

NOTICE 6 OF 2017

**DELEGATIONS IN TERMS OF SECTION 56 OF THE SPATIAL PLANNING
AND LAND USE MANAGEMENT ACT, 2013
(ACT NO. 16 OF 2013)**

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
1.	<p>Chapter 2 Municipal Planning Tribunals Regulation 2: Municipal assessment prior to establishment of Municipal Planning Tribunal</p>	<p>(1) The decision of a municipality to – (a) establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act; or (b) agree to the establishment of a Municipal Planning Tribunal by a district municipality as contemplated in section 34(2) of the Act; or (c) establish a Municipal Planning Tribunal for its municipal area</p>	Full Council
2.	<p>Chapter 2 Municipal Planning Tribunals Regulation 2: Municipal assessment prior to establishment of Municipal Planning Tribunal</p>	<p>(4) If a district municipality considers the establishment of a Municipal Planning Tribunal contemplated in section 34(2), it must ensure that it has sufficient financial, administrative and professional capacity to establish and administer that Municipal Planning Tribunal.</p>	N/A

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
3.	<p><u>Municipal Planning Tribunal for Municipal Area Regulation 3:</u> Institutional requirements for establishment of Municipal Planning Tribunal for municipal area</p>	<p>(1) A municipality, in establishing a Municipal Planning Tribunal for its municipal area in terms of section 35(1) of the Act, must, amongst others</p> <p>(a) determine the number and designation of officials in the full-time service of the municipality to serve on the Municipal Planning Tribunal;</p> <p>(b) determine the number of members who are not officials of that municipality to be appointed to the Municipal Planning Tribunal, the knowledge and experience that they should represent and their term of office, if it is of the opinion that it should be less than five years as contemplated in section 37(1) of the Act;</p> <p>(c) determine the terms and conditions of service of the members of the Municipal Planning Tribunal in accordance with the norms and standards referred to in Schedule 1;</p> <p>(d) subject to the provisions of subregulation (5), determine procedures for the invitation and calling for nominations of persons contemplated in section 36(1)(b) of the Act to serve on the Municipal Planning Tribunal;</p> <p>(e) identify any additional criteria that a person referred to in paragraph (b) must comply with;</p> <p>(f) subject to the provisions of subregulation (10), determine the format of the call for nominations;</p> <p>(g) convene an evaluation panel to evaluate the nominations received by the municipality and determine the terms of reference of that evaluation panel;</p> <p>(h) consider the recommendations of the evaluation panel and make the appropriate appointments and designate the chairperson and deputy chairperson;</p> <p>(i) inform the members in writing of their appointment;</p> <p>(j) publish the names of the members of the Municipal Planning Tribunal and their term of office as contemplated in section 37(4) of the Ac</p>	<p>MM</p> <p>MM</p> <p>MM</p> <p>MM</p> <p>MM</p> <p>MM</p> <p>MM</p>

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
4.	<p>Joint Municipal Planning Tribunal Regulation 4: Agreement to establish joint Municipal Planning Tribunal</p>	<p>(1) An agreement between two or more municipalities to establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act must describe the rights, obligations and responsibilities of the participating municipalities and must provide for at least (a) the name and demarcation code of each participating municipality</p>	<p>- council Municipal Manger of participating Municipality - various matters as per (a) – (m)</p>
5.	<p>Joint Municipal Planning Tribunal Regulation 4: Agreement to establish joint Municipal Planning Tribunal</p>	<p>(3) An agreement to establish a joint Municipal Planning Tribunal must be approved by council resolution of each of the Municipal Councils in accordance with their rules and orders.</p>	<p>Full Council</p>
6.	<p>Joint Municipal Planning Tribunal Regulation 6: Withdrawal from or termination of joint Municipal Planning Tribunal</p>	<p>(1) If a municipality, for whatever reason, decides to withdraw from a joint Municipal Planning Tribunal, it must - (a) in writing, give the other party to the agreement referred to in regulation 4, six months' notice of its intention to withdraw from the joint Municipal Planning Tribunal in accordance with the provisions of the agreement; and (b) ensure that all the legal, financial, practical and other consequences have been identified and addressed before such withdrawal, including the establishment of a Municipal Planning Tribunal for its municipal area or its participation in another joint Municipal Planning Tribunal or in a Municipal Planning Tribunal for a district municipal area.</p>	<p>- Not to be delegated (Full council)</p>

