Municipal Spatial Development Frameworks
Adoption vs Review vs Amend
Practice Note
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1. INTRODUCTION

The need for all Municipalities (Metropolitan, Local and District) to have Spatial Development Frameworks (MSDF’s) as core components of their Integrated Development Plans (IDP’s) has been a requirement for the past 20 years, since the implementation of the Municipal Systems Act, Act 32 of 2000 (MSA). Over this time an understanding as to the importance of MSDF’s has increased and two further pieces of legislation have been introduced, namely the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA), and the Land Use Planning Act, 2014 (Act No. 3 of 2014) (LUPA). The latter two pieces of legislation, while providing further detail on the content of MSDF’s and the administrative process to be followed, read alongside the MSA may create confusion around the distinction between the concepts of, adopting an MSDF at the start of the 5-year IDP planning term (term of office), reviewing an MSDF annually or when changing circumstances so require, and amending MSDF’s during the 5-year term.

2. PURPOSE

The central purpose of this document is to unpack the meaning behind each of these three concepts in terms of the procedural and content requirements in relation to MSDF’s. The concepts of “review” and “amend”, in particular have been used interchangeably even though they have different meanings in terms of legislation and have different processes and content requirements attached to them.

This Practice Note provides clear guidance on the distinction between the “adoption”, “review” and “amendment” of an MSDF. In addition, it will speak briefly to the concepts of “compilation”, “deviation” and “adjustment” of an MSDF. This Practice Note provides both clarity in terms of the peremptory (unconditional) requirements as well as guidance in terms of best practice. To the extent that best practices are put forward, these must be taken into account, but to the extent that peremptory requirements as set out in the legislation is clarified, such peremptory requirements must be met.

The Practice Note will begin however by unpacking the link between MSDF’s and IDP’s as this is central to providing this clarity.

3. LINK BETWEEN THE MSDF AND THE IDP

To begin with, extracts from 2 pieces of legislation have been included below, which set out the link between IDP’s and MSDF’s.

RELEVANT EXTRACTS FROM THE MSA

25. **Adoption of integrated development plans**
   
   (1) Each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality ...
   
26. **Core components of integrated development plans**
   
   An integrated development plan must reflect –
   
   (e) a spatial development framework which must include the provisions of basic guidelines for a land use management system for the municipality;
The understanding of the link between the IDP and the MSDF was strengthened by the content of Circular: EADP 0011/2016 issued by the Western Cape Department of Environmental Affairs and Development Planning. This Circular referred to the High Court Judgement in Shelfplett 47 (Pty) Ltd v MEC for Environmental Affairs and Development Planning and Another (16416/10). The Circular makes it clear that the MSA and SPLUMA explicitly make the municipal MSDF a core component that is part of the Municipal IDP.

The Circular states that, together, the MSA, the MSA Regulations, SPLUMA and LUPA do not allow for an MSDF to be compiled, adopted or amended in isolation of or separately from the IDP. A municipal MSDF must be compiled, adopted and amended as part of the municipal IDP drafting, adoption and amendment process. Essentially, because an MSDF is a core component of the IDP, an MSDF amendment is an IDP amendment. Similarly, the review of the IDP, must include a review of the MSDF. (These aspects will be expanded on later in this Practice Note).

In 2017, DEA&DP sought advice on various issues related to IDP’s and MSDF’s in the form of a Legal Opinion. The Opinion was drafted by SP Rosenberg SC. Some of the most relevant conclusions drawn from this Legal Opinion are:

a. Given that the MSA makes it clear that an MSDF is a core component of an IDP, it follows that the process requirements prescribed by the MSA in respect of an IDP, necessarily apply to an MSDF.

b. Arising out of a municipality's obligation in terms of s 34(1)(a) of the MSA to review its integrated development plan annually as well as at any time to the extent that changing circumstances so demand, an MSDF is equally subject to such review by a municipality. In addition, s 34(b) provides that a municipality may amend its IDP, but must do so “in accordance with a prescribed process”. This power is not limited – presumably amendments may take place whenever the municipality considers it appropriate or necessary. The process for amending an IDP, and therefore also amending an MSDF as a core component of an IDP, is prescribed in regulation 3 of the Local Government: Municipal Planning and Performance Management Regulations (2001).

c. An MSDF as a core component of an IDP has no independent statutory existence (outside of the IDP). An MSDF adopted as part of an IDP, remains in force until either an amended MSDF is adopted by Council as part of an IDP amendment or until an MSDF is (re-)adopted as a core component of a new IDP adopted by the next elected Council. An MSDF that is not adopted as part of the process to adopt an IDP or the process to adopt an amendment to/amended IDP, has no legal status. Even if an MSDF is supposed to apply for a period beyond the five-year IDP period, the MSDF will only have such legal effect beyond the five-year IDP, if the MSDF is again adopted as part of the adoption of the new five-year IDP. This is in any case advisable to ensure that the new Council is introduced to and accepts the MSDF as a policy of the new Council.

d. If a municipality were not to include an MSDF in its new IDP on the basis that the new MSDF had recently been adopted, this would result in an irregular situation, with the MSDF having no legal effect. The Municipality would, on adoption of the new IDP, be operating without an MSDF which is not permissible.

The understanding of the link between the IDP and the MSDF was strengthened by the content of Circular: EADP 0011/2016 issued by the Western Cape Department of Environmental Affairs and Development Planning. This Circular referred to the High Court Judgement in Shelfplett 47 (Pty) Ltd v MEC for Environmental Affairs and Development Planning and Another (16416/10). The Circular makes it clear that the MSA and SPLUMA explicitly make the municipal MSDF a core component that is part of the Municipal IDP.
e. An MSDF forms part of an IDP, and there is no separate or discrete process for adoption or amending an MSDF. The provisions in SPLUMA and LUPA which deal with the adoption or amendment of an MSDF, are supplementary to the provisions of the MSA and make it clear that the process for adoption and amendment of an MSDF, is the process for adoption and amendment of an IDP.

**Note:** Annexure D at the end of this Practice Note contains a Flow Diagram reflecting the process to be followed once the MSDF has been approved by Council.

To avoid confusion, the IDP adopted at the start of the five-year term, should be referred to as the “IDP”, whereas an IDP amended within/during the course of the five-year term should be referred to as the “Amended IDP”. The rationale is that an IDP, and the MSDF as a component thereof, is the new Council’s plan for the next five years. Any changes considered necessary to the adopted IDP (or MSDF), within the five-year term of office, are amendments to the original IDP (or MSDF).

### 4. REVIEW AND AMENDMENT OF AN MSDF - LEGISLATIVE CONTEXT

Following the adoption of an MSDF as discussed above, the following extracts from the MSA, SPLUMA and LUPA speak to the two concepts and processes of review and amend.

