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**GENERAL NOTICE  
ALGEMENE KENNISGEWING**

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**NOTICE 1429 OF 2001**

**MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT**

**PUBLICATION FOR PUBLIC COMMENT: DRAFT MUNICIPAL INTEGRATED  
DEVELOPMENT PLANNING REGULATIONS, 2001**

1. In terms of section 120(4) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the attached draft regulations are hereby published for public comment before their enactment.
  
2. Comments must please be submitted in writing to:  
  

The Director-General  
Attention: Ms E Magwaza  
Department of Provincial and Local Government  
Private Bag X804  
PRETORIA  
0001
  
3. Comments may also be faxed to facsimile number (012) 334 0609 at the above address.
  
4. Comments must be received by not later than 23 June 2001.

**DRAFT LOCAL GOVERNMENT: MUNICIPAL INTEGRATED DEVELOPMENT  
PLANNING REGULATIONS, 2001**

Under section 120 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), I, Fholisani Sydney Mufamadi, after consultation with organised local government representing local government nationally, hereby make the regulations in the Schedule.

F. S. MUFAMADI

Minister for Provincial and Local Government

## SCHEDULE

### Definitions

1. In these regulations a word or phrase to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); has that meaning and, unless the context otherwise indicates-

“*ad hoc committee*” means a committee appointed in terms of section 33(1) of the Act;

“the Act” means the Local Government: Municipal Systems Act, 2000.

### Detail of integrated development plan

2. (1) In reflecting a municipal council's vision for the long term development of the municipality, an integrated development plan must at least identify-

- (a) any investment initiatives in the municipality;
- (b) any development initiatives in the municipality, including physical, social, economic and institutional development; and
- (c) all known projects, plans and programs to be implemented within the municipality by any organ of state.

(2) An integrated development plan may-

- (a) have attached to it maps, statistics and other appropriate documents; or
- (b) refer to maps, statistics and other appropriate documents that are not attached, provided they are open for public inspection at the offices of the municipality in question.

(3) A financial plan reflected in a municipality's integrated development plan must at least-

- (a) include the budget projection required by section 26(h) of the Act;
- (b) indicate the financial resources that are available for capital project developments and operational expenditure; and

- (c) include a financial strategy that defines ways and means of increasing revenues and external funding for the municipality and its development priorities and objectives, which strategy may address the following:
- (i) Revenue raising strategies;
  - (ii) asset management strategies;
  - (iii) financial management strategies;
  - (iv) capital financing strategies;
  - (v) operational financing strategies; and
  - (vi) strategies that would enhance cost-effectiveness.

(4) A spatial development framework reflected in a municipality's integrated development plan must-

- (a) give effect to the principles contained in Chapter 1 of the Development Facilitation Act, 1995 (Act No. 67 of 1995);
- (b) determine spatial priorities;
- (c) set out objectives that reflect the desired spatial form of the municipality;
- (d) contain strategies and policies regarding the manner in which to achieve the objectives referred to in paragraph (c), which strategies and policies must-
  - (i) indicate desired patterns of land use within the municipality;
  - (ii) address the spatial reconstruction of the municipality; and
  - (iii) provide for decision-making processes relating to the location and nature of development within the municipality;
- (e) set out basic guidelines for a land use management system in the municipality;
- (f) set out a capital expenditure framework for the municipality's development programs;
- (g) contain a strategic assessment of the environmental impact of the spatial development framework;
- (h) identify programs and projects for the development of land within the municipality;
- (i) be aligned with the spatial development frameworks reflected in the integrated development plans of neighbouring municipalities; and
- (j) provide a visual representation of the desired spatial form of the municipality, which representation -

- (i) must indicate where public and private land development and infrastructure investment should take place;
- (ii) may indicate desired or undesired utilisation of space in a particular area;
- (iii) may delineate the urban edge;
- (iv) must identify areas where strategic intervention is required; and
- (v) must indicate areas where priority spending is required.

### Process for amending integrated development plans

3. (1) Only a member or committee of a municipal council may introduce a proposal for amending the municipality's integrated development plan in the council.