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
7.	<p><u>Municipal Planning Tribunal for District Municipal Area</u> Regulation 7: Agreement to establish Municipal Planning Tribunal for District Municipal Area</p>	<p>(1) An agreement between a district municipality and the local municipalities within the area of such district municipality as contemplated in section 34(2) of the Act must describe the rights, obligations and responsibilities of the district municipality and the participating local municipalities and must provide, with the necessary changes, for at least those matters referred to in regulation 4.</p> <p>(2) In addition to the matters referred to in regulation 4, the agreement must provide for the manner and format within which the district municipality must submit its quarterly report.</p> <p>(3) The district municipality establishing a Municipal Planning Tribunal and the local municipalities may use the standard agreement contained in Schedule 4 subject to any modifications and qualifications as they deem necessary.</p> <p>(4) An agreement to establish a Municipal Planning Tribunal for a district municipal area must be approved by a council resolution of each of the Municipal Councils in accordance with their rules and orders.</p> <p>(5) The publication of an agreement contemplated in section 34(3) of the Act must precede the establishment of the type of Municipal Planning Tribunal agreed to in that agreement.</p>	<p>- Full council or MM's of participatory Municipality by Council resolution</p>

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
8.	<p><u>Municipal Planning Tribunal for District Municipal Area</u> Regulation 8: Monitoring and implementing decision of Municipal Planning Tribunal for district municipal area</p>	<p>A Municipal Planning Tribunal for a district municipal area –</p> <p>(a) is accountable to each municipality which is a party to the agreement;</p> <p>(b) must submit a quarterly report on its activities and performance to the district municipality and the constituent municipalities in the manner and format determined by the district municipality; and</p> <p>(c) inform the relevant municipality of its decision regarding an application relating to land located in that municipal area and the manner in which that municipality must give effect to that decision.</p>	MM
9.	<p><u>Municipal Planning Tribunal for District Municipal Area</u> Regulation 9: Termination of Municipal Planning Tribunal for district municipal area</p>	<p>(1) If a municipality withdraws from a Municipal Planning Tribunal for a district municipal area, it must –</p> <p>(a) in writing, give the parties to the agreement referred to in regulation 7, six months' notice of its intention to withdraw from the joint Municipal Planning Tribunal; and</p> <p>(b) ensure that all the legal, financial, practical and other consequences have been identified and addressed before such withdrawal, including the establishment of a Municipal Planning Tribunal for its municipal area.</p>	- Not to be delegated (Full Council)
10.	<p><u>General Matters</u> Regulation 11: Technical and other advisers to Municipal Planning Tribunal</p>	<p>(1) A Municipal Planning Tribunal may establish a database of persons it considers appropriate to serve as technical and other advisers to it.</p>	MPT
11.	<p><u>General Matters</u> Regulation 13: Legal indemnification</p>	<p>(4) The municipality may determine by means of a policy or by other means –</p> <p>(a) the terms and conditions of such indemnity and legal representation; and</p> <p>(b) in addition to the circumstances contemplated in subregulation (3), other circumstances in which such indemnity or legal representation may be withdrawn by the municipality.</p>	MM

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
12.	<p><u>Land Development and Land Use Applications Regulation 14:</u> Submission of land development and land use applications</p>	<p>(1) A municipality must, at least, determine -</p> <p>(a) the manner and format in which a land development and land use application must be submitted</p> <p>(b) the fees payable for a land development and land use application;</p> <p>(c) subject to regulation 16, the timeframes applicable to each component of the phases referred to in that regulation;</p> <p>(d) the manner and extent of the public participation process for each type of land development and land use application;</p> <p>(e) the manner and extent of the intergovernmental participation process for each type of land development and land use application;</p> <p>(f) procedures for site inspections, if required;</p> <p>(g) procedures for an amendment to a land development and land use application;</p> <p>(h) the place where a land development and land use application must be submitted by the applicant; and</p> <p>(i) a procedure that provides for a land development and land use application that is, on face value, when submitted to a municipality, incomplete and a land development and land use application that, after substantive scrutiny by a municipality, requires additional information from the applicant.</p> <p>(2) If the municipality does not determine a place as contemplated in subregulation (1)(h), a land development and land use application must be submitted to the municipal manager.</p>	HoD

