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- (i) that the Director: Planning and Economic Development be the delegated official for decision-making in Category 2 cases until the amended System of Delegations has been approved by Council;
 - (j) that an elected Appeal Committee consisting of Councillors of the WC024 be designated as the Appeal Authority;
 - (k) that the evaluation panel to evaluate the nominations for MPT members received by the Municipality be the Planning and Economic Development Portfolio Committee; and
 - (l) that the terms of reference for the evaluation panel be determined by the Executive Mayor in consultation with the Mayoral Committee members.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

30TH COUNCIL MEETING: 2015-05-27: ITEM 8.6

RESOLVED (majority vote with 10 abstentions)

- (a) that the draft Council approve the establishment of a WC024 Municipal Planning Tribunal in terms of Section 35 of the Spatial Planning and Land Use Management Act, 16 of 2013;
- (b) that the term of office for the Municipal Planning Tribunal (MPT) be three years;
- (c) that the Municipal Manager be authorised to proceed with the processes in accordance with Section 36(1) of the SPLUMA to comply with the institutional requirements for the establishment of a WC024 Municipal Planning Tribunal (MPT);
- (d) that the MPT consists of a panel of 10 people available to sit on the MPT, seven of which are members of the public and three officials:
 - (i) that four members of the public sit at every meeting; and
 - (ii) three additional members be appointed to stand in for unavailable tribunal members.
- (e) that the MPT public members be remunerated at the following rates:
 - (i) that the four members of the public that sit at every meeting be remunerated at R300,00 per hour, with no more than 10 hours being set aside per meeting and that the rate be reconsidered annually in the budget; and
 - (ii) that the sitting members be reimbursed for travelling expenses, inclusive of travel from and back home to the sittings, at the rates approved from time to time for Councillors in the Mayoral Committee, in keeping with the relevant policy of the Municipality.

- (f) that Council approve of the municipal employees for the Tribunal, namely:
- (i) Manager: Development Services;
 - (ii) Manager: Spatial Planning, Heritage and Environment, Directorate: Planning and Economic Development; and
 - (iii) Senior Legal Advisor
- (g) that the following categories of applications be approved:

Category 1 Applications (complex) are:

- (i) the establishment of an integrated (mixed use) township or the extension of the boundaries of a township (urban edge);
- (ii) the amendment of an existing scheme or land use scheme by the rezoning of land to which substantive objections were submitted;
- (iii) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land to which substantive objections were submitted;
- (iv) the subdivision of any land outside the urban edge for purposes other than the provision of any service;
- (v) permanent closure of any public place;
- (vi) 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 to which substantive objections were submitted;
- (vii) any departure or use not provided for in the relevant zoning scheme;
- (viii) any application on municipal or other public land where the Municipality is the applicant; and
- (ix) Amendment of a condition of approval where the decision was taken by the Tribunal or the appeal authority.

Category 2 applications are:

- (i) the subdivision of any land inside the urban edge to which substantive objections were not submitted;
- (ii) the consolidation of any land;
- (iii) 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;
- (iv) 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;
- (v) the amendment of an existing scheme or land use scheme by the rezoning of land to which substantive objections were not submitted;
- (vi) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land to which substantive objections were not submitted;
- (g) any consent or approval required in terms of a

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- condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme to which substantive objections were not submitted;
- (vii) extension of the validity period of an approval;
 - (viii) phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (ix) permission required in terms of a condition of approval; and
 - (x) special consent for the temporary use (maximum 21 days) of land not provided for in the zoning scheme.
- (h) that the following definition be used for “substantive objection”:
Substantive objections are defined by one or more of the following:
- (i) likelihood of direct loss of property, land use rights or significant property value of the objector(s) directly affected by the application in question;
 - (ii) evidence that the proposed land development activity is in conflict with all or most of the guidelines, principles, prerequisites, and standards contained in the IDP, applicable SDF, relevant by-laws and related approved policies;
 - (iii) evidence is presented which demonstrates that the proposed land development activity or alteration has a potential for significant adverse impacts on one or more of the following descriptors of the environment:
 - ecological functioning;
 - permanent nuisance and/or disturbance with effects on health and well-being of surrounding residents, occupants or property owners;
 - post construction traffic patterns;
 - areas of historic and/or archaeological significance;
 - scenic and/or recreation values; (6) post construction infrastructure services provision.
- (i) that the Director: Planning and Economic Development be the delegated official for decision-making in Category 2 cases until the amended System of Delegations has been approved by Council;
- (j) that an elected Appeal Committee consisting of Councillors of the WC024 be designated as the Appeal Authority;
- (k) that the evaluation panel to evaluate the nominations for MPT members received by the Municipality be the Planning and Economic Development Portfolio Committee; and
- (l) that the terms of reference for the evaluation panel be determined by the Executive Mayor in consultation with the Mayoral Committee members.

Councillor F Adams requested that his vote of dissent be minuted.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**