**RELEVANT EXTRACTS FROM THE MSA ARE AS FOLLOWS:**

**Section 34: Annual review and amendment of an integrated development plan**

A municipal council-

(a) must **review** its integrated development plan -

(i) annually in accordance with an assessment of its performance measurements in terms of Section 41, and

(ii) to the extent that changing circumstances so demand; and

(b) may **amend** its integrated development plan in accordance with a prescribed process.

Reference to a “review” is also contained in **Section 28: Adoption of process**

(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and **review** of its integrated development plan.


**Note:** that an annual review does not necessarily lead to or require an amendment.
THERE ARE VARIOUS REFERENCES TO MSDF AMENDMENTS IN LUPA

Section 11 refers to the:

**Adoption or amendment of municipal spatial development frameworks**

The process adopted by a municipality in terms of section 28 of the Municipal Systems Act relating to the adoption or amendment of its municipal spatial development framework must make provision for:

(a) The establishment of an intergovernmental steering committee to compile a draft municipal spatial development framework or a draft amendment of a municipal spatial development framework; or

(b) A procedure that complies with section 13.

[Section 13 speaks to the procedure to be followed in the drafting or amending of an SDF, when it has been decided not to follow the intergovernmental steering committee route.]

Whilst section 14 refers to the:

**Submission of municipal spatial development frameworks**

A municipal manager must within a period contemplated in section 32(1) of the Municipal Systems Act, submit the following to the Provincial Minister:

(a) Written notice of the decision to adopt or amend a municipal spatial development framework, together with the reasons for the decision

(b) The adopted or amended spatial development framework; and

(c) A report setting out the response of the municipality to the comments submitted ……

[The period contemplated in section 32(1) of the MSA is within 10 days of the adoption of the SDF.]

REFERENCES TO MSDF AMENDMENTS IN SPLUMA

Section 20(3)

Before adopting the municipal spatial development, framework contemplated in subsection (1) and any proposed amendments to the municipal spatial development framework, the Municipal Council must:

a) Give notice of the proposed municipal spatial development framework in the Gazette and media;

b) Invite the public to submit written representations in respect of the proposed municipal spatial development framework to the Municipal Council within 60 days after the publication of the notice referred to in paragraph (a); and

c) Consider all representations received in respect of the proposed municipal spatial development framework.

5. THE REVIEW AND AMENDMENT CONCEPTS AND PROCESSES UNPACKED:

5.1 REVIEW OF AN MSDF

Section 34(a)(i) and (ii) of the MSA speak directly to the need to “review” an MSDF annually in terms of performance of the municipality in relation to the guidance provided in its MSDF, as well as at any time deemed necessary in response to changing circumstances. The annual review allows for proactive monitoring of the implementation of the MSDF, while highlighting the need for actions that need to be taken to support the MSDF implementation on a sustained basis.
Section 34(b) goes on to say that this review of the MSDF may result in there needing to be an amendment to the MSDF. If an amendment is required, the process prescribed in regulation 3 of the Local Government: Municipal Planning and Performance Management Regulations, 2001, must be followed. In addition, the requirements of section 20(3) in SPLUMA, sections 10, 11, 12 or 13 and 14 of LUPA and the relevant sections in the Municipalities Planning By-law must be followed. It is important to note that while the reporting on performance and the annual review must be undertaken by certain dates each year, nothing in the legislation compels the Municipality to conclude the amendment process in terms of amendments that may be made to the IDP (and MSDF) by a certain date. The IDP process plan developed in terms of section 28 and 29 of the MSA should plan for the possibility that a review might result in the municipality wanting to make an amendment to the IDP and that in such instances the IDP process plan should provide for this process to (ideally) be concluded at the same time that the review process is concluded. The process plan should also provide for the eventuality that the nature of the proposed amendments (or of comments received at a late stage in the process) is such that the amendment process would extend beyond the conclusion of the review process. One factor to take into account in terms of the timing of the conclusion of the amendment process would be the need to align with the annual performance planning and budgeting timeframes in terms of amendments to the IDP that should inform the next years’ Service Delivery and Budget Implementation Plan (SDBIP) and budget or an adjustment to the SDBIP and budget during the mid-year budget adjustment process.

Factors to be considered when annually reviewing the performance of a municipality in relation to its MSDF include:

- Are the aims and objectives of the MSDF being reached by the municipality?
- Is the direction provided by the MSDF being brought into the compilation or amendments of relevant sector plans; e.g. the Integrated Transport Plan (ITP), Water Services Development Plan, Integrated Waste Management Plan, Air Quality Management Plan, engineering services master plans, the human settlements plan, etc.
- Is the municipal budget being spent in line with the priority development areas identified in the MSDF?
- What substantive development permissions (rezoning’s and subdivisions) has the municipality given in the past financial year?
  - Are these development permissions aligned to the objectives, principles and policies set out in the MSDF?
  - What site specific deviations did the Municipal Planning Tribunal (MPT) permit? What is the impact of these on the IDP/Budget/MSDF?
- Are implementation actions identified by the MSDF (including the Capital Expenditure Framework) being brought forward into the IDP, and SDBIPs and where relevant, budgeted for?
- Are implementation actions identified by the MSDF (including the Capital Investment Framework) in the Strategic Plans and/ or Annual Performance Plans and Budgets of relevant provincial and national government departments and state-owned entities?
- Do prior amendments suggest the municipality needs to commence with a compilation of a new MSDF.

The annual review should take the form of an annual performance report that is included in the Annual “IDP Review Report” or report on the “Review of the IDP” for the particular year (e.g. “2019/20 IDP Review Report” or 2019/20 Review of the IDP of...”).
As far as “changing circumstances” are concerned, these are generally circumstances that are out of the control of the Municipality that have a substantive impact on the MSDF policies and/or proposals and could include:

- changes in legislation, policy, norms or standards;
- disasters (e.g. fires, drought, COVID-19);
- trigger points being reached in terms of certain parameters (e.g. air quality standard, water quality standard, water supply level, etc.);
- significant proposal for development in the municipal area that will result in significantly changed human settlement needs, socio-economic needs or altered natural environments (e.g. decision by National Government to allow shale gas production in the Central Karoo);
- change in population growth through migration into the municipal area or revisions to the data;
- change in political leadership resulting in different priorities (directive changes);
- new information that gives rise to the need for new or additional or changed policies, programmes and project or adapted proposals; such as, information associated with the impacts of climate change (for example, sea level rise projections).