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
13.	<p><u>Land Development and Land Use Applications Regulation 15:</u> Categories of land development and land use applications</p>	<p>(1) If a municipality decides not to authorise an official to consider and determine certain land development and land use applications, the Municipal Planning Tribunal must consider and decide all land use and land development and land use applications that is submitted to the municipality.</p> <p>(2) If a municipality authorises an official to consider and determine certain land development and land use applications as contemplated in section 35(2) of the Act, it must consider the following aspects in its categorisation of land development and land use applications:</p> <p>(a) type of land development or land use application;</p> <p>(b) scale and nature of the land development or land use application;</p> <p>(c) the potential impact of the right granted if the land development or land use application is approved;</p> <p>(d) the level of public participation required;</p> <p>(e) whether or not the land development or land use application is in line with the municipality's spatial development framework and other relevant policies;</p> <p>(f) any other aspect that the municipality considers appropriate; or</p> <p>(g) any combination of the aspects referred to in paragraph (a) to (f).</p> <p>(3) If the municipality decides to categorise land development and land use applications according to the type of application referred to in subregulation 2(a), it may use the standard categorisation of land development and land use applications contained in provincial legislation or contemplated in Schedule 5, subject to any modifications and qualifications as the municipality deems necessary.</p> <p>(4) The municipality must determine which category of land development and land use application must be considered and determined by the authorised official and which category must be considered and determined by the Municipal Planning Tribunal and may use the standard division of functions contained in Schedule 5.</p>	- Not to be delegated (Full council)

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
14.	<p><u>Land Development and Land Use Applications Regulation 16:</u> Timeframes for land development and land use applications</p>	<p>(1) This regulation applies if no applicable provincial legislation or municipal by-laws have been promulgated that provide timeframes for land development and land use applications or a mechanism for regulating circumstances of apparent undue delay by the Municipal Planning Tribunal or authorised official.</p>	Full Council
15.	<p><u>Land Development and Land Use Applications Regulation 17:</u> Alignment of authorisations</p>	<p>(1) If a municipality and an organ of state elect to exercise their powers jointly as contemplated in section 30 of the Act, they may enter into a written agreement that – ...</p> <p>(2) A municipality may decide an application that, in addition to the approval required in terms of the Act, requires approval in terms of other legislation on the basis of a process prescribed under that legislation, but only if that process meets the requirements of the Act, applicable provincial legislation and municipal by-laws.</p>	MM/HoD Planning
16.	<p><u>Land Development and Land Use Applications Regulation 18:</u> Application where no town planning scheme or land use scheme applies</p>	<p>The municipality must, if an application is received as contemplated in subregulation (1), determine whether the land to which the application relates was lawfully used or could have lawfully been used for a purpose listed in Schedule 2 of the Act.</p> <p>(4) The public participation procedures and the intergovernmental participation procedures for an application in terms of this regulation are the same as determined by the municipality for a land development and land use application.</p> <p>(5) The municipality must refer an application contemplated in subregulation (1) to the Municipal Planning Tribunal or authorised official for consideration and decision.</p>	MPT
17.	<p><u>Land Development and Land Use Applications Regulation 18:</u> Application where no town planning scheme or land use scheme applies</p>	<p>(5) The municipality must refer an application contemplated in subregulation (1) to the Municipal Planning Tribunal or authorised official for consideration and decision</p>	MPT

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
18.	Appeals Regulation 20: Determination of appeal procedures	A municipality must determine appeal procedures for the lodging and consideration of appeals contemplated in section 51 of the Act in the following instances: (a) if the executive authority of the municipality serves as appeal authority; (b) if the municipality authorises a body or institution outside of the municipality to assume the obligations of an appeal authority, including a body or institution authorised in terms of an agreement to establish a joint Municipal Planning Tribunal; (c) if provincial legislation regulates the manner of appeals, but does not determine appeal procedures; and (d) if the executive authority delegates its authority to hear appeals to an official or a panel of officials as contemplated in section 56 of the Act.	- Not to be delegated (Full council)

