

(2) The pre-hearing process must be completed within 150 days from the date of receipt of the notice of the appeal by the municipal manager.

(3) The pre-hearing process is the process during which all the necessary documentation must be obtained, the applicant and objectors must be informed and the appeal referred to the appeal authority.

CHAPTER 5 INTERVENER STATUS

31 Petition to be granted intervener status

(1) Where an application has been submitted to a Municipal Planning Tribunal, authorised official or an appeal has been lodged to the appeal authority, an interested person may, at any time during the proceedings, but within seven days of becoming aware of the proceedings, petition the Municipal Planning Tribunal, authorised official or appeal authority in writing in the form determined by the municipality, to be granted intervener status.

(2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –

- (a) does not collude with any applicant, objector or appellant; and
- (b) is willing to deal with or act in regard to the application or appeal as the Municipal Planning Tribunal, authorised official or appeal authority may direct.

(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.

(4) If the Municipal Planning Tribunal, appeal authority or authorised official must determine whether a petitioner qualifies as an interested person as contemplated in section 45(4) of the Act, it may consider the following:

- (a) that his or her rights have been affected by the decision of the Municipal Planning Tribunal or authorised official or that his or her rights may be adversely affected by the decision of the Municipal Planning Tribunal or authorised official and might therefore be adversely affected by the decision of the appeal authority;
- (b) that the petitioner represents a group of people who have a direct concern in the proceedings;
- (c) the ability of the petitioner to protect his or her interest would be impeded by the decision of the Municipal Planning Tribunal, authorised official or appeal authority and that his or her interest is not adequately represented by the current parties to the proceedings;

(d) the petitioner will provide a different perspective on the issues before the Municipal Planning Tribunal, authorised official or appeal authority, without expanding those issues.

(5) A determination by the Municipal Planning Tribunal, appeal authority or authorised official whether a petitioner qualifies as an interested person is final and must be communicated to the petitioner and the parties to the proceedings.

CHAPTER 6

EXEMPTIONS

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.

(2) A request for exemption must contain the following information:

- (a) A cadastral description of the piece of land or area which is to be exempted, if available;
- (b) reasons for the exemption;
- (c) the relevant provisions of the Act that the piece of land or area must be exempted from.

33 Deciding of request for exemption

(1) Upon receipt of the request for exemption from a province or municipality as contemplated in regulation 32, the Minister must –

- (a) if the request is materially incomplete, advise the province or municipality of any further information required before the request will be considered; or
- (b) if the request does not duly identify the piece of land or area, require the province or municipality to more specifically identify the piece of land or area before the request will be considered.

(2) If the province or the municipality does not respond to the Minister within 30 days of receipt of the request for further particulars, the request will be deemed to have been abandoned by the province or the municipality.

(3) If the province or the municipality responds to the Minister, but does not, to the satisfaction of the Minister, provide sufficient information to enable the Minister to make a decision, the Minister may again request further particulars or clarification and the provisions of subregulation (1) apply to such new request for further particulars or clarification.

(4) If a request is deemed to have been abandoned in terms of subregulation (2), the

Minister may close the file on that request without making a decision contemplated in section 55 of the Act.

(5) Subject to subregulation (6), the Minister must, within 30 days after receiving a request for exemption or receiving adequate information for an exemption, publish in the Gazette a notice of the request for exemption received which notice must –

- (a) identify the piece of land or area for which an exemption is sought;
- (b) indicate the province and municipality in whose area of jurisdiction the piece of land or area is located;
- (c) indicate which organ of state is requesting the exemption;
- (d) give the reasons for the exemption as stated in the request for exemption; and
- (e) invite comment on the request for exemption in writing within a period stated in the notice, but the period may not be less than 30 days from the date of publication of the notice.

(6) Notwithstanding subregulation (5), the Minister does not have to publish a notice of the request for exemption in the Gazette if –

- (a) the piece of land or an area has to be exempted due to an emergency or a natural disaster; or
- (b) the exemption is merely due to non-compliance with timeframes contained in the Act.

