

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

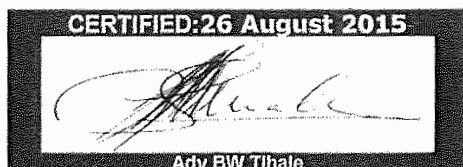
NO. 579

2 July 2021

NORTH WEST SPATIAL PLANNING AND LAND USE MANAGEMENT BILL, 2015

*(As introduced in the Provincial Legislature)
(The English text is the official text of the Bill)*

LOCAL GOVERNMENT AND HUMAN SETTLEMENTS)



PRINCIPAL STATE LAW ADVISOR**BILL**

To provide for land development and land use management in the province; to set out the responsibilities of the responsible Member of the Executive Council, municipalities and traditional authorities with regard to spatial planning and land use management; to provide for provincial planning; to establish a uniform system for municipal spatial planning and land use management; to provide for land use schemes; to provide for the establishment and functioning of tribunals and application procedures; to provide for the provision of engineering services and payment of development contributions; to provide for the control and enforcement of land use and development measures; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Constitution of the Republic of South Africa, 1996 has resulted in the creation of new structures and systems of national, provincial and municipal government in which existing planning and development legislation is no longer appropriate;

AND WHEREAS the Constitution has provided that regional planning and development, urban and rural development and housing are functional areas of concurrent national and provincial legislative competence;

AND WHEREAS Parliament has promulgated national legislation that provides a framework for spatial planning and land use management in the Republic within which the Province will promulgate its planning legislation;

AND WHEREAS procedures and structures need to be developed to facilitate and promote cooperative governance and intergovernmental relations in respect of spatial development planning and land use management systems between the three spheres of government as contemplated in the Constitution;

AND WHEREAS provincial planning is within the functional areas of exclusive provincial legislative competence, and municipal planning is the executive function of the local sphere of government;

AND WHEREAS various old order laws are still utilised in the Province promoting a fragmented approach to planning and new legislation is required to create an integrated, uniform and comprehensive approach to planning, development and the use of land within

the Province;

BE IT THEREFORE ENACTED by the Legislature of the Province of North West as follows:-

Arrangement of sections

CHAPTER 1
INTRODUCTION

1. Definitions
2. Application of Spatial Planning and Land Use Management Act

CHAPTER 2
DEVELOPMENT PRINCIPLES AND NORMS AND STANDARDS

3. National legislation
4. Provincial development principles
5. Provincial norms and standards
6. Application of development principles

CHAPTER 3
RESPONSIBILITIES OF DEPARTMENT, MUNICIPALITIES AND TRADITIONAL COUNCILS

7. Responsibilities of Department
8. Duties, powers and functions of municipality
9. Responsibilities of traditional council

CHAPTER 4
COOPERATIVE GOVERNANCE, PROVINCIAL SUPPORT AND MONITORING

10. Multi-sphere authorisation
11. Integrated procedures and decisions
12. Provincial support and monitoring

CHAPTER 5
PROVINCIAL PLANNING

13. Provincial plans
14. Provincial planning and development
15. Provincial spatial development framework
16. Spatial development framework for geographical region

CHAPTER 6
MUNICIPAL PLANNING

17. Municipal planning
18. Municipal spatial development framework

- 19. Incorporation of environmental requirements into municipal spatial development framework
- 20. Incorporation of agricultural land
- 21. Alignment with integrated transport plans
- 22. Consideration of infrastructure requirements

CHAPTER 7 LAND USE SCHEME

- 23. Adoption of land use scheme
- 24. Applicability of Chapter 5 of Spatial Planning and Land Use Management Act
- 25. Spatial planning categories and regulations

CHAPTER 8 LAND DEVELOPMENT MANAGEMENT AND LAND USE

- 26. Institutional decision making
- 27. Development and change of land use
- 28. Categories of applications
- 29. Land development application procedure
- 30. Combination of applications
- 31. Land development applicant
- 32. Development and use of land by municipality
- 33. Comments by objectors and functionaries
- 34. Right of Applicant to respond to comments
- 35. Consideration of applications
- 36. Conditions of approval
- 37. Notification of approval decision
- 38. Appeals
- 39. Change of ownership
- 40. Joint application
- 41. Withdrawal of land development application
- 42. Abandonment of land development application
- 43. Amendment of land development application
- 44. Amendment of the approval of land development application
- 45. Lapsing of approvals
- 46. Condonation
- 47. Establishment of township, extension of boundaries of township and amendment of General Plan

48. Assessment and recommendation by registered planner

CHAPTER 9

SPATIAL PLANNING AND LAND USE MANAGEMENT ON COMMUNAL LAND

49. Application of Chapter
50. Land use scheme
51. Land development on communal land
52. Land development application by member of traditional community
53. Appeal emanating on communal land

CHAPTER 10

APPEALS

Part A

Internal Appeals

54. Appeal authority

Part B

Lodging of Appeals

55. Lodging of appeal

Part C

Municipal Appeal Tribunal

56. Establishment of Municipal Appeal Tribunal
57. Composition of Municipal Appeal Tribunal
58. Functions of Municipal Appeal Tribunal
59. Powers of Municipal Appeal Tribunal
60. Disqualification from membership of Municipal Appeal Tribunal
61. Conflicts of interest
62. Termination of membership of Municipal Appeal Tribunal

Part D

Appeal Procedure

63. Types of appeals
64. Procedure for appeals
65. Notice of appeal
66. Hearing of appeal
67. Determination of appeal
68. Procedure after appeal