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
19.	Appeals Regulation 21: Contents of appeal procedures	<p>The appeal procedures determined by the municipality in terms of regulation 20, must include the following:</p> <p>(a) in the case where the municipality does not have an executive mayoral system, designation of the presiding officer and the powers and functions of the presiding officer;</p> <p>(b) duty of members of an appeal authority to disclose interest;</p> <p>(c) management of the administrative affairs of the appeal authority;</p> <p>(d) record keeping;</p> <p>(e) manner of submission and notice of appeal;</p> <p>(f) manner of submission and notice to oppose an appeal;</p> <p>(g) granting intervener status as contemplated in Chapter 5 of these Regulations;</p> <p>(h) fees payable on submission of notice of appeal or notice to oppose an appeal or a petition to be granted intervener status;</p> <p>(i) manner of obtaining all the necessary information from the Municipal Planning Tribunal or authorised official that made the decision which forms the subject matter of the appeal;</p> <p>(j) submission of additional information that could materially impact on the decision taken by the Municipal Planning Tribunal or authorised official during the appeal hearing;</p> <p>(k) giving effect to the decision of the appeal authority; and</p> <p>(l) any other procedure which may, in the opinion of the municipality, be necessary for the effective and efficient functioning of the appeal authority.</p>	Full Council
20.	Appeals Regulation 30: Timeframe for submission of appeal to appeal authority	(1)The municipal manager must, as soon as practicable, but no later than 14 days after completion of the pre-hearing process, submit the appeal to the appeal authority to hear the appeal.	MM

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21.	<u>Intervener Status Regulation 31:</u> Petition to be granted intervener status	(3) The municipality must determine whether the requirements of this regulation have been complied with and must thereafter provide a copy of the form referred to in subregulation (1) to the parties to the application or appeal.	MM
22.	<u>Exemptions Regulation 32:</u> Request for exemption in writing	(1) As soon as practicable after a province or municipality identifies a piece of land or an area that requires an exemption from the provisions of the Act, the province or municipality must, in writing, request the Minister to exempt that piece of land or an area from one or all of the provisions of the Act.	Full Council
23.	<u>General Regulation 35:</u> Electronic submissions	(3) If a municipality has or implements an electronic land use management system, any document, copy, notice, notification or record must be submitted and kept in accordance with that system. (4) The provisions of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002) apply to any electronic communication made in terms of this regulation.	DA

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NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
1.	<u>Chapter 2</u> <u>Municipal Planning Tribunals</u> <u>Regulation 2:</u> Municipal assessment prior to establishment of Municipal Planning Tribunal	(1) The decision of a municipality to – (a) establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act; or (b) agree to the establishment of a Municipal Planning Tribunal by a district municipality as contemplated in section 34(2) of the Act; or (c) establish a Municipal Planning Tribunal for its municipal area	

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2.	Chapter 2 <u>Municipal Planning Tribunals</u> Regulation 2: Municipal assessment prior to establishment of Municipal Planning Tribunal	(4) If a district municipality considers the establishment of a Municipal Planning Tribunal contemplated in section 34(2), it must ensure that it has sufficient financial, administrative and professional capacity to establish and administer that Municipal Planning Tribunal.	

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3.	<p><u>Municipal Planning Tribunal for Municipal Area Regulation 3:</u> Institutional requirements for establishment of Municipal Planning Tribunal for municipal area</p>	<p>(1) A municipality, in establishing a Municipal Planning Tribunal for its municipal area in terms of section 35(1) of the Act, must, amongst others</p> <p>(a) determine the number and designation of officials in the full-time service of the municipality to serve on the Municipal Planning Tribunal;</p> <p>(b) determine the number of members who are not officials of that municipality to be appointed to the Municipal Planning Tribunal, the knowledge and experience that they should represent and their term of office, if it is of the opinion that it should be less than five years as contemplated in section 37(1) of the Act;</p> <p>(c) determine the terms and conditions of service of the members of the Municipal Planning Tribunal in accordance with the norms and standards referred to in Schedule 1;</p> <p>(d) subject to the provisions of subregulation (5), determine procedures for the invitation and calling for nominations of persons contemplated in section 36(1)(b) of the Act to serve on the Municipal Planning Tribunal;</p> <p>(e) identify any additional criteria that a person referred to in paragraph (b) must comply with;</p> <p>(f) subject to the provisions of subregulation (10), determine the format of the call for nominations;</p> <p>(g) convene an evaluation panel to evaluate the nominations received by the municipality and determine the terms of reference of that evaluation panel;</p> <p>(h) consider the recommendations of the evaluation panel and make the appropriate appointments and designate the chairperson and deputy chairperson;</p> <p>(i) inform the members in writing of their appointment;</p> <p>(j) publish the names of the members of the Municipal Planning Tribunal and their term of office as contemplated in section 37(4) of the Ac</p>	