(7) In deciding whether a request for exemption is in the public interest as contemplated in section 55 of the Act, the Minister may consider:

- (a) the degree to which the objects of the Act referred to in section 3 of the Act will be undermined;
- (b) the degree to which the development principles, norms and standards referred to in Chapter 2 of the Act will be promoted or prejudiced by the exemption;
- (c) the degree of risk or potential risk posed by the exemption;
- (d) the impact on existing and surrounding land uses;
- (e) should the exemption not be granted, the effect would be extremely prejudicial to the interests of the community;
- (f) the type and extent of the emergency, if applicable;
- (g) if the Minister substitutes alternative provisions as contemplated in section 55(1)(b) of the Act, the capacity of the municipality to administer and implement the substituted provisions and regulate the development on the land; and
- (h) the inclusion of the piece of land or area in a strategic integrated project designated as such in terms of the Infrastructure Development Act, 2014 (Act No. 23 of 2014).

(8) The Minister must, within 30 days after the closing date referred to in subregulation

(5)(e), grant, grant in part, grant subject to conditions, grant for a specific period, substitute alternative provisions consistent with the Act or refuse a request for exemption.

(9) As soon as practicable after the decision of the Minister, he or she must –

- (a) inform the province or the municipality thereof and give reasons for his or her decision; and
- (b) publish a notice of his or her decision in the *Gazette*.

(10) At any time after refusing to grant an exemption in terms of subregulation (8), the Minister –

- (a) may withdraw his or her notice of refusal to grant the exemption; and
- (b) if the Minister does withdraw the notice of refusal, he or she must reconsider the request for exemption and the provisions of this part applies with the necessary changes to that request for exemption.

34 Procedures related to withdrawal of exemption

(1) The Minister may withdraw an exemption granted in terms of section 55 of the Act if –

- (a) the exemption was granted on the basis of false or incorrect information;
- (b) a condition, subject to which the exemption was granted, is not fulfilled; or
- (c) the reason for granting the exemption no longer exists.

(2) If the Minister is contemplating withdrawing an exemption granted in terms of section 55 of the Act, the Minister must advise the province or the municipality concerned, in writing, of the intention to do so, as well as publishing a notice to that effect in the *Gazette*.

(3) After considering any submissions or other information received in relation to the proposed withdrawal, the Minister must –

- (a) withdraw the exemption; or
- (b) confirm the exemption as previously granted, in writing to that province or municipality; or
- (c) substitute alternative provisions consistent with the Act; and
- (d) give written reasons for his or her decision; and
- (e) publish a notice in the *Gazette*.

CHAPTER 7

GENERAL

35 Electronic submissions

(1) Where these Regulations –

- (a) require a person to –
 - (i) send a document, a copy of a document or any notice to another person,
 - (ii) notify another person of any matter; and

(b) that other person has an address for the purposes of electronic communications, the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where these Regulations permit a person to make representations on any matter or document, those representations may be made—

- (a) in writing, or
- (b) by way of electronic communications

(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.

36 National support and monitoring

(1) If the Minister, after consultation with departments in the provincial and local sphere of government, deems it necessary to issue guidelines to municipalities to assist them in the exercising of any of their functions under the Act, the municipalities must have regard to those guidelines in the performance of their functions.

(2) Without prejudice to the generality of subregulation (1) and in order to monitor municipalities as required in section 9(1)(b) of the Act a municipality must, when preparing a spatial development framework and a land use scheme, append a statement to it which must include the information referred to in subregulation (3).

(3) The statement referred to in subregulation (2) must include information which demonstrates -

- (a) if the municipality implemented the policies and objectives contained in the guidelines, how and to what extent the municipality implemented it; or
- (b) if the municipality did not implement the policies and objectives contained in the guidelines, because of the nature and characteristics of the area or part of the area of the spatial development framework and land use scheme, it must give reasons for the for not implementing the policies and objectives contained in the guidelines.

(4) Where applicable, a Province must have regard to any guidelines issued to municipalities under subregulation (1) in the performance of its functions.

(5) The Minister may revoke or amend guidelines issued under this regulation.

(6) The Minister must publish in the *Gazette* a notice of any guidelines and of any amendment or revocation of those guidelines issued under this regulation.

37 Short title and date of commencement

These Regulations are called the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and comes into operation on the date determined by the Minister by publication of a notice thereof in the *Gazette*.