While it would depend on the nature of the changing circumstances in question, it is suggested that changing circumstances would best be dealt with at 5-year intervals, whilst annual reviews could start to highlight and build up a list of what should inform the review in year 4 and 5 and should be addressed in the new IDP (and MSDF) to be adopted for the next 5-year term of office. It must be remembered that in year 4 of the IDP cycle municipalities need to start thinking about what actions are required in preparing the new MSDF for approval together with the new IDP at the start of the new IDP 5-year cycle. In other words, consideration must be given to whether or not the MSDF requires a few amendments or a more major overhaul/ redrafting.

### 5.2 AN MSDF AMENDMENT

The need to amend an MSDF could arise from 2 different scenarios. Firstly, the annual performance review may trigger an amendment. Secondly, changing circumstances could trigger an amendment. It is important to note that an approval of an MSDF mid IDP Cycle would mean that the MSDF would now be approved as part of an amended IDP.

An amendment to a MSDF is a change in council policy and must be motivated as such. The decision to amend such council policy should not be taken lightly. Council policy needs to remain as stable as possible in order to facilitate trust and predictability for local communities and the private sector, but also to not continuously disrupt delivery in terms of the IDP and MSDF. It is for this same reason that an IDP is put in place for the five-year term of office of the Municipal Council as the Council’s delivery compact informed by governing party’s election manifesto as well as the needs, interests and priorities as identified or reconfirmed during IDP compilation/drafting process in year 1; rather than every year having to renegotiate the election manifesto, the community needs and the delivery compact. The latter would result in a continuous process of planning rather than implementation delivery performance. Predictability is of critical importance, as it is needed in order to plan the municipal budget and the budget of other spheres of government and for the private sector to plan their projects. Importantly the MSDF provides guidance on where and when budget (of all of government and the private sector) should be spent in a municipal space in order to address the SPLUMA principles. As far as possible therefore, unnecessary amendments should not be made. SPLUMA section 12 echoes this sentiment in subsections (1)(f) and (l). Section 12 of SPLUMA refers to how “….each municipality must prepare spatial development frameworks that – (f) contribute to a coherent, planned approach to spatial development in national, provincial and municipal spheres”; and (l) “promote a rationale and predictable land development environment to create trust and stimulate investment.”
NOTE: Importantly, the process for amending an SDF is not the same as a land development application process. The latter is undertaken in the form of an application, whilst an MSDF amendment is not. Only a member or committee of Council may introduce a proposal for amending an MSDF to Council. An MPT is not empowered to make a decision on an MSDF amendment request or a decision that requires or pre-empts an MSDF amendment. In other words, an MPT is not empowered to approve a development application, prior to the MSDF being amended to accommodate that application. As such, there is no application from external parties to a Municipality to amend an MSDF. A person could of course motivate the merits of a proposed amendment to the MSDF to the Municipal officials or a relevant member or committee of Council through the annual IDP review consultation process. An official would have to prepare a Council item for the relevant member or committee of Council to then table in Council in order to consider whether or not an amendment process should be initiated.

A decision to amend council policy would need to be based on a holistic consideration of, amongst other considerations, the demographic and economic trends within the area, the implications of extending infrastructure networks, the impact of this on the Council’s budget in the short term and on the municipal finances in the long term, the infrastructure and delivery implication for all of government, and impact on possible alignment with other Municipalities and other organs of state.

SPLUMA requires an MSDF to provide a long-term spatial vision and to map a path to get there. Transformation of the built environment is a slow process, with many developments taking more than 5 years to come off the ground, in which time parties to these developments take substantial risks. It is critical therefore that the policy environment governing development in the built environment is stable and predictable so that investors can, with confidence look for opportunities and mobilise resources. It is also important in building trust with local communities that decisions are made that align with the MSDF which, having been publicly participated, can be considered a social compact between local government and communities on the development path that the settlement / municipal area will take.

Section 28 (1) of the MSA states that “within a prescribed period after the start of its elected term” the municipal council must “adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan.” This has become known as the “IDP Process Plan”. Not only should the Process Plan address the planning, drafting, adoption and review of an MSDF, but it should also provide for the process to be followed when amending an MSDF as a result of a) an annual review of the performance of the MSDF, or b) as a result of changing circumstances.

Attached find two tables on the steps to follow when amending an MSDF. Annexure A addresses the process for amending an MSDF when it has been decided that the Intergovernmental Steering Committee (IGSC) route will be followed. Annexure B covers the procedure for amending an MSDF when it has been decided that no IGSC will be established.

An MSDF, as a Council policy document takes a long time to develop therefore any amendments to it should happen in a disciplined manner, that is clear and fair. Any amendment must acknowledge and respond to the detailed research/ evidence that informed the rationale followed in the compilation of the MSDF in the first place.

Furthermore, it should be remembered that in terms of the Standard Draft By-Law on Municipal Land Use Planning, an amendment to an MSDF, regardless of the extent of the amendment, needs to follow a thorough process. Section 34 of the MSA makes it clear that the IDP (and therefore the MSDF as a core component of the IDP) may be amended, but all amendment must be in accordance with the prescribed process - which amendment process has been prescribed in
regulation 3 of the Local Government: Municipal Planning and Performance Management Regulations (2001). There is no distinction made, and different processes provided for in terms of substantial versus minor amendments. The MSDF amendment process is set out in Chapter 2 Section 3 of the Model By-Law and requires amongst other steps, the drafting of a status quo report, or at the very least an updating of the current status quo report. This status quo report needs to be submitted to Council for adoption, before proceeding with the rest of the amendment process. The annual performance review and review undertaken in terms of changing circumstances are all key informants to the status quo report.

6. **UNPACKING OF ADDITIONAL CONCEPTS, NAMELY: COMPILATION, DEPARTING/DEVIATING, UPDATING AND ADJUSTMENT**

6.1 **COMPILING AN MSDF**

Due to the fact that an MSDF and IDP are integrally linked, the validity period of an MSDF is the same as that of an IDP and an MSDF must be compiled and adopted or an existing MSDF must be re-adopted as part of the new term of office IDP.

The MSA provides that a new Council may simply (re)adopt the previous Council’s IDP (and MSDF). This is most likely to be the case in a Municipality with a low population growth rate, a slow economic growth rate, and a consistent political party in charge. Or where the MSDF was recently compiled, the status quo has not changed and there has not been a change in the goals of the newly elected leadership of the municipality.

Similarly, the compilation of an MSDF need not necessarily involve being re-written in its entirety and could be an update to the existing MSDF. This would be in line with section 11 of SPLUMA, which allows for “Municipal differentiation” based on the unique circumstances of a municipality.

Attached find Annexure C on the steps to follow when compiling/ an MSDF (which may take the form of an update as opposed to a brand-new report). This Annexure includes both the process with and without an Intergovernmental Steering Committee.

