

To amend the Rustenburg Local Municipality Spatial Planning and Land Use Management By-law, 2015 so as to delete, insert, substitute and amend certain definitions, sections, subsections, subsubsections, subparagraphs and words.

**N.B: RED FONT COLOUR TEXT WITH STRIKETHROUGH = DELETED
YELLOW TEXT HIGHLIGHT COLOUR= INSERTED
TURQUOISE TEXT HIGHLIGHT COLOUR = SUBSTITUTED**

Amendment of the table of contents so as to include page numbers

CHAPTER 1

AMENDMENT OF SECTION 1(1):

(1) In this By-law, unless the context indicates otherwise, ~~a word or expression defined in the Act, the Regulations or Provincial Legislation has the same meaning as in this By-law and indicates~~ (DELETED) a word or expression defined in the Act or Provincial Legislation, including Regulations thereto, which have a different meaning as defined in this By-law, shall be defined and interpreted as in said Act, Provincial Legislation and/or Regulations thereto. (INSERTED)

Amendment of the following definitions:

“**additional information**” means any information that may be requested by the Municipality which in its opinion is necessary to ~~administratively prepare~~ (INSERTED), consider and decide on a land development application;

“**adopt or adopted**” in relation to a municipal spatial development framework, Land Use Scheme, amendment scheme, policy or plans, means:

- (a) ~~the publication as may be required in terms of this By-law, of the said documents by the Municipality, but shall where the date of coming into operation differs from the date in terms of which any document is published in the provisions of this By-law only be adopted upon the date of coming into operation thereof; or~~ (DELETED) ~~the coming into operation on the date of publication~~ (INSERTED)
- (b) where any land development application is approved but does not require any further notification in the provincial gazette for it to come into operation the date of approval shall be the date it has been adopted. ~~and shall be deemed to have been adopted.~~ (DELETED)

“**adjoining owner(s)**” the owner of any ~~land~~ (DELETED) ~~property~~ (SUBSTITUTED) abutting or sharing a common boundary ~~with the application property, owners whose respective properties,~~ (INSERTED) touches ~~at any~~ (INSERTED) ~~the~~ (DELETED) corners ~~of~~ (DELETED) ~~with the land~~ (DELETED) application property (INSERTED) and includes properties that ~~are contiguous to the application property but separated~~ (INSERTED) by a road, or roadway or right of way servitude in relation to a subject property;

“**administrator**” means in the context of any Land Use Scheme in the Rustenburg Local Municipality the Premier of North West. ~~or the Municipality duly delegated in the place and stead of the Premier in terms of relevant legislation.~~ (DELETED)

“**amendment scheme**” means an amendment to the Land Use Scheme which amendment

has been approved, adopted and came into operation in terms of this By-law or any other relevant legislation and adopted amendment scheme shall have a corresponding meaning and include:

- (a) an amendment scheme contemplated in Section 28(1) of the Act **being**; (INSERTED)
- ~~(b) an application deemed to be an amendment scheme in terms of Sections 41(1)(a) of the Act;~~(DELETED)
- (c) a land development application for the amendment of any provision of the Land Use Scheme applicable to a property or properties, and includes a rezoning and township establishment application in terms of ~~Section 18(1)~~(DELETED) **Section 17(1)**(SUBSTITUTED) and ~~Section 18(12)(b)(ii)~~(DELETED) **Section 17(12)(b)(ii)**(SUBSTITUTED) of this By-Law.

“appeal authority or body” means an appeal authority **as** (inserted) contemplated ~~in Section 26 of this By-law, as established by Council Resolution,~~(DELETED) in terms of Section 51 ~~of the Act~~(DELETED) and Regulations 20 **of the Act** (INSERTED).

~~“appeals tribunal” means the appeal authority as contemplated in Section 51 the Act and Regulation 20.~~(DELETED)

~~“applicant” means a person who submits a land development application or combination of land development applications contemplated in terms of Section 18 of this By-law and includes a municipality and an organ of state as an owner of land or under which the control and management of the land falls, within the jurisdiction of the Municipality read with Section 45 of the Act;~~(DELETED) **means a person who makes a land development application contemplated in Section 45 of the Act.** (SUSTITUTED)

~~“application” means an application submitted to the Municipality in terms of Section 18 of this By-law and a land development application shall have a corresponding meaning;~~(DELETED)

“approval” means permission granted in terms of the By-Law ~~and includes the~~(DELETED) **with or without**(INSERTED) conditions ~~of~~(DELETED) **to which**(INSERTED) the approval **was made subject to and includes an approval as contemplated in Section 45(6) of the Act.** (INSERTED)

“approved township” means in the context of any land development application in terms of this By-law, a township of which notice has been given in the Provincial Gazette in terms of ~~Section 18(12)~~(DELETED) **Section 17(12)**(SUBSTITUTED) read with its amendment scheme as contemplated in ~~Section 18(1) 9~~(DELETED) **Section 17(1)**(SUBSTITUTED) of this By-law or an approved township in terms of any other legislation, a township approved in terms of any repealed law relating to townships and a proclaimed township shall have a corresponding meaning;

“approved scheme” **means a land use scheme provided for in Section 24(1) of the Act, a reviewed land use scheme as provided for in Section 27 of the Act and** (INSERTED) **an amendment to the Land Use Scheme which has been approved in terms of this By-law and of which approval**(INSERTED) **a notice has been given in the Provincial Gazette in terms of** ~~Section 18(1)~~(DELETED) **Section 17(1)**(SUBSTITUTED) of this By-Law.

“authorised official” means a municipal employee who is authorised by the Council to exercise any power, function or duty in terms of this By-law ~~or~~(DELETED) **and**(SUBSTITUTED) the Act and Regulations or such further duties that may by delegation in terms of Section 59 of the Municipal Systems Act, 32 of 2000 be assigned to him/her;

“body” means any **legal**(INSERTED) organization or **legal** (INSERTED) entity, whether a juristic person or

not, and includes a community association.

“body corporate” means a body corporate as contemplated in the ~~Companies Act, 2008 and~~ (DELETED) the Sectional Title's Act, 1986 (Act 95 of 1986); **and any other legal entity defined as a body corporate in accordance with laws of the Republic.** (INSERTED)

“beneficial owner” means **a person or body to which** (INSERTED) ~~where~~ (DELETED) specific property rights and equity in the property lawfully belongs to a person even though dominium or formal title of the property has not been registered or transferred **to such person or body.** (INSERTED)

~~**“Code of Conduct”** means the Code of Conduct approved and adopted by Council to which the members of the Municipal Planning Tribunal or Municipal Planning Appeals Tribunal established in terms of Sections 35 and Section 51 of the Act and or any official appointed for purposes of considering land development applications shall be bound, as contemplated in Section 19(2) read with Schedule 23 of this By-law;~~ (DELETED)

~~**“commencement of construction”** means to have begun a continuous program of physical, on-site construction in accordance with approved building plans and which has gone beyond site clearing, excavation or digging trenches in preparation for foundations.~~ (DELETED)

“communal land” - means land under the jurisdiction of a traditional council determined in terms of **Traditional Leadership and Governance Framework Act 41 of 2003 read with** (INSERTED) Section 6 of the North West Traditional Leadership and Governance Act, 2005 (Act No. 2 of 2005) and which was at any time vested in –

~~(a)~~ The government of the South African Development Trust established by Section 4 of the Development Trust and Land Act, 1936 (Act no 18 of 1936), ~~or.~~ (DELETED)

~~(b) The government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No 21 of 1971).~~ (DELETED)

“consent use” means a land use right that may be obtained by way of consent from the Municipality and can be specified as such in the adopted Land Use Scheme of the Municipality **including consent as contemplated in Section 45(6) of the Act.** (INSERTED)

“consolidation” means the joining of two or more adjacent ~~erven~~ (DELETED) **properties** (SUBSTITUTED) into a single registered ~~entity~~ (DELETED) **land portion** (SUBSTITUTED) through the registration thereof in the deeds registry, but excludes the consolidation of farm portions for purposes of this By-law read with the Land Survey Act, 1997 (Act 8 of 1997) and shall not mean the spreading or amending of a zoning of the subject property;

“contact details” means sufficient details including but not limited to a name, surname, telephone number – business or private, e-mail address, postal and residential addresses that will enable a Municipality or organ of state to contact a person **or body** (INSERTED) for purposes of executing their functions in terms of the Act or this By-law and in so far as it relates to an organ of state, the details of a contact person within the employ of the organ of state;

“day” When any particular number of days is prescribed ~~for~~ (DELETED) **within in which** (INSERTED) ~~the doing of~~ (DELETED) any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a **Saturday and** (INSERTED) **Sunday** **and** (INSERTED) or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such **Saturday and Sunday** (INSERTED) or public holiday, in terms of Interpretation Act 1957 (Act 33 of 1957). **for any other purpose the number days shall be reckoned exclusively of the first and inclusively of the last day unless the last day happens to fall on a Saturday and Sunday and or on any public holiday, in which case**

the time shall be reckoned exclusively of the first day and exclusively also of every such Saturday and Sunday or public holiday, in terms of Interpretation Act 1957 (Act 33 of 1957).
(INSERTED)

“**date of notice or notification**” means the date on which a notice is served as contemplated in the provisions of this By-law or published in the media or Provincial Gazette **or National Gazette** (INSERTED) as the case may be;

“**decision-making person or body**” means any person **who** (INSERTED) or body duly authorised by the Municipality ~~who are~~ (DELETED) **which is** (INSERTED) required to take a decision in terms of this By-law or the Act.

‘**deviation**’ in relation to a spatial development framework, means

- a) an approval which departs from the provisions of the municipal spatial development framework contemplated in Section 22(2) of SPLUMA;
- b) a deviation from the provisions of the municipal spatial development framework or local spatial development framework authorised by ~~Section 9(1)~~ (DELETED) **Section 8(1)** (SUBSTITUTED) of this By-Law; ~~or~~ (DELETED) and ‘**deviate**’ has a corresponding meaning;

“**development principles**” means the principles as set out in Chapter 2 of the Act ~~read with development principles as may be determined in addition to those by the Municipality from time to time;~~ (DELETED)

“**development rights**” means any approval granted ~~to~~ (DELETED) **following** (SUBSTITUTED) a land development application.

“**district municipality**”–means ~~the~~ (DELETED) **a** (SUBSTITUTED) district municipality as defined in the Municipal Structures Act, 1998 (Act no. 117 of 1998)

“**draft Land Use Scheme**” means a scheme prepared in terms of Section 24(1), 27 ~~and~~ (DELETED) **or** (SUBSTITUTED) 28 of the Act and ~~Section 11 up to 14~~ (DELETED) **as contemplated in Chapter 3** (SUBSTITUTED) of this By-law, ~~for submission to a decision-making person or body, for approval to commence public participation in terms of Section 26(5) of the Act and this By-law~~ (DELETED) , and shall be referred to as a draft land use scheme until adopted by the Municipal Council.

“**draft spatial development framework**” means a draft spatial development framework as contemplated in Chapter 2 of this By-law, which has been prepared ~~for purpose of submission to a decision-making person or body, for approval to commence public participation~~ (DELETED) in terms of Section 20 and 21 of the Act and Section 5 this By-law and shall be referred to as a draft spatial development framework until adopted by a Municipal Council.

“**environment**” means an environment as defined in Section 1 of National Environmental Management Act, 1998 (Act 107 of 1998) **or any other existing or new Provincial or National environmental legislation.** (INSERTED)

“**environmental legislation**” means the National Environmental Management Act, 1998 (Act 107 of 1998) or any other **National or Provincial** (INSERTED) legislation which may be enacted from time to time for purposes of regulating environmental activities in so far as it relates to land use rights, the Act and this By-law.

“**environmental evaluation**” means an evaluation of the environmental impact of a proposed land development ~~application~~ (DELETED) conducted in accordance with environmental legislation and environmental guidelines which are from time to time issued and amended by

the Department of Environment Affairs and Tourism or its successor in title or as may be required by the Municipality;

“**gazette**” means the Provincial Gazette **or National Gazette**^(INSERTED) where any publications are done or required to be done by an applicant or the Municipality in terms of this By-law as the context may indicate;

“**illegal land use**” means a land use or a construction which in the opinion of the Municipality constitutes and illegal land use in terms of ~~Section 49~~^(DELETED)– **Section 47**^(SUBSTITUTED) of this By-Law.

“**illegal township**” means a land development or land to be developed which in the opinion of the Municipality constitutes and illegal township, without having established a township as contemplated in ~~Section 18(12)~~^(DELETED) **Section 17(12)**^(SUBSTITUTED) of this By-law, including but limited to consisting of more than one use, single or multiple proposed erven including a sectional title scheme or multiple ownership, existing or proposed on farm land;

“ **incremental upgrading of informal areas**” means the progressive introduction of administration, management, engineering services and land tenure rights to an area that ~~is~~^(DELETED) **was** ^(SUBSTITUTED) established outside existing planning legislation and may include any settlement or area under traditional tenure

“**internal engineering services**” means an engineering service with reference to the Act, within the boundaries of a land development area which is necessary for the use and development of the land development area and which is to be owned and operated by the Municipality, service provider or other body or which has been classified as such in terms of ~~Section 31(2)~~^(DELETED) **Section 31**^(SUBSTITUTED) of this By-law;

~~“**land area and land development area**” shall have a corresponding meanings;~~^(DELETED)

“**land development application**” means one of or a combination of the following applications submitted to the Municipality under Chapter 4 of this By-law with the intention to obtain approval for land development –

- rezoning;
- consent uses, written consent, temporary uses and application in ~~tribal~~ ^(DELETED) **traditional authority** ^(SUBSTITUTED) areas.
- the subdivision and / or consolidation of land;
- the alteration, suspension or ~~deletion~~ ^(DELETED) **removal** ^(SUBSTITUTED) of restrictions in relation to land; or consent of the Municipality in terms of the Title Deed conditions
- the establishment of a township;
- the extension of the boundaries of a township;
- the amendment or cancellation of a general plan; and/or
- any other application in terms of the Land Use Scheme or Planning and Development Legislation within the jurisdiction of the Municipality as may be determined by the Municipality from time to time;

“**land development application approval**” means a decision to approve an application in terms of **the Act and** ^(INSERTED) this By-law or relevant legislation by a decision making person or body and includes any conditions under which the approval was granted. ~~, in terms of Sections~~

~~18(1)(s), 18(7)(d) and 19(11)(d)(xi) of this By-law but not adopted or proclaimed and which has not come into operation in terms of this By-law or the said legislation.~~ (DELETED)

“**land development officer**” means the authorized official ~~defined in regulations 1 of the Regulations~~ (DELETED) **contemplated in Section 35(2) of the Act** (SUBSTITUTED)

“**land Use Scheme**” means the documents referred to in ~~Chapter 4 and~~ (DELETED) Chapter 5 of the Act including any amendment scheme to the Land Use Scheme; and Town Planning Scheme and Land Use Scheme Regulations shall have the same meaning;

“**land use scheme register**” means the register as contemplated in Section 25(2)(c) of the Act read with ~~Section 14(10)~~ (DELETED) **Section 13(9)** (SUBSTITUTED) of this By-law;

“**legal notice**” is a notice directed to the owner to cease the unlawful land use or construction activity or both, forthwith or within the time period determined by the Municipality as in terms of ~~Section 48(1)~~ (DELETED) **Section 46(1)** (SUBSTITUTED) of this By-Law.

Insertion after the definition of “MEC” of the following definition:

“memorandum of Understanding” means a service level agreement as entered into in terms of regulation 19 of the Act. (INSERTED)

Amendment of the following definitions:

“**mining and Mining Rights**” means mining as contemplated in the definitions of the ~~Rustenburg Land Use Management Scheme 2005 or a Land Use Management Scheme~~ (DELETED) **Rustenburg land use scheme applicable** (INSERTED) in terms of the Act, as may be amended from time to time read with the Mineral Petroleum Resources Development Act, 2002 (Act 28 of 2002) as may be amended from time to time;

“**municipal area**” means the area of jurisdiction of ~~a~~ (DELETED) **the** (SUBSTITUTED) municipality in terms of Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998).

“**municipal planning tribunal**” means a Municipal Planning Tribunal referred ~~to in the Act and any reference in this By-law and is established in terms of Section 19 of the By-Law~~ (DELETED) **to in Section 35 of the Act read with Regulation 3 or Regulation 4 of the Act.** (INSERTED)

~~“municipal planning appeals tribunal registrar or Tribunal Registrar”~~ (DELETED) **“municipal planning tribunal/Appeal registrar”** (INSERTED) means a registrar appointed to serve as registrar to the Municipal Planning Tribunal/**Appeals Authority** (INSERTED) or any person so designated in the administration of the Municipality to perform the **administration** (INSERTED) duties of a Municipal Planning ~~and~~ (DELETED) **Tribunal** (INSERTED) ~~and~~ (DELETED) **or** (INSERTED) ~~Appeals Tribunal~~ (DELETED) **Authority** (INSERTED) ~~registrar~~ (DELETED) in terms of any delegations or sub-delegations in terms of Section 59 of the Municipal Systems Act, 2000, by a Municipality for purposes of the Act; Registrar shall have a corresponding meaning; **and as provided for in chapter 5 and chapter 6 of this By-law.** (INSERTED)

“**municipality**” means the Municipality of the Rustenburg Local Municipality or its successor in title as envisaged in Section 155(1) of the Constitution established by Notice No 1866 of 2010 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law shall include a committee or official or group of officials duly delegated in terms of Section 59 of the Municipal Systems Act, 2000 (Act no.32 of 2000), to perform any

duties assigned to them in terms of this By-law, the Municipal Planning Tribunal or the Authorized official, **evaluation pane**^(INSERTED) where the context so requires;

~~“notice” means to a written notice and “notify” means to give notice in writing which notice may include it being sent by electronic means or where the context requires a notice published in terms of this By-laws in the Provincial Gazette, local newspapers, site notice and a notice by way of a registered posts or by hand to the adjacent owners.~~ ^(DELETED) **Means a written notification as contemplated in this By-Law.**^(INSERTED)

~~“non-Profit Company or NPC” means a non-profit company as contemplated in section 25(13) of the Company’s Act, 2008(Act 71 of 2008), read with Section 44 of this By-law, which includes a section 21 company that was established as a result of any land development application in terms of any legislation or conditions relating to land development on a property or properties;~~^(DELETED)

“objector” means a body or person who has ~~ledged~~^(DELETED) **registered**^(SUBSTITUTED) an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or a land development and land use application.

