

Local Government Brief: 12/2014

Immediate roles and responsibilities of Council in terms of the Spatial Land Use Management Act, 16 of 2013

Local Government Briefs are monthly electronic updates for municipalities on critical areas of law, policy, facts and data affecting the sector.

1. Background

Spatial Development Frameworks

Adoption of SDF:

Section 20(1) sets out that the Municipal Council must by notice in the Provincial Gazette adopt a municipal spatial development framework for the municipality.

Amendments to an SDF

Section 20(3)(1) states that any proposed amendments to the municipal spatial development framework, the Municipal Council must:

- a. Give notice of the proposed municipal spatial development framework in the Gazette and the media
- b. Invite the public to submit written representations in respect of the proposed municipal spatial development framework to the Municipal Council within 60 days after the publication of the notice referred to in paragraph (a) and;
- (c) consider all representations received in respect of the proposed municipal spatial development framework

Schemes

Strategic Planning

Section 23(1)(a) states that the executive authority of a municipality must, in the development, preparation and adoption or amendment by such municipality of its land use scheme, subject to the provisions of this Act, provide general policy and other guidance.

Wall-to-Wall Schemes

Section 24(1) points out that a municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act.

Review and Monitor Schemes

Section 27(1) states out that a municipality may review its land use scheme in order to achieve consistency with the municipal spatial development framework, and must do so at least every five years.

Amend a Land Use Scheme

Section 28(1) indicates that a municipality may amend its land use scheme by rezoning and any land considered necessary by the municipality to achieve the development goals and objectives of the municipal spatial development framework

Enforcement

Section 32(1) states that a municipality may pass by-laws aimed at enforcing its land use scheme.

Municipal Co-operation

Section 34(1) points out that the councils of two or more municipalities may, in writing, agree to establish a joint Municipal Planning Tribunal to exercise the powers and perform the functions of a Municipal Planning Tribunal in terms of this Act in respect of all the municipalities concerned.

Establishment of Tribunals

Section 35(1) indicates that a municipality must, in order to determine land use and development applications within its municipal area, establish, a Municipal Planning Tribunal.

Appeals

Section 51(2) asserts that the Municipal Manager must, within a prescribed period submit the appeal to the executive authority of the municipality s the appeal authority. Section 51(6) emphasizes that a municipality may, in the place of its executive authority, authorise that a body or instituting outside of the municipality or in a manner regulated in terms of a provincial legislation, and assume the obligations of an appeal authority in terms of this section.