

7.3.3	AMENDMENT OF THE EXISTING CATEGORISATION OF APPLICATIONS, AMOUNTS PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL AND APPOINTMENT OF AN ADDITIONAL INTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBER IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO 16 OF 2013 (SPLUMA)
-------	---

1. PURPOSE OF REPORT

To motivate and seek approval from Council to amend the existing decisions (approved in Item 8.6 dated 27 May 2015). Further to propose to Council to appoint an additional Internal Municipal Tribunal Members, to amend the existing categorisation of applications and adjust the remuneration of external Municipal Tribunal member's fees in line with market value.

2. BACKGROUND

During 2015 Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions during 2015 [*Resolution 8.6 dated 27 May 2015 as **APPENDIX 1***] and [*item 7.4 (36th Council Meeting dated 25 of November 2015 as **APPENDIX 2***] in line with the above mentioned land use planning legislation. Amongst others Council approved the appointment of external public Municipal Planning Tribunal Members, the remuneration for external MPT members, the categorisation of applications, and the appointment of an authorised employee (the Director for Planning and Economic Development) to consider and determine certain applications in line with Council's approved categorisation.

During 2016 not one Municipal Planning Tribunal meeting was conducted, amongst others as a result of the existing categorisation of applications approved by Council.

The purpose of this item is to amend the existing categorisation of applications in terms of SPLUMA, LUPA and the Land Use Planning By-law to amend the remuneration of External Municipal Planning Tribunal Members in line with the SACPLAN professional fees and appoint additional second Internal Municipal Planning Tribunal members.

10TH COUNCIL MEETING: 2017-07-26: ITEM 7.3.3

RESOLVED (nem con)

- (a) that Council rescind the approved categorisation of applications as per resolutions (g) and (h) of Council Item 8.6 dated 27 May 2015 and replace it with the table below in line with Section 35 of SPLUMA:

NO	APPLICATION TYPE	COUNCIL	Category 1 Municipal Planning Tribunal	Category 2 (AO/AE)
Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013				
1.	Approval / amendment of Spatial Development Framework	X		
2.	Approval / amendment of Zoning Scheme	X		
3.	Approval / amendment of an Overlay Zone for the zoning scheme 15(2)(j) of the Land Use By-law read with section 12 &13 of MSA	X		
4.	Title Deed Relaxations to enable minor departure applications SPLUMA 47(2)			X
5.	Categorisation of applications	X		
Application types as per section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015)				
6.	15(2)(a) Rezoning of Land		X OBJECTIONS	X NO OBJECTIONS
7.	15(2)(b) a permanent departure from the development parameters of the zoning scheme		X OBJECTIONS	X NO OBJECTIONS
8.	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;		X OBJECTIONS	X NO OBJECTIONS
9.	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;		X OBJECTIONS	X NO OBJECTIONS
10.	15(2)(e) a consolidation of land that is not exempted in terms of section 24;			X
11.	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		X OBJECTIONS	X NO OBJECTIONS
12.	15(2) (g) a permission required in terms of the zoning scheme ;			X
13.	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval ;			X
14.	15(2) (i) an extension of the validity period of an approval			X
15.	15(2) (j) an approval of an overlay zone as contemplated in the zoning scheme ;	X		
16.	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;			X
17.	15(2)(l) a permission required in terms of a condition of approval ;			X
18.	15(2)(m) a determination of a zoning ;			X
19.	15(2)(n) a closure of a public place or part thereof;		X OBJECTIONS	X NO OBJECTIONS
20.	15(2)(o) a consent use contemplated in the zoning scheme;		X OBJECTIONS	X NO OBJECTIONS
21.	15(2)(p) an occasional use of land ;			X
22.	15(2)(q) to disestablish a home owner's association			X
23.	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;			X
24.	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.			X

25.	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity contemplated in subsection (2), the decision on the application must be made by the Tribunal in accordance with this Chapter and Chapter IV and no official may be authorised to make such a decision.		X	
26.	15(2)(l) Amendment of Site Development Plan			X
27.	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines			X

Note: "OBJECTIONS" above refer only to submissions indicating objection to the proposed development / activity and not comment submitted with proposed conditions and mitigation measures.

- (b) that Council amend resolution e (ii) of Council Item 8.6 dated 27 May 2015 in line with SACPLAN professional fees (Category B) from R300. 00 per hour to R 1 000, 00 per hour to a maximum remuneration equal to five hours per meeting. The appointed External Municipal Planning Tribunal Members meets the criteria of SACPLAN Categories B as their expertise are of private consulting firm in practice standard whom have adequate expertise and relevant experience to perform the work of a planning nature and whom can carry the direct technical responsibility for one or more specific activities;
- (c) that Council amend resolution f of Council Item 8.6 dated 27 May 2015 to expand the internal members from 3 internal MPT members to 6 by appointing additional 3 secondi members whom include:
1. The Environmental Planner
 2. Head of Transport
 3. Manager: Integrated Development Planning; and
- (d) that Council authorise and delegate the Municipal Manager to appoint Internal Municipal Planning Tribunal Members fulfilling the designations in accordance with the requirements set in the Land Use Planning By-law (2015), the Land Use Planning Act (2014), and the Spatial Planning and Land Use Planning Act (2013).

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Planning & Economic Development
Ref no:	1/1/1/40	Author	SPLUMA Compliance Officer
Collab:		Referred from:	Mayco: 2017-07-19