“owner” means the person registered in a deeds registry as the owner of land or beneficial owner in law. ~~and includes a Municipality or any other organ of state as an owner or where properties have been vested and is under the control and management of the Municipality in terms of Section 63 of the Local Government Ordinance, 1939 (Ord. 17 of 1939) for purposes of Chapter 4 of this By law read with the definition of a Land Use Scheme in terms of the Act and as may be amended from time to time;~~^(DELETED)

“person” means any natural or juristic person, including an organ of state **and a Trust;**^(INSERTED)

“proclamation notice” – a ~~notice~~^(DELETED) **publication**^(SUBSTITUTED) that is placed in terms of the North West Gazette giving effect to a notice ~~to the land use applied for~~^(DELETED) in terms of this By-Law.

~~“previous planning legislation” means planning legislation that is repealed by the Act or the provincial legislation.~~

~~“publish” means the publication of a general notice in the Gazette.~~^(DELETED)

~~“registered planner” means a person registered as a professional planner or a technical planner contemplated in Section 13 of the Planning Profession Act, 2000 (Act 36 of 2000), unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of Section 16 of the said Act, in which case a registered planner shall mean that category of registered persons for which such work has been reserved.~~^(DELETED)

“restrictive condition” means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned **and which is capable of being removed, suspended or altered**^(INSERTED). ~~read with the Removal of Restrictions Act, 1967;(Act 84 of 1967)~~^(DELETED)

“servitude” means a servitude registered against a title deed ~~of land or which has been created through legislation;~~^(DELETED)

“subdivision” means a subdivision as contemplated in ~~Section 16(13)~~ **Section 17(15)** (SUBSTITUTED) of this By-law which provisions shall apply *mutatis mutandis* to a division of farm land or a portion of farm land read with the Division of Land Ordinance, 20 of 1986;

“town planning inspector” means a person designated or appointed as an inspector under Section 32(3) of the Act and ~~Section 52~~ **Chapter 9** (SUBSTITUTED) of this by-law to perform duties as indicated therein and any other relevant legislation pertaining to the inspection of land and or buildings in order to enforce compliance with this By-law, land use conditions or Land Use Scheme or any other legislation under the jurisdiction of the Municipality;

“township” ~~any land laid out or divided into or developed or to be developed, as:~~

- (a) ~~— a single property or sites for;~~
- (b) ~~— residential, business or industrial purposes or similar purposes as may be contained in a Land Use Scheme;~~
- (c) ~~— where such property or sites are arranged in such a manner as to have the character of what constitutes a township, in the opinion of the Municipality, including intended or actual multiple ownership of erven, land or units;~~
- (d) ~~— that may be intersected or connected by or to abut on any public or private street; and~~
- (e) ~~— a property, site or street shall for the purposes of this definition include a right of way or any site or as a road, roadway or street which has not been surveyed or which is only notional in the character; and~~

~~shall be read with the definition of what constitutes an “illegal township”;~~ (DELETED)

“township” means any land laid out or divided into or developed as sites for residential, business or industrial purposes or similar purposes where such sites are arranged in such a manner as to be intersected or connected by or to abut on any street, and a site or street shall for the purposes of the of this definition include a right of way or any site or street which has not been surveyed or which is only notional in character; (SUBSTITUTED)

~~“traditional communities”~~ (DELETED) **“Traditional community”** (SUBSTITUTED) means communities recognized in terms of Section 3 of the North West Traditional Leadership and Governance Act, 2005.

Insertion after the definition of “traditional community” of the following definition:

“traditional council” means a traditional council that has been established and recognized for a traditional community in accordance with the provision of Section 6 of the North West Traditional Leadership and Governance Act, 2005 and Traditional Leadership and Governance Framework Act, 2003 (Act No 41, of 2003) or any corresponding provision in provincial legislation; (INSERTED)

“use” ~~means the use of land for a purpose or the improvement of land”~~ (DELETED) the use of land, including any improvements on the and, for any purpose, irrespective whether the is legal or illegal; (INSERTED)

Amendment of the following paragraphs:

The definitions in Section (1) apply to the Regulations, Schedules and Land Use Scheme in operation within the ~~jurisdiction~~^(DELETED) **municipal area**^(INSERTED) of the Rustenburg Local Municipality.

~~Should any conflict between interpretation of any provision or definition in this By-law and any other National or Provincial legislation arise, this By-law in terms of Section 156(2) and Section 155(7) of the Constitution read with Schedule 4, Part B of the Constitution, shall prevail~~ ^(DELETED)

"Attorneys Act"	Means the Attorneys Act (Act 53 of 1979) ^(DELETED)
"by-law"	means any section, pro-forma and Regulation, schedules and maps forms within the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2015. ^(DELETED)
"Engineering Profession Act"	Means the Engineering Profession Act, 2000 (Act 46 of 2000)
"Planning Profession Act"	Means the Planning Profession Act, 2002 (Act 36 of 2002)
"SPLUMA"	means the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013) , Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters 2015 and any subsidiary legislation or other legal instruments issued in terms thereof. ^(DELETED)

AMENDMENT OF SECTION 2(1):

- (1) This By-law applies to all land within the ~~geographical area or jurisdiction~~ ^(DELETED) **municipal area** ^(SUBSTITUTED) of the Municipality, including land owned by the state.

DELETED SECTION 2(4)

~~(4) When considering an apparent conflict between this By-law and another law, a court may Prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.~~ ^(DELETED)

Former Section 2(5) shall read as Section 2(4)

DELETED FORMER SECTION 2(5)(B)

~~(b) a provision of this By-law is in conflict with the provision of the Act or any provincial legislation, the Municipality must institute the conflict resolution measures provided for in the Act or in provincial legislation, or in the absence of such measures, the measures provided for the Intergovernmental Relations Framework Act to resolve the conflict and until such time as the conflict is resolved, the provisions of the By-Law prevails.~~ ^(DELETED)

AMENDMENT OF FORMER SECTION 2(5)(C) WHICH READ AS SECTION 2(4)(B)

(b) where there is a conflict between this By-law and another By-law of the Municipality, this By-Law prevails over the affected provision of the other By-law in respect of any ~~municipal planning matter~~ ^(DELETED) **spatial planning and land use management issue** ^(INSERTED)

DELETED SECTIONS 3(2) TO (3)

~~(2) Where on the date of the coming into operation of an approved Land Use Scheme in terms of Section 26(1) of the Act, any land or building is being used or, within one month immediately prior to that date, was used for a purpose which is not a purpose for which the land concerned has been reserved or zoned in terms of the provisions of a Land Use Scheme in terms of this By-law read with Section 27 of the Act, but which is otherwise lawful and not subject to any prohibition in terms of this By-law, the use for that purpose may, subject to the provisions of this Section 3(3), be continued after that date read with the provisions of a Land Use Scheme. (DELETED)~~

~~(3) The right to continue using any land or building by virtue of the provisions of Section 3(2) shall (DELETED)~~

~~(a) Where the right is not exercised in the opinion of the Municipality for a continuous period of 15 months, lapse at the expiry of that period; (DELETED)~~

~~(b) Lapse at the expiry of a period of 15 months calculated from the date contemplated in Section 3(2) in which case no compensation shall be payable. (DELETED)~~

~~(c) Where on the date of the coming into operation of an approved Land Use Scheme (DELETED)~~

~~(i) a building, erected in accordance with an approved building plan, exists on land to which the approved Land Use Scheme relates; (DELETED)~~

~~(ii) the erection of a building in accordance with an approved building plan has commenced on land contemplated in Section 3(3)(c)(i); and the building does not comply with a provision of the approved Land Use Scheme, the building shall, for a period of 15 months from that date be deemed to comply with that provision. (DELETED)~~

~~(d) Where a period of 15 months has, in terms of Section 3(3), commenced to run from a particular date in the opinion of the Municipality in respect of any land or building, no regard shall, for the purposes of these subsections, be had to an approved scheme which comes into operation after that date. (DELETED)~~

~~(e) Within one year from the date of the coming into operation of an approved Land Use Scheme (DELETED)~~

~~(i) the holder of a right contemplated in Section 3(2) may notify the Municipality in writing that he/she is prepared to forfeit that right; (DELETED)~~

~~(ii) the owner of a building contemplated in Section 3(3)(c) may notify the Municipality in writing that he/she is prepared to forfeit any right acquired by virtue of the provisions of that subsection; (DELETED)~~

~~(f) Where at any proceedings in terms of this By-law it is alleged that a right has lapsed in terms of Section 3(2), such allegation shall be deemed to be correct until the contrary is proved. (DELETED)~~

~~(g) Where any land use provisions are contained in any title deed, deed of grant or 99 (ninety nine) year leasehold, which did not form part of a land use scheme, such land use provisions shall apply as contemplated in Section 3(2).~~ (DELETED)

~~(h) If the geographic area of the Municipality is demarcated to incorporate land from another municipality then the Land Use Scheme applicable to that land remains in force until the Municipality amends, repeals or replaces it subject to Sections 11 and 15 of this By-law.~~ (DELETED)

CHAPTER 2

AMENDMENT OF SECTION 4 AND ITS SUBSECTIONS

- (1) The Municipality shall ~~draft/prepare~~ (DELETED) **review its** (INSERTED) ~~a~~ (DELETED) Municipal Spatial Development Framework **and in the process, comply with the provisions** (INSERTED) ~~in terms~~ (DELETED) of Sections ~~6,~~ (DELETED) **12,** (INSERTED) 20 **and** (INSERTED) 21 ~~and relevant provisions~~ (DELETED) of the Act read with Sections 23 up to **and including 36** (INSERTED) ~~35~~ (DELETED) of the Municipal Systems Act;
- (2) In the preparation, **review** (INSERTED) and drafting of a Municipal Spatial Development Framework ~~the Spatial Development~~ (DELETED), **the said** (INSERTED) Framework ~~shall contain the essential elements of the content of both the Act and Municipal Systems Act or provincial legislation and~~ (DELETED) **must give effect to the development principles and applicable norms and standard set out in Chapter 2 of the Act, the provisions applicable to Municipalities as provided for in Section 12 of the Act and contain essential elements of the Municipal Systems Act and such elements contained in the Act other than those contained in Chapter 2 of the Act and as prescribed in Section 21 of the Act** (INSERTED). The Municipality may for ~~purposes~~ (DELETED) **purpose** of ~~reaching~~ (DELETED) **attaining** (INSERTED) its Constitutional objectives include, **but subject to the aforesaid statutory provisions,** (INSERTED) any matter which ~~it~~ (DELETED) may ~~be deem~~ (DELETED) **deemed** (INSERTED) necessary for municipal planning.
- (3) In the **reviewing,** (INSERTED) drafting and the adoption of ~~a Municipal~~ (DELETED) **its Municipal** (INSERTED) Spatial Development Framework, the Municipality shall make transitional provisions and arrangements with regard to the manner in which the Municipal Spatial Development Framework shall be implemented;

Deleted Section 4(4)

- (4) ~~Over and above that which in terms of Sections 4(1) to 4(3) must be contained in a Municipal Spatial Development Framework, the Municipality may determine the components of the Spatial Development Framework and any further plans, policies and or instruments by virtue of which the Municipal Spatial Development Framework shall be applied, interpreted and implemented;~~ (DELETED)

Former Section Section 4(5) shall read as Section 4(4)

- (5) **(4)** ~~A~~ (DELETED) **The** (SUBSTITUTED) Municipal Spatial Development Framework does not confer or take away **any** (INSERTED) land use rights but ~~informs~~ (DELETED) **is a guide in**

planning and development (INSERTED) decisions to be made by the Municipality relating to land development applications;(INSERTED)

Deleted former Section 4(6)

- (6) ~~The provisions of Sections 4(1) to 4(5) of this By-Law and Sections 5 to 7 of this By-law shall apply mutatis mutandis to the drafting, review or amending of a Municipal Spatial Development Framework. (DELETED)~~

AMENDMENT OF SECTION 5, ITS SECTION TITLE, SUBSECTIONS AND SUBSUBSECTIONS

5. DRAFTING AND REVIEWING OR AMENDING OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS AND INTEGRATION

Amendment of the following Sections

- (1) ~~For purposes of drafting, reviewing or amending its Municipal Spatial Development Framework the Municipality may:--~~
- ~~(a) convene a technical steering committee to coordinate the input into the Spatial Development Framework;~~
 - ~~(b) determine the members of such a steering committee referred to in section 5(1)(a) hereof which may include but is not limited to:
 - ~~(i) National Departments, Provincial Department, Community representatives, Engineering Services providers, traditional council leadership and or Departments; or~~
 - ~~(ii) any other body or person that may assist in providing information and technical advice on the content of the Municipal Spatial Development Framework; (DELETED)~~~~

~~In the preparation of the Municipal Spatial Development Framework the information as set out in the Spatial Development Framework guidelines or other requirements, which are issued by the Minister from time to time, must be considered. (SUBSTITUTED)~~

- (2) ~~The purpose of the technical steering committee is to:~~
- ~~(a) prepare, amend or review the Municipal Spatial Development Framework for adoption by the Council;~~
 - ~~(b) provide technical knowledge and expertise;~~
 - ~~(c) monitor progress and to ensure that the drafting of the Municipal Spatial Development Framework or amendment of the municipal spatial development framework is progressing according to the approved process plan;~~
 - ~~(d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;~~
 - ~~(e) ensure alignment of the Municipal Spatial Development Framework with the development plans and strategies of other affected municipalities and organs of state as contemplated in Section 24(1) of the Municipal Systems Act;~~

~~(f) — facilitate the integration of other sector plans into the Municipal Spatial Development Framework;~~

~~(g) — oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment or review of the Municipal Spatial Development Framework to address comments obtained during the process of drafting thereof;~~

~~(h) — if the Municipality decides to establish an intergovernmental steering committee:~~

~~(i) — assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and~~

~~(ii) — ensure the flow of information. (DELETED)~~

For purposes of drafting, reviewing or amending its Municipal Spatial Development Framework the Directorate responsible for Spatial Planning and Land Use Management shall prepare an item to the Municipal Council informing the Municipal Council of the process of drafting, reviewing or amending the Spatial Development Framework. (SUBSTITUTED)

~~(3) The technical steering committee must compile a status quo document setting out an assessment of existing levels of development and development challenges in the municipal area. (DELETED)~~ An institutional structure in a form of a project steering committee must be established and which will convene to oversee the drafting, reviewing and/or amendment process of the Municipal Spatial Development Framework. (SUBSTITUTED)

~~(4) The technical steering committee must prepare a first draft of the Municipal Spatial Development Framework or first draft amendment or review of the Municipal Spatial Development Framework and must submit it to Council for to approve the publication of a notice referred to in Section 7 that the draft Municipal Spatial Development Framework or an amendment or review thereof is available for public comment. (DELETED)~~

The project steering committee may include but not be limited to:

- (a) the Municipal Manager
- (b) the Integrated Development Plan Manager
- (c) heads of Directorates in the Municipality and
- (d) Supporting staff (SUBSTITUTED)

~~(5) The Municipality may include into its Municipal Spatial Development Framework:~~

~~(a) — Provincial Spatial Development Framework;~~

~~(b) — District Spatial Development Frameworks; and/or~~

~~(c) — Local Spatial Development Frameworks. (DELETED)~~

A technical steering committee shall be established, which shall be convened to provide technical knowledge and expertise. (SUBSTITUTED)

~~(6) The purpose and content of the Municipal Spatial Development Framework must over and above that which is contained in the Act include specifically —~~

- ~~(a) a longer term spatial depiction of the desired form and structure of the geographic area to which it applies read with Section 21 of the Act;~~
- ~~(b) land use management guidelines regarding the appropriate nature, form, scale and location of development, contributing to spatial co-ordination;~~
- ~~(c) guide investment and planning for municipal departments and where appropriate other spheres of government;~~
- ~~(d) guide investment for the private sector;~~
- ~~(e) reflect relevant provisions of strategies, policies, plans and other planning mechanisms adopted by the Municipal Council; and guiding decision making on land development applications;~~
- ~~(f) any other provision which in the opinion of the Municipality is required to comply its constitutional objectives. (DELETED)~~

The technical steering committee shall be convened simultaneously with the project steering committee. (SUBSTITUTED)

Insertion of the following Sections

(7) The responsibility of the technical steering committee may include but not be limited to the following:

- (a) facilitate the integration of other sector plans into the Municipal Spatial Development Framework;
- (b) oversee the incorporation of amendments to the draft Spatial Development Framework or draft amendment or review of the Municipal Spatial Development Framework in order to address comments obtained during the process of drafting thereof;
- (c) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed; (INSERTED)

(8) Any key statutory stakeholders and/or focus groups shall be identified for purpose of engagement prior to proceeding in terms of Section 7. (INSERTED)

(9) The Directorate responsible for Spatial Planning and Land Use Management must prepare a first draft of the Municipal Spatial Development Framework or review of the Municipal Spatial Development Framework and must submit same with a report in terms of Section 6, to Council for the approval of the publication of the notice referred to in Section 7, in terms of which the draft Municipal Spatial Development Framework or review thereof is made available for public comment. (INSERTED)

