plans in order to reach a 'planning' decision:

DOCUMENTS	
1.	Explanatory memorandum
2.	Land availability agreement
3.	Service agreement
4.	Letter from the Land Claims Commissioner
5.	Mineral rights certificate
6.	Certificate of allocation / proof of tenure
7.	Traditional authority consent

REPORTS	
1.	Socio-economic report
2.	Environmental impact assessment report and ROD or letter of exemption
3.	Geotech report

OTHER DOCUMENTS / INFORMATION / PLANS	
1.	Topographic Map
2.	Settlement Plan (including the 1:100 year floodline)
3.	Orthophoto
4.	GPS co-ordinates

THE FOLLOWING INFORMATION MUST BE PROVIDED WITHIN THE RELEVANT DOCUMENTS

• **Explanatory memorandum**

A memorandum providing information and motivation in support of the application must be submitted. The memorandum must set out all relevant facts and circumstances and include information regarding the following:

- **Property information**
Provide the property description/s, and include a copy of the title deed/s.
- **History / background to the project**
Provide a history / background to the project, e.g., brief history of the community, how long the community has lived there, background to how this community was identified for a housing project, other development projects that have taken place within the community. Include information of cultural significance to the area.
- **Physical attributes of the area**
Provide information on the physical aspects of the area, the topography, soil types, gradients, the location of perennial & seasonal rivers etc.
- **Extent of the development**
Provide information regarding the extent of the development, for example, the number of units being upgraded (beneficiaries), the number of additional units being developed. Include information about the location of the sites, particularly with regard to units that may be located within the 1:100 year floodline and information on how this may be resolved. Also include information about the serviceability of sites (with regard to topography in particular). Indicate the extent to which services will be provided. The municipality / implementing agent should also indicate how the relevant service authorities have prioritized (budget provisions) the future provision of services (roads, water, sanitation) to the community over the short to medium term. A plan of how the provision of services will be maintained and sustained should also be included in the motivation. Ensure that the settlement plan indicates land uses and surrounding land uses and back the plan up with information on these surrounding land uses that may include shops, other commercial uses and civic and social uses such as churches, crèches, clinics, mobile services. Also provide information regarding plans for future expansions of the community as well as the expansion of services to the area and neighboring communities. Confirmation / motivation should also be provided that the project (which may include expansion / upgrade) will not negatively impact on prime agricultural land and general agricultural activities, to the detriment of the community.

- **IDP and Land Use Management Plan**
Provide information on how the project is aligned to the municipality's IDP and land use management plan for that area.
- **Public Participation**
Provide confirmation on the level of community participation undertaken during the planning phase of the development, and include copies of minutes of meetings with the communities / letters of support for the project etc.
- **Contact Details**
The municipality and implementing agent must provide all relevant contact details.

● **Land Availability Agreement**

Provide a copy of the accepted land availability agreement reached between the municipality and the Ingonyama Trust.

● **Service Agreements**

Provide a copy of all service agreements. This document must address the future provisions of basic infrastructural services, such as water and sanitation, to the affected community by the relevant responsible authorities.

● **Letter from the Land Claims Commissioner**

A letter from the Land Claim Commissioner's Office must be included to confirm whether there has been any land claims registered against the property.

● **Mineral rights certificate**

Identify whether or not there are any mineral rights on the property.
Obtain the mineral right holder's consent, if applicable.

● **Certificate of allocation / proof of tenure**

Provide either documentary proof of permission to occupy certificates issued to beneficiaries or certificates from the leader of the community to confirm such rights.

● **Traditional authority consent**

Provide a letter to confirm that the community has been consulted and that the traditional authority and the residents have no objection to the development.

THE FOLLOWING INFORMATION MUST BE PROVIDED WITHIN THE RELEVANT REPORTS

• Socio-economic report

A socio-economic report must be prepared in detail and submitted with the application. The municipality must conduct a survey to identify the following:

- Housing needs
- Potential beneficiaries
- The level of joint family income in terms of the Department of Housing's income subsidy bonds
- Existing employment and potential employment opportunities
- Existing services and needs

For example: Consultation with community in respect of:

- ❖ Methods of obtaining water,
- ❖ Distance traveled to get access to water,
- ❖ Method of disposal of sewage and refuse, and
- ❖ Level of service they require.