6.2 **DEPARTING / DEVIATING FROM AN MSDF**

Another area that requires clarity is around deviations/departures and the misguided understanding that a deviation/departure from an MSDF automatically leads to the need for an amendment of the MSDF.

Section 22(2) of SPLUMA deals with departing from an MSDF and states that, subject to section 42, a Municipal Planning Tribunal “may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework” (emphasis added).

Section 19(1) of LUPA states that if an MSDF specifically provides for a proposed use of land, the proposal is seen as compliant with the MSDF.

Section 19(2) states that if an MSDF does not specifically provide for the utilization or development of land as contained in a proposal, but the proposed utilization or development is not in conflict with the relevant designation in an MSDF, then the utilization or development is regarded as being consistent with the MSDF.

Section 19(3) of LUPA deals with deviating from an MSDF and states that, “If the proposed

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1 In the context of MSDF’s the term “deviate” as referred to in LUPA and the term “departure” as referred to in SPLUMA have the same meaning.
utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan” (emphasis added). LUPA specifically defines “land development” as, “means the erection of buildings or structures on land, or the change in utilisation of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or utilisation permitted in terms of an applicable zoning scheme” (emphasis added).

In the event that there are site specific circumstances which can justify a deviation / departure from an MSDF, this should not automatically lead to an amendment of the MSDF. As soon as an MSDF is amended to accommodate a departure/deviation, then what was a deviation/deviation due to site specific circumstances now becomes accepted as the norm. Consequently, similar applications can follow suit without having to argue their merits on the basis of site specific circumstances. Deviations/ departures should remain as such i.e. applications which have been approved due to site specific circumstances, despite the fact that they are not in line with the MSDF. Each year during the review of the IDP/ MSDF, any deviations/departures permitted in the previous year should be reported on. However, if enough deviations/ departures are granted over a number of years, this may well be an indication that the MSDF was incorrect to begin with and that it should be changed / amended to accommodate a change in the policy affected by these deviations/departures.

NOTE: A Practice Note on how to apply the lens of site-specific circumstances when considering whether or not a deviation/ departure from an MSDF is justified is in the process of being developed and will provide further detail on this.

6.3 UPDATING AN MSDF

Section 20 of LUPA requires that the MSDF is kept updated and that the updated MSDF is made accessible to the public. Thus, as with the term “adjustment”, which is discussed below, the term “update” has a very specific meaning in LUPA. Section 20 of LUPA requires that an MSDF must remain updated by recording any approved land use applications which deviate from the MSDF due to site specific circumstances. Which can be recorded on an annual basis in the annual performance review and maintained as an addendum to or kept with the MSDF.

6.4 ADJUSTMENT OF AN IDP AND AN MSDF

In the context of the MSA, the terms “adjustment” and “amendment” have different meanings. Whilst the meaning of an MSDF amendment has been clarified above, the term “adjustment” refers to a very specific process which may arise following the submission of an adopted IDP (of which an MSDF is a part) or an adoption of an amendment to/amended IDP (which might include an amendment to/amended MSDF) to the MEC for Local Government in terms of section 32 of the MSA.

Section 32(2)(a) of the MSA refers to how the MEC for Local Government may request the relevant municipal Council to adjust their IDP (including their MSDF) in accordance with the MEC’s proposals if the IDP and/or MSDF does not comply with the requirements of the MSA or if the MSDF is in conflict with, is not aligned to, or negates the development plans and strategies of other affected municipalities or organs of state.

In terms of section 32(2)(b), an adjustment may also be required following a request by the MEC for the relevant municipal council to comply with the process referred to in section 29 of the MSA, or with a specific provision of the MSA, which relates to the process of drafting or amending the
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Whether or not an adjustment will be required will depend on the extent of the changes made as a result of now being procedurally compliant. An adjustment in terms of section 32 of the MSA is not an amendment and is not subject to section 34 of the MSA nor regulation 3 of the Local Government: Municipal Planning and Performance Management Regulations (2001).

7. WAY FORWARD

In moving forward, it is evident that there are opportunities for reforms in order to streamline MSDF processes. It is however acknowledged that the majority of these proposed reforms will take time to be implemented as they require changes to legislation. The proposed reforms are listed below:

7.1 It is recommended that a Circular is prepared which addresses the question of departing/deviating from an MSDF in site-specific circumstances.

7.2 The timing of the various public participation timeframes needs to be clarified. SPLUMA section 20(3) requires that the public are given 60 days to comment on the draft MSDF. Regulation 3(4)(b) of the Local Government: Municipal Planning and Performance Management Regulations (2001) states that an IDP/SDF amendment must be advertised for a period of at least 21 days. Regulation 15(3) of the Local Government: Municipal Planning and Performance Management Regulations (2001) further requires that “A municipality must afford the local community at least 21 days to comment on the final draft of its integrated development plan before the plan is submitted to the council for adoption” (emphasis added). Receiving substantive comments late in the process might result in time pressures in terms of further changes to the MSDF having to be considered late in the process. As stated earlier however:

7.2.1 It is important to note that while the reporting on performance and the annual review must be undertaken by certain dates each year, nothing in the legislation compels the Municipality to conclude the amendment process in terms of amendments that may be made to the IDP (and MSDF) by a certain date.

7.2.2 While the IDP process plan developed in terms of section 28 and 29 of the MSA should plan for the possibility that a review might result in the municipality wanting to make an amendment to the IDP and that in such instances the process should provide for this process to be attempted to be (ideally) concluded at the same time that the review process is concluded, the process plan should also provide for the eventuality that the nature of the proposed amendments (or of comments received at a late stage in the process) is such that the amendment process would extend beyond the conclusion of the review process.

7.2.3 One factor to take into account in terms of the timing of the conclusion of the amendment process would be the need to possibly align with the annual performance planning and budgeting timeframes. There may be instances where an amendment to the IDP or MSDF needs to inform the next years’ Service Delivery and Budget Implementation Plan (SDBIP) and budget or an adjustment to the SDBIP and budget during the mid-year budget adjustment process.

7.3 The need for a stakeholder register as required in terms of section 3(2)(c) of the LUPA Standard Draft By-Law should be reconsidered. The purpose such a register serves given the requirement that the draft MSDF should be advertised in two newspapers, is unclear. It simply creates the expectation of privileged communication and dialogue on the part of some stakeholders.
ANNEXURE A

STANDARD OPERATING PROCEDURE FOR THE AMENDMENT OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS WITH AN INTERGOVERNMENTAL STEERING COMMITTEE (ISC)

The process that needs to be followed when amending a Municipal SDF should be set out in the IDP Process Plan which is referred to in Section 28 of the Municipal Systems Act (Act 32 of 2000) MSA.