AMENDMENT OF SECTION 6, ITS SUBSECTIONS AND SUBSUBSECTIONS

Amendment of the following Sections

(1) The Municipality shall take a decision on drafting, reviewing or amending of its Municipal Spatial Development Framework, ~~provided that (DELETED)~~ as contemplated in Section 5(2). (INSERTED)

- ~~(a) it must adopt a process for drafting the Municipal Spatial Development Framework which complies with the Municipal Systems Act and any other applicable law;~~

(i) recommend the adoption of the Draft^(INSERTED) Municipal Spatial Development Framework ~~for public participation~~^(DELETED) as the Draft Municipal Spatial Development Framework for the municipality, which shall then be made available for consultation and public participation,^(INSERTED) in terms of the relevant legislation and ~~of~~^(INSERTED) this By-law;

~~(j) An Authorised Official must sign the report required by Section 6(3) of this by-law.~~^(DELETED)

~~(k) The Municipal Council shall adopt, with or without amendments, the draft Municipal Spatial Development Framework and authorise the public participation thereof in terms of this By-law and the relevant legislation.~~^(DELETED)

~~(4) The Municipality must inform the Executive Council in writing of—~~

~~(a) its intention to draft, review or amend the Municipal Spatial Development Framework;~~^(DELETED)

~~(b) its decision in terms of Section 6(3)(j) and~~^(DELETED)

~~(c) the process that will be followed in the drafting, review or amendment of the Municipal Spatial Development Framework including the process for public participation;~~^(DELETED)

Designated Municipal Officials shall be authorised to sign the report referred to in Section 6(3) of this By-law.^(SUBSTITUTED)

Insertion of Section 6(5)

(5) The Municipal Council shall adopt, with or without amendments, the Draft Municipal Spatial Development Framework and authorise consultation and public participation in terms of the relevant legislation and this By-law.^(INSERTED)

AMENDMENT OF SECTION 7, ITS SUBSECTIONS AND SUBSUBSECTIONS

(1) For purposes of the consultation and^(INSERTED) public participation process in respect of^(INSERTED) ~~for~~^(DELETED) a Draft^(INSERTED) Municipal Spatial Development Framework, ~~the~~^(DELETED) such consultation and^(INSERTED) public participation shall contain and comply with all the essential elements of any notices to be ~~placed~~^(DELETED) ~~given~~^(SUBSTITUTED) in terms of the Act ~~or~~^(INSERTED) ~~and~~^(SUBSTITUTED) the Municipal Systems Act;

(2) Without detracting from the provisions of Section 7(1) the Municipality shall:

(a) publish a notice ~~once a week for two consecutive weeks~~^(INSERTED) in the Provincial Gazette in two official languages ~~most~~^(INSERTED) commonly spoken within ~~the~~^(DELETED) ~~its~~^(SUBSTITUTED) area of Jurisdiction, ~~once a week for two consecutive weeks~~^(DELETED); and

(b) publish a notice ~~once a week for two consecutive weeks~~^(INSERTED) in two Local Newspapers in two official languages most commonly spoken and ~~which Local Newspapers~~^(INSERTED) ~~that~~^(DELETED) are circulated ~~within the municipal area~~^(INSERTED) ~~in the area of jurisdiction~~^(DELETED) of the Municipality ~~in two official languages commonly spoken in the area, once a week for~~

~~two consecutive weeks; and~~(DELETED)

- (c) use any other method of communication it may deem appropriate; to make^(INSERTED) ~~of~~^(DELETED) its intention known to the local community, in accordance with Section 28(3) of the Municipal Systems Act,^(INSERTED) to draft, review or amend the Municipal Spatial Development Framework and the process to be followed ~~in accordance with Section 28(3) of the Municipal Systems Act; and~~^(DELETED)

Deleted Section 7(3)

~~(3) — The Municipality may for purposes of public engagement arrange~~

- ~~(a) — specific consultations with professional bodies, ward communities or other groups; and or~~
- ~~(b) — public meetings; to engage on the content of the Draft Municipal Spatial Development Framework. ^(DELETED)~~

Amendment of Former Section 7(4) which read as Section 7(3)

- (4) **(3)** The notice contemplated in Section 7(2) shall specifically state that any person or body wishing to provide comments shall-
 - (a) do so within a period of 60 days from **date of**^(INSERTED) the first ~~day of~~^(DELETED) publication of the notice; and
 - (b) provide written comments; ~~and~~^(DELETED)
 - ~~(c) — provide their contact details as specified in the definition of contact details; ^(DELETED)~~

Amendment of Former Section 7(5) which read as Section 7(4)

- (5) **(4)** After the **consultation and** ^(INSERTED) public participation process **provided for** ^(INSERTED) in Section 7 **(2) and Section 7(3) has been completed,** ^(INSERTED) the Directorate responsible for ~~spatial planning and land use management~~^(DELETED) **Spatial Planning and Land Use Management** ^(SUBSTITUTED) ~~as the case may be~~ ^(DELETED) shall review and consider all submissions made in writing or during any engagements;

Deleted Section 7(6)

~~(6) — The Directorate responsible for spatial planning and land use management as the case may be shall for purposes of proper consideration provide their written comments on the submissions made, which comments shall form part of the documentation to be submitted to the Municipal Council for final consideration, approval and adoption of its Municipal Spatial Development Framework; ^(DELETED)~~

Amendment of Former Section 7(7) which read as Section 7(5)

- (7) The Directorate responsible for ~~spatial planning and land use management~~^(DELETED) **Spatial Planning and Land Use Management**^(SUBSTITUTED) ~~as the case may be~~ ^(DELETED) shall, **as**^(INSERTED) ~~where~~ ^(DELETED) required, and based on submission received, make final amendments to the **Draft** Municipal Spatial Development Framework, provided that if such amendments ~~are~~ in their opinion materially **amends the Draft Spatial Development Framework, as published initially**^(INSERTED), ~~different to what was published~~ ^(DELETED) in terms of Section 7, the Municipality must

follow a further consultation and public participation process before ~~it~~^(DELETED) the Draft Spatial Development Framework ^(INSERTED) is adopted by the Municipal Council;

Amendment Former Section 7(8) which as read as Section 7(6)

- (8) ⁽⁶⁾ The Municipal Council must adopt the Draft^(INSERTED) Municipal Spatial Development Framework with or without amendments, ~~and must within 21 days of its decision give notice of the adoption thereof in the media circulating in its area of jurisdiction, in two official languages commonly spoken in the area of jurisdiction, and the Provincial Gazette; which notice may include a summary in accordance with Section 25(4) of the Municipal Systems Act.~~^(DELETED)

Insertion of Section 7(7)

- (9) The Municipal Manager must give notice of the adoption of the Draft Spatial Development Framework in two Local Newspaper circulating within the Municipal area of the Municipality and in the Provincial Gazette, in two official languages most commonly spoken in the Municipal area; which notice may include a summary in accordance with Section 25(4) of the Municipal Systems Act.^(INSERTED)

Amendment of former Section 7(9) which read as Section 7(8)

- (10) After the approval of the Draft^(INSERTED) Municipal Spatial Development Framework the Municipality shall submit the approved and adopted Municipal Spatial Development Framework to the Executive Council.

Amendment of former Section 7(10) which read as Section 7(11)

- (11) The Draft^(INSERTED) Municipal Spatial Development Framework ~~or an amendment thereof comes~~^(DELETED) shall come^(INSERTED) into operation as the Municipal Spatial Development Framework^(INSERTED) on the date of the publication of the notice contemplated ~~as referred to in Section 7(9) mentioned~~^(DELETED) in Section ⁽⁷⁾⁽⁷⁾^(INSERTED) above.

DELETED SECTION 8

~~8. LOCAL SPATIAL DEVELOPMENT FRAMEWORKS~~

~~(1) The Municipality may adopt a Local Spatial Development Framework for a specific geographical area or a portion of the municipal area.~~

~~(2) The purpose of a Local Spatial Development Framework is to:~~

~~(a) provide detailed spatial planning guidelines or further plans for a specific geographic area or parts of specific geographical areas and may include precinct plans;~~

~~(b) provide more detail in respect of a proposal provided for in the Municipal Spatial Development Framework or necessary to give effect to the Municipal Spatial Development Framework and or its Integrated Development Plan and other relevant sector plans;~~

~~(c) address specific land use planning needs of a specified geographic area;~~

- ~~(d) provide detailed policy and development parameters for land use planning;~~
- ~~(e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; or~~
- ~~(f) guide decision making on land development applications; and~~
- ~~(g) or any other relevant provision that will give effect to its duty to manage municipal planning in the context of its constitutional obligations. (DELETED)~~

FORMER SECTION 9 SHALL READ AS SECTION 8

AMENDMENT OF SECTION 8, ITS SUBSECTIONS AND SUBSUBSECTIONS

- (1) Nothing contained in Sections 7 ~~and/or 8 (DELETED)~~ of this by-law shall be construed as prohibiting a Municipality from taking a decision on a land development application, which decision in the opinion of the Municipality, deviates from the adopted Municipal Spatial Planning Development Framework, provided that:
- (a) ~~it must motivate (DELETED)~~ site-specific circumstances **must be placed before the Municipality and must be motivated, which (INSERTED) that (DELETED)** may justify the deviation;
 - (b) such deviation ~~does not materially (DELETED)~~ **shall not be considered or deemed to be a review or amendment of (INSERTED) change (DELETED)** the Municipal Spatial Development Framework; ~~and further that (DELETED)~~
 - ~~(c) where such deviation materially changes the Municipal Spatial Development Framework, the Municipality shall in terms of Sections 4 to 8 as mentioned above, amend the Municipal Spatial Development Framework, prior to taking a decision which constitutes a deviation from the Municipal Spatial Development Framework; (DELETED)~~
 - (d) In determining whether the site-specific circumstances exist in terms of ~~Sections 9(1)(a) and 9(1)(b) (DELETED)~~ **Sections 8(1)(a) and 8(1)(b), (SUBSTITUTED)** the Municipality must have regard to the land development application or applications which have been submitted and any other relevant considerations;
 - (i) **Where the approval of a land development (INSERTED) an application will result in a deviation (INSERTED) - deviates (DELETED) from the Municipal Spatial Development Framework the applicant must describe and submit full details of the deviation and the extent thereof (INSERTED) the deviation in the application; (DELETED) as well as the impact of such deviation on the Municipal Spatial Development Framework as a whole. (INSERTED)**
 - ~~(ii) and the impact of such deviation on the overall Municipal Spatial Development Framework. (DELETED)~~

Deleted Former Section 9(2)

- (2) ~~Where there is a conflict between the Municipal Spatial Development Framework and Local Spatial Development Frameworks or any other plans~~

~~emanating from the Municipal Spatial Development Framework, the Municipal Spatial Development Framework prevails over other development frameworks to the extent of the conflict.~~ (DELETED)

FORMER SECTION 10 SHALL READ AS SECTION 9

AMENDMENT OF SECTION 9, ITS SUBSECTIONS AND SUBSUBSECTIONS

- (1) The Municipality must keep, maintain and make ~~accessible~~(DELETED) **available**(INSERTED) to the public, including on the Municipality's website, the approved Municipal Spatial Development Framework and ~~any~~(DELETED) **any**(INSERTED) or any **applicable**(INSERTED) component thereof ~~applicable~~(DELETED) within the jurisdiction of the Municipality;
- ~~(2)~~ Should ~~anybody~~(DELETED) **any body or**(INSERTED) person request a copy of the Municipal Spatial Development Framework **or any component thereof,**(INSERTED) the Municipality may provide on payment **of the prescribed fee**(INSERTED) by such body or person ~~of the prescribed fee,~~(DELETED) a copy to them ~~of the approved Municipal Spatial Development Framework or any component thereof;~~(DELETED)
 - ~~(a)~~ ~~provided that if the Municipality is of the opinion that in order to provide the said copy it will take officials unreasonably away from their substantive duties such request for a copy may be dealt with in terms of the Promotion of Access to Information Act.~~(DELETED)

CHAPTER 3

FORMER SECTION 11 SHALL READ AS SECTION 10

Amendment of Section 10(1), (6) and (7)

- (1) The Municipality shall prepare a draft Land Use Scheme in terms of Section 24 up to and including Section 30 of the Act **which**(INSERTED) shall apply *mutatis mutandis* read with ~~Sections 11 to 14~~(DELETED) **Sections 10 to 13**(SUBSTITUTED) of this By-law; provided in addition thereto that:
 - (6) Where as a result of repealed legislation, the demarcation of Municipal Boundaries or defunct processes it is necessary in the opinion of the Municipality for certain areas, including townships, or any other area whereby land use rights are governed through a process, other than a Land Use Scheme; then the Municipality may for purposes of including the said land use rights into a Land Use Scheme prepare a draft amendment scheme for the incorporation of it into the Land Use Scheme in terms of ~~Sections 12 and 13~~(DELETED) **Sections 11 and 12**(SUBSTITUTED) of this by-law.
 - (7) The provisions of Sections ~~11(1) to 11(6) and Sections 12, 13 and 14~~(DELETED) **Sections 10(1) to 10(6) and Sections 11, 12 and 13**(SUBSTITUTED) of this by-law shall apply *mutatis mutandis* to:
 - (a) the incorporation of an area into a land use scheme in terms of ~~Section 11(6)~~(DELETED) **Section 10(6),**(SUBSTITUTED)
 - (b) review or amendment of an existing Land Use Scheme other than a rezoning or similar application relating to a property or properties or multiple portions thereof, which in the opinion of the Municipality is dealt

with as a land development application;

FORMER SECTION 12 SHALL READ AS SECTION 11

Amendment of Section 11(1)(b), d) and (f)

(b) ~~conform~~ (DELETED) **comply** (SUBSTITUTED) over and above that which is contained in the applicable legislation the public participation to be followed;

(d) determine the scale and whether it should be available in an electronic ~~media~~ (DELETED) **format**; (SUBSTITUTED)

(f) indicate any resources that may be required for purposes of ~~Section 12(1)~~ (DELETED) **Section 11(1)**; (SUBSTITUTED) and

Amendment of Section 11(2)(c)

(2) After the Municipal Council has taken a decision as contemplated in ~~Section 12(1)~~ (DELETED) **Section 11(1)** (SUBSTITUTED) and the Land Use Scheme, as the case may be, has been prepared, it shall be presented to the Municipal Council to be approved as a draft Land Use Scheme, as the case may be, with a written report from the Directorate responsible for spatial planning and land use management or as the case may be, which must at least —

(c) summarise the consultation process to be followed with reference to ~~Section 13~~ (DELETED) **Section 12**; (SUBSTITUTED)

Amendment of Section 11 (3) and (4)

(2) An Authorised Official must sign the report required by ~~Section 12(2)~~ (DELETED) **Section 11(2)** (SUBSTITUTED)

(3) The Municipal Council shall adopt the draft Land Use Scheme and authorise the public participation thereof in terms of this by-law and the relevant legislation in terms of ~~Section 12(2)~~ (DELETED) **Section 11(2)**; (SUBSTITUTED)

FORMER SECTION 13 SHALL READ AS SECTION 12

Amendment of Section 12(2)(a),(b) and (c)

(7) Without detracting from the provisions of ~~Section 13(1)~~ (DELETED) **Section 12(1)** (SUBSTITUTED) the Municipality shall substantially in accordance with this By-law:

(a) publish a notice in the Provincial Gazette in two official languages **most** (INSERTED) commonly spoken within the **municipal** (INSERTED) area ~~of Jurisdiction~~, (DELETED) once a week for two consecutive weeks; and

(b) publish a notice in two Local Newspapers that are circulated in the **municipal** (INSERTED) area ~~of jurisdiction~~ (DELETED) of the Municipality in two official languages **most** (INSERTED) commonly spoken in the area, once a week for two consecutive weeks; and

(c) use any other method of communication it may deem appropriate and the notices contemplated in ~~Section 13(2)~~ (DELETED) **Section 12(2)** (SUBSTITUTED) shall specifically state that any person or body wishing to provide comments and or objections shall:

Amendment of former Section 13(3) which read as Section 12(3)

- (3) the Municipality may for purposes of public engagement arrange **within the period 60 days as contemplated in Section 13(2)(c) (i);** (INSERTED)

Deleted former Section 13(4)

- ~~(4) — The Municipality must deliver to the Executive Council in writing a copy of the draft Land Use Scheme for comments within 60 days of delivery as approved by Council as contemplated in Section 12 of this by-law;~~

Former Section 13(5) shall read as Section 12(4)

Amendment of former Section 13(5) which read as Section 12(4)

- (4) After the public participation process contemplated in ~~Sections 13(1) to 13(3)~~ (DELETED) **Sections 12(1) to 12(3)** (SUBSTITUTED) within a period of 60 days, the Directorate responsible for spatial planning and land use ~~manage-mentor~~ (DELETED) **management** (SUBSTITUTED) as the case may be shall –

Amendment of Section 12(4)(b)(ii), Section 12(4)(b)(iii) and Section 12(4)(b)(iv)

- (ii) if the Municipal Manager or anybody or person duly delegated elects in terms of ~~Section 13(5)(b)(i)~~ (DELETED) **Section 12(4)(b)(i)** (SUBSTITUTED) above to conduct an objection(s) proceedings; all persons and or bodies that made submissions shall be notified of the time, date and place of the hearing as may be determined by the Municipality not less than ~~30 days~~ (DELETED) **21 days** (SUBSTITUTED) prior to the date determined for the hearing, ~~by means of registered mail;~~ (DELETED) **any means of communication as determined by the municipality;** (INSERTED)
- (iii) where an objection(s) proceedings is to be conducted as contemplated in ~~Section 13(5)(b)(iii)~~ (DELETED) **Section 12(4)(b)(ii)** (SUBSTITUTED) the hearing shall be conducted **by the person or person duly delegated** (INSERTED) ~~Municipal Planning Tribunal~~ (DELETED) for purposes of making a recommendation as contemplated in ~~either Sections 19(11)(c)(xi), 28 and 29; and~~ (DELETED) **Section 27 of the Act;** (SUBSTITUTED)
- (iv) for purposes of the consideration of the submissions made on the Land Use Scheme the Municipality ~~or the Municipal Planning Tribunal~~ (DELETED) may at any time prior to the submission of the Land Use Scheme to the Municipal Council, request further information or elaboration on the submissions made from any person or body;

Amendment of the former Section 13(6) which read Section 12(5)

- (5) The Directorate responsible for spatial planning and land use ~~manage-mentor~~ (DELETED) **management** (SUBSTITUTED) as the case may be shall for purposes of proper consideration provide comments on the submissions made which comments shall form part of the documentation to be submitted to the Municipal Council together with a recommendation by the Municipal Planning Tribunal, as the case may be, for final consideration and approval of its Land Use Scheme;

Amendment of the former Section 13(7) which read as Section 12(6)

- (6) The Directorate responsible for spatial planning and land use ~~manage-mentor~~ (DELETED) **management** (SUBSTITUTED) as the case may be shall where required, and based on the submissions made during public participation, make final amendments to the draft Land Use Scheme, provided that; if such amendments are in the opinion of the Municipality materially different to what was published in terms of ~~Section 13(2)~~ (DELETED) **Section 12(2),** (SUBSTITUTED) the Municipality must follow a further

consultation and public participation process in terms of ~~Section 13(2)~~^(DELETED) **Section 12(2)**^(SUBSTITUTED) of this by-law, before it is adopted by the Municipal Council;

Amendment of the former Section 13(8) which read as Section 12(7)

- (7) The Directorate responsible for spatial planning and land use ~~manage-mentor~~^(DELETED) **management**^(SUBSTITUTED) as the case may be, shall through a report; or a report from the Municipal Planning Tribunal, submit the draft Land Use Scheme and all relevant supporting documentation to the Municipal Council with a recommendation for approval and adoption;

Amendment of the former Section 13(9)(b) which read as Section 12(8)(b)

- (b) within 60 days of its decision give notice of its decision to all persons or bodies who gave submissions on the Land Use Scheme in terms of Sections 12(2) and 12(3), in the **Provincial Gazette and/or**^(INSERTED) ~~media and the Provincial Gazette~~^(DELETED) **local newspaper**^(INSERTED), after which it shall be known as the adopted Land Use Scheme for the Municipality;

Amendment of Section 13(10) shall now reads as Section 12(9)

(9) After the Land Use Scheme was published in terms of ~~Section 13(9)~~^(DELETED) **Section 12(8)**^(INSERTED) the Municipality shall submit the adopted Land Use Scheme to the Executive Council for cognisance.