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
4.	<p>Joint Municipal Planning Tribunal Regulation 4: Agreement to establish joint Municipal Planning Tribunal</p>	<p>(1) An agreement between two or more municipalities to establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act must describe the rights, obligations and responsibilities of the participating municipalities and must provide for at least (a) the name and demarcation code of each participating municipality</p>	<p>- council Municipal Manger of participating Municipality - various matters as per (a) – (m)</p>
5.	<p>Joint Municipal Planning Tribunal Regulation 4: Agreement to establish joint Municipal Planning Tribunal</p>	<p>(3) An agreement to establish a joint Municipal Planning Tribunal must be approved by council resolution of each of the Municipal Councils in accordance with their rules and orders.</p>	<p>- delegated to MM?</p>
6.	<p>Joint Municipal Planning Tribunal Regulation 6: Withdrawal from or termination of joint Municipal Planning Tribunal</p>	<p>(1) If a municipality, for whatever reason, decides to withdraw from a joint Municipal Planning Tribunal, it must - (a) in writing, give the other party to the agreement referred to in regulation 4, six months' notice of its intention to withdraw from the joint Municipal Planning Tribunal in accordance with the provisions of the agreement; and (b) ensure that all the legal, financial, practical and other consequences have been identified and addressed before such withdrawal, including the establishment of a Municipal Planning Tribunal for its municipal area or its participation in another joint Municipal Planning Tribunal or in a Municipal Planning Tribunal for a district municipal area.</p>	<p>- Not to be delegated (Full council)</p>

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7.	<p><u>Municipal Planning Tribunal for District Municipal Area</u> Regulation 7: Agreement to establish Municipal Planning Tribunal for District Municipal Area</p>	<p>(1) An agreement between a district municipality and the local municipalities within the area of such district municipality as contemplated in section 34(2) of the Act must describe the rights, obligations and responsibilities of the district municipality and the participating local municipalities and must provide, with the necessary changes, for at least those matters referred to in regulation 4.</p> <p>(2) In addition to the matters referred to in regulation 4, the agreement must provide for the manner and format within which the district municipality must submit its quarterly report.</p> <p>(3) The district municipality establishing a Municipal Planning Tribunal and the local municipalities may use the standard agreement contained in Schedule 4 subject to any modifications and qualifications as they deem necessary.</p> <p>(4) An agreement to establish a Municipal Planning Tribunal for a district municipal area must be approved by a council resolution of each of the Municipal Councils in accordance with their rules and orders.</p> <p>(5) The publication of an agreement contemplated in section 34(3) of the Act must precede the establishment of the type of Municipal Planning Tribunal agreed to in that agreement.</p>	<p>- Full council or MM's of participatory Municipality by Council resolution</p>

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
8.	<p><u>Municipal Planning Tribunal for District Municipal Area</u> Regulation 8: Monitoring and implementing decision of Municipal Planning Tribunal for district municipal area</p>	<p>A Municipal Planning Tribunal for a district municipal area –</p> <p>(a) is accountable to each municipality which is a party to the agreement;</p> <p>(b) must submit a quarterly report on its activities and performance to the district municipality and the constituent municipalities in the manner and format determined by the district municipality; and</p> <p>(c) inform the relevant municipality of its decision regarding an application relating to land located in that municipal area and the manner in which that municipality must give effect to that decision.</p>	
9.	<p><u>Municipal Planning Tribunal for District Municipal Area</u> Regulation 9: Termination of Municipal Planning Tribunal for district municipal area</p>	<p>(1) If a municipality withdraws from a Municipal Planning Tribunal for a district municipal area, it must –</p> <p>(a) in writing, give the parties to the agreement referred to in regulation 7, six months' notice of its intention to withdraw from the joint Municipal Planning Tribunal; and</p> <p>(b) ensure that all the legal, financial, practical and other consequences have been identified and addressed before such withdrawal, including the establishment of a Municipal Planning Tribunal for its municipal area.</p>	- Not to be delegated (Full Council)
10.	<p><u>General Matters</u> Regulation 11: Technical and other advisers to Municipal Planning Tribunal</p>	<p>(1) A Municipal Planning Tribunal may establish a database of persons it considers appropriate to serve as technical and other advisers to it.</p>	
11.	<p><u>General Matters</u> Regulation 13: Legal indemnification</p>	<p>(4) The municipality may determine by means of a policy or by other means –</p> <p>(a) the terms and conditions of such indemnity and legal representation; and</p> <p>(b) in addition to the circumstances contemplated in subregulation (3), other circumstances in which such indemnity or legal representation may be withdrawn by the municipality.</p>	