SCHEDULE 1

**Norms and standards for the terms and conditions of service of members of
Municipal Planning Tribunal**

- (1) An official of a municipality authorised by the municipality in terms of section 36(1)(a) of the Act as a member of the Municipal Planning Tribunal –
- (a) may only serve as member of the Municipal Planning Tribunal for as long as he or she is in the full-time employ of the municipality;
 - (b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal.
- (2) A person appointed by a municipality in terms of section 36(1)(b) of the Act as a member of the Municipal Planning Tribunal -
- (a) is not an employee on the staff establishment of that municipality;
 - (b) in the case of a person referred to in regulation 3(2)(a), is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
 - (c) performs the specific tasks allocated by the chairperson of the Municipal Planning Tribunal to him or her for a decision hearing of the Municipal Planning Tribunal ;
 - (d) sits at such meetings of the Municipal Planning Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Municipal Planning Tribunal;
 - (e) in the case of a person referred to in regulation 3(2)(b), is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on as determined by provincial legislation or the municipality or, in the absence of such legislation or determination, the applicable treasury regulations and the rates as determined by the Department of Transport;
 - (f) is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.
- (3) The seating allowance referred to in subregulation (2)(e) is subject to taxation in accordance with the normal tax rules that are issued by the South African Revenue Service.
- (4) All the members of the Municipal Planning Tribunal must adhere to a code of conduct for members of a Municipal Planning Tribunal approved by the municipality and non-

compliance thereof is grounds for or a disciplinary hearing by the municipality if the member is designated or removal from office of a member appointed in terms of regulation 3(1)(b).

(5) A municipality may use the standard Code of Conduct for Members of a Municipal Planning Tribunal contained in Schedule 3, subject to any modifications and qualifications as the municipality deems necessary.

SCHEDULE 2

**Standard Call for Nominations for Persons to be Appointed as Members to the
Municipal Planning Tribunal**

CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE

- _____ MUNICIPAL PLANNING TRIBUNAL

CLOSING DATE: (INSERT DATE)

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the _____ Municipality hereby invites nominations for members of the public to be appointed to the _____ Municipal Planning Tribunal for its first term of office.

The period of office of members will be (insert number of years) years calculated from the date of appointment of such members by the _____ Municipality.

Nominees must be persons with leadership qualities and must have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) The name and address of the nominator, who must be a natural person and a person may nominate himself or herself;
- (b) The name, address and identity number of the nominee;
- (d) Motivation by the nominator for the appointment of the nominee to the _____ Municipal Planning Tribunal (not exceeding one page);
- (e) A short curriculum vitae of the nominee (not exceeding two pages);
- (f) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Please note that failure to comply with the above requirements may result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager
_____ Municipality

P.O. Box _____

For Attention: _____

For Enquiries: _____

Tel _____

* I, _____ (full names of nominee),

ID No (of nominee) _____

hereby declare that –

- (a) I am available to serve on _____ Municipal Planning Tribunal.
- (b) there is no conflict of interest OR I have the following interests which may conflict with the _____ Municipal Planning Tribunal:

- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the _____ Municipal Planning Tribunal and I authorise the _____ Municipality to verify any record in relation to such disqualification or requirement.
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the _____ Municipal Planning Tribunal.

 Signature of nominee

SCHEDULE 3

Code of Conduct for Members of the Municipal Planning Tribunal

General conduct

1. A member of the Municipal Planning Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest and leave any chamber in which such matter is under deliberation unless the personal interest has been made a matter of public record and the municipality has given written approval and has expressly authorised his or her participation.
2. A member of the Municipal Planning Tribunal may not—
 - (a) use the position or privileges of a member of the Municipal Planning Tribunal or confidential information obtained as a member of the Municipal Planning Tribunal for personal gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which that member or that members' spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence a person's objectivity as an advisor or decision-maker in the planning process.