Former Section 13(11) shall read as Section 13(10)

Former Section 13(12) shall read Section 13(11)

Former Section 13(13) shall read Section 13(12)

Deleted Section former 13(12)(a)

- ~~(a) — provided that if the Municipality is of the opinion that in order to provide the said copy it will take officials unreasonably away from their substantive duties such request for a copy can be dealt with in terms of the Promotion of Access to Information Act.~~

FORMER SECTION 14 SHALL READ AS SECTION 13

Amendment of Section 13

The contents of a Land Use Scheme developed and prepared by the Municipality must include all the essential elements as contemplated in ~~Chapter 5 of the Act~~^(DELETED) **Section 24 and 25 of the Act**^(SUBSTITUTED) and provincial legislation and must contain:

Deleted Section 13(3)

- ~~(3) — provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved Land Use Scheme;~~^(DELETED)

Former Section 14(4) shall read as Section 13(3)

Former Section 14(5) shall read as Section 13(4)

Former Section 14(6) shall read as Section 13(5)

Former Section 14(7) shall read as Section 13(6)

Former Section 14(8) shall read as Section 13(7)

Former Section 14(9) shall read as Section 13(8)

Former Section 14(10) shall read as Section 13(9)

FORMER SECTION 15 SHALL READ AS SECTION 14

Amendment of Section 14(2)

- (2) Where as a result of a repealed legislation, the demarcation of municipal boundaries or defunct processes it is necessary in the opinion of the Municipality for certain areas where land use rights are governed through a process, other than a land use scheme; the Municipality ~~may~~^(DELETED) **must** ^(SUBSTITUTED) for purposes of including such land
- (3) The provisions of ~~Sections 11 to 13~~ ^(DELETED) **Sections 10 to 12** ^(SUBSTITUTED) of this by-law shall apply, with the necessary changes, to the review or amendment of an existing land use scheme other than a rezoning or similar application relating to a property or properties or multiple portions thereof, which in the opinion of the Municipality is dealt with as a land development application.

CHAPTER 4

FORMER SECTION 16 SHALL READ AS SECTION 15

Amendment of Section 15 and its Section Title

15. NATIONAL **INTEREST ^(INSERTED) ~~AND PROVINCIAL INTEREST~~ ^(DELETED)**

- (1) In terms of Section 52 of the Act an applicant shall refer any application which affects National ~~or Provincial~~ ^(DELETED) interest ~~respectively~~ ^(DELETED) to the Minister ~~and the MEC~~ ^(DELETED) for comments, which comments are to be provided within 21 days as prescribed in Section 52(5) of the Act.
- (2) Where any application in terms of Section 18 of this by-law, which in the opinion of the Municipality in title affects National ~~or Provincial~~ ^(DELETED) interest as defined in Section 52 of the Act, is submitted, such application shall be referred to the Minister ~~or the MEC~~ ^(DELETED) respectively and the provisions of Sections 52(5) to 52(7) of the Act, shall apply *mutatis mutandis*.
- (3) The Municipal Planning Tribunal or ~~Authorized official~~ ^(DELETED) **Land Development Officer** ^(SUBSTITUTED) as the case may be, as contemplated in this by-law and the Act, ~~may~~ ^(DELETED) **must** ^(SUBSTITUTED) direct that an application before it, be referred to the Minister ~~and the MEC~~ ^(DELETED), if such an application in their opinion affects National ~~and or Provincial~~ ^(DELETED) interest and the provisions of Sections ~~52(5)~~ ^(DELETED) **52(4)** ^(SUBSTITUTED) to 52(7) of the Act, shall apply *mutatis mutandis*.
- ~~(4) — Sections 16(1) to 16(3) shall be read with Section 33(1) of the Act in that the National and or Provincial Departments shall become parties to the application; however the Municipality shall remain the decision maker of first instance. ^(DELETED)~~

FORMER SECTION 17 SHALL READ AS SECTION 16

Amendment of Section 16(2) (a)

- (a) ~~All land development and land use applications on which objections have been received, after public participation; and or~~ (DELETED) . All land development and land use applications on which negative comments or objections have been received. (SUBSTITUTED)

Deleted Section Section 16(2)(e) and (j)

- (e) ~~All land development applications on which negative comments or objections have been received.~~ (DELETED)
(j) ~~All applications within the Traditional Council Areas.~~ (DELETED)

Amendment of former Section 17(2)(f) which read as Section 16(2)(e)

- (e) All land development (INSERTED) applications which are affected by any other by-law which is published for purposes of dealing with specific circumstances and or in a geographical area directing a land development application to be considered by the Municipal Planning Tribunal;

Former Section 17(2)(g) shall read as Section 16(2)(f)
Former Section 17(2)(h) shall read as Section 16(2)(g)
Former Section 17(2)(i) shall read as Section 16(2)(h)

Insertion off Section 16(2)(i)

- (i) The removal or amendment or suspension of any title condition or servitude registered in the title deed of the subject property or properties restriction, which amendment, removal, suspension or amendment which simultaneous consideration of any of the above application. (INSERTED)

Deleted former Section 17(3)

- (3) ~~Category 1 land development applications referred to the Municipal Planning Tribunal must be in the form of a written report by the Directorate responsible for spatial planning and land use management as explained in terms of Section 20(a) of this by-law.~~ (DELETED)

Former Section 17(4) shall read as Section 16(3)

Amendment of Section 16(3)

- (3) **Category 2:** Land Development applications that are dealt with by the ~~Authorized official~~ (DELETED) Land Development Officer (SUBSTITUTED) in terms Section 35(2) of the Act.

Deleted for Section former 17(4)(g)

- (g) ~~All applications with regard to the removal, amendment or suspension of a restrictive or obsolete conditions, servitude or reservation registered against the title Deed of the land.~~ (DELETED)

Amendment of former Section 17(4)(h) which now read as Section 16(3)(g)

- (g) ~~applications where the Municipality/applicant wishes to remove, amend a restrictive or obsolete condition, servitude or reservation registered against the title deed of a property or properties which may also arise out of a condition of establishment of a township or any other legislation.~~ ^(DELETED) The removal or amendment or suspension of any title condition or servitude registered in the title deed of the subject property or properties restriction, which amendment, removal, suspension or amendment which simultaneous consideration of any of the above application. ^(SUBSTITUTED)

Deleted former Section 17(4)(i)

- (i) ~~All applications for the permanent closure of any public place as contemplated in this by-law and other relevant legislation; and subject to compliance with any other legislation specifically Sections 63, 66, 67 and 68 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);~~ ^(DELETED)

Former Section 17(4)(j) shall read as Section 16(3)(h)

Insertion of Section 16(3)(i)

- (i) Application in terms of section 17 (7) (j) ^(INSERTED)

Insertion of Section 16(4)

4. The adjudication of any Category 1 applications which are inevitably would result in the adjudication of Chapter 2 applications or such Category 2 application issues must form part of Category 1 applications. ^(INSERTED)

FORMER SECTION 18 SHALL READ AS SECTION 17

Amendment of Section 17(1)(a)(i)

- (a) An owner of a property or properties who wishes to have a provision of a Land Use Scheme, relating to his property or properties amended;
- (i) may apply in writing to the Municipality in such manner as prescribed in ~~the~~ ^(DELETED) Schedule 3 as may be applicable to this By-law as the case may be; and

Amendment of Section 17(1)(b) and Deleted Section 17(1)(b)(iv)

- (b) The municipality ~~may~~ ^(DELETED) **must** ^(SUBSTITUTED) refuse to accept an application if:
- (iv) ~~The municipality further must further refuse to attend to the application.~~ ^(DELETED)

Amendment of Section 17(1)(d)

- (d) When the applicant submits an application to the Municipality, he /she shall give notice as follows and provide proof thereof within a period of 60 days from the date of submission of the application: (INSERTED)
- (i) by publishing once a week for 2 consecutive weeks a notice in such form and such manner, in two official languages as most (INSERTED) commonly spoken within the ~~area of jurisdiction~~ (DELETED) **municipal area**, (SUBSTITUTED) in the Provincial Gazette and two local newspapers or as prescribed in the Schedule 12 as the case may be, to this by-law;
 - (ii) by posting a notice in such form as may be prescribed in a conspicuous place to the satisfaction of the Municipality, on his/her land as prescribed in Schedule 12 as the case may be, and he/she shall maintain such notice for a period of ~~30~~ (DELETED) **28** (SUBSTITUTED) consecutive days from the date of the first publication of the notice as contemplated in ~~Section 18(1)(d)(i)~~ (DELETED) **Section 17(1)(d)(i)** (SUBSTITUTED) above above; a sworn affidavit accompanied by photo of the site notice stating that the notice was indeed posted and maintained for the said period must be submitted to the Local Authority. (INSERTED)
 - (iii) by delivering a notice as prescribed in Schedule 12, by way of (INSERTED) ~~obtain the comments of surrounding property owners, and/or send~~ (DELETED) registered post and/or **hand delivery** (INSERTED) ~~of the application as prescribed in Schedule 12~~ (DELETED) to all the adjoining property owners of the property on which the application is brought; provided that adjoining owners in relation to their property shall mean any property that shares a common boundary, touches the corners of the land and includes properties that are separated by a road, or roadway or right of way servitude;
 - (iv) in terms of ~~Section 18(1)(d)(iii)~~ (DELETED) **Section 17(1)(d)(iii)** (SUBSTITUTED) copies of the notice are delivered to adjoining owners and such owners which form part of a body corporate **or body**, (INSERTED) a registered letter must be sent to the body corporate **or body** (INSERTED) and/or **home** (INSERTED) owners association where the trustees, can be identified to the satisfaction of the Municipality;
 - (v) in terms of ~~Section 18(1)(d)(iii)~~ (DELETED) ~~Section 17(1)(d)(iii)~~ (DELETED) copies shall be delivered to any juristic person or organ of state, the applicant shall provide proof to the satisfaction of the Municipality that he has obtained the contact details of the juristic person or a senior employee of an Organ of state together with proof of delivery of the copies;

Amendment of Section 17(1)(e), (f),(g),(h) and (i)

- (e) where the applicant has been notified of any defects or the incompleteness of his / her application he/she shall:

rectify the defects or provide the documentation as ~~prescribed~~ (DELETED) **requested** (INSERTED) within 120 days of having been notified by the Municipality thereof. Failing which the Municipality shall not process the application, and the application for purposes of it being registered as a land

development application in terms of this By-law, shall ~~be~~^(INSERTED) deemed not to have been submitted,

- (f) If an application is deemed not to have been submitted in accordance with^(INSERTED) ~~Section 18(1)(e)~~ ^(DELETED) ~~Section 17(1)(e)~~ ^(SUBSTITUTED) an applicant has no right of appeal to the Appeal Authority in respect of a decision and if an applicant wishes to continue with an application, the applicant must submit a new application and pay the applicable application fee.
- (g) In the event of the applicant correcting the defect and providing outstanding or incomplete documentation within the prescribed period stipulated in ~~Section 18(1)(e)~~ ^(DELETED) ~~Section 17(1)(e)~~ ^(SUBSTITUTED) the application shall be processed;
- (h) The Municipality may, in its discretion, require the applicant to give further notice of the application in the form and manner as may be required by the Municipality; provided that such further notice shall be done simultaneously with the notices as contemplated in ~~Section 18(1)(e)~~ ^(DELETED) ~~Section 17(1)(e)~~ ^(SUBSTITUTED) and provide for the same objection periods;
- (i) The applicant shall submit proof to the satisfaction of the Municipality that he/she has complied with the provisions of Sections ~~18(1)(a), (d) and (h)~~ ^(DELETED) ~~17(1)(a), (d) and (h)~~ ^(SUBSTITUTED):

Amendment of Section 17(1)(j)(iii)

On receipt of an application in terms of ~~Section 18(1)(a)~~ ^(DELETED) ~~Section 17(1)(a)~~ ^(SUBSTITUTED) the Municipality shall, subject to the provisions of ~~Section 18(1)(a)~~ ^(DELETED) ~~Section 17(1)(d)~~ ^(SUBSTITUTED), forward a copy thereof to:

- (iii) any internal department of the Municipality, which in the opinion of the ~~department~~ ^(DELETED) ~~Directorate~~ ^(SUBSTITUTED) responsible for ~~development planning~~ ^(DELETED) ~~spatial planning and land use management~~ ^(SUBSTITUTED) or as the case may be, may have an interest in the application;

Amendment of Section 17(1)(k)

- (k) An applicant may, in the place and stead of the Municipality and with its written consent, forward a notice of the application to any person or body contemplated in ~~Section 18(1)(j)~~ ^(DELETED) ~~Section 17(1)(j)~~ ^(SUBSTITUTED) and submit proof to the satisfaction of the Municipality that he/she has done so.

Amendment of Section 17(1)(l)

- (l) Every person to whom or body to which a notice of the application has been delivered in terms of ~~Section 18(1)(d)~~ ^(DELETED) ~~Section 17(1)(d)~~ ^(SUBSTITUTED) may, within a period of ~~30 days~~ ^(DELETED) ~~28 days~~ ^(SUBSTITUTED) from the date on which the notice was delivered being the same first date on which the notice appeared in terms of Section 18(1)(d) above, may comment or object in writing thereon;

Amendment of Section 17(1)(m)

- (m) Every person to whom or body to which a notice of the application has been forwarded in terms of ~~Section 18(1)(j)~~^(DELETED) **Section 18(1)(j)**^(SUBSTITUTED) may, within a period of 60 days from the date on which the copy was forwarded to him/her, or such further period as the Municipality may allow, comment in writing thereon;

Provided that; -

- (i) where no comments have been received within the prescribed period in terms of ~~Sections 18(1)(l) and 18(1)(m)~~^(DELETED) **Sections 17(1)(l) and 17(1)(m)**^(SUBSTITUTED) it may be deemed by the Municipality that the persons or body have no comments to offer; or
- ~~(ii) where in the opinion of the Municipality they cannot consider the application without the said comments, they may insist that the comments be obtained by the applicant prior to the consideration of the application;~~

Amendment of Section 17(1)(n)

- (n) All notices and copies of the application as contemplated in ~~Sections 18(1)(d) and 18(1)(h)~~^(DELETED) **Sections 17(1)(d) and 17(1)(h)**^(SUBSTITUTED) shall indicate in the notices that, persons intending to lodge an objection or make representation, shall provide contact details for purposes of the notification of a hearing of these objections and comments as contemplated in ~~Sections 19(1)(d)(xi), 28 and 29~~^(DELETED) **Sections 17(1)(c) and 27**^(SUBSTITUTED) of this by-law;

Amendment of Section 17(1)(o)

- (o) After the closing date for objections and comments in terms of ~~Sections 18(1)(l) and 18(1)(m)~~^(DELETED) **Sections 17(1)(l) and 17(1)(m)**^(SUBSTITUTED), the Municipality shall send copies of all objections that were within the prescribed time, received by the Municipality, to the applicant; provided that:
- (i) the objections will have proof of payment **and power of attorney where applicable to the effect**^(INSERTED);
- (ii) no late objections shall be entertained or sent to the applicant; and
- (iii) Only objections with the necessary contact details as contemplated in ~~Section 18(1)(o)~~^(DELETED) **Section 17(1)(n)**^(SUBSTITUTED) shall be regarded as a valid objection; and
- (iv) objections in the form of a petition and or standard letters by communities shall only be dealt with by the Municipality, for purposes of notification of objectors in terms of ~~Sections 19(1)(d)(xi), 28 and 29~~^(DELETED) **Sections 18(1)(c) and 27**^(SUBSTITUTED) as one contact person and only one person who is part of the petition or standard letter shall be notified.
- (v) the objector shall set proper grounds of the objections.