<table>
<thead>
<tr>
<th>STEP</th>
<th>STEPS TO BE UNDERTAKEN</th>
<th>UNDERPINNING LEGISLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Municipality must approach a member or committee of the Council to introduce a proposal for amending an MSDF in the Council. The Council must decide on whether or not to establish an Intergovernmental Steering Committee for the purpose of amending their MSDF. (For the purpose of this table, we are assuming that the Council has decided to follow the Intergovernmental Steering Committee Route)</td>
<td>MSA Regulations Chapter 2 Section 3(1) LUPA – Section 11 (a) and (b) Standard Draft By-Law on Municipal Planning, Chapter 2, Section 3 (1)</td>
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<td>Notice of the proposal to amend the MSDF must be published in two of the official languages of the Province most spoken in the area, in two newspapers circulating in the area. The notices must indicate: • The Municipal intention to amend the MSDF • The process to be followed for the amendment of the MSDF in accordance with section 28(3) and 29 of the MSA Ask stakeholders to register so that they may be invited to comment on the draft amendment of the MSDF. The Municipality must inform the Provincial Minister in writing of the intention to amend the MSDF, and must indicate that the ISC process will be followed in the amendment</td>
<td>Standard Draft By-Law on Municipal Planning, Chapter 2 Section 3 (2) (a) (i)(ii) Standard Draft By-Law on Municipal Planning Chapter 2 Section 3(2)(c) Standard Draft By-Law on Municipal Planning Chapter 2 Section 3(2)(b) (i-iii)</td>
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<td>The Municipality must establish a project committee to amend its MSDF. The project committee must consist of: • the Municipal Manager (or a municipal employee designated by the Municipal Manager) • Municipal employees appointed by the Municipal Manager from at least the following municipal departments – IDP, Spatial Planning, Engineering, LED and Housing</td>
<td>Standard Draft By-Law on Municipal Planning Chapter 2 Section 4(1) and (2)</td>
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<td>The Municipality must: • In writing, invite written nominations for representatives to serve on the ISC from the following persons or organs of state: • the head of the provincial department responsible for land use planning • the head of the provincial department responsible for environmental affairs; and • other relevant organs of state</td>
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<td>The project committee must compile a draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area and must submit these to the ISC for comment.</td>
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<td>After consideration of the comments of the ISC, the project committee must finalise the status quo report and submit it to the Council for adoption.</td>
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<td>7</td>
<td>After finalising the status quo report the project committee must compile a first draft of the amendment of the municipal spatial development framework and submit it to the ISC for comment.</td>
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<td>8</td>
<td>After consideration of the comments of the ISC the project committee must finalise the first draft of the amendment of the MSDF and submit it to the Council to approve the publication thereof for public comment in accordance with the process adopted in terms of Section 28 and 29 of the MSA.</td>
<td>Standard Draft By-Law on Municipal Planning Chapter 2 Section 6(4)</td>
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<td>9</td>
<td>The public, the Provincial Minister and the District Municipality must be made aware that any MSDF amendment is also an IDP amendment. Therefore, the request for comment on the proposed MSDF amendment must also include reference to an IDP amendment. In terms of the MSA Regulations, Chapter 2 Section 3(4)(b), the public should be given a period of at least 21 days to submit their comments on the proposed MSDF amendments. (NB LUPA and SPLUMA require a 60 day comment period as is evident below).</td>
<td>MSA Regulations, Chapter 2 Section 3(4)(b)</td>
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<td>10</td>
<td>Invite the public / local community to submit written comment on this proposed amendment within 60 days of the publication thereof in the Gazette and the Media. (The media means the local newspaper or newspaper(s) of the area determined by the council as “a newspaper of record”, or by means of radio broadcasts covering the area of the municipality. Such notification must be in the official languages of the area, as determined by Council) The District Municipality must be consulted regarding the proposed amendment.</td>
<td>SPLUMA – Section 20(3)(b)</td>
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<td>11</td>
<td>After consideration of the comments and representations received on the proposed amendment, the project committee must compile a final draft of the amendment of the municipal spatial development framework and submit it to the ISC for comment.</td>
<td>Standard Draft By-Law on Municipal Planning Chapter 2 section 6(5)</td>
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<td>After consideration of the comments of ISC, the project committee must finalise the final draft of the amendment of the municipal spatial development framework and submit it to the Council for adoption.</td>
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<td>13</td>
<td>Any proposed amendment submitted to Council must be accompanied by a memorandum setting out the reasons for the proposal and must indicate how the amendment is in line with the District Municipality’s Framework for Integrated Planning.</td>
<td>MSA Regulations Chapter 2 Section 3(2)</td>
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<td>14</td>
<td>The Council or the project committee may at any time in the process of drafting an amendment of the spatial development framework request comments from the ISC.</td>
<td>Standard Draft By-Law on Municipal Planning Chapter 2 Section 6(8)</td>
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<td>15</td>
<td>The Municipal Council must consider all representations received in respect of the proposed MSDF amendment.</td>
<td>SPLUMA, Section 20 (3)(c)</td>
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<td>16</td>
<td>If the final draft of the amendment of the municipal spatial development framework contemplated in step 11 is materially different to what was published in terms of step 10, the Municipality must follow a further consultation and public participation process before the amendment of the municipal spatial development framework is adopted by the Council.</td>
<td>Standard Draft By-Law on Municipal Planning Chapter 2 Section 6(7)</td>
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| 17   | Once the amended MSDF and by implication the amended IDP has been adopted by the Council, the Municipal Manager must submit a copy of the amended MSDF, to the MEC for Local Government, within 10 days of the adoption. This submission of the amended MSDF and IDP must be accompanied by:  
  • a summary of the public participation process  
  • a statement that the process set out in Section 29(1) of the MSA has been complied with  
  • a copy of the Districts Framework for Integrated Development Planning (See Section 27 of the MSA) | MSA Section 32 (1)                                                                                                                                            |
| 18   | Within 10 days of adoption of the MSDF, the Municipal Manager must submit the following to the Provincial Minister:  
  • A written notice of the decision to amend the municipal spatial development framework, together with the reasons for the decision;  
  • The amended municipal MSDF;  
  • A report setting out the response of the municipality to the comments submitted in terms of section 12(4) of LUPA | LUPA Section 14                                                                                                                                                |
<p>| 19   | Please note that currently the MEC for Local Government in the Western Cape and the Provincial Minister, as defined in LUPA, are one and the same person. Therefore, the requirements in terms of both pieces of legislation should reach the Minister/MEC within 10 days of Council adoption of the amendment. It is not necessary for the Municipality to prepare two separate submissions to the same person. One submission can address the requirements of both steps 17 and 18 above. Reference must be made however to both pieces of legislation in the submission | LUPA Section 14                                                                                                                                                |</p>
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| 20   | Once adopted by the Council, a notice of this adoption must appear in the media and the Provincial Gazette, within 14 days of the date of adoption (It is assumed that the same definition of “media” as referred to in step 10 above, applies here.) | SPLUMA Section 20(1)  
Standard Draft By-Law on Municipal Planning Chapter 2, Section 6(9) |
| 21   | Within 30 days from the date of receipt of the amended MSDF, the MEC for Local Government must determine if:  
• the MSDF (and IDP) amendment complies with the MSA;  
• the amendment is in line with any development plans and strategies of other affected municipalities or organs of state;  
• the public participation process outline in Section 29 of the MSA has been complied with. | MSA Section 32(2) |
| 22   | Should the amended MSDF not comply with the above, the MEC for Local Government should request the relevant municipal council to adjust the MSDF. | MSA Section 32 (2) |
| 23   | The Municipal Council must consider the MEC’s request to adjust the MSDF, and within 30 days of receiving the MEC’s request, the Council must consider:  
• If it agrees with the proposals to adjust the MSDF in accordance with the MEC’s request.  
• Object to the MEC’s request and furnish the MEC with reasons in writing why it disagrees | MSA Section 32(3) |
| 24   | If the Municipality objects to the MEC’s request, the MEC may refer the municipality’s objection to an ad hoc committee (see Section 33 of the MSA). The MEC must refer an objection to the ad hoc committee within 21 days of receiving the objection. | MSA Section 32 (4) |
| 25   | See Section 33 of the MSA which deals with the Ad Hoc Committee process. | |