Undue influence

4. A member of the Municipal Planning Tribunal may not—
 - (a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (b) use confidential information acquired in the course of his or her duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and

- (d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

SCHEDULE 4

Standard Agreement for the Establishment of a joint Municipal Planning Tribunal

AGREEMENT
FOR THE ESTABLISHMENT OF A JOINT MUNICIPAL
PLANNING TRIBUNAL

Concluded by and between:

MUNICIPALITY 1

Demarcation Code

(Herein represented by, in his/her capacity as Executive Mayor of
Municipality 1 and, in his/her capacity as Municipal
Manager)

(Hereinafter referred to as ".....")

AND

MUNICIPALITY 2

Demarcation Code

(Herein represented by, in his/her capacity as Executive Mayor of
Municipality 2 and, in his/her capacity as Municipal
Manager)

(Hereinafter referred to as ".....")

WHEREAS the Spatial Planning and Land Use Management Act, 16 of 2013 makes provision in section 34(1) for the establishment of a joint Municipal Planning Tribunal to determine land development and land use applications;

AND WHEREAS the Parties have undertaken an assessment as contemplated in regulation 2 of the Regulations;

AND WHEREAS the Parties are desirous to conclude an agreement to establish a joint Municipal Planning Tribunal to jointly consider and decide the land development and land use applications submitted to their respective municipalities;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

The headings of the clauses in this Agreement are for the purposes of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Agreement nor any clause hereof.

In this Agreement, unless a contrary intention clearly appears:

1.1 Words importing -

1.1.1 any one gender includes the other gender;

1.1.2 the singular includes the plural and vice versa; and

1.1.3 natural persons include created entities (corporate or non-corporate) and vice versa.

1.2 If any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, effect shall be given to it as if it were a substantive clause in the body of the Agreement, notwithstanding that it is only contained in the interpretation clause.

1.3 When any number of days is prescribed in this Agreement, it shall be reckoned exclusively of the first and inclusively of the last day.

1.4 The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely:

1.4.1 "commencement date" means the date of publication of the notice referred to in clause 4.8 irrespective of the date of signature hereof;

1.4.2 "notice" means a written notice;

1.4.3 "Parties" mean the parties to this Agreement identified herein;

1.4.5 "the Act" means the Spatial Planning and Land Use Management Act, 16 of 2013 and the Regulations issued thereunder;

1.4.6 "the Regulations" means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015.

2. FUNDING

2.1 The Parties shall make provision in their respective budgets to jointly fund the cost of proceedings of the joint Municipal Planning Tribunal, the remuneration of members appointed to it and any other necessary operational costs, on an annual basis.

2.2 There will be no transfer of funds between the Parties.

2.3 Each Party shall be responsible to fund the extent of considering and deciding those categories of applications that shall be heard by an authorised official as contemplated in section 35(2) of the Act.

2.4 All funding is subject to the approval of the municipal councils of the Parties.

2.5 In the event of the one of the municipal councils not approving funding, it shall result in the termination of this Agreement.

3. DURATION

3.1 This Agreement commences on the commencement date.

3.2 This Agreement shall terminate –

- (a) on the date that the term of office of the members of the joint Municipal Planning Tribunal expires as referred to in clause 4.7;
- (b) when one of the municipal councils does not approve funding as contemplated in clause 2.5;
- (c) when one of the Parties terminates the Agreement by giving six months' notice of its intention to withdraw from this Agreement.

4. ESTABLISHMENT OF THE JOINT MUNICIPAL PLANNING TRIBUNAL

4.1 Composition of the joint Municipal Planning Tribunal

4.1.1 The joint Municipal Planning Tribunal shall consist of at least 15 members made up as follows:

- (a) three officials in the full-time service of Municipality 1;
- (b) three officials in the full-time service of Municipality 2;
- (c) two persons registered as a professional with the South African Council for the Planning Profession in terms of the Planning Profession Act, 36 of 2002;
- (d) two persons registered as a professional with the Engineering Council of South Africa in terms of the Engineering Profession Act, 46 of 2000;
- (e) two persons registered as a chartered accountant with a recognised voluntary association or registered in terms of the Auditing Profession Act, 26 of 2005;
- (f) two persons either admitted as an attorney in terms of the Attorneys Act, 53 of 1979 or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 74 of 1964; and

- (g) an environmental assessment practitioner registered with a voluntary association;
- (h) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

4.1.2 In addition to the criteria determined in subclause 4.1.1 the persons referred to in paragraphs (c) to (g) must have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

4.2 Invitations and nominations to serve on the joint Municipal Planning Tribunal

The Parties shall jointly issue an invitation and a call for nominations for persons referred to in clause 4.1.1(c) – (g) to serve on the joint Municipal Planning Tribunal in the manner and form provided for in the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015.