Amendment of Section 17(1)(p) and (q)

- (p) The applicant may within a period of ~~30 days~~^(DELETED) **28 days**^(SUBSTITUTED) from the date

on which he/she has received copies of the objections and ~~comment~~^(DELETED) ~~notification~~^(SUBSTITUTED) from the Municipality, reply to any objection and or comment; provided that if no reply is received within the prescribed period it shall be deemed by the Municipality that the applicant has waived his/her right of reply to the objection and or comments;

- (q) After the provisions of ~~Sections 18(1) (a) to 18(1)(m)~~ ^(DELETED) ~~Sections 17(1) (a) to 17(1)(m)~~ ^(SUBSTITUTED) have been complied with, the Land Development application shall be referred to the ~~Authorized official,~~ ^(DELETED) ~~Land Development Officer or the Municipal Planning Tribunal~~ ^(INSERTED) by the Directorate responsible for spatial planning and land use management or as the case may be for ~~a resolution~~ ^(DELETED) ~~adjudication.~~ ^(SUBSTITUTED)

Amendment of Section 18(1)(r) to (v)

- (r) After the provisions of ~~Sections 18(1) (a) to 18(1)(p)~~ ^(DELETED) ~~Sections 17(1) (a) to 17(1)(p)~~ ^(SUBSTITUTED) have been complied with, and where an objections is received; the land development applications shall be referred to the Municipal Planning Tribunal.
- (s) The ~~Authorized official~~ ^(DELETED) ~~Land Development Officer~~ ^(SUBSTITUTED)
- (i) shall ~~approve or postpone a~~ ^(DELETED) take ~~a~~ ^(INSERTED) decision on the land development application referred to him/her in terms of ~~Section 18(1)(q)~~ ^(DELETED) ~~Section 17(1)(q)~~ ^(SUBSTITUTED) of this by-law, read with ~~Section 43(1)~~ ^(DELETED) ~~Section 43~~ ^(SUBSTITUTED) of the Act,
- (ii) may approve the land development application subject to any conditions which he/she may deem expedient;
- (t) The ~~Authorized official~~ ^(DELETED) ~~Municipality~~ shall notify the applicant of the decision of the Municipality on the said application.
- (u) An applicant shall within a period not exceeding ~~of 6 months~~ ^(DELETED) ~~5 years~~ ^(SUBSTITUTED) ~~or such further period that the Municipality may allow.~~ ^(DELETED) in terms of an application brought in terms of ~~Section 18(1)~~ ^(DELETED) ~~Section 17(1)~~ ^(SUBSTITUTED), provide proof to the satisfaction of the Municipality that he has complied with the conditions which the Municipality has determined in terms of ~~Section 18(1)(s)~~ ^(DELETED) ~~Section 17(1)(s)~~ ^(SUBSTITUTED) and the land use rights will come into operation in terms of ~~Section 18(1)(v)~~ ^(DELETED) ~~Section 17(1)(v)~~ ^(SUBSTITUTED); failing which the ~~application~~ ^(DELETED) ~~conditional approval~~ ^(INSERTED) shall lapse.
- (v) After the Municipality is satisfied that the applicant has within the period prescribed in ~~Section 18(1) (u)~~ ^(DELETED) ~~Section 17(1) (u)~~ ^(SUBSTITUTED) complied with the conditions of approval of the land development application:
- (i) ~~the municipality or the applicant shall publish a notice~~ ^(INSERTED) as prescribed in terms of form DOC/F31 in the Provincial Gazette, whereupon the land use rights shall come into operation;

FORMER SECTION 18(2) SHALL READ AS SECTION 17(2)

Amendment of Section 17 (2)(a) to (d)

- (a) An owner of a property or properties or the Municipality **as a property owner** (INSERTED) of its own accord, who wishes to remove, amendment or suspend a restrictive or obsolete condition, obligation, servitude or reservation registered against the title of a property or properties may, in such manner as prescribed in Schedule 4 apply in writing to the Municipality subject to the procedure set out in ~~Sections 18(1)(a) to 18(1)(t)~~ (DELETED) **Sections 17(1)(a) to 17(1)(t)** (SUBSTITUTED) of this by-Law.
- (b) Nothing contained in ~~Section 18(2)(a)~~ (DELETED) **Section 17(2)(a)** (SUBSTITUTED) shall prevent the owner of a property or properties from **simultaneously** (INSERTED) submitting ~~an~~ (deleted) **another** (INSERTED) application ~~simultaneously~~ (deleted) **provided** (INSERTED) in terms of this by-law or Land Use Scheme; provided that they may not do so if in the opinion of the Municipality cannot be simultaneously submitted in terms of this by-law or a Land Use Scheme.
- (c) If the owner of a property or properties who wishes to have a servitude removed in terms of ~~Section 18(2)(a)~~ (DELETED) **Section 17(2)(a)** (SUBSTITUTED), the Municipality shall not:
- (d) Where any conditions relating to land use rights or control or obligation are contained in the title deed or conditions arising out of conditions of establishment, conditions imposed by ~~anybody~~ (DELETED) **any body** (INSERTED) or person, which has been disestablished or has become obsolete then the Municipality may remove such conditions or obligations after an application has been submitted in terms of Section 18(2) of this by-law.

Deleted former Section 18(2)(e)

~~(e) Should consent from the Municipality or body or person indicated in Section 18(2)(d), be required in terms of any condition of title:~~

- ~~(i) The granting of a change in land use rights;~~
- ~~(ii) the approval of any land development application;~~
- ~~(iii) or approval of building plans;~~

~~—contrary to the said conditions, the granting thereof shall be regarded as simultaneous consent in terms of the conditions or obligations in terms of the title deed;~~ (DELETED)

Amendment of Former Section 18(2)(f) which read as Section 17(2)(e)

(e) The provisions of ~~Section 18(1) (v)~~ (DELETED) **Section 17(1) (v)** (SUBSTITUTED) shall apply *mutatis mutandis*.

Amendment of Former Section 18(2)(g) shall read as Section 17(2)(f)

(f) The applicant shall:

- (i) forthwith notify the Registrar of Deeds of the decision of the Municipality on the

removal of restrictive conditions;

- (ii) upon publication of the notice contemplated in ~~Section 18(2)(f)~~ ~~(DELETED)~~ Section 17(2)(e) ~~(SUBSTITUTED)~~ provide a copy of the said notice to the Registrar of Deeds,

who will then endorse the title deed of the property on which the removal of restrictive conditions have been approved to the effect that the conditions have been removed, suspended or amended.

Amendment of former Section 18(2)(h) which read as Section 17(2)(g)

- (g) Should a change of ownership be made prior to the notice contemplated in ~~Section 18(2)(f)~~ ~~(DELETED)~~ Section 17(2)(e) ~~(SUBSTITUTED)~~ the applicant shall -
- (i) notify the Municipality in an affidavit ~~(INSERTED)~~ of the change of ownership by delivering to the Municipality a copy of the registered title deed(s) /deeds search/draft title deed ~~(INSERTED)~~ of the property or properties ~~and a power of attorney; and~~ ~~(DELETED)~~
- (ii) upon the delivery thereof to the Municipality the new ~~(INSERTED)~~ owner shall become responsible for all rights and obligations in terms of the land development application.

Amendment of former Section 18(2)(i) which read as Section 17(2)(h)

~~(h)~~ The notice published in terms of ~~Section 18(2)(f)~~ ~~(DELETED)~~ Section 17(2)(e) ~~(SUBSTITUTED)~~ shall be read with both the canceled title deed and new title deed ~~title deeds~~ of the land pertaining to the development application in terms of ~~Section 18(2)~~ ~~(DELETED)~~ Section 17(2) ~~(SUBSTITUTED)~~ and the title deed submitted in terms of ~~Section 18(2)(h)(i)~~ ~~(DELETED)~~ Section 17(2)(g)(i) ~~(SUBSTITUTED)~~.

FORMER SECTION 18(3) SHALL READ AS SECTION 17(3)

Amendment of Section 17(3)(b) to (f)

- (b) Any owner of land who intends to apply to the Municipality for a special consent for the erection of a building(s) and / or use of land, for the purposes as set out in Schedule 5 shall submit such application including fees to the Municipality in ~~(INSERTED)~~ writing in terms of Schedule 6 of this By-Law.
- (c) the applicant shall at his / her own expense give notice of the intended application. Such notice shall be advertised once in one Official Language most ~~(INSERTED)~~ commonly spoken within the ~~area of jurisdiction~~ ~~(DELETED)~~ municipal area ~~(SUBSTITUTED)~~ as prescribed in terms of form DOC/F16 and obtain the comments from the surrounding owners as per Schedule 26 or by means of a registered post.
- (d) the notice contemplated in ~~Section 18(3)(e)~~ ~~(DELETED)~~ Section 17(3)(c) ~~(SUBSTITUTED)~~ shall be in terms of Schedule 12.
- ~~(e)~~ the application be lodged at the Municipality prior to the publication of the

notices as contemplated in ~~Sections 18(3)(c) and 18(3)(d)~~ (DELETED) Sections 17(3)(c) and 17(3)(d) (SUBSTITUTED)

- (f) that ~~Sections 18(1)(a) to 18(1)(c); 18(1)(e) 18(1)(f)~~ (DELETED) Sections 17(1)(a) to 17(1)(c); 17(1)(e) to 17(1)(f) (SUBSTITUTED) of this By-Law shall apply *mutatis mutandis*.

Amendment of Section 17(3)(h),(i) and (l)

- (h) Where the Municipality imposes a condition in terms of ~~Section 18(3)(h)(i)~~ (DELETED) Section 17(3)(g) (SUBSTITUTED) requiring the payment of an amount of money to it, it shall notify the person concerned in writing thereof, which notification may be done simultaneously with the notification of the decision on the application, and such amount of money shall:
- (i) be determined in terms of an approved Council policy on engineering services.
 - (ii) ~~Such parking will be determined by number of parking bays X 25 square meters multiplied by property market value.~~ (DELETED) Such amount will be determined in terms of the Land Use Scheme (INSERTED)
- (i) Where the Municipality has, in terms of the provisions of a Land Use Scheme, consented to the use of any land or building for a particular purpose on condition that an amount of money, determined in accordance with ~~Section 18(3)(h)~~ (DELETED) Section 17(3)(h) (SUBSTITUTED) be paid to the Municipality, the land or building shall not be used until such time as the amount is paid or arrangements to the satisfaction of the Municipality have been made for the payment of the amount.
- (l) The ~~Authorized official~~ (DELETED) Municipality (SUBSTITUTED) shall notify the applicant and any person or body which in the opinion of the Municipality requires notification of the decision of the Municipality on the said application;

FORMER SECTION 18(4) SHALL READ AS SECTION 17(4)

Amendment of Section 17(4)(b)(iv),(ix) and (xii),

- (iv) erection of an additional (second) dwelling unit ~~and amendment thereof~~ (INSERTED)
- (ix) ~~amendment~~ (DELETED) site development plan ~~and amendment thereof.~~ (INSERTED)
- (x) ~~renewal of a special consent.~~ (INSERTED)

Amendment of Section 17(4)(c) and (d)

- (c) No written consent shall be granted in terms of this Section until the applicant has, to the satisfaction of the Municipality, obtained the written comments of the surrounding owners ~~which comments have been requested~~ (INSERTED) in the prescribed format and or by the way of registered post and proof submitted with regard to a site notice placed in terms of Schedule 7 of this by-law.
- (d) that ~~Sections 18(1)(a) to 18(1)(c); 18(1)(e) 18(1)(f)~~ (DELETED) Sections 17(1)(a) to 17(1)(c); 17(1)(e) to 17(1)(f) (SUBSTITUTED) of this by-law shall apply *mutatis mutandis*.

Amendment of Section 17(4)(f)

- (f) Where the Municipality imposes a condition in terms of ~~Section 18(4)(f)(i)~~^(DELETED) **Section 17(4)(g)** requiring ^(SUBSTITUTED) the payment of an amount of money to it, it shall notify the person concerned in writing thereof, which notification may be done simultaneously with the notification of the decision on the application, and such amount of money shall:
- (i) be determined in terms of an approved Council policy on engineering services.
 - (ii) ~~Such parking will be determined by number of parking bays X 25 square meters multiplied by property market value.~~^(DELETED) **Such amount will be determined in terms of the Land Use Scheme**^(SUBSTITUTED)

Amendment of Section 17(4)(g)

- (g) Where the Municipality has, in terms of the provisions of a Land Use Scheme, consented to the use of any land or building for a particular purpose on condition that an amount of money, determined in accordance with ~~Section 18(4)(f)~~^(DELETED) **Section 17(4)(f)**, ^(SUBSTITUTED) be paid to the Municipality, the land or building shall not be used until such time as the amount is paid or arrangements to the satisfaction of the Municipality have been made for the payment of the amount.

Insertion of Section 17(4)(j)

- (j) where in the opinion of the Municipality they cannot consider the application without the said comments, they may insist that the comments be obtained by the applicant prior to the consideration of the application;^(INSERTED)

FORMER SECTION 18(5) SHALL READ AS SECTION 17(5)

Amendment of Section 17(5)(a)(i)

- (i) the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, ~~workshops~~^(DELETED) or such other uses as may be necessary during the erection of any permanent structure

Amendment of Section 17(5)(c) to (f)

- (c) The Municipality may impose any condition deemed fit in granting consent in terms of ~~Section 18(5)(a)~~^(DELETED) **Section 17(5)(a)**,^(SUBSTITUTED)
- (d) Notwithstanding the above, the Municipality reserves the right to reconsider the decision in terms of ~~Section 18(5)(a)~~^(DELETED) **Section 17(5)(a)**,^(SUBSTITUTED) without liability for compensation, if any of the conditions imposed in terms of the authorisation are not complied with or if complaints from neighbouring properties are forthcoming.

- (e) Notwithstanding the provisions of Section ~~18(5)(d)~~ (DELETED) Section 17(5)(a), (SUBSTITUTED) the Municipality may on written request from the owner of land cancel or retract any consent granted in terms of ~~subsection 18(5)(a)~~ (DELETED) Section 17(5)(a) (SUBSTITUTED) provided that such cancellation or retraction will not take effect until approved by the Municipality.
- (f) that ~~Sections 18 (1)(a) to (t)~~ (DELETED) Sections 17 (1)(a) to (t) (SUBSTITUTED) of this (DELETED) of this By-Law shall apply *mutatis mutandis*.

Amendment of Section 17(5)(h)

- (h) Where the Municipality imposes a condition in terms of ~~Section 18(5)(h)(i)~~ (DELETED) Section 17(5)(g) (SUBSTITUTED) requiring the payment of an amount of money to it, it shall notify the person concerned in writing thereof, which notification may be done simultaneously with the notification of the decision on the application, and such amount of money shall:
- (i) be determined in terms of an approved Council policy on engineering services.
- ~~(ii) Such parking will be determined by number of parking bays X 25 square meters multiplied by property market value.~~ (DELETED) Such amount will be determined in terms of the Land Use Scheme (SUBSTITUTED)

Amendment of Section 17(5)(i) and (j)

- (i) Where the Municipality has, in terms of the provisions of a Land Use Scheme, consented to the use of any land or building for a particular purpose on condition that an amount of money, determined in accordance with ~~Section 18 (5)(h)~~ (DELETED) Section 17 (5)(h), (SUBSTITUTED) be paid to the Municipality, the land or building shall not be so used until such time as the amount is paid or arrangements to the satisfaction of the Municipality have been made for the payment of the amount.
- (j) The ~~Authorized Official~~ (DELETED) Municipality (SUBSTITUTED) shall notify the applicant and any person or body which in the opinion of the Municipality requires notification of the decision of the Municipality on the said application;

FORMER SECTION 18(6) SHALL READ AS SECTION 17(6)

Amendment of Section 17(6)

6. **Application procedures within the ~~urban edge of tribal authority areas~~ (DELETED) Traditional Council Areas (SUBSTITUTED) shall:**
- (a) Be dealt with in terms of the Rustenburg Land Use scheme read with Regulation 19 of the Spatial Planning and Land Use Management Act 16 of 2013. (INSERTED)

Deleted the following subsections:

~~(a) The application procedure set out in Section 18(6)(b) shall apply to all properties located within the urban edge of the following areas:~~

~~(i) Berseba~~

~~(ii) Bethanie~~

~~(iii) Koankweng~~

~~(iv) Makelokwe~~

~~(v) Maumong~~

~~(vi) Modikwe~~

~~(vii) Wonderkoppies~~

~~(viii) Royal Bafokeng~~

~~(b) an applicant intending to apply to the Municipality for the erection of buildings and /or use of land for a purpose set out in Schedule 5, shall submit such application in writing in a manner as indicated on the Schedule also adhering to the By-Law.~~

~~(c) the applicant shall lodge such application on the prescribed form and shall lodge such application at the relevant Tribal Office or at the Municipality~~

~~(d) the designated Land Officer within the tribal authority shall consider the application and the application as well as the resolution taken by the tribal authority be referred to the Municipality Planning Tribunal for the final consideration.~~

~~(e) In accordance with Schedule 2 of the is By-Law , the Municipality shall keep a complete register of amendments, approvals and consents approved as well as conditions imposed shall be forwarded to the Municipality of the inclusion thereof (DELETED)~~

FORMER SECTION 18(7) SHALL READ AS SECTION 17(7)

Amendment of Section 17(7) (a)

- (a) An owner of land who wishes to establish a township on his or her land or for the extension of the boundaries of an approved township, may, in such form and subject to such requirements as the Municipality ~~may~~ (DELETED)prescribed in

Schedules 9 and 10, apply in writing to the Municipality in whose jurisdiction the establishment of a township.

