

Integrated Development Planning in the Municipal Systems Act

On 20 February 2001, the Acting President issued the proclamation in terms of section 124 of the Local Government: Municipal Systems Act 32 of 2000 (Systems Act), determining its coming into operation. On 1 March 2001, chapters 1 to 4 and 7 to 12 came into operation.

As from 1 July 2001, chapters 5 and 6, dealing with integrated development planning (IDP) and performance management, respectively, will come into operation. This is to allow for the interim IDP processes to be completed before the new legal framework for IDP is applicable.

This article is the first in a series on the Systems Act and deals with the provisions in chapter 5 on IDP.

INTEGRATED DEVELOPMENT PLANNING

The Systems Act will forever change the way in which municipalities conduct their planning. Integrated development planning existed prior to the Systems Act and has been implemented by municipalities in terms of the Local Government Transition Act 209 of 1993, read with the Development Facilitation Act 67 of 1995. The Systems Act, however, determines a new and far-reaching legal framework for the IDP process. The principles of chapter 1 of the DFA still apply and must be read together with the Systems Act (s 23(2)).

FEATURES OF THE IDP

The IDP is the 'principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in the municipality' (s 35(1)). Any strategic planning by the municipality must take place within the framework of the IDP and should not be seen as separate from the IDP.

In section 25, the Act lists a few features of the plan. It says that the IDP –

- links, integrates and co-ordinates plans;
- aligns the municipality's resources and capacity (e.g. budget) with the implementation of the plan;
- forms the basis on which the budget must be based; and
- is compatible with national and provincial development plans that are binding on the municipality in terms of legislation.

PLANNING PRINCIPLES

The Systems Act subjects the IDP process to two main principles:

- Planning must be developmentally oriented, i.e. geared towards fulfilling the objects and duties of sections 152 and 153 of the Constitution and towards the realisation, together with other organs of state, of the rights to a safe and healthy environment, protection of property, housing, health care, food, water, social security and education (s 23).

- Planning must take place within the framework of co-operative government. Municipal planning cannot take place in isolation but must be aligned with the plans and strategies of national and provincial government as well as with other municipalities (s 24).

ADOPTION

Each council must adopt its IDP within a period prescribed by the Minister. The power to adopt an IDP cannot be delegated (s 59(1)(a)) by the council. The first IDPs in terms of the new framework will have to be adopted by before 31st March 2002. Within 14 days after the adoption of the IDP, the municipality must inform the public that the plan has been adopted and that copies are available for inspection (s 25(4)). A summary of the plan must also be published, for instance, in the local newspaper. A newly elected council may adopt the previous IDP, provided that –

- the community is consulted on development needs and priorities;
- plans and planning requirements, binding on the municipality in terms of national and provincial legislation, are identified.

MINIMUM CONTENT

Section 26 of the Act lists the items that must be included in the IDP:

- 1) a vision for long-term development, with specific emphasis on the municipality’s development and internal transformation needs;
- 2) an assessment of existing levels of development, including an identification of communities excluded from services;
- 3) the development priorities and objectives, including local economic development aims and internal transformation needs;
- 4) the development strategies, which must be aligned with national and provincial plans and planning requirements;
- 5) a spatial development framework, including basic guidelines for land use management;
- 6) the operational strategies;
- 7) disaster management plans;

- 8) a financial plan, including a budget projection for at least the next three years; and
 - 9) the key performance indicators and key performance targets.
- This is the minimum content of the IDP, without which it cannot be legally adopted. However, the council, on its own initiative, can add other components to the plan.

CO-ORDINATION AND MANAGEMENT

The driving force behind the drafting of the IDP must be the executive committee or the executive mayor. If the municipality has neither of the two, it must appoint a committee of councillors to drive the IDP process. The office-bearers or committees must assign the relevant responsibilities to the municipal manager and eventually submit the draft for adoption by the council (s 30).

These provisions remove any doubt as to where the IDP ‘nerve-centre’ is located. It is evident that the drafting of the IDP must be initiated and managed at the highest political and administrative level of the municipality. The process may not be in the hands of one particular line department or unit.

AMENDING AND REVIEWING AN IDP

A council must review its IDP annually (s 34). This annual review must be conducted in accordance with its system of performance management. The IDP must also be reviewed when circumstances require and can be amended according to a procedure, which will be prescribed by the Minister.

STATUS OF THE IDP

The IDP legally binds the municipality in the exercise of its executive authority. No single executive decision may be in conflict with the IDP.

The Systems Act specifically instructs the municipality to implement its IDP (s 35(1)(b) and 36). The only exception occurs when there is incon-

sistency between the IDP and national or provincial legislation. In that case, the legislation prevails (s 35(1)(b)).

The IDP also binds all other persons, but only to the extent that this is stipulated in a by-law (s 35). The IDP will remain in force until the next elected council adopts a new one.