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12.	<p><u>Land Development and Land Use Applications Regulation 14:</u> Submission of land development and land use applications</p>	<p>(1) A municipality must, at least, determine -</p> <p>(a) the manner and format in which a land development and land use application must be submitted</p> <p>(b) the fees payable for a land development and land use application;</p> <p>(c) subject to regulation 16, the timeframes applicable to each component of the phases referred to in that regulation;</p> <p>(d) the manner and extent of the public participation process for each type of land development and land use application;</p> <p>(e) the manner and extent of the intergovernmental participation process for each type of land development and land use application;</p> <p>(f) procedures for site inspections, if required;</p> <p>(g) procedures for an amendment to a land development and land use application;</p> <p>(h) the place where a land development and land use application must be submitted by the applicant; and</p> <p>(i) a procedure that provides for a land development and land use application that is, on face value, when submitted to a municipality, incomplete and a land development and land use application that, after substantive scrutiny by a municipality, requires additional information from the applicant.</p> <p>(2) If the municipality does not determine a place as contemplated in subregulation (1)(h), a land development and land use application must be submitted to the municipal manager.</p>	<p>- Is this not the By-Law/legislation?</p>

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13.	<p>Land Development and Land Use Applications Regulation 15: Categories of land development and land use applications</p>	<p>(1) If a municipality decides not to authorise an official to consider and determine certain land development and land use applications, the Municipal Planning Tribunal must consider and decide all land use and land development and land use applications that is submitted to the municipality.</p> <p>(2) If a municipality authorises an official to consider and determine certain land development and land use applications as contemplated in section 35(2) of the Act, it must consider the following aspects in its categorisation of land development and land use applications:</p> <ul style="list-style-type: none"> (a) type of land development or land use application; (b) scale and nature of the land development or land use application; (c) the potential impact of the right granted if the land development or land use application is approved; (d) the level of public participation required; (e) whether or not the land development or land use application is in line with the municipality's spatial development framework and other relevant policies; (f) any other aspect that the municipality considers appropriate; or (g) any combination of the aspects referred to in paragraph (a) to (f). <p>(3) If the municipality decides to categorise land development and land use applications according to the type of application referred to in subregulation 2(a), it may use the standard categorisation of land development and land use applications contained in provincial legislation or contemplated in Schedule 5, subject to any modifications and qualifications as the municipality deems necessary.</p> <p>(4) The municipality must determine which category of land development and land use application must be considered and determined by the authorised official and which category must be considered and determined by the Municipal Planning Tribunal and may use the standard division of functions contained in Schedule 5.</p>	<p>- Not to be delegated (Full council)</p>

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14.	<p><u>Land Development and Land Use Applications Regulation 16:</u> Timeframes for land development and land use applications</p>	<p>(1) This regulation applies if no applicable provincial legislation or municipal by-laws have been promulgated that provide timeframes for land development and land use applications or a mechanism for regulating circumstances of apparent undue delay by the Municipal Planning Tribunal or authorised official.</p>	
15.	<p><u>Land Development and Land Use Applications Regulation 17:</u> Alignment of authorisations</p>	<p>(1) If a municipality and an organ of state elect to exercise their powers jointly as contemplated in section 30 of the Act, they may enter into a written agreement that – ...</p> <p>(2) A municipality may decide an application that, in addition to the approval required in terms of the Act, requires approval in terms of other legislation on the basis of a process prescribed under that legislation, but only if that process meets the requirements of the Act, applicable provincial legislation and municipal by-laws.</p>	
16.	<p><u>Land Development and Land Use Applications Regulation 18:</u> Application where no town planning scheme or land use scheme applies</p>	<p>The municipality must, if an application is received as contemplated in subregulation (1), determine whether the land to which the application relates was lawfully used or could have lawfully been used for a purpose listed in Schedule 2 of the Act.</p> <p>(4) The public participation procedures and the intergovernmental participation procedures for an application in terms of this regulation are the same as determined by the municipality for a land development and land use application.</p> <p>(5) The municipality must refer an application contemplated in subregulation (1) to the Municipal Planning Tribunal or authorised official for consideration and decision.</p>	
17.	<p><u>Land Development and Land Use Applications Regulation 18:</u> Application where no town planning scheme or land use scheme applies</p>	<p>(5) The municipality must refer an application contemplated in subregulation (1) to the Municipal Planning Tribunal or authorised official for consideration and decision</p>	