Amendment of Section 17(7)(b)

- (b) An application contemplated in ~~Section 18(7)(a)~~ (DELETED) **Section 17(7)(a)** (SUBSTITUTED) shall be accompanied by such plans, diagrams, technical reports and other documents as may be prescribed by the Municipality **and as prescribed** (INSERTED) in Schedules 9 and 10 and the applicant shall:
- (i) furnish the Municipality with such further information as it may require; and
 - (ii) the number of copies as the Municipality may require of the application and any documentation or information;
 - (iii) pay the Municipality such fees as it may levy;
 - (iv) obtain a Township Name **and a scheme number** (INSERTED) through a request for reservation.

Amendment of Section 18(7)(c) to (e)

- (c) The provisions of ~~Section 18(1)(b)~~ (DELETED) **Section 17(1)(b)** (SUBSTITUTED) up to and including ~~Section 18(1)(p)~~ (DELETED) **Section 17(1)(p)** (SUBSTITUTED) shall apply *mutatis mutandis* to an application contemplated in ~~Section 18(7)(a)~~ (DELETED) **Section 17(1)(a)**.
- (d) After the provisions of ~~Section 18(7)(c)~~ (DELETED) **Section 17(7)(c)** (SUBSTITUTED) have been complied with, the Municipal Planning Tribunal shall, consider the application contemplated in ~~Section 18(7)(a)~~ (DELETED) **Section 17(7)(a)** (SUBSTITUTED) together with the draft amendment scheme contemplated in ~~Section 18(7)(g)(v)~~ (DELETED) **Section 18(7)(g)(v)** (SUBSTITUTED) and it may approve them, either wholly or in part, or refuse them or postpone a decision thereon, either wholly or in part, read with ~~Section 18(1)(r)~~ (DELETED) **Section 17(1)(c)** (SUBSTITUTED) above; provided that neither the township establishment application nor the draft amendment scheme can be dealt with separately and shall be regarded as one decision and compile a statement to the effect.
- (e) Where the ~~Municipality~~ (DELETED) **Municipal** (INSERTED) Planning Tribunal approves an application in terms of Section 18(7)(d) **Section 17(7)(d)** (SUBSTITUTED), it may impose any condition it may deem expedient including requiring the payment of Development charges and charges for parks and open spaces **as prescribed in Schedule 19** (INSERTED) either in cash or in lieu or both;

Amendment of Section 17(7)(g)(v)

- (v) the conditions to be incorporated into the Land Use Scheme by means of an amendment scheme, which amendment scheme shall be the draft amendment scheme contemplated in ~~Section 18(7)(b)(iv)~~ (DELETED) **Section 17(7)(b)(iv)** (SUBSTITUTED) and approved in terms of ~~Section 18(7)(d)~~ (DELETED) **Section 18(7)(d)** (SUBSTITUTED).

Amendment of Section 17(7) (h)

- (h) The ~~Municipal Planning Tribunal~~ (DELETED) **Municipality** (SUBSTITUTED) shall notify the applicant and any person or body, which in the opinion of the Municipality requires notification of its decision in terms of ~~Sections 18(7)(d) and 18(7)(g)~~ (DELETED) **Sections 17(7)(d) and 17(7)(g)**. (SUBSTITUTED)

Deleted former Section 18(7)(i)

- (i) ~~After the applicant has been notified in terms of Section 18(7)(h) that his/her application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed in terms of Section 18(7)(e) or add any further condition; provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality shall not exercise its powers in terms hereof and shall require the applicant to submit an amended or new application and in the sole discretion of the Municipality to re-advertise the application in terms of Section 18(1)(d);~~ (DELETED)

Amendment of former Section 18(7) (j) which read as Section 17(7) (i)

- (i) After the applicant has been notified in terms of ~~Section 18(7)(h)~~ (DELETED) **Section 17(7)(h)** (SUBSTITUTED) that his/her application has been approved, the Municipality or at the applicant's request may; after consultation with the applicant and the Surveyor-General, amend the layout of the township approved as part of the township establishment application in terms of ~~Section 18(7)(e)~~ (DELETED) **Section 17(7)(e)** (SUBSTITUTED); provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality shall not exercise its powers in terms thereof (INSERTED) and require the applicant to submit **a new application containing the amendments**. (INSERTED) ~~an amended or new application in the opinion of the Municipality and re-advertise the application in the sole discretion of the Municipality in terms of Section 18(1)(d); and~~ (DELETED)

Amendment of former Section 18 (7)(k) which read as Section 17(7)(j)

- (j) Without detracting from the provisions of ~~Sections 18(7)(i) and 18(7)(j)~~ (DELETED) **Section 17(7)(i)** (SUBSTITUTED) the Municipality may require the applicant, or the applicant of his/her own accord, amend both the conditions and the layout plan of the township establishment application as contemplated therein.

FORMER SECTION 18(8) SHALL READ AS SECTION 17(8)

Amendment of Section 17(8)(a)

- (a) An applicant who has been notified in terms of ~~Section 18(7)(h)~~ (DELETED) **Section 17(7)(h)** (SUBSTITUTED) that his application has been approved may, within a period of 12 months from the date of the notice apply to the Municipality for the division of the township into two or more separate townships, which townships may also be called phases as prescribed in Schedule 10; provided that:
- (i) a division of township shall not be a division of engineering services but

the division of a township and therefore shall be for purposes of creating separate townships on approval; and

- (ii) the Municipality may determine the order in which each township created through a division of township contemplated in ~~Section 18(8)(a)~~ (DELETED) **Section 17(8)(4)** (SUBSTITUTED) shall be proclaimed in terms of this subsection.

Amendment of Section 17(8)(b)(iv) and (vi)

- (b) On receipt of an application in terms of ~~Section 18(8)(a)~~ (DELETED) **Section 17(8)(h)** (SUBSTITUTED) the Municipality shall consider the application and may for purposes of the consideration of the application:
 - (iv) require the applicant to provide proof that he/she has consulted with the Surveyor General where the documents contemplated in ~~Section 18(9)~~ (DELETED) **Section 17(9)** (SUBSTITUTED) have been lodged; or
 - (vi) submit a draft amendment scheme for purposes of incorporation into the land use scheme in terms of ~~Section 18(7)(g)(v)~~ (DELETED) **Section 17(7)(g)(v)** (SUBSTITUTED)

Amendment of Section 17(9)(c) to (i)

- (c) After the provisions of ~~Sections 18(8)(a) and 18(8)(b)~~ (DELETED) **Sections 17(8)(a) and 17(8)(b)** (SUBSTITUTED) have been complied with the Municipal Planning Tribunal shall consider the application and it may approve, refuse or postpone the application;
- (d) Where the Municipal Planning Tribunal approves an application in terms of ~~Section 18(8)(c)~~ (DELETED) **Section 17(8)(c)** (SUBSTITUTED) it may impose any condition it may deem expedient, including a condition requiring the payment of development charges and or parks and open space charges in accordance with Schedule 19;
- (e) Where an application was approved in terms of ~~Section 18(8)(c)~~ (DELETED) **Section 17(8)(c)** (SUBSTITUTED) the Municipality shall notify the applicant in writing thereof and of any conditions imposed.
- (f) The applicant shall, within a period of 3 months from the date of the notice contemplated in ~~Section 18(8)(e)~~ (DELETED) **Section 17(8)(e)** (SUBSTITUTED) submit to the Municipality such plans, diagrams, conditions of establishment and any other documents and furnish such information as may be required in respect of each separate township; failing which the application for division shall lapse;
- (g) On receipt of the documents or information contemplated in ~~Section 18(8)(f)~~ (DELETED) **Section 17(8)(f)** (SUBSTITUTED) the granting of an application in terms of ~~Section 18(8)(d)~~ (DELETED) **Section 17(8)(d)** (SUBSTITUTED) shall in respect of each separate township deem to be the approval of an application in terms of ~~Section 18(8)(d)~~ (DELETED) **Section 17(8)(d)** (SUBSTITUTED) and the notice contemplated in ~~Section 18(8)(h)~~ (DELETED) **Section 17(8)(h)** (SUBSTITUTED) respectively.
- (h) The Municipality shall notify the Surveyor-General, and the Registrar in writing of the approval of the application in terms of ~~Section 18(8)(c)~~ (DELETED) **Section 17(8)(c)** (SUBSTITUTED) and such notice shall be accompanied by a copy of the plan of each separate township.
- (i) The provisions of ~~Sections 18(7)(d) to (k)~~ (DELETED) **Sections 17(7)(d) to (k)** (SUBSTITUTED) shall apply *mutatis mutandis* to the division of township application; provided

that; the calculation of time periods in terms of Section 18(9) ~~Section 17(9)~~ (SUBSTITUTED) hereunder shall be calculated from the date of the first approval of division application or amendment in terms of ~~Section 18(7)(i),(j) and or (k).~~ (DELETED) ~~Section 17(7)(i) and or (j).~~ (SUBSTITUTED)

FORMER SECTION 18(9) SHALL READ AS SECTION 17(9)

- (a) An applicant who has been notified in terms of ~~Section 18(7)(h)~~ (DELETED) ~~Section 17(7)(h)~~ (SUBSTITUTED) and ~~Section 18(8)(e)~~ (DELETED) ~~Section 17(8)(e)~~ (SUBSTITUTED) that his application has been approved shall, within a period of 12 months from the date of such notice, lodge for approval with the Surveyor General such plans, diagrams or other documents as the Surveyor-General may require. The applicant may apply for the extension of time twice within the three year period. If the applicant fails to do so the application shall lapse:
- (i) An applicant shall apply in writing for an extension of time in terms of ~~Section 18(9)(a)~~ (DELETED) ~~Section 18(9)(a)~~ (SUBSTITUTED) provided that such application shall be accompanied by such documents as prescribed in Schedule 14.
- (ii) The Municipality in granting an allowance for extension of time may impose any conditions they deem expedient.
- (b) For that purpose approval the Municipality shall provide to the applicant with a schedule as contemplated in ~~Sections 18(7)(f) and 18(7)(g)~~ (DELETED) ~~Sections 17(7)(f) and 17(7)(g)~~ (SUBSTITUTED) of the conditions of establishment together with a stamped and approved layout plan;
- (c) Where the applicant fails, within a reasonable time as may be determined by the Municipality after he has lodged the plans, diagrams or other documents contemplated in ~~Section 18(9)(a)~~, (DELETED) ~~Section 17(9)(a)~~, (SUBSTITUTED) to comply with any requirement the Surveyor-General may lawfully lay down, the Surveyor-General shall notify the Municipality that he is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the application shall lapse.
- (d) On receipt of the notice contemplated in ~~Section 18(9)(c)~~ (DELETED) ~~Section 18(9)(c)~~, (SUBSTITUTED) the ~~Municipality~~ (DELETED) ~~Applicant~~ (SUBSTITUTED) must publish a notice in the provincial gazette declaring that the general plan has been altered, amended or totally or partially cancelled. ~~and the Municipality set out the conditions in post or the amendment or deletion of any conditions, where applicable~~ (DELETED)
- (e) ~~On receipt of the notice contemplated in Section 17(9)(d)~~ (INSERTED) The Municipality must provide the register of deeds and the ~~surveyor general~~ (INSERTED) with a copy of the notice. ~~as contemplated in Section 18(9)(d).~~ (SUBSTITUTED) (DELETED)
-

FORMER SECTION 18(10) SHALL READ AS SECTION 17(10)

Amendment of Section 17(10)

- (a) The applicant shall provide proof to the satisfaction of the Municipality that all conditions contained in this schedule to the approval of a township establishment

application contemplated in ~~Sections 18(7)(f) and 18(7)(g)~~ (DELETED) ~~Sections 17(7)(f) and 17(7)(g)~~ (SUBSTITUTED) have been complied with prior any registration transactions taking place or the opening of a township register in terms of the Deeds Registries Act;

- (b) The Municipality shall certify to the Registrar of Deeds that all the conditions that have to be complied with by the applicant/owner as contemplated in ~~Sections 18(7)(f) and 18(7)(g)~~ (DELETED) ~~Sections 17(7)(f) and 18(7)(g)~~ (SUBSTITUTED) have been complied with including the provision of guarantees and payment of monies prior to the opening of a township register and may include in the said certification all the conditions and registration transactions to be done simultaneously with the opening of a township register;
- (c) The Municipality shall at the same time notify the Registrar of Deeds and Surveyor General of the Certification by the Municipality in terms of ~~Section 18(10)(b)~~ (DELETED) ~~Section 17(10)(b)~~ (SUBSTITUTED)

FORMER SECTION 18(11) SHALL READ AS SECTION 17(11)

Amendment OF Section 17(11)

- (a) The applicant shall lodge with the Registrar of Deeds the plans and diagrams contemplated in ~~Section 18(9)~~ (DELETED) ~~Section 17(9)~~ (SUBSTITUTED) as approved by the Surveyor-General together with the relative title deeds for endorsement or registration, as the case may be.
- (b) For purposes of subsection (11)(a) the Registrar shall not accept such documents for endorsement or registration until such time as the Municipality has certified that the applicant has complied with such conditions as the Municipality may require to be fulfilled in terms of ~~Section 18(10)(c)~~ (DELETED) ~~Section 17(10)(c)~~ (SUBSTITUTED)
- (c) The plans, diagrams and title deeds contemplated in ~~Section 18(11)(a)~~ (DELETED) ~~Section 17(11)(a)~~ (SUBSTITUTED), shall be lodged within a period of 12 months from the date of the approval of such plans and diagrams provided that ;
 - (i) An applicant shall apply in writing for an extension of time in terms of ~~Section 18(11)(a)~~ (DELETED) ~~Section 17(11)(a)~~ (SUBSTITUTED) provided that such application shall be accompanied by such documents as prescribed in Schedule 14.
 - (ii) The Municipality in granting and allowance for extension of time may impose any conditions they deem expedient.
- (d) If the applicant fails to comply with the provisions of ~~Sections 18(11)(a), 18(11)(b) and 18(11)(c)~~ (DELETED) ~~Sections 17(11)(a) to (c)~~ (SUBSTITUTED) the application shall lapse.
- (e) Having endorsed or registered the title deeds contemplated in ~~Section 18(11)(a)~~ (DELETED) ~~Section 17(11)(a)~~ (SUBSTITUTED) the Registrar shall notify the Municipality forthwith of such endorsement or registration, and thereafter the Registrar shall not register any further transactions in respect of any land situated in the township until such time as the township is declared an approved township in

terms of ~~Section 18(12)~~ (DELETED) **Section 17(12)**. (SUBSTITUTED)

FORMER SECTION 18(12) SHALL READ AS SECTION 17(12)

Amendment of section 17(12))

- (a) Where in terms of ~~Section 18(7)(d)~~ (DELETED) **Section 17(7)(d)** (SUBSTITUTED) the Municipal Planning Tribunal has approved an application for township establishment, the conditions as required in terms of ~~Section 18(7)(g)(v)~~ (DELETED) **Section 17(7)(g)(v)** (SUBSTITUTED) shall contain the conditions to be incorporated into the Land Use Scheme by means of an amendment scheme read with ~~Section 18(7)(b)~~ (DELETED) **Section 17(7)(b)(iv)**. (SUBSTITUTED)
- (b) After the provisions of ~~Sections 18(9), 18(10) and 18(11)~~ (DELETED) **Sections 17(9) to (11)** (SUBSTITUTED) have been complied with ~~and the Municipality is satisfied that the township is in its area of jurisdiction~~ (DELETED)
- (i) the Municipality ~~or the applicant~~ (DELETED), shall by notice in the Provincial Gazette, in terms of DOC :F/31, declare the township an approved township; and
- (ii) simultaneously by notice in the Provincial Gazette, in terms of DOC: F/33, declare that it has approved in terms of ~~Section 18(7)(d)~~ (DELETED) **Section 18(7)(d)** (SUBSTITUTED) and amendment scheme and by the said notice it shall be deemed to be an adopted amendment scheme relating to the same land, and that a copy of the scheme will lie for inspection at all reasonable times.
- (c) When an applicant submits a rezoning application with regard to the amendment of an existing land use post proclamation of the township, a new service agreement is to be entered **into** (INSERTED) between the applicant and the municipality and the applicant will be responsible for the payment of the difference in the development charges.
-

FORMER SECTION 18(13) SHALL READ AS SECTION 17(13)

Amendment of Section 17(13)(a)

- (a) ~~Notwithstanding~~ (DELETED) **Subject** (SUBSTITUTED) the provisions contained in **Section 41** (INSERTED) this by-law, any other law or any conditions imposed in the approval of any land development application:

Amendment of Section 17(13)(a)(ii)(ff)

- (ff) That all the properties have either been transferred in terms of ~~Section 18(11)~~ **Section 17(11)** hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

FORMER SECTION 18(14) SHALL READ AS SECTION 17(14)

Amendment of Section 17(14)(c)

- (c) ~~Anybody~~^(DELETED) **any body** ^(SUBSTITUTED) or person;

by virtue of a condition set out in the conditions to the approval of a land development application in terms of this by-law or any other applicable legislation including legislation referred to in Section 2(2) of the Act, the land shall be so transferred at the expense of the applicant, **after the provision of Section 17(9)(a) has been complied with**^(INSERTED) ~~within a period of 6 months from the date of the land use rights coming into operation or within such further period as the Municipality may allow,~~^(DELETED) but in any event prior to any registration, including a certificate of registered title or transfer of any erf, portion, opening of a sectional title scheme or unit within the development.