**N.B.** It is acknowledged that in terms of the MSA Regulations an amendment to the IDP / MSDF should be advertised for a period of “at least 21 days” – See Section 3(4)(b). SPLUMA on the other hand requires that proposed MSDF amendments should be advertised for 60 days - See Section 20 (3)(b). Where possible, these two advertising processes should overlap with one another. If this is not possible however the 21-day advertising period in terms of the MSA can happen at a later point in time. (The issue of public participation timeframes is referred to in steps 9 and 10 above)

**Please note:** where reference in the steps above is made to the By-Law, these steps are **not applicable** to the District Municipalities.
The process that needs to be followed when amending a Municipal SDF should be set out in the IDP Process Plan which is referred to in Section 28 of the MSA. In this Process Plan the Municipality must make known its decision as to whether or not it will establish an Intergovernmental Steering Committee as part of the SDF amendment process. (See LUPA - Section 11 (a) and (b) and Standard Draft By-Law, Chapter 2, Section 3(1))

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<td>The Municipality must approach a member or committee of the Council to introduce a proposal for amending an MSDF in the Council. The Council must decide on whether or not to establish an Intergovernmental Steering Committee for the purpose of amending their MSDF. <em>(For the purpose of this table, we are assuming that the Council has decided not to follow the Intergovernmental Steering Committee Route)</em></td>
<td>MSA Regulations Chapter 2 Section 3(1) LUPA – Section 11 (a) and (b) Standard Draft By-Law on Municipal Planning, Chapter 2, Section 3 (1)</td>
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| 2    | The Municipality must publish a notice of the proposal to amend the MSDF in two of the official languages of the Province, most spoken in the area, in two newspapers circulating in the area. The notice must indicate:  
  - The Municipal intention to amend their MSDF  
  - The process to be followed in accordance with section 28(3) and 29 of the MSA  
  The notice must also include an invitation for people to register as Stakeholders | Standard Draft By-Law on Municipal Planning, Chapter 2 Section 3(2)(a) (i)(ii) Standard Draft By-Law on Municipal Planning Chapter 2 Section 3(2)(c)                                                                                 |
<p>| 3    | The Municipality must inform the Provincial Minister in writing of the intention to amend the MSDF and the process to be followed in the amendment. In addition, the Municipality must inform the Provincial Minister that the ISC process will not be undertaken. | Standard Draft By-Law on Municipal Planning Chapter 2 Section 3(2)(b) (i-iii)                                                                                                                                               |
| 4    | The project committee must compile a draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to Council for adoption | Standard Draft By-Law on Municipal Planning Chapter 2 Section 4(1) and (2)                                                                                                                                                  |
| 5    | After adoption of the status quo report by Council the project committee must compile a first draft of the amendment to the MSDF and submit it to Council to approve the publication thereof for public comment and to request comment from the Provincial Minister and the District Municipality. | Standard Draft By-Law on Municipal Planning Chapter 2 Section 7(1)(a) Standard Draft By-Law on Municipal Planning Chapter 2 Section 7(1)(b) Standard Draft By-Law on Municipal Planning Chapter 2 Section 7(1)(c) LUPA -section 13(1)(a) MSA Regs Chapter 2 Section 3(6) |</p>
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| 6    | Council must give notice of the proposed MSDF amendments in the Gazette and the media. (The media means the local newspaper or newspaper(s) of the area, in a newspaper or newspapers circulating in the area which is determined by the council as “a newspaper of record”, or by means of radio broadcasts covering the area of the municipality. Such notification must be in the official languages of the area, as determined by Council) | SPLUMA – Section 20(3)  
MSA Chapter 4, Section 21(1) and (2)                                                                                                                                                                                                                               |
| 7    | The public, the Provincial Minister and the District Municipality must be made aware that any MSDF amendment is also an IDP amendment. Therefore, the request for comment on the proposed MSDF amendment must include reference to an IDP amendment.  
In terms of the MSA Regulations, Chapter 2 Section 3(4)(b), the public should be given a period of at least 21 days to submit their comments on the proposed IDP/SDF amendments. | MSA Regulations, Chapter 2 Section 3(4)(b)                                                                                                                                                                                                                                                             |
| 8    | The Provincial Minister and the District Municipality must submit written comments to the Municipality within 60 days of receiving a draft amendment of an MSDF                                                                                                                                                                                 | LUPA -section 13(2)                                                                                                                                                                                                                           |
| 9    | The public must be invited to submit written representations in respect of the proposed MSDF amendment within 60 days after the notice regarding the proposed amendment is advertised.                                                                                                                                  | SPLUMA, Section 20(3)(b)                                                                                                                                                                                                                     |
| 10   | After considering the comments and representations received from the public and the Provincial Minister on the MSDF amendments, the project committee must submit the proposed amendments on the MSDF to the Council.  
(If the final draft of the amendment to the MSDF is materially different to what was published in terms of the step above, then the Municipality must follow a further consultation and public participation process before the amended SDF is adopted by Council.) | SPLUMA Section 20(3)(c)  
Standard Draft By-Law on Municipal Planning Chapter 2 Section 7(1)(d)  
Standard Draft By-Law on Municipal Planning Chapter 2 Section 7(2)                                                                                                                                                               |
| 11   | Any proposed amendment to the MSDF submitted to Council must be accompanied by a memorandum setting out the reasons for the proposal and must indicate how the amendment is in line with the District Municipality’s Framework for Integrated Planning. (The memorandum should include a comment and responses schedule.) | MSA Regulations Chapter 2 Section 3(2)  
The District Framework for Integrated Development Planning is a requirement in terms of Section 27 of the MSA.                                                                                                                                 |
| 12   | No amendment to a municipality’s MSDF may be adopted by the Council unless all members have been given reasonable notice                                                                                                                                                                                                                   | MSA Regulations Chapter 2 Section 3(4)                                                                                                                                                                                                       |
| 13   | Once the amended MSDF has been adopted by the Council, the Municipal Manager must submit a copy of the amended MSDF to the MEC for Local Government in the Province, within 10 days of adoption.  
This submission of the adopted amended MSDF must be accompanied by:  
• a summary of the public participation process  
• a statement that the process set out in Section 29(1) of the MSA has been complied with  
• a copy of the Districts Framework for Integrated Development Planning (See Section 27 of the MSA) | MSA, Section 32(1)(a)                                                                                                                                                                                                                       |
| 14   | In addition to the step above, the MM must submit the following to the Provincial Minister within 10 days of the amended MSDF:  
• A written notice of the decision to amend the municipal spatial development framework, together with the reasons for the decision;  
• The amended MSDF;  
• A report setting out the response of the municipality to the comments submitted in terms of section 12(4) or 13(2) of LUPA | LUPA Section 14                                                                                                                                                                                                                               |
| 15   | The Council must within 14 days of the adoption of the amended MSDF, give notice of its decision in the media and the Provincial Gazette.                                                                                                                                                                                                  | Standard Draft By-Law on Municipal Planning Chapter 2 Sections 7(3)  
SPLUMA Section 20(1)                                                                                                                                                                                                                           |
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| 16   | Within 30 days from the date of receipt of the amended MSDF, the MEC for Local Government must determine if:  
• the amended MSDF complies with the MSA;  
• the amendments are in line with any development plans and strategies of other affected municipalities or organs of state;  
• the public participation process outline in Section 29 of the MSA has been complied with.                                                                 | MSA Section 32(2)        |
| 17   | Should the amended MSDF not comply with the above, the MEC for Local Government should request the relevant municipal council to adjust the MSDF.                                                                                                                          | MSA Section 32 (2)       |
| 18   | The Municipal Council must consider the MEC’s request to adjust the MSDF, and within 30 days of receiving the MEC’s request, the Council must consider:  
• If it agrees with the proposals to adjust the MSDF in accordance with the MEC’s request.  
• Object to the MEC’s request and furnish the MEC with reasons in writing why it disagrees.                                                                                                                                   | MSA Section 32(3)        |
| 19   | If the Municipality objects to the MEC’s request, the MEC may refer the municipality’s objection to an ad hoc committee (see Section 33 of the MSA). The MEC must refer an objection to the ad hoc committee within 21 days of receiving the obligation.  
• Object to the MEC’s request and furnish the MEC with reasons in writing why it disagrees.                                                                                                                                  | MSA Section 32 (4)       |
| 20   | See Section 33 of the MSA which deals with the Ad Hoc Committee process.                                                                                                                                              |                          |