• Environmental impact assessment or scoping report

An EIA (or similar report) must be submitted addressing all major environmental issues including:

- Whether the proposal will encourage environmentally sustainable land use and development practices and processes?
- The identification of areas of environmental significance and bio-diversity that need to be protected.

The EIA record of decision or exemption letter must also be provided.

• Geo-tech report

Provide a geo-technical report (The geo-technical report must be prepared by a geotechnical engineer).

THE FOLLOWING INFORMATION / DOCUMENTS / PLANS MUST BE PROVIDED

- **Topographic map**

Provide a copy of a 1: 50 000 topographic map.

- **Settlement plan**

A settlement plan must be provided that indicates the layout of the settlement, the land uses including the siting of civic and social sites such as crèche's, schools, clinics etc, the layout of the settlement insofar as existing services are concerned (roads, water points etc) and insofar as the 1:100 year floodline. The settlement plan must also indicate the traditional authority boundaries and ward boundaries. (This information can be obtained from the DLGTA's Development Information Services offices in Pietermaritzburg, Ulundi or Mayville.

Indicate the 1: 100 year floodline on the plan. (The Department of Water Affairs and Forestry or a professional engineer must determine this).

- **Orthophoto**

Provide a recent 1: 10 000 orthophoto.

- **GPS co-ordinates**

A GPS co-ordinate per beneficiary site.

SECTION D: CONTACT DETAILS

The contact details for the relevant Development Planning offices are as follows:

Policy and Co-ordination Office

Postal Address

Development Planning: Co-ordination Office
 Private Bag X9123
 Pietermaritzburg
 3200

Physical Address

Southern Life Plaza
 271 Church Street
 Pietermaritzburg

For attention: Mr D Moffett

Telephone No: 033 - 3556165

Fax No: 033 - 3556106

Inland Office

Inland office includes local municipalities in the following district municipalities:

Amajuba	Uthukela
Umzinyathi	uMngungundlovu

Postal Address

Inland Implementation Office
 Private Bag X9123
 Pietermaritzburg
 3200

Physical Address

Southern Life Plaza
 271 Church Street
 Pietermaritzburg
 3201

For attention: Mr G Young or Mr M de Lange

Telephone No: 033 - 3556100

Fax No: 033 - 3556537

Coastal Office

Coastal office includes local municipalities in the following district municipalities:

Sisonke	iLembe
Ugu	eThekwini

Postal Address

Coastal Implementation Office
 Private Bag X54310
 Durban
 4000

Physical Address

Mayville Building
 7 Buro Crescent
 Mayville
 Durban

For attention: Mr K Suzor

Telephone No: 031 - 2041771

Fax No: 031 - 2041980

Northern Office

Northern office includes local municipalities in the following district municipalities:

uThungulu Zululand
Umkhanyakude

Postal Address

Northern Implementation Office
Private Bag X64
Ulundi
3838

Physical Address

Administration Building
Dinuzulu Highway
Ulundi

For attention: Mr L du Toit
Telephone No: 035 – 874 2753
Fax No: 035 - 8742644/9

Traditional Affairs Branch: Directorate: Land Utilisation

The address for the Directorate: Land Utilisation (of the Traditional Affairs Branch) is as follows:

Postal Address

The Director: Land Utilisation
Private Bag X31
Ulundi
3838

Physical Address

Administration Building
Dinuzulu Highway
Ulundi

Mr M Sithole
Telephone No: 035 - 8742888
Fax No: 035 - 8742808

Office of the Tribunal Registrar

The contact details for the office of the Tribunal Registrar (if a developer is applying in terms of the Development Facilitation Act 67 of 1995)

DEPUTY TRIBUNAL REGISTRAR: CO-ORDINATION OFFICE

Mr. S. H. Barkhuizen
Address: Private Bag X 9123
Pietermaritzburg, 3200
Telephone: 033 - 355 6164
Fax: 033 - 3556106

INLAND IMPLEMENTATION OFFICE

DEPUTY REGISTRAR: Mr Gary Young
Address: Private Bag X9123
Pietermaritzburg, 3200
Telephone: 033 – 355 6446
Fax: 033 - 355 6212