FORMER SECTION 18(15) SHALL READ AS SECTION 17(15)

Amendment of Section 17(15) (a) (iii)

- (iii) **Subject to the provision of the Subdivision of Agricultural Land Act 70 of 1970,** ^(INSERTED) registered farm portion, land or agricultural holding who wishes to subdivide that farm portion, land or agricultural holding not less than 1 Hectare; provided that such subdivision shall not constitute a township in the opinion of the Municipality;

Amendment of Section 17(15)(b) to (f)

- (b) (d The provisions of ~~Sections 18(1)(e) to (g),~~ ^(DELETED) **Sections 17(1)(e) to (g),** ^(SUBSTITUTED) shall be applicable *mutatis mutandis* to application in terms of ~~Sections 18(15)(a)(i) to (iii),~~ ^(DELETED) **Section 17(a)(i) to (iii),** ^(SUBSTITUTED)
- (c) The provisions of ~~Sections 18(1)(d); 18(1)(i) to 18(1)(l), and 18(1)(m)~~ ^(DELETED) **Sections 17(1)(d); 17(1)(i) to 17(1)(l), and 17(1)(m)** ^(SUBSTITUTED) shall also apply to subdivisions contemplated in ~~Section 18(15)(a)(iii)~~ ^(DELETED) **Section 17(15)(a)(iii)** ^(SUBSTITUTED) as well as Schedule 13 indicating the area applicable. ^(SUBSTITUTED)
- (d) After the provisions of ~~Sections 18(15)(a) to 18(15)(c)~~ ^(DELETED) **Sections 17(15)(a) to 17(15)(c)** ^(SUBSTITUTED) have been complied with the Municipality shall consider the application and it may approve or refuse it, ~~and where the Municipality fails to approve or refuse an application to consolidate two or more erven as contemplated in Section 18(15)(a)(iii) within a period of 60 days from the date contemplated in Section 18(15)(c), it shall be deemed that the Municipality has approved the application.~~ ^(DELETED)
- (e) The Municipality shall without delay and in writing notify the applicant referred to in ~~Section 18(15)(a)~~ ^(DELETED) **Section 17(15)(a)** ^(SUBSTITUTED) of its decision.
- (f) Where a Municipality approves an application in terms of ~~Section 18(15)(d)~~

(DELETED) **Section 17(15)(d)**, (SUBSTITUTED) it may impose any condition it deems expedient, including a condition, in the case of an application for a subdivision that the owner shall pay to it an amount of money in respect of the provision of:

Deleted former Section 18(15)(h)

~~(h) — The Municipality may, of its own accord after consultation with the owner or at the request of the owner and after consultation with the Surveyor-General:~~

~~(i) — cancel, subject to any condition it may deem expedient, an approval of an application in terms of Section 18(15)(b);~~

~~(ii) — amend or delete any condition, other than a condition of title imposed in terms of Section 18(15)(d) or add any condition contemplated in that subsection to the existing conditions;~~

~~(iii) — approve an amendment of the plan setting out a proposed subdivision or consolidation, where the application for such subdivision or consolidation has been approved in terms of any of the provisions referred to in this By-law under Section 18(15)(b) above. (DELETED)~~

Amendment of Former Section 18(15)(i) which read as Section 17(15)(h)

(h) The Municipality shall not exercise any power conferred by ~~sections 18(15)(b) and 18(15)(e) (DELETED)~~ **sections 17(15)(b) and 17(15)(c) (SUBSTITUTED)** if it will bring about a result which is in conflict with—

- (i) any condition set out in the Conditions of Establishment of a proclaimed township;
- (ii) a condition of title imposed in terms of any law;
- (iii) a provision of an interim or approved scheme applicable to the erf or erven concerned.

Amendment of former section 18(15)(j) which read as section 17(15)(i)

i) The provisions of ~~Sections 18(14) and 18(15) (DELETED)~~ **Sections 18(14) and 18(15) (SUBSTITUTED)** shall apply *mutatis mutandis* to a subdivision or simultaneous consolidation.

FORMER SECTION 18(16) SHALL READ AS SECTION 17(16)

- (a) An applicant who has been notified in terms of ~~Section 18(15)(e) (DELETED)~~ **Section 17(15)(e) (SUBSTITUTED)** that his application has been approved shall, within a period of 12 months from the date of such notice, lodge for approval with the Surveyor General such plans, diagrams or other documents as the Surveyor-General may require. The applicant may apply for the extension of time twice within the three-year period. If the applicant fails to do so the application shall lapse.

- (b) The Municipality may for purposes of lodging the documents contemplated in ~~Section 18(16)(a)~~ (DELETED) **Section 17(16)(a)** (SUBSTITUTED) determine street names and numbers on the layout plan; an
- (c) Where the applicant fails, within a reasonable time as may be determined by the Municipality after he has lodged the plans, diagrams or other documents contemplated in ~~Section 18(16)(a)~~ (DELETED) **Section 17(16)(a)**, (SUBSTITUTED) to comply with any requirement the Surveyor-General may lawfully lay down, the Surveyor-General shall notify the Municipality that he is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the application shall lapse.

FORMER SECTION 18(17) SHALL SECTION 17(17)

Amendment of Section 17(17)

Prohibition of approval of general plan or diagrams of subdivision or consolidation of erf, erven or land in certain circumstances.

- (a) Subject to the provisions of ~~Section 18(17)(b)~~ (DELETED) **Section 17(17)(b)**, (SUBSTITUTED) the Surveyor-General shall not approve a general plan or diagram of:
- (i) a subdivision of any erf, farm portion or land unless:
- (aa) the ~~Municipality~~ (DELETED) **Municipal Planning Tribunal or Land Development Officer or** (INSERTED) an Appeal Body has approved the subdivision in terms of the provisions of this By-law or any other law relating to the subdivision of land;
- (bb) any diagram for or on which is indicated a servitude that ~~does not~~ (DELETED) **does** form part of the approval granted in terms of the subdivision;

DELETED FORMER SECTION 18(18)

~~18. Exemption of subdivision and consolidations~~

- ~~(a) The subdivision or consolidation of land in the following circumstances does not require the approval of the Municipality:~~
- ~~(i) if the subdivision or consolidation arises from the implementation of a court ruling;~~
- ~~(ii) if the subdivision or consolidation arises from an expropriation;~~
- ~~(iii) the registration of a servitude or lease agreement for the provision or installation of—~~
- ~~(aa) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf~~

~~of an organ of state or service provider;~~

~~(bb) telecommunication lines by or on behalf of a licensed telecommunications operator;~~

~~(cc) the subdivision and consolidation of a closed public place with an abutting erf; and~~

~~(b) The Municipality must, in each case, certify in writing that the subdivision has been exempted from the provisions of this Chapter.~~

~~(c) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of Sections 18(15), 18(16) and 18(17).~~

FORMER SECTION 18(19) SHALL READ AS SECTION 17(18)

Amendment of Section 17(18) (a) to (e)

(a) Any person who wishes to have the general plan of an approved township altered, amended or totally or partially cancelled by the Surveyor-General in terms of Section 37 of the Land Survey Act, 1997 (Act 8 of 1997) may, subject to the provisions **of the Act** (INSERTED) and in such form as the Municipality may determine, apply in writing to the Municipality for its approval, and the applicant shall:

(i) comply with such requirements and pay such fees as may be prescribed;

(b) An application contemplated in ~~Section 18(19)(a)~~ (DELETED) **Section 17(18)(a)** (SUBSTITUTED) shall be accompanied by such plans, diagrams or other documents as the Municipality may determine and the applicant shall furnish such further information as the Municipality may require.

(c) After the provisions of ~~Sections 18(19)(a) and 18(19)(b)~~ (DELETED) **Sections 17(18)(a) and 17(18)(b)** (SUBSTITUTED) have been complied with, the applicant shall give notice of the application by publishing once a week for 2 consecutive weeks a notice in the Provincial Gazette and 2 local newspapers in two official languages **most** (INSERTED) commonly spoken in the area of jurisdiction as prescribed in terms of Schedule 12.

(d) Any person may, within a period of ~~30 days~~ (DELETED) **28 days** (SUBSTITUTED) from the date of the first publication of the notice contemplated in ~~Section 18(19)(c)~~ (DELETED) **Section 17(18)(c)**, (SUBSTITUTED) lodge an objection with or make representations in writing to the Municipality in respect of the application.

(e) The Municipality shall forward a copy of every objection lodged, all representations made and the comments and recommendation of the Municipality to the applicant, and the applicant shall, within a period of ~~30 days~~ (DELETED) **28 days** (SUBSTITUTED) from the date of receipt of the copy, forward his reply thereto to the Municipality.

After—

(i) the period contemplated in ~~Section 18(19)(d)~~ (DELETED) **Section 17(18)(d)**

(SUBSTITUTED) , has expired; and

- (ii) the provisions of ~~Section 18(19)(e)~~ (DELETED) **Section 17(18)(e)** (SUBSTITUTED) have been complied with,
 - (aa) the Municipality shall submit the application, together with every objection lodged, all representations made, the comments and recommendation of the Municipality, the applicant's comments and recommendation and the reply contemplated in ~~subsection 18(19)(e)~~ (DELETED) **17(18)(e)** (SUBSTITUTED) to the Municipal Planning Tribunal, for a resolution.

Amendment of Section 17(18) (h)

- (h) Where the applicant fails, within a reasonable time after he or she has lodged the plans, diagrams or other documents contemplated in ~~subsection 18(19)(g)~~ (DELETED) **subsection 17(18)(g)**, (SUBSTITUTED) to comply with any requirement the Surveyor-General may lawfully lay down, and notify the municipality accordingly, and where the municipality is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, ~~the municipality must notify the applicant~~ (DELETED) and thereupon the application lapses.

Amendment of Section 17(18) (k)

- (j) The provisions of this Section shall not apply to an alteration or amendment of a general plan of an approved township which is necessary or to indicate the closing of any public place or street or any portion thereof in terms of ~~Section 20~~ (DELETED) **Section 19** (SUBSTITUTED) of this by-law.

Amendment of Section 17(18)(i)(ii)

- (ii) The ownership of any public place or street shall **revert to the property owner** (INSERTED) ~~remain vested in the name of the Municipality.~~ (DELETED)

FORMER SECTION 18(20) SHALL READ AS SECTION 17(19)

Amendment of Section 17(19) (a)

- (a) The Municipality may ~~on its own initiative or an application close a public place or any portion thereof.~~ (DELETED) **Submit an application to the municipal planning tribunal on its own initiative or on application to close a public place or any portion thereof. Submit an application to the Municipality and at the same time lodge a plan showing the position of the boundaries of the area that needs to be closed, and such an application shall be accompanied by such fees as may be prescribed.** (INSERTED)

Deleted former Section 18(19)(b) and (c)

- ~~(b) — Submit an application to the Municipality and at the same time lodge a plan showing the position of the boundaries of the area that needs to be closed, and such an application shall be accompanied by such fees as may be prescribed.~~ (DELETED)

~~(c) This application will then be referred to the Municipal Planning Tribunal for the necessary approval.~~ (DELETED)

Former Section 18(20) (d) shall read as Section 17 (19) (b)

- (b) The applicant ~~will be notified~~ will give notice of the application at his own cost (INSERTED) ~~with regard to the resolution taken and if the application was approved then the applicant shall at his own cost.~~ (DELETED)
- (i) publish once a week, for 2 consecutive weeks in two official languages ~~most~~ (INSERTED) commonly spoken within the area of jurisdiction in the Provincial Gazette and two local newspapers in two official languages ~~most~~ (INSERTED) commonly spoken in the area of jurisdiction as prescribed in terms of Schedule 12, to this by-law;
- (ii) by posting a notice in such form as may be prescribed in a conspicuous place to the satisfaction of the Municipality, on the land applicable and as prescribed in Schedule 12 as the case may be, and he shall maintain such notice for a period of at least ~~30 days~~ (DELETED) 28 days (SUBSTITUTED) from the date of the first publication of the notice contemplated in Section 18(20)(d)(i) Provided that the Municipality may, in its discretion, grant exemption from compliance with the provisions of this subsection, a sworn affidavit accompanied by photo of the site notice that the notice was indeed posted and maintained for the said period must be submitted to the Local Authority. (INSERTED)
- (iii) by delivering a notice as prescribed in Schedule 12, by way of registered post and/or hand delivery (INSERTED) to all the adjoining property owners of the property on which the application is brought; provided that adjoining owners in relation to their property shall mean any property that shares a common boundary, touches the corners of the land and includes properties that are separated by a road, or roadway or right of way servitude;

Former Section 18(20)(e) shall read as Section 17(19)(c)

Former Section 18(20)(f) shall read as Section 17(19)(d)

Deleted former Section 18 (20) (g)

~~(g) The ownership of the land comprised in any public place or portion thereof that is closed in terms of this section continues to vest in the Municipality unless the Municipality determines otherwise.~~ (DELETED)

Former Section 18 (20)(h) shall read as Section 17(19)(e)

Deleted former Section 18(20)(i)

~~(i) The Municipality must notify the Surveyor General of an approval in terms of Section 18 (20)(a), and the Surveyor General must endorse the records of the Surveyor General's office to reflect the closure of the public place.~~ (DELETED)

FORMER SECTION 18(21) SHALL READ AS SECTION 17(20)

Amendment of Section 17(20) (a)

- (a) An applicant may amend his or her land development application in such a manner as prescribed in Schedule 16 and may at the same time pay the Municipality such fees as may be levied, **during the administration phase as contemplated in regulation 13(3) to the Act.** (INSERTED) ~~at any time prior to or after notice of the application has been given in terms of this By-law and prior to the approval thereof.~~ (DELETED)

Amendment of Section 17(20)(d)

- (d) in terms of ~~Section 18(21)(c)~~ (DELETED) **Section 17(20)(c)** (SUBSTITUTED) the amendment of the application is in the opinion of the Municipality material, the Municipality may determine that the applicant give notices to anybody or person who may have an interest in the matter;

DELETED FORMER SECTION 18(22)

~~22. Amendment of land development applications post approval.~~

- ~~(a) — An applicant may within 2 months after notification that his/her application has been approved, but prior to notice having been given in the Provincial Gazette, as may be required in terms of this by-law, which notice has the purpose of bringing the application into operation may apply for the amendment of his/her land development application in the manner prescribed in Schedule 16 and at the same time pay the Municipality such fees as may be levied:~~
- ~~(i) — the Municipality may consent to the amendment of the land development application or documents relating to the land development application including a layout plan and or condition relating thereto; provided further that:~~
- ~~(aa) — if an amendment to an application is so material in the opinion of the Municipality as to constitute a new application it shall not grant consent for an amendment; or~~
- ~~(bb) — if in the opinion of the Municipality anybody or person's rights may be negatively affected by such amendment then the Municipality, may require that further notice of the application be given in terms of this By-law and may require that the notice and the application be re-circulated to municipal departments, organs of state and service providers.~~
- ~~(cc) — if in terms of Section 18(22)(a)(ii) the amendment of the application is in the opinion of the Municipality material, the Municipality may determine that the applicant give notices to anybody or person who may have an interest in the matter;~~
- ~~(ii) — The provisions of Section 18(1)(u) shall be complied with regardless of any amendment of application in terms hereof and the date for the calculation in terms of Section 18(1)(u) shall remain the date as contemplated in that section.~~

~~(b) Where provision is made in this by-law for the amendment of land development applications post the approval thereof, the provisions relating to the specific land development application shall apply. (DELETED)~~

CHAPTER 5

FORMER 19 SHALL READ AS SECTION 18

Amendment of Section 18(1)

- (1) The decision of a municipality to establish a Municipal Planning Tribunal for its municipal area must be preceded by an assessment of the factors referred to in ~~Section 19(2) (DELETED)~~ **Section 18(2)**.^(SUBSTITUTED)

Amendment of Section 18(2)

- (2) The assessment referred to in ~~Section 19(1)~~ **Section 18(1)** includes, amongst others, the following factors –

Amendment of Section 18(3) and Subsubsection (c)

- (3) A Municipal Planning Tribunal must consist of at least five (5) members made **up**^(INSERTED) of:
- (a) Officials in the full-time service of the Municipality; and
 - (b) Persons appointed by the Municipal Council who are not municipal officials and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.
 - (c) The Municipal Council must designate from the members contemplated in ~~subsection 3 (DELETED)~~ **paragraphs (a) and (b)**.^(SUBSTITUTED)

Amendment of Sections 18 (4) (b) and 18(4) (c)

- (b) The invitation to the organs of state and non-governmental organisations contemplated in regulation 3(2)(a) of the Act ~~must~~ **may** be addressed to the organs of state and non-governmental organisations and must be in the form contemplated in Schedule 20 together with any other information deemed necessary by the Municipality.
- (c) The call for nominations to persons in their individual capacity contemplated in regulation 3(2) (b) of the Act must be in the form contemplated in Schedule 21 and
 - (i) must be published in one local newspaper that is circulated in the municipal area of the Municipality **in English**.^(INSERTED) ~~an official language commonly spoken within the area of jurisdiction;~~ ^(DELETED)
 - (ii) **utilize the provision of Section 21A of the Municipal systems act**.^(INSERTED)
 - ~~(iii) may advertise the call for nominations on the municipal website;~~ ^(DELETED)
 - (iv) ~~utilise any other method and media it deems necessary to advertise the~~

~~call for nominations.~~ (DELETED)

Amendment of Section (18)(5)(b)(iv)

- (iv) the ~~summarized~~(DELETED) ~~abridged~~(SUBSTITUTED) curriculum vitae of the nominee contemplated in Section 19(5)(c)(ii).