4.3 Joint evaluation panel

4.3.1 The Parties shall constitute a joint evaluation panel from employees in the full time service of the Parties to evaluate all nominations received, whether due to an invitation or call for nominations.

4.3.2 The joint evaluation panel of the Parties shall evaluate all nominations received and make recommendations to the municipal councils of the Parties including a recommendation with regard to the chairperson and deputy chairperson.

4.4 Appointment of members

4.4.1 Each municipal council shall evaluate the recommendations of the joint evaluation panel referred to in clause 4.3 and appoint such persons who qualify for appointment as members of the joint Municipal Planning Tribunal subject to all the terms and conditions of appointment to and serving on the joint Municipal Planning Tribunal referred to in the Act and the Regulations.

4.4.2 The Parties shall jointly inform the successful nominees of their appointment to the joint Municipal Planning Tribunal.

4.5 Officials in the full-time employ of the Parties to serve on joint Municipal Planning Tribunal

4.5.1 The Parties shall designate three officials each to serve on the joint Municipal Planning Tribunal and shall delegate the necessary authority to these officials.

4.5.2 The Parties shall review and amend the contracts of service of the officials designated to serve on the joint Municipal Planning Tribunal.

4.6 Appointment of the chairperson and deputy chairperson

4.6.1 The chairperson and the deputy chairperson of the joint Municipal Planning Tribunal shall be appointed by the Parties from the ranks of the officials referred to in clause 4.1(a) and (b).

- 4.6.2 The term of office of the chairperson and the deputy chairperson shall be for a period of one year calculated from the commencement date of this Agreement.
- 4.6.3 For the first year of its existence, the chairperson shall be from Municipality 1 and the deputy chairperson shall be from Municipality 2.
- 4.6.4 For the second year of its existence, the chairperson shall be an official from Municipality 2 and the deputy chairperson shall be an official from Municipality 1 and for every year thereafter, the office of the chairperson and deputy chairperson shall so alternate.

4.7 Term of office

The term of office of members of the joint Municipal Planning Tribunal shall be five years calculated from the commencement date of this Agreement.

4.8 Publication of notice

When the joint Municipal Planning Tribunal is ready to commence operations, the municipal managers of the Parties, shall jointly publish the notice referred to in section 37(4) of Act.

5. APPLICATIONS TO BE CONSIDERED AND DECIDED BY THE JOINT MUNICIPAL PLANNING TRIBUNAL

- 5.1 The Parties shall, in accordance with the criteria determined in the Regulations, categorise land development and land use applications in a corresponding manner.
- 5.2 The Parties shall refer such categories of applications determined by them to the joint Municipal Planning Tribunal.
- 5.3 The joint Municipal Planning Tribunal shall exercise and perform and the powers, duties and functions of a Municipal Planning Tribunal referred to in the Act, the relevant provincial legislation and the by-laws of the Parties.

OR IN THE ALTERNATIVE

- 5.1 All land development and land use applications shall be heard by the joint Municipal Planning Tribunal.
- 5.2 The joint Municipal Planning Tribunal shall exercise and perform and the powers, duties and functions of a Municipal Planning Tribunal referred to in the Act, the relevant provincial legislation and the by-laws of the Parties.

6. SEAT OF THE JOINT MUNICIPAL PLANNING TRIBUNAL

- 6.1 The meetings of the joint Municipal Planning Tribunal shall be held at the offices of the Municipality in whose employ the chairperson is for that particular year.

