

South Africa

Disaster Management Act, 2002

Directions Relating to Spatial Planning, Land Use Management and Land Development Processes

General Notice 431 of 2020

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Directions Relating to Spatial Planning, Land Use Management and Land Development Processes

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I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) and published on 29 April 2020 in Government Notice No. R. 480 of *Government Gazette* No. 43258.

Angela Thoko Didiza

Minister of Agriculture, Land Reform and Rural Development

1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the Act or the Regulations bears the meaning so assigned and, unless the context otherwise indicates—

"**COVID-19**" means the Novel Coronavirus (2019- nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the World Health Organisation in 2020;

"**Disaster Management Act**" means the Disaster Management Act, 2002 ([Act No 57 of 2002](#));

"**national state of disaster**" means the national state of disaster relating to the COVID-19 outbreak declared in Government Notice No 313 of *Government Gazette* No. 43096 of 15 March 2020;

"**Regulations**" means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 29 April 2020 in Government Notice No. R.480 of *Government Gazette* No. 43258;

"**SPLUM Regulations**" means the Spatial Planning and Land Use Management Regulations issued in terms of section 54 of the Act, and published on 23 March 2015 in Government Notice No R.239 of *Government Gazette* No. 38594;

"**the Act**" means the Spatial Planning and Land Use Management Act, 2013 ([Act No. 16 of 2013](#)).

2. Purpose

2.1 The purpose of these Directions is—

- (a) to mitigate the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster;
- (b) to ensure fair processes, especially relating to spatial planning, land use management and land development processes, public participation processes, appeal processes, reporting requirements and the rendering of municipal planning services during the lockdown period; and
- (c) to extend the timeframes and deadlines imposed on municipalities and provinces by the Act so as to alleviate, contain and minimise the effects of the national state of disaster.

- 2.2 Subject to these Directions, municipalities and land use regulators are exempted from any provision of the Act which requires any action to be taken between the date of publication of this Notice and the date that the national state of disaster lapses or is terminated in terms of section 27(5) of the Disaster Management Act.

3. Application

- 3.1 These Directions apply to—
- (a) all provincial and municipal authorities and appeal authorities who are responsible for or involved in the processes mandated in terms of the Act; and
 - (b) all applicants, objectors, interested and affected persons, appellants, professionals, practitioners, companies, interested and affected parties or commenting authorities involved in spatial planning, land use management and land development processes, or who are responsible to submit reports or holders of approvals related to a land development application.
- 3.2 Where any provincial or municipal authority including appeal authorities affected by these Directions has publicly indicated that a different arrangement applies, such an arrangement will prevail over any arrangement indicated in these Directions.

4. Extension of timeframes

The following timeframes, which have lapsed during the period of lockdown are hereby extended, or will be deemed to be extended, with effect from 27 March 2020;

- (a) Timeframes contemplated in section 15(4) and (5) of the Act are hereby extended by 12 months in addition to the period specified in the Act;
- (b) the timeframe contemplated in section 15(6)(b) of the Act is hereby extended by 30 days in addition to the period specified in the Act;
- (c) the timeframe contemplated in section 18(4)(b) of the Act is hereby extended by 30 days in addition to the period specified in the Act;
- (d) the timeframe contemplated in section 20(3)(b) of the Act is hereby extended by 30 days in addition to the period specified in the Act;
- (e) the timeframe contemplated in section 24(1) of the Act is hereby extended by 24 months in addition to the period specified in the Act;
- (f) the timeframe contemplated in section 27(1) of the Act is hereby extended by 12 months in addition to the period specified in the Act;
- (g) the timeframe contemplated in section 43(2) of the Act is hereby extended by 24 months in addition to the period specified in the Act;
- (h) the timeframe contemplated in regulation 16(3) of the SPLUM Regulations is hereby extended by six months in addition to the period specified in the SPLUM Regulations;
- (i) the timeframe contemplated in regulation 16(4) of the SPLUM Regulations is hereby extended by three months in addition to the period specified in the SPLUM Regulations;
- (j) the timeframe contemplated in regulation 16(5) of the SPLUM Regulations is hereby extended by three months in addition to the period specified in the SPLUM Regulations;
- (k) the timeframe contemplated in regulation 30(1) of the SPLUM Regulations is hereby extended by 14 days in addition to the period specified in the SPLUM Regulations.

5. Validity period

- 5.1 The time periods provided for in the Act and the SPLUM Regulations in which to—
- (a) submit any report;
 - (b) take any step in connection with a pending land development application; or
 - (c) lodge a land development application or appeal with a municipal authority,
- are extended for a period of 30 days from the date of publication of these Directions except if a municipal council decides otherwise.
- 5.2 The term of office of members of a Municipal Planning Tribunal may be extended by a Municipal Council by 12 months in addition to the period specified in section 37(1) of the Act.

6. Consideration of land development applications and appeals

- 6.1 Municipal authorities may receive and process land development applications during Alert Level 4 or 3 and may specify any electronic manner of receipt and processing of applications and appeals including any other procedure or technique that may prevent the escalation of the national state of disaster.
- 6.2 The parties in a land development application or appeal shall endeavour to agree about whether the matter may be disposed of without oral hearing or argument, and if agreed, representatives of any party who wish to supplement the papers with additional written submissions must do so by email sent to the municipal authority responsible for the consideration of the application or appeal.
- 6.3 If no agreement contemplated in paragraph 6.2 is reached the responsible municipal authority must be informed accordingly, and a hearing shall take place as directed by the municipality.
- 6.4 A municipality may direct that a hearing contemplated in paragraph 6.3 may take place in one of the following manners:
- (a) A video conference hosted by the municipality, or by the applicant if the municipality is unable to do so, at a time and date determined by the municipality; or
 - (b) any other procedure or technique that is in line with regulation 5 of the Regulations.

7. Commencement

These Directions come into effect on the date of publication in the *Government Gazette*.