N.B. It is acknowledged that in terms of the MSA Regulations an amendment to the IDP / MSDF should be advertised for a period of “at least 21 days” – See Section 3(4)(b). SPLUMA on the other hand requires that proposed MSDF amendments should be advertised for 60 days – See Section 20 (3)(b). Where possible, these two advertising processes should overlap with one another. If this is not possible however the 21day advertising period in terms of the MSA can happen at a later point in time. (The issue of public participation timeframes is referred to in steps 7, 8 and 9 above)

Please note: Where reference in the steps above is made to the By-Law as the underpinning legislation, these steps are not applicable to the District Municipalities.
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<td>Notice of the proposal to compile an MSDF must be published in two of the official languages of the Province, most spoken in the area, in two newspapers circulating in the area. The notices must indicate: • The Municipal intention to compile an MSDF • The process to be followed for the compilation of the MSDF</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 3 (2) (a) (i)(ii)</td>
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<td>3</td>
<td>The Municipality must inform the Provincial Minister in writing of the intention to compile the MSDF, indicate whether or not the ISC process will be undertaken and the process to be followed in the compilation</td>
<td>Relevant Bylaw on Municipal Planning Chapter 2 Section 3(2)(b) (i-iii)</td>
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<td>4</td>
<td>Register relevant stakeholders who may be invited to comment on the draft MSDF</td>
<td>Relevant Bylaw on Municipal Planning Chapter 2 Section 3(2)(c)</td>
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<td>5</td>
<td>The Municipality must establish a project committee. The project committee should consist of: • the Municipal Manager (or a municipal employee designated by the Municipal Manager) • Municipal employees appointed by the Municipal Manager from at least the following municipal departments – IDP, Spatial Planning, Engineering, LED and Housing</td>
<td>Relevant Bylaw on Municipal Planning Chapter 2 Section 4(1) and (2)</td>
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<td>If the decision above was to establish an Intergovernmental Steering Committee (ISC):</td>
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<td>The Municipality must invite, in writing, written nominations for representatives to serve on the IGSC from the following persons or organs of state: • The head of the provincial department responsible for land use planning; • The head of the provincial department responsible for environmental affairs • Other relevant organs of state</td>
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<td>The project committee should compile a draft status quo report setting out an assessment of the existing levels of development and development challenges and submit it to the ISC for comment</td>
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<td>The project committee must consider the comments of the ISC, finalise the status quo report and submit it the Council for adoption</td>
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<td>9</td>
<td>The project committee must compile a first draft of the municipal spatial development framework and submit it to the ISC for comment</td>
<td>Relevant Bylaw on Municipal Planning Chapter 2 Section 6(3)</td>
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<td>After considering the comments of the ISC, the project committee must finalise the first draft of the municipal SDF and submit it to Council to approve the publication thereof for public comment in accordance with the process adopted in terms of section 28 and 29 of the MSA. A municipality must give the local community at least 21 days to comment on the final draft of the MSDF. This time period can run concurrently with the 60 days referred to in SPLUMA (see step 12 below).</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 6(4) MSA Regulations Chapter 4 Section 15(3)</td>
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<td>11</td>
<td>The Municipal Council must give notice of the proposed municipal spatial development framework in the Gazette and the media.</td>
<td>SPLUMA – Section 20(3)(a)</td>
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<td>12</td>
<td>The public/local community must be invited to submit written comment on the proposed MSDF within 60 days of the publication thereof.</td>
<td>SPLUMA – Section 20(3)</td>
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<td>13</td>
<td>The District Municipality must be consulted and given an opportunity to comment in writing.</td>
<td>MSA Regulations Chapter 2 Section 3(6)</td>
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<td>14</td>
<td>After consideration of the comments and representations received through the public participation process, the project committee must compile a final draft of the MSDF and submit it to the ISC for comment.</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 6(5)</td>
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<td>15</td>
<td>After considering the comments of the ISC, the project committee must finalise the final draft of the MSDF and submit it to Council for adoption.</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 6(6)</td>
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<td>If the decision was not to establish an ISC:</td>
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<td>16</td>
<td>If the Municipality has decided not to establish an ISC, then the project committee must draft a status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to the Council for adoption.</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 7(1)(a)</td>
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<td>17</td>
<td>Once the status quo report has been adopted, the first draft of the municipal SDF should be prepared by the project committee and submitted to Council for approval for it to be published for public comment. Once approval is granted, the draft SDF must be submitted to the Provincial Minister for written comment.</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 7(1)(b) and (c) LUPA – Section 13</td>