OR IN THE ALTERNATIVE

- 6.2 The meetings of the joint Municipal Planning Tribunal shall be held at the offices of the _____ Municipality

OR IN THE ALTERNATIVE

- 6.3 The meetings of the joint Municipal Planning Tribunal shall be held at the offices of the municipality in whose municipal area the land which the land development or land use application that must be considered and determined by the Municipal Planning Tribunal relates to, is located.
- 7. SUBMISSION OF APPLICATIONS**
- 7.1 A land development and land use application referred to in clause 5,2 shall be submitted by an applicant to the municipality in whose municipal area the land to which the application relates, is located.
- 7.2 The municipality in whose municipal area the land to which the application relates, is located, shall undertake all the required public participation procedures, intergovernmental participation procedures and internal procedures.
- 8. DESIGNATION OF MEMBERS TO CONSIDER AND DETERMINE AN APPLICATION**
- 8.1 On receipt of an application referred to in clause 7.3, the joint Municipal Planning Tribunal shall evaluate the application and decide on the knowledge and skills required to consider and determine the application and designate the necessary members to so consider and determine that application, including the presiding officer.
- 8.2 The joint Municipal Planning Tribunal shall nominate no less than three members to consider and decide an application.
- 9. APPOINTMENT OF TECHNICAL AND OTHER ADVISERS**
- 9.1 The Parties shall establish and maintain-
- (a) a database of public sector technical and other advisers; and
 - (b) a database of private sector technical and other advisers.
- 9.2 The Parties shall before publication of the notice referred to in clause 4.8 --
- (a) in writing request the employer of an official or employee referred to in regulation 11(2)(a) to make that official or employee available on an *ad hoc* basis for technical and other support before that official or employee is placed on the database of public sector technical and other advisers; and
 - (b) publish an invitation in one newspaper circulating in the municipal areas of the Parties for persons referred to in regulation 11(2) to be registered on the database of private sector technical and other advisers and may determine conditions for incorporation into that database.
- 9.3 The chairperson shall appoint technical and other advisers to assist the joint Municipal Planning Tribunal per application that it has to consider and determine, if necessary.

9.4 The chairperson shall first consider appointing an adviser from the database of public sector technical and other advisers and only if there is no such adviser available or no adviser available with the requisite knowledge and skill, shall the chairperson consider an adviser from the database of private sector technical and other advisers.

9.5 The municipality in whose full-time service the chairperson is, is responsible to remunerate that technical or other adviser for services rendered to the joint Municipal Planning Tribunal, if that adviser is not a public service official.

10 ASSETS

10.1 The joint Municipal Planning Tribunal shall not acquire any assets or incur liabilities and shall not employ any staff.

10.2 The municipality in whose full-time service the chairperson is, shall provide the necessary assets and designate staff to assist the joint Municipal Planning Tribunal and shall be responsible for any other operational requirements of the joint Municipal Planning Tribunal.

OR IN THE ALTERNATIVE

10.2 The Parties shall jointly provide the necessary assets and designate staff to assist the joint Municipal Planning Tribunal and are jointly responsible for any other operational requirements of the joint Municipal Planning Tribunal.

11. LIAISON BETWEEN THE PARTIES

The Parties agree to liaise through the following persons or their successors, duly authorised by the Parties:

For Municipality 1: The Municipal Manager
 Phone number:
 Fax number:
 For Municipality 2: The Municipal Manager
 Phone number:
 Fax number:

12. DISPUTES

12.1 Any dispute which arises between the Parties in connection with the interpretation of or giving effect to this Agreement shall be resolved amicably through consultation and negotiation.

12.2 Should a dispute remain unresolved, the provisions of the Intergovernmental Relations Framework Act, 13 of 2005 shall apply in the absence of specific dispute resolution measures prescribed by the Act.

13. LIMITATION OF LIABILITY

Notwithstanding anything contained in this Agreement, the Parties' maximum liability shall

be limited to –

- (a) an act or omission of the authorised official referred to in section 35(2) of the Act; and
- (b) the act or omission of a member of the joint Municipal Planning Tribunal in the year that the Party is responsible for the operational expenses of the joint Municipal Planning Tribunal as contemplated in clause 10.2.

OR IN THE ALTERNATIVE

Notwithstanding anything contained in this Agreement, the liability of Municipality 1 shall be limited to –

- (a) an act or omission of the authorised official referred to in section 35(2) of the Act; and
- (b) an act or omission of a member of the joint Municipal Planning Tribunal.

14. ENTIRE AGREEMENT

14.1.1 This Agreement constitutes the entire agreement and supersedes any and all previous agreements regarding this subject matter that may exist between the Parties.