COASTAL IMPLEMENTATION OFFICE

DEPUTY REGISTRAR: Mr K G Suzor
Address: Private Bag X54310
Durban, 4000
Telephone: 031 - 204 1771
Fax: 031 - 204 1980

NORTHERN IMPLEMENTATION OFFICE

DEPUTY REGISTRAR: Mr L du Toit
Address: Private Bag X31
Ulundi, 3838
Telephone: (035) 874 2753
Fax: (035) 874 2649

ANNEXURE A**THE GENERAL PRINCIPLES OF THE DEVELOPMENT FACILITATION ACT (ACT NO 67 OF 1995) IN ASSESSING APPLICATIONS FOR RURAL SUBSIDIES**

The technical assessment committee will assess an application by adhering to the general principles of the Development Facilitation Act (Act No 67 of 1995).

It is therefore recommended that the general principles in terms of the Development Facilitation Act be applied for all land developments.

- (1) The general principles are as follows:
 - (a) Policy, administrative practice and laws should provide for urban and rural land development and should facilitate the development of formal and informal, existing and new settlements.
 - (b) Policy, administrative practices and laws should discourage the illegal occupation of land, with due recognition of informal land development processes.
 - (c) Policy, administrative practice and laws should promote efficient and integrated land development in that they-
 - (i) Promote the integration of the social, economic, institutional and physical aspects of land development;
 - (ii) Promote integrated land development in rural and urban areas in support of each other;
 - (iii) Promote the availability of residential and employment opportunities in close proximity to or integrated with each other;
 - (iv) Optimize the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities;
 - (v) Promote a diverse combination of land uses, also at the level of individual erven or subdivisions of land;
 - (vi) Discourage the phenomenon of "urban sprawl" in urban areas and contribute to the development of more compact towns and cities;
 - (vii) Contribute to the correction of the historically distorted spatial patterns of settlement in the Republic and to the optimum use of existing infrastructure in excess of current needs; and
 - (viii) Encourage environmentally sustainable land development practices and processes.

- (d) Members of communities affected by land development should actively participate in the process of land development.
- (e) The skills and capacities of disadvantaged persons involved in land development should be developed.
- (f) Policy, administrative practice and laws should encourage and optimize the contributions of all sectors of the economy (government and non-government) to land development so as to maximize the Republic's capacity to undertake land development and to this end, and without derogating from the generality of this principle-
 - (i) National, provincial and local governments should strive clearly to define and make known the required functions and responsibilities of all sectors of the economy in relation to land development as well as the desired relationship between such sectors; and
 - (ii) A competent authority in national, provincial and local government responsible for the administration of any law relating to land development shall provide particulars of the identity of legislation administered by it, the posts and names of the persons responsible for the administration of such legislation and the address and locality of the offices of such persons to any person who requires such information.
- (g) Laws, procedures and administrative practice relating to land development should-
 - (i) be clear and generally available to those likely to be affected thereby;
 - (ii) in addition to serving as regulatory measures, also provide guidance and information to those affected thereby;
 - (iii) be calculated to promote trust and acceptance on the part of those likely to be affected thereby; and
 - (iv) give further content to the fundamental rights set out in the Constitution.
- (h) Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should-
 - (i) promote land development which is within the fiscal, institutional and administrative means of the Republic;
 - (ii) promote the establishment of viable communities;
 - (iii) promote sustained protection of the environment;
 - (iv) meet the basic needs of all citizens in an affordable way; and
 - (v) ensure the safe utilisation of land by taking into consideration factors such as geological formations and hazardous undermined areas.

- (i) Policy, administrative practice and laws should promote speedy land development.
- (j) Each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservational, industrial, community facility, mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other use of land.
- (k) Land development should result in security of tenure, provide for the widest possible range of tenure alternatives, including individual and communal tenure, and in cases where land development takes the form of upgrading an existing settlement, not deprive beneficial occupiers of homes or land or, where it is necessary for land or homes occupied by them to be utilised for other purposes, their interests in such land or homes should be reasonably accommodated in some other manner.
- (l) A competent authority at national, provincial and local government level should co-ordinate the interests of the various sectors involved in or affected by land development so as to minimise conflicting demands on scarce resources.
- (m) Policy, administrative practice and laws relating to land development should stimulate the effective functioning of a land development market based on open competition between suppliers of goods and services.