ADOPTION OF A PROCESS FOR IDP

Before 16 July 2001 the council must have adopted a document that sets out *how* it intends to go about drafting, adopting and reviewing the IDP. The local community must be consulted on the process before its adoption, and must be informed of the process after it has been adopted (s 28). Thus, the council must allow the public to comment on a draft process before its adoption. This could be done by

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publishing the draft process in a local newspaper and inviting comment within a specified time period. Another way of getting comments from the public is to organise a public meeting to present and discuss the draft process. These two methods can be used together.

The process for the drafting of the IDP must have a predetermined programme with time frames.

It must allow, through procedures established for that, for the local community to be consulted on the development needs and

priorities (see 2) and 3) under ‘Minimum content’ above as well as the further discussion below). It must also allow for the local community to participate in the drafting of the IDP (see below). It must further make provision for other organs of state, including traditional authorities, to be consulted.

Importantly, the process must identify all plans and planning requirements that are binding on the municipality.

The IDP of a local municipality must be aligned with the district framework (see below). When the municipality drafts its IDP, it must take into account the district IDP and the submissions of the district municipality.

CONSULTATION ON NEEDS AND PRIORITIES

The council must establish a mechanism for assessing the development needs in the municipality whereby the residents take centre stage and inform the council of issues such as maintenance backlogs, the existence of poorly serviced areas, problems experienced with service delivery, etc.

The Act emphasises the identification of communities that are excluded from service delivery. It is thus critical that communities have access to this participatory process.

The next step is to evaluate and prioritise the various development needs. In prioritising development needs, the council must consult the community. Since it is impossible to prioritise without all the relevant information, two participatory processes must be established:

- a process that involves the community in assessing its needs; and
- a process that facilitates consultation with the community on the prioritisation of those needs in the municipality.

Processes to assess development needs could include ward audits, on-site visits and public meetings. The process for assessment of needs should take place at the lowest level possible, preferably at ward level. The ward committees, where they exist, are critical vehicles for conveying the needs of the ward to the council and should be incorporated in any such participatory process.

Public participation in the prioritisation of needs should preferably be preceded by a document in which the council outlines its initial evaluation of development needs. The council could then invite comments on the document by publishing it in the local newspaper or any similar medium, or by holding public meetings. The discussion with the community about the prioritisation of needs should take place at a municipal level to ensure that ideas are exchanged throughout the municipal area.

COMMUNITY INVOLVEMENT IN DRAFTING

The IDP process, adopted by the council, must make provision for the local community to be involved in the

drafting of the IDP. This means that the council must facilitate community participation in every stage of the IDP process, from assessing and prioritising the needs to devising the strategies, objectives and goals.

The council must use its existing community participation mechanisms to communicate regularly with the community on the evolving IDP, to receive comments and input from the community, and creatively to use community initiatives in the drafting process. An example of the latter could be the request for a ward committee to prepare draft strategies on issues such as community safety or to present ideas on LED for its ward, which could be incorporated into the council's IDP strategies.

DISTRICT FRAMEWORK

Each district municipality must adopt an IDP framework after following a 'consultative process with the local municipalities'. The framework must –

- identify all plans and planning requirements that apply to the district or any of its local municipalities in terms of national or provincial legislation;
- identify those matters where IDP processes throughout the district require alignment;
- specify the principles to be applied in respect of those matters;
- co-ordinate the approach to be adopted in respect thereof;
- determine procedures for consultation with local municipalities during the drafting processes of their IDPs; and
- determine procedures to effect amendments to the framework.

District municipalities must have adopted their first framework by 16 July 2001.

DISTRICT IDP

Section 29(2)(a) provides that a district municipality must conduct its own integrated development planning in 'close consultation with the local municipalities in that area'. This district IDP must be aligned with the district framework and the IDP processes. Proposals of local municipalities must be 'taken into account' in the drafting process.

ROLE OF THE PROVINCE

The provincial minister for local government (MEC) may monitor the drafting process and assist in drafting, adopting and reviewing its IDP. The MEC may also facilitate the alignment of the IDPs of different municipalities and the alignment of IDPs with national and provincial programmes (s 31).

Within ten days after approval, the municipal manager must submit a copy to the MEC. A summary of the drafting process, a statement explaining that the process has been complied with, and a copy of the relevant district framework must accompany the submission (s 32(1)).

The MEC can request a municipality to adjust the content of its IDP in accordance with the MEC's proposals if it does not comply with the Systems Act or is not aligned with any of the plans and strategies of other affected municipalities or organs of state.

With regard to the process followed, the MEC can request the municipality to comply with its own drafting process or with a provision in the Systems Act concerning that process, if the municipality has failed to do so. After following the correct process, the content of the IDP must be changed, if necessary (s 32(2)).

The municipality must respond to the MEC's request within 30 days. If it disagrees, it must object to the request and give reasons. If necessary, the MEC must appoint an *ad hoc* committee to decide on the objection. If that committee rejects the municipality's objection, the municipality must comply with the MEC's request within 30 days (ss 32(3) and (4)).

The MEC appoints representatives of local government, provincial government and national government as members of such an *ad hoc* committee. The municipality, provincial organ(s) or national organ(s) involved in the dispute must agree on the appointment of the representatives of their spheres of government (s 33(2)). If at least two spheres of government agree on a matter, it is so decided.

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