14.1.2 No representations, either verbal or written, made by either party during the tenure of this Agreement shall be of any force or effect unless agreed to by both Parties, reduced to writing, and annexed hereto, as an addendum.

15. NO WAIVER

The failure of either Party to insist upon the strict performance of any provision of this Agreement or to exercise any right, power or remedy consequent upon a breach hereof shall not constitute a waiver by such Party to require strict and punctual compliance with each and every provision of this Agreement.

16. NOTICES AND DOMICILIUM

16.1. The Parties choose as their *domicilia citandi et executandi* the following addresses:-

THE MUNICIPALITY

For the Municipality

Address

THE MUNICIPALITY

For the Municipality

Address

- 16.2 Either party hereto shall be entitled from time to time by written notice to the other party, to vary its *domicilium* to any other physical address.
- 16.3 Any notice required or permitted to be given in terms of this Agreement shall be valid and effective only if in writing and if received or deemed to have been received by the addressee.
- 16.4 Any notice given by one party to the other, referred to as the addressee, which –
- (a) is delivered by hand during the normal business hours of the addressee at the addressee's *domicilium* for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;
 - (b) is posted by prepaid registered post from an address to the addressee at the addressee's *domicilium* for the time being, shall be presumed, until the contrary is proved, to have been received by the addressee on the day after the date of posting;

17. AUTHORITY

The Parties confirm that they have the necessary authorisation to sign this Agreement on behalf of the applicable Party.

18. SIGNATURES

THIS DONE AND SIGNED BY MUNICIPALITY 1 AT _____ ON
THIS _____ DAY OF _____ 2015.

FOR MUNICIPALITY 1

WITNESS FOR MUNICIPALITY 1

SIGNATURE

SIGNATURE

FULL NAME OF SIGNATORY

FULL NAME OF SIGNATORY

THIS DONE AND SIGNED BY MUNICIPALITY 2 AT _____ ON
THIS _____ DAY OF _____ 2015.

FOR MUNICIPALITY 1

WITNESS FOR MUNICIPALITY 1

SIGNATURE

SIGNATURE

FULL NAME OF SIGNATORY

FULL NAME OF SIGNATORY

SCHEDULE 5

Standard Categories of Land Development and Land Use Applications

- (1) Category 1 Applications are -
- (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) subject to subitem (3), the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) the amendment or cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (f) permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) any consent or approval provided for in a provincial law.
- (2) Category 2 Applications are:
- (a) the subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (b) the consolidation of any land;
 - (c) the simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land;
 - (d) the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application;
 - (e) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
- (3) The division of functions between an authorised official and a Municipal Planning Tribunal can be made as follows:
- (a) All category 1 applications and all opposed category 2 applications must be referred to the Municipal Planning Tribunal.
 - (b) All category 2 applications that are not opposed must be considered and determined by the authorised official.

(4) For the purposes of this Schedule -

- (a) "consent" means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme;
- (b) "consolidation" means the joining of two or more pieces of land into a single entity;
and
- (c) "subdivision" means the division of a piece of land into two or more portions.

NOTICE - CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Gazette Contact Centre: : 012 748 6200. Fax 012 748 6025. info.egazette@gpw.gov.za
(for quotations and enquiries)
- Gazette Submissions : Fax: 012-748 6030. submit.egazette@gpw.gov.za
(for notice requests and proof of payments)
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
: 012 748 6061/6065 BookShop@gpw.gov.za
Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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PROCLAMATION*by the**President of the Republic of South Africa*

No. 26, 2015

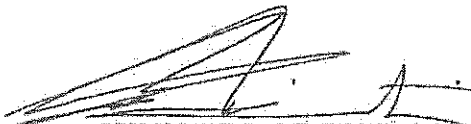
**SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013
(ACT NO. 16 OF 2013)**

In terms of section 61 of the Spatial Planning and Land Use management Act, 2013 (Act No. 16 of 2013) ("the Act"), I hereby, determine 1 July 2015 as the date on which the Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this 23rd day of April Two Thousand and Fifteen.

**PRESIDENT**

By order of President in Cabinet

**MINISTER OF THE CABINET**