

### Annexure 1: Steps in the process of compiling a Municipal Spatial Development Framework (MSDF)

Step	Steps to be undertaken	Underpinning Legislation
1.	The Council must decide whether or not to establish an Intergovernmental Steering Committee (ISC)	<b>LUPA – Section 11 (a) and (b) and George Municipality Land Use Planning By-law, 2023, Chapter 2, Section 5</b>
2.	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: a) The Municipal intention to compile an MSDF. b) The process to be followed for the compilation of the MSDF	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 3 (2) (a) (i)(ii)</b>
3.	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	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 3(2)(b) (i-iii)</b>
4.	Register relevant stakeholders who may be invited to comment on the draft MSDF	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 3(2)(c)</b>
5.	The Municipality must establish a project committee.  The project committee should consist of: <ul style="list-style-type: none"> <li>the Municipal Manager (or a municipal employee designated by the Municipal Manager)</li> <li>Municipal employees appointed by the Municipal Manager from at least the following municipal departments – IDP, Spatial Planning, Engineering, LED, and Housing</li> </ul>	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 4(1) and (2)</b>
If the decision above was to establish an Intergovernmental Steering Committee (ISC):		
6.	The Municipality must invite, in writing, written nominations for representatives to serve on the IGSC from the following persons or organs of state:	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 5</b>

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	<ul style="list-style-type: none"> <li>The head of the provincial department responsible for land use planning;</li> <li>The head of the provincial department responsible for environmental affairs</li> <li>Other relevant organs of state</li> </ul>	
7.	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	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 6(1)</b>
8.	The project committee must consider the comments of the ISC, finalise the status quo report and submit it the Council for adoption	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 6(2)</b>
9.	The project committee must compile a first draft of the municipal spatial development framework and submit it to the ISC for comment	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 6(3)</b>
10.	<p>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.</p> <p>A municipality must give the local community at least <b>21 days</b> 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)</p>	<p><b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 6(4)</b></p> <p><b>MSA Regulations Chapter 4 Section 15(3)</b></p>
11.	The Municipal Council must give notice of the proposed municipal spatial development framework in the Gazette and the media	<b>SPLUMA - Section 20(3)(a)</b>
12.	The public / local community must be invited to submit written comment on the proposed MSDF within <b>60 days</b> of the publication thereof.	<b>SPLUMA – Section 20(3)</b>

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13.	The District Municipality must be consulted and given an opportunity to comment in writing.	<b>MSA Regulations Chapter 2 Section 3(6)</b>
14.	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	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 6(5)</b>
15.	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.	<b>George Municipality Land Use Planning By-law, 2023, Chapter 2 Section 6(6)</b>
If the decision was not to establish an ISC:		
16.	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.	<b>Relevant Bylaw on Municipal Planning Chapter 2 Section 7(1)(a)</b>
17.	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.	<b>Relevant Bylaw on Municipal Planning Chapter 2 Section 7(1)(b) and (c)</b>  <b>LUPA – Section 13</b>
18.	The Council must give notice of the draft MSDF in the Gazette and the media	<b>SPLUMA – Section 20 (3)</b>
19.	The Council must invite the public to submit written representations on the draft SDF to the Council within <b>60 days</b> 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.	<b>SPLUMA – Section 20 (3)</b>  <b>MSA, Section 29(1)(b)(iii)</b>

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20.	<p>The Provincial Minister must submit written comment to the Municipality within <b>60 days</b> (The period can be extended if the municipality agrees)</p> <p>The municipality may not adopt its MSDF, until comment has been received from the Provincial Minister or 60 days have passed.</p>	<p><b>LUPA – Section 13 (2)</b></p> <p><b>LUPA – Section 13 (1) (b)</b></p>
21.	<p>A municipality must give the local community at least <b>21 days</b> to comment on the final draft of the MSDF.</p> <p>This time period can run concurrently with the 60 days referred to in both SPLUMA and LUPA (see steps 19 and 20 above)</p>	<p><b>MSA Regulations Chapter 4 Section 15(3)</b></p>
22.	<p>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</p>	<p><b>Relevant Bylaw on Municipal Planning Chapter 2 Section 7(1)(d)</b></p>
23.	<p>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</p>	<p><b>George Municipality Land Use Planning By-law, 2023, Chapter 2, Sections 6(7), and 7(2)</b></p>
24.	<p>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.</p>	<p><b>SPLUMA Section 20(1)</b></p> <p><b>George Municipality Land Use Planning By-law, 2023, Chapter 2, Sections 6(9), and 7(3)</b></p>
25.	<p>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:</p> <ul style="list-style-type: none"> <li>a) a summary of the public participation process</li> <li>b) a statement that the process set out in Section 29(1) of the MSA has been complied with</li> </ul>	<p><b>MSA Section 32 (1)</b></p>

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	c) a copy of the relevant Districts Framework for Integrated Development Planning (See Section 27 of the MSA)	
<b>26.</b>	<p>The Municipal Manager must also within 10 days of the adoption of the MSDF, submit:</p> <ul style="list-style-type: none"> <li>a) a written notice of the decision to adopt or amend a municipal spatial development framework,</li> <li>b) the adopted or amended MSDF.</li> <li>c) a report setting out the response of the municipality to the comments of the ISC to the Provincial Minister.</li> </ul>	<b>LUPA Section 14 (a) – (c)</b>
<b>27.</b>	<p>Within 30 days from the date of receipt of the adopted MSDF, the MEC for Local Government must determine if:</p> <ul style="list-style-type: none"> <li>a) the drafting process and content of the MSDF complies with the MSA.</li> <li>b) whether the MSDF is in line with any development plans and strategies of other affected municipalities or organs of state</li> <li>c) the public participation process outlined in Section 29 of the MSA has been complied with</li> </ul>	<b>MSA Section 32(2)</b>
<b>28.</b>	Should the adopted MSDF not comply with the above, the MEC for Local Government should request the relevant municipal council to amend the MSDF	<b>MSA Section 32 (2)</b>
<b>29.</b>	<p>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:</p> <ul style="list-style-type: none"> <li>i) If it agrees with the proposals to adjust the MSDF in accordance with the MEC's request.</li> <li>ii) Object to the MEC's request and furnish the MEC with reasons in writing why it disagrees</li> </ul>	<b>MSA Section 32(3)</b>

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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.	<b>MSA Section 32 (4)</b>
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.	