(2) Any proposal for amending a municipality's integrated development plan must be-

- (a) accompanied by a memorandum setting out the reasons for the proposal; and
- (b) aligned with the framework adopted in terms of section 27 of the Act.

(3) An amendment to a municipality's integrated development plan is adopted by a decision taken by a municipal council in accordance with the rules and orders of the council.

(4) No amendment to a municipality's integrated development plan may be adopted by the municipal council unless-

- (a) all the members of the council have been given reasonable notice;
- (b) the proposed amendment has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed amendment;
- (c) the municipality, if it is a district municipality, has complied with subregulation (5); and
- (d) the municipality, if it is a local municipality, has complied with subregulation (6).

(5) A district municipality that considers an amendment to its integrated development plan must-

- (a) consult all the local municipalities in the area of the district municipality on the proposed amendment; and
- (b) take all comments submitted to it by the local municipalities in that area into account before it takes a final decision on the proposed amendment.

(6) A local municipality that considers an amendment to its integrated development plan must-

- (a) consult the district municipality in whose area it falls on the proposed amendment; and
- (b) take all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.

#### **Procedure and manner of referring an objection to *ad hoc* committee**

4. (1) Whenever a MEC for local government decides to refer an objection to an *ad hoc* committee in terms of section 33(4) of the Act, the MEC must-

- (a) within seven days of such decision, notify the relevant municipal council that the municipal council's objection is being referred to an *ad hoc* committee;
- (b) submit the following to the *ad hoc* committee as soon as it is appointed:
  - (i) A copy of the MEC's request in terms of section 32(2) of the Act;
  - (ii) written reasons for the MEC's proposals referred to in section 32(2)(a) of the Act;
  - (iii) a copy of the municipal council's objection and the reasons for disagreeing with the MEC's proposals.

(2) An *ad hoc* committee must-

- (a) inform the relevant municipal council in writing of the date or dates on which the *ad hoc* committee would consider the municipal council's objection; and
- (b) afford the relevant municipal council a reasonable opportunity before such date or dates to make written representations to the *ad hoc* committee regarding the reasons for the MEC's proposals referred to in subregulation (1)(b)(ii).

(3) An *ad hoc* committee must, within 21 days of the date on which it was appointed, notify the relevant municipal council and the MEC concerned in writing of the committee's decision regarding the municipal council's objection.

### Proceedings of *ad hoc* committee

5. (1) (a) A MEC for local government who appoints an *ad hoc* committee must convene the first meeting of the *ad hoc* committee.

(b) The chairperson of the *ad hoc* committee convenes the subsequent meetings of the *ad hoc* committee.

(2) (a) At the first meeting of the *ad hoc* committee, the members of the *ad hoc* committee must elect a member of the committee as chairperson after nominations have been called for.

(b) If the chairperson of the *ad hoc* committee is absent from a specific meeting of the committee, the members present must elect a chairperson from the members present to act as chairperson for that meeting.

(3) An objection referred to an *ad hoc* committee must be decided on the written documentation submitted to it.

(4) (a) An *ad hoc* committee may determine its own voting procedure for deciding a matter before it, taking into account the requirement of section 33(4) of the Act that at least two spheres of government must agree on the matter.

(b) No sphere of government represented in an *ad hoc* committee may abstain from voting.

### Giving effect to integrated development plan

6. (1) (a) A municipality may give effect to its integrated development plan by adopting a localised implementation plan for a particular area within the municipality.

(b) A municipality may only adopt a localised implementation plan after the proposed plan has been published for public comment in a manner that allows the public an opportunity to make representations regarding the proposed plan.

(2) A localised implementation plan adopted in terms of subregulation (1) must be consistent with the municipality's integrated development plan.

(3) (a) A municipality may, through appropriate mechanisms, invite the local community to make proposals for the drafting of a localised implementation plan for a particular area within the municipality.

(b) Any member of the local community may submit proposals for the drafting of a localised implementation plan for a particular area within the municipality, or if such a plan already exists, submit proposals for the amendment thereof.

### **Short title and commencement**

7. These regulations are called the Local Government: Municipal Integrated Development Planning Regulations, 2001, and take effect on the date that Chapters 5 and 6 of the Act take effect.