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18.	<p>Appeals Regulation 20: Determination of appeal procedures</p>	<p>A municipality must determine appeal procedures for the lodging and consideration of appeals contemplated in section 51 of the Act in the following instances:</p> <p>(a) if the executive authority of the municipality serves as appeal authority;</p> <p>(b) if the municipality authorises a body or institution outside of the municipality to assume the obligations of an appeal authority, including a body or institution authorised in terms of an agreement to establish a joint Municipal Planning Tribunal;</p> <p>(c) if provincial legislation regulates the manner of appeals, but does not determine appeal procedures; and</p> <p>(d) if the executive authority delegates its authority to hear appeals to an official or a panel of officials as contemplated in section 56 of the Act.</p>	- Not to be delegated (Full council)

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19.	Appeals Regulation 21: Contents of appeal procedures	<p>The appeal procedures determined by the municipality in terms of regulation 20, must include the following:</p> <ul style="list-style-type: none"> (a) in the case where the municipality does not have an executive mayoral system, designation of the presiding officer and the powers and functions of the presiding officer; (b) duty of members of an appeal authority to disclose interest; (c) management of the administrative affairs of the appeal authority; (d) record keeping; (e) manner of submission and notice of appeal; (f) manner of submission and notice to oppose an appeal; (g) granting intervener status as contemplated in Chapter 5 of these Regulations; (h) fees payable on submission of notice of appeal or notice to oppose an appeal or a petition to be granted intervener status; (i) manner of obtaining all the necessary information from the Municipal Planning Tribunal or authorised official that made the decision which forms the subject matter of the appeal; (j) submission of additional information that could materially impact on the decision taken by the Municipal Planning Tribunal or authorised official during the appeal hearing; (k) giving effect to the decision of the appeal authority; and (l) any other procedure which may, in the opinion of the municipality, be necessary for the effective and efficient functioning of the appeal authority. 	- In By-Law?
20.	Appeals Regulation 30: Timeframe for submission of appeal to appeal authority	(1)The municipal manager must, as soon as practicable, but no later than 14 days after completion of the pre-hearing process, submit the appeal to the appeal authority to hear the appeal.	

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21.	Intervener Status Regulation 31: Petition to be granted intervener status	(3) The municipality must determine whether the requirements of this regulation have been complied with and must thereafter provide a copy of the form referred to in subregulation (1) to the parties to the application or appeal.	
22.	Exemptions Regulation 32: Request for exemption in writing	(1) As soon as practicable after a province or municipality identifies a piece of land or an area that requires an exemption from the provisions of the Act, the province or municipality must, in writing, request the Minister to exempt that piece of land or an area from one or all of the provisions of the Act.	
23.	General Regulation 35: Electronic submissions	(3) If a municipality has or implements an electronic land use management system, any document, copy, notice, notification or record must be submitted and kept in accordance with that system. (4) The provisions of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002) apply to any electronic communication made in terms of this regulation.	

DELEGATIONS IN TERMS OF SECTION 56 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

(ACT NO. 16 OF 2013)

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
1.	Section 12 (1): Preparation of spatial development frameworks Section 12 (2) (a) : Preparation of spatial development frameworks	Each municipality must prepare spatial development frameworks A municipality must participate in the spatial planning and land use management processes that impact on each other to ensure that the plans and programmes are coordinated, consistent and in harmony with each other.	HoD Planning