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<td>18</td>
<td>The Council must give notice of the draft MSDF in the Gazette and the media.</td>
<td>SPLUMA – Section 20 (3)</td>
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<td>19</td>
<td>The Council must invite the public to submit written representations on the draft SDF to the Council within 60 days after the publication of the notice. In addition, any organs of state or other role players must be identified and consulted on the proposed MSDF. All representations received must be considered.</td>
<td>SPLUMA – Section 20 (3) MSA, Section 29(1)(b)(iii)</td>
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<td>20</td>
<td>The Provincial Minister must submit written comment to the Municipality within 60 days (The period can be extended if the municipality agrees). The municipality may not adopt its MSDF, until comment has been received from the Provincial Minister or 60 days have passed.</td>
<td>LUPA – Section 13 (2) LUPA – Section 13 (1) (b)</td>
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<td>21</td>
<td>A municipality must give the local community at least 21 days to comment on the final draft of the MSDF. This time period can run concurrently with the 60 days referred to in both SPLUMA and LUPA (see steps 19 and 20 above).</td>
<td>MSA Regulations Chapter 4 Section 15(3)</td>
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<td>22</td>
<td>The project committee must consider the input received from the public and the Provincial Minister, make any amendments that are required and prepare the final draft of the municipal SDF for the adoption of Council.</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2 Section 7(1)(d)</td>
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<td>23</td>
<td>If the final draft of the MSDF is materially different from what was published, the Municipality must follow a further consultation and public participation process before the MSDF is adopted by Council.</td>
<td>Relevant Bylaw on Municipal Planning, Chapter 2, Sections 6(7) and 7(2)</td>
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<td>24</td>
<td>Once adopted by the Council, a notice of this adoption must appear in the media and the Provincial Gazette, within 14 days of the date of adoption.</td>
<td>SPLUMA Section 20(1) Relevant Bylaw on Municipal Planning, Chapter 2, Sections 6(9) and 7(3)</td>
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| 25   | Once adopted, the Municipal Manager must submit a copy of the MSDF as adopted by the Council to the MEC for Local Government, within 10 days of the adoption. This submission must include:  
• a summary of the public participation process  
• a statement that the process set out in Section 29(1) of the MSA has been complied with  
• a copy of the relevant Districts Framework for Integrated Development Planning (See Section 27 of the MSA) | MSA Section 32 (1) |
| 26   | The Municipal Manager must also within 10 days of the adoption of the MSDF, submit:  
• a written notice of the decision to adopt or amend a municipal spatial development framework,  
• the adopted or amended MSDF  
• a report setting out the response of the municipality to the comments of the ISC to the Provincial Minister. | LUPA Section 14 (a) – (c) |
| 27   | Within 30 days from the date of receipt of the adopted MSDF, the MEC for Local Government must determine if:  
• the drafting process and content of the MSDF complies with the MSA  
• whether the MSDF is in line with any development plans and strategies of other affected municipalities or organs of state  
• the public participation process outlined in Section 29 of the MSA has been complied with | MSA Section 32(2) |
| 28   | Should the adopted MSDF not comply with the above, the MEC for Local Government should request the relevant municipal council to amend the MSDF | MSA Section 32 (2) |
| 29   | The Municipal Council must consider the MEC’s request to amend the MSDF, and within 30 days of receiving the MEC’s request, the Council must consider:  
• If it agrees with the proposals to adjust the MSDF in accordance with the MEC’s request.  
• Object to the MEC’s request and furnish the MEC with reasons in writing why it disagrees | MSA Section 32(3) |
| 30   | If the Municipality objects to the MEC’s request, the MEC may refer the municipality’s objection to an ad hoc committee (see Section 33 of the MSA). The MEC must refer an objection to the ad hoc committee within 21 days of receiving the objection. | MSA Section 32 (4) |
| 31   | See Section 33 of the MSA which deals with the Ad Hoc Committee process |  |
| 32   | Also note Section 22(3) of the SPLUMA which states that where a PSDF is inconsistent with a MSDF, the Premier must in accordance with the Intergovernmental Relations Framework Act, take the necessary steps to support the revision of those spatial development frameworks in order to ensure consistency between the two |  |

* Please note:

1. That the Section numbers referred to in the “Relevant Bylaw on Municipal Planning” relates to the numbering in the LUPA Proposed Standard Draft By-Law, which may be different from the corresponding numbers in your own Municipal Planning By-law.

2. That in those instances where only the Standard Draft By-Law is referred to, it is not necessary for a District Municipality to undertake this step.
SDF adopted by Council and submitted to the MEC for Local Government within 10 days of adoption

Within 30 days of receiving the SDF the MEC must decide whether or not he/she is satisfied with the SDF

If satisfied with the document, no further action is required

If not satisfied with the document the MEC must:

Request an adjustment

Request the Council to comply with the process referred to in section 29 of the MSA

Municipality adjusts the SDF (No amendment process is required)

Council objects to MEC request and provides reasons for this to the MEC

The MEC refers the objection to an ad hoc committee in terms of section 33 of the MSA

Request the Council to comply with the process referred to in section 29 of the MSA and adjust the SDF if necessary

Council considers MEC’s proposals and complies with/adjusts the SDF