

8.**TRIBUNAL: EXTERNAL MEMBERS FOR PLANNING TRIBUNAL****R Kuchar
29 May 2023****Senior Manager: Town & Spatial Planning****(028) 313 8087**

1. Executive Summary

At Council's Special Meeting held on 29 August 2022 resolved to invite nominations for external members to be represented on the Municipal Planning Tribunal. In subsequent resolutions Council laid out the criteria and imbursements parameter.

This item serves to inform Council of the outcome of the call for nominations of external members as well as to determine the way forward.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure & Planning
Town Planning / Spatial Development

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
The encouragement of structured community participation, particularly in matters of the Municipality

4. Delegated Authority

None

5. Legal Requirements

Municipal Structures Act, Act 117, 1998
Municipal Systems Act, Act 32, 2000
Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
(SPLUMA)
Regulations in terms of the Spatial Planning and Land Use Management (Act 16, 2013)
Amendment By-Law on Municipal Land Use Planning, 2020

6. Background/Discussion/Evaluation/Conclusion**6.1 Background**

The current Municipal Planning By-Law determines the following:

- (1) A Municipality Planning Tribunal established under Section 71(1)(a) must consist of the following members:

- (a) A minimum of 4 employees in the full-time service of the Municipality appointed by the Municipality; and
- (b) and a minimum of 1 person who is not a municipal employee or councillor and who have knowledge and experience of spatial planning, land use management or the Law related thereto, appointed by the Municipality.

Currently there are four (4) Municipal officials (Internal members) and one (1) Provincial official (external member) representing the Municipal Planning Tribunal.

However, Council at its meeting of 24 February 2021 resolved to invite external members to be represented on the Planning Tribunal.

Nominations for external members were advertised during 2021 according to Council's resolution taken on 24 February 2021. A total of eight (8) nominations were received. However, after evaluation, none of the nominations were accepted.

Council then amended some of the nomination criteria according to Council resolution taken on 30 November 2022. (Attached per Annexure A)

The call for nominations again was advertised on 1 March 2023 in the local newspapers and on the Municipal website.

The closing date for nominations was set at 31 March 2023. However, no nominations were received in response to the second advert.

Discussion

Twice there has been advertised for external members to be nominated on Overstrand Municipal Planning Tribunal.

The first advert received eight (8) nominations, however none of these nominations were acceptable and no appointments were made.

At the second advert no nominations have been received. Council now needs to decide if it wants to call again for nominations or if Council wants to proceed with the status quo of the Tribunal members for the remainder of the appointment.

The current member's five (5) year period is from 8 February 2021, and lapses on 7 February 2026.

Thus, the remaining period is ± 3 years after which Council would need to appoint new members to the Committee.

Conclusion

Council has called for nominations twice. Furthermore, the current composition of the Planning Tribunal is fully compliant with legislation. Only ± 3 years of the initial five (5) year term remain before Council needs to appoint new members.

It is proposed that Council retain its status quo for the remainder of the period. However, should a member of public with necessary qualifications and experience show interest, an Item be submitted to Council in order to consider calls for new nominations for external members.

7. Financial Implications

Should Council want to invite and appoint additional members, the cost will be \pm R50 000 per year per member.

If Council do decide not to call for further members, it would mean a saving of \pm R50 000 per year per additional external member.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Council Resolution 30 November 2022

RECOMMENDATION TO THE COUNCIL:

1. that Council retain the status quo for the remaining period; and
2. that, should any interest again be received from the public to serve on the Committee, an Item be submitted to Council to consider a new advert calling for nominations of external members.

RESPONSIBLE OFFICIAL:**R KUCHAR****TARGET DATE FOR IMPLEMENTATION:****3 JULY 2023**