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
2.	Section 20 (1) : Preparation of Municipal spatial development frameworks	The Municipal Council of a municipality must by notice in the Provincial Gazette adopt a municipal spatial development framework for the municipality.	HoD Planning
3.	Section 23 (1) (a) : Role of Executive Authority Section 23 (1) (b) : Role of Executive Authority	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. The executive authority must, in providing such guidance as referred to in paragraph (a), monitor and, to the extent provided for in this Act and other laws on the administration of the municipal sphere of government, oversee such responsibilities as it may designate to officials of such municipality and non-officials in the implementation of this Act.	HoD Planning HoD Planning
4.	Section 24 (1) : Land use scheme	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.	Full Council
5.	Section 27 (2) (b) : Review and monitoring of land use scheme	Municipality must assume responsibility for their enforcement.	HoD Planning
6.	Section 27 (3) : Review and monitoring of land use scheme	Every municipality must, within a time prescribed by or in terms of provincial legislation, submit its approved land use scheme to the Premier for purposes of monitoring the performance of the municipalities.	MM
7.	Section 29 (1) : Consultation with other land development authorities	A Municipality must consult any organ of state responsible for administering legislation relating to any aspect of an activity that also requires approval in terms of this Act in order to coordinate activities and give effect to the respective requirements of such legislation and to avoid duplication	Hod Planning / MPAO

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
8.	Section 31 (1): Record of amendments to Land Use Schemes	The municipality must keep and maintain a written record of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its land use scheme	DA
9.	<p>Section 32(3)(a): Appointment of an official or other person to investigate non-compliance with a municipality's land use scheme</p> <p>Section 32(3)(a): Issuing an official or other person who has been appointed to investigate non-compliance with a municipality's land use scheme with an appointment letter</p>	<p>A municipality may designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme</p> <p>A municipality must issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act</p>	<p>BI /MPAO</p> <p>MM</p>
10.	Section 35(1): Establishment of Municipal Planning Tribunals	A municipality must, in order to determine land use and development applications within its municipal area, establish a Municipal Planning Tribunal.	Not Delegated (Full Council)
11.	Section 35(3): Establishment of Municipal Planning Tribunals	A municipality must, in order to determine land use and land development applications within its municipal area, categorise development applications to be considered by an official and those to be referred to the Municipal Planning Tribunal.	Not Delegated (Full Council)
12.	<p>Section 36(4) (a): Composition of Municipal Planning Tribunals</p> <p>Section 36(4) (b): Composition of Municipal Planning Tribunals</p>	<p>Appoint a member of the Municipal Planning Tribunal as chairperson</p> <p>Another member as deputy chairperson, to act as chairperson of the Municipal Planning Tribunal when the chairperson is absent or is unable to perform his or her duties.</p>	<p>MM</p> <p>MM</p>
13.	Section 48(2): Appointment of a municipal official to conduct an inspection required by the Municipal Planning Tribunal	The Municipal Council may, at the request of a Municipal Planning Tribunal, designate a municipal official or appoint any other person in terms of section 32 (3) as an inspector to conduct an inspection required by the Municipal Planning Tribunal	BI

NO.	SCOPE	PROVISION OF SPLUMA	DELEGATED TO
14.	Section 49(4): Entering into a an engineering services agreement	An applicant may, in agreement with the municipality or service provider, install any external engineering service instead of payment of the applicable development charges, and the fair and reasonable cost of such external services may be set off against development charges payable	HoD Planning and HoD Technical Services
15.	Section 51(2): Internal Appeal	The Municipal Manager must within a prescribed period submit the appeal to the executive authority of the municipality as the appeal authority.	MM
16.	Section 51(3): Internal Appeal	The appeal authority must consider the appeal and confirm, vary or revoke the decision.	Executive Authority External Appeal Authority
17.	Section 51(6): Internal Appeal	A municipality may, in the place of its executive authority, authorise that a body or institution outside of the municipality or in a manner regulated in terms of a provincial legislation, assume the obligations of an appeal authority in terms of this section.	Exco
18.	Section 53: Commencement of registration of ownership	The registration of any property resulting from a land development application may not be performed unless the municipality certifies that all requirements and conditions for approval have been complied with	HoD Planning
19.	Section 60(2)(c): Transitional provisions	References to a designated officer and the registrar in terms of the Development Facilitation Act, 1995 must for the purposes of deciding or otherwise disposing of any application, appeal or other matters pending before a tribunal at the commencement of this Act must be construed as references to an official of a local or metropolitan municipality designated by such municipality to perform such function.	MPT / MPAO
	Section 60(3): Transitional provisions	Despite the repeal of the Development Facilitation Act, 1995, a municipality must continue to perform the functions conferred on a designated officer in terms of the Development Facilitation Act, 1995	MPT / MPAO