Insertion of Section 19(6) which shall read as follows:

(6) Evaluation panel

- (a) The evaluation panel contemplated in regulation 3(1) (g) read with regulation 3(11) of the Regulations, consists of five officials in the employ of the Municipality appointed by the Municipal Manager. (INSERTED)

Former section 19(6) shall now read as section 18(7)

Amendment of Section 18(7)

(7) Initial screening of nomination by ~~Municipality~~(DELETED) ~~evaluation panel~~(SUBSTITUTED)

- (a) After the expiry date for nominations the ~~Municipality~~(DELETED) ~~evaluation panel~~(SUBSTITUTED) must screen all of the nominations received by it to determine whether the nominations comply with the provisions of ~~Section 19(5)~~ (DELETED) ~~Section 18(5)~~(SUBSTITUTED)
- (b) The nominations that are incomplete or do not comply with the provisions of ~~Section 19(5)~~ (DELETED) ~~Section 18(5)~~(SUBSTITUTED) must be rejected by the ~~Municipality~~(DELETED) - ~~evaluation panel~~(SUBSTITUTED)
- (c) Every nomination that is complete and that complies with the provisions of ~~Section 19(5)~~ (DELETED) ~~Section 18(5)~~(SUBSTITUTED) must be subjected to verification by the ~~Municipality~~(DELETED) ~~evaluation panel~~(SUBSTITUTED)
- (d) If, after the verification of the information by the ~~Municipality~~, (DELETED) ~~evaluation panel~~ (SUBSTITUTED) the nominee is ineligible for appointment due to the fact that he or she –
- (i) ~~was not duly nominated;~~ (DELETED)
- (ii) is disqualified from appointment as contemplated in Section 38 of the Act;
- (iii) does not possess the knowledge or experience as required in terms of Section 19(3)(b) of this by-law; ~~or~~(DELETED)
the nomination must be rejected and must not be considered by the evaluation panel contemplated in Section 19(8) of this by-law.
- (e) Every nomination that has been verified by the ~~Municipality~~(DELETED) ~~evaluation panel~~(SUBSTITUTED) and the nominee found to be eligible for appointment to the Municipal Planning Tribunal, must be considered by the evaluation panel contemplated in ~~Section 19(7)~~ (DELETED) ~~Section 18(6)~~ (SUBSTITUTED) of this by-law and make recommendations to the Municipal Council of the

Municipality^(INSERTED).

~~(f) The screening and verification process contained in this section must be completed within 30 days from the expiry date for nominations.~~^(DELETED)

Insertion of Section 18(7)(f)

(f) The evaluation panel must evaluate all nominations within 30 days of receipt of the verified nominations and must submit a report forthwith with their recommendations to the Council for consideration.^(INSERTED)

Deleted former Section 19(7)

~~(7) Evaluation panel~~

~~(a) The evaluation panel contemplated in regulation 3(1)(g) read with regulation 3(11) of the Regulations, consists of five officials in the employ of the Municipality appointed by the Municipal Manager.~~

~~(b) The evaluation panel must evaluate all nominations within 30 days of receipt of the verified nominations and must submit a report with their recommendations to the Council for consideration.~~^(DELETED)

Amendment of Section 19(8)

(8) Appointment of members to Municipal Planning Tribunal by the Municipal Council

- (a) Upon receipt of the report, the Council must consider the recommendations made by the evaluation panel and thereafter appoint the members to the Municipal Planning Tribunal.
- (b) After appointment of the members to the Municipal Planning Tribunal, the Council must designate a chairperson and a deputy chairperson as contemplated in ~~Section 19(e)~~^(DELETED) **Section 18(3)(c)**^(SUBSTITUTED) read with Section 36(4) of the Act, from the members so appointed.
- (c) The Municipal Manager must, in writing, notify the members of their appointment to the Municipal Planning Tribunal and, in addition, **inform**^(INSERTED) ~~to~~^(DELETED) the two members who are designated as chairperson and deputy chairperson, ~~indicate~~^(DELETED) that they have been appointed as such.
- (d) The Municipal Manager must, when he or she publishes the notice of the commencement date of the operations of the first Municipal Planning Tribunal contemplated in ~~Section 13~~^(DELETED), **Section 37(4) of the Act,**^(INSERTED) publish the names of the members of the Municipal Planning Tribunal and their term **of**^(INSERTED) office in the same notice.

Amendment of Section 18 (9)(c)

- (c) The Council may remove a member of the Municipal Planning Tribunal ~~if~~^(DELETED) **after giving the member an opportunity to be heard if**^(INSERTED)
 - (i) ~~sufficient reasons exist for his or her removal;~~^(DELETED) **Reasonable**

- grounds are found justifying his/her removal^(SUBSTITUTED)
- (ii) a member ~~contravenes~~^(DELETED) **contravened**^(INSERTED) the code of conduct contemplated in ~~schedule 23~~^(DELETED) **schedule 3 of the regulation of the Act;**^(SUBSTITUTED)
 - (iii) a member ~~becomes~~^(DELETED) **became**^(SUBSTITUTED) subject to a disqualification as contemplated in Section 38(1) of the Act.
 - ~~(i) — after giving the member an opportunity to be heard.~~^(DELETED)

Amendment of Section 18(9)(d)

- (d) An official of a municipality contemplated in ~~Section 19(3)(a)~~^(DELETED) **Section 18(3)(a)**^(SUBSTITUTED) who serves on the Municipal Planning Tribunal –

Amendment of Section 18(9)(e)

- (e) A person appointed by a municipality in terms of ~~Section 19(3)(b)~~^(DELETED) **Section 18(3)(a)**^(SUBSTITUTED) to the Municipal Planning Tribunal –
 - (i) is not an employee on the staff ~~establishment~~^(DELETED) **compliment**^(SUBSTITUTED) of that municipality;
 - (ii) if that person is an employee of an organ of state as contemplated in regulation 3(2)(a) of the Regulations **to the Act,**^(INSERTED) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
 - ~~(iii) — performs the specific tasks allocated by the chairperson of the Municipal Planning Tribunal to him or her for a decision hearing of the Municipal Planning Tribunal;~~^(DELETED)
 - ~~(iv) sits at such meetings of the Municipal Planning Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Municipal Planning Tribunal;~~^(DELETED)
 - ~~(v) —~~ **(iii)** in the case of a person referred to in regulation 3(2)(b) of the Regulations **to the Act**^(INSERTED) is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on determined annually ~~by the municipality in accordance with the Act~~^(DELETED) **in terms of the Provincial legislation or the Municipality or, in the absence of such legislation or determination, the applicable regulations and rates as determined by the Department of Transport;**^(INSERTED)
 - ~~(vi) —~~ **(iv)** is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.

Amendment of Section 18(9)(f)

- (f) All members of the Municipal Planning Tribunal must sign the Code of Conduct contained in ~~Schedule 23~~ (DELETED) **Schedule 3 of the Regulation of the Act** (SUBSTITUTED) before taking up a seat on the Municipal Planning Tribunal.

Amendment of Section 18(9)(g)

- (g) All members serving on the Municipal Planning Tribunal must adhere to ~~ethics~~ (DELETED) **any ethical norms and standards** (INSERTED) adopted and applied by the Municipality and must conduct themselves in a manner that will not bring the name of the Municipality into disrepute.

Amendment of Section 18(10)

(10) Vacancy

- (a) A vacancy on the Municipal Planning Tribunal must be filled by the **Municipal** (INSERTED) Council in terms of ~~Section 19(3)(b)~~ (DELETED) **Section 18(3)(b)**. (SUBSTITUTED)
- (b) A member who is appointed by virtue of ~~Section 19(10)(a)~~ (DELETED) **Section 18(10)(a)** (SUBSTITUTED) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.
- (c) **For purposes of this subsection the provisions of Section 18(4) to 18(9) of this By-law shall apply mutatis mutandis.** (INSERTED)

Amendment of Sections 18(11) (a)

- (a) The Municipal Planning Tribunal shall consider **all land development and land use application, lawfully referred to it and** (INSERTED) ~~the application for~~ (DELETED) that purpose **be competent to** (INSERTED)

Amendment of Section 18(11) (b)

- (b) Where in terms of any provision of the Act ~~a Municipal Planning Tribunal~~ (DELETED) read with Chapter 6 of the Act, **the Municipal Planning Tribunal** (INSERTED) ~~shall~~ (DELETED) **convene a sitting to** (INSERTED) hear **the applications** (INSERTED) ~~and any~~ (DELETED) ~~oral~~ (DELETED) representations of objections lodged or representations made, in terms of ~~Sections 19(11)(d)(xi) and 30~~ (DELETED) **Sections 18(11)(d)(xi), 28 and 29** (SUBSTITUTED) of this by-law, it shall determine a day, time and place for the hearing.

Amendment of Section 18(11) (c)

- (c) Not less than ~~21~~ (DELETED) **14** (SUBSTITUTED) days prior to the day determined in terms of ~~Section 11(b)~~ (DELETED) **Section 18(11)(b)**, (SUBSTITUTED) ~~the Municipality,~~ (DELETED) **the municipality shall notify the applicant** (INSERTED) shall notify every objector as prescribed, every person who has made representations, ~~and every other person who or body which, in the opinion of the Municipality, has any interest in the matter,~~ (DELETED) of the day, time and place so determined.

Amendment of Section 18(11)(d)

- (d) At a hearing contemplated in ~~Section 19(11)(b)~~ (DELETED) **Section 18(11)(b)** (SUBSTITUTED);

- (i) the Municipal Planning Tribunal shall in terms of the notice contemplated in ~~Section 19(11)(b)~~ (DELETED) **Section 18(11)(b)** (SUBSTITUTED) **first** (INSERTED) deal with any point *in limine* which may be raised by any party to the hearing ~~first,~~ (DELETED) **and which notice was given, as prescribed,** (INSERTED) in a manner which they deem appropriate, before continuing with the hearing of the merits of the application;
- (ii) ~~the Municipal Planning Tribunal having dealt with all points in limine, which may have been raised in terms of Section 19(11)(d)(i), may determine that no further points in limine may be raised, having concluded the procedural issues prior to the consideration of the merits of the application;~~ (DELETED)
- (aa) Any party to the application proceedings intending to raise any point *in limine* at the hearing shall deliver a notice to the Municipal Planning Tribunal and all other parties 21 days prior to the hearing date, of the intention to do so and in which notice the nature and scope of the point(s) *in limine* is set out. (INSERTED)
- (bb) Any party having so given notice shall deliver 14 days prior to the date of the hearing, to the Municipal Planning Tribunal and all other parties, written Heads of Argument in relation to the point(s) *in limine*. (INSERTED)
- (cc) All other parties shall 7 days prior to the date of the hearing, deliver to the Municipal Planning Tribunal and the party raising the point(s) *in limine*, replying Heads of Argument, setting out their counter arguments to the point(s) *in limine*. (INSERTED)
- (iii) ~~every objector and every person who has made representations may set out the grounds of his objection or representations in accordance with section 18(1)(o);~~ (DELETED)
- (iv) (ii) the applicant, and every other interested person subject thereto that such interested person has applied to intervene in terms of Section 45(2) of the Act and has been granted intervener status (INSERTED) or body including, the Municipality or any of its Departments, may state his or its case and adduce evidence in support thereof or authorize any other person to do so on his behalf.
- (iii) every objector and every person who has made representations must set out the grounds of his objection or representations in accordance with section 18(1)(o); (INSERTED)
- (v) (iv) every applicant (INSERTED) ~~objector and every person who has made representation~~ (DELETED) may reply to any matter raised by any person in terms of ~~Section 19(d)(iv)~~ (DELETED) **Section 18(d)(ii)** (SUBSTITUTED) above;
- (vi) (v) any person referred to in ~~Sections 19(11)(d)(iii) – 19(11)(d)(v)~~ (DELETED) **Sections 18(11)(d)(iii) – 18(11)(d)(v)** (SUBSTITUTED) who acts on behalf of an owner or ~~anybody~~ **any body** (SUBSTITUTED) or person shall present a power of attorney, ~~instructions or minutes or any other documentation which in the opinion of the Municipal Planning Tribunal is necessary~~ (DELETED) to ensure that such ~~representation~~ (DELETED) **representative** (SUBSTITUTED) is **duly** (INSERTED) authorized;

~~(vii)~~ (vi) notwithstanding the provisions of ~~Sections 19(11)(d)(iii) – 19(11)(d)(v)~~ ~~(DELETED)~~ Sections 18(11)(d)(iii) – 18(11)(d)(v) ^(SUBSTITUTED) the Municipal Planning Tribunal may determine the order in which any party to the hearing shall address the Municipal Planning Tribunal;

~~(viii)~~ (vii) the Municipal Planning Tribunal members may ask questions for clarity. ~~and allow any person as contemplated in Sections 19(11)(d)(iii) – 19(11)(d)(v) to ask question of clarity and no cross examination shall be allowed;~~ ~~(DELETED)~~

~~(ix)~~ (viii) should experts by any party be called for purposes of the hearing, within any particular field to adduce evidence or provide any documents, the other parties including the Municipal Planning Tribunal, shall at least 7 days prior to the date of the hearing, be provided with a list of experts to be called and copies of the documents to be submitted, which shall include a summary of the expect evidence to presented. ^(INSERTED) ~~with an indication of the expertise to be used;~~ ~~(DELETED)~~

~~(x)~~ (ix) the Municipal Planning Tribunal shall conduct the hearing substantially in accordance with the Code of Conduct and Operational Procedures document as prescribed in ~~schedule 3 of the regulation of the Act read with~~ ^(INSERTED) Schedule 23 and for that purpose the Chairperson contemplated in Section 36(4) of the Act, may issue directives to the Municipal Planning Tribunal members in that regard;

~~(xi)~~ (x) the Municipal Planning Tribunal may take any ~~prescribed~~ ^(INSERTED) decision on a land development application and impose any condition they deem expedient read with Section 40 ~~and Section 41~~ ^(INSERTED) of the Act, and shall not be bound by agreements that were reached between any applicants, objectors or interested parties, including conditions imposed for purposes of the withdrawal of objections or negative comments by interested and ~~affected~~ parties;

(xi) The provisions of Section 24(2)(d) to (f) below shall apply mutatis mutandis with regard to the recusal of the Chairperson or any other member of the Municipal Planning Tribunal. ^(INSERTED)

(xii) Any adjudication by the Municipal Planning Tribunal may be conducted by means of written proceedings in which case the provisions of Section 31 below shall apply mutatis mutandis. ^(INSERTED)

Amendment of Section 18(11) (e)

(e) Where the objections or representations contemplated in ~~Section 19(11)(a)~~ ~~(DELETED)~~ Section 18(11)(d)(i) and Section 18(11)(d)(i) (aa) to ~~(cc)~~ ^(INSERTED) of more than one person are contained in one document, it shall be deemed sufficient compliance with the provisions of ~~Section 19(11)(b)~~ ~~(DELETED)~~ and Section 18(11)(d)(i)(aa) to ~~(cc)~~ ^(INSERTED) if the person who has lodged the document or is a signatory thereto is notified as contemplated in ~~Section 19(11)(b)~~ ~~(DELETED)~~ and Section 19(11)(d)(i) (aa) to ~~(cc)~~ ^(INSERTED)

Amendment of Section 18(11)(f)

(f) Where objections or representations are done by more than one person

through a petition or a letter that is substantially the same, it shall be deemed sufficient compliance with the provisions of ~~Section 19(11)(b)~~ ^(DELETED) Section 18(11)(b) ^(SUBSTITUTED) and Section 18(11)(d)(i) (aa) to (cc) ^(INSERTED) if the person who has lodged the documentation or is the signatory to one of the letters or petition, such a representative must still be duly authorized by each petitioner by means of a Power of Attorney, ^(INSERTED) is notified as contemplated in ~~Section 19(11)(b)~~ ^(DELETED) Section 18(11)(b) ^(SUBSTITUTED) and Section 18(11)(d)(i) (aa) to (cc) ^(INSERTED).

Amendment of Section 18(11)(g)

- (g) The Municipal Planning Tribunal must consider all ~~objections and~~ ^(DELETED) representations and after hearing the objectors and ~~the applicant,~~ ^(DELETED) any interested party ^(INSERTED) resolve to approve or approve with amendments and conditions, ^(INSERTED) or refuse ~~or refer the application before it; back for further investigation and report back~~ ^(DELETED) or refer the application for further investigation and report back. ^(INSERTED)

Amendment of Section 18(11) (h)

- (h) The Municipal Planning Tribunal may conduct an investigation into any matter related to the application before it, including a site inspection in loco and a request for further information read with ~~Section 19(11)(a)~~ ^(DELETED) Section 18(11)(a) ^(SUBSTITUTED)

Amendment of Section 18(11)(i)

- (i) The Municipality shall, after the minutes of the Municipal Planning Tribunal have been approved, without delay and in writing, notify the applicant, and or an objector or any person who made representations, of its decision taken by virtue of the provisions of Section ~~19(11) (f)~~ ^(DELETED) 18(11) (g) ^(SUBSTITUTED)

Deleted Section 18(11) (j)

- ~~(j) Any person who has been notified in terms of this By-law of a decision by the Municipality, authorized official or Municipal Planning Tribunal, may, within a period of 30 days from the date of the notice, request in writing to be furnished with reasons for the decision, and Municipality shall furnish such reasons in writing on payment of such fees as may be prescribed.~~

Amendment of former Section 19(11) (k) which reads as Section 18(11) (j)

- (j) A quorum for a meeting of the Municipal Planning Tribunal or its committees is a majority of the members appointed. ~~for that decision meeting and present at that decision meeting.~~

Former Section 19(11) (l) shall read as Section 18(11) (k)

Amendment of former Section 19(11) (m) now reads as Section 18(11)(l)

- (l) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the ~~chairperson of the Municipal Planning Tribunal~~ Municipality in accordance with the operational procedures of the Municipal Planning Tribunal but meetings must be held at least once per month, if there are applications to consider

Former Section 19(11) (n) shall read as Section 18(11) (m)

Insertion Section 18(11) (n)

(n) The provisions of Section 19(11) (a) to (l) above and Section 19(12) below shall apply mutatis mutandis to an Land Development Officer.

Amendment of Section 18(13) (a)(iii)

(iii) after receipt of the confirmation referred to in ~~Section 19(13)(a)(i) and (ii)~~ Section 18(13)(a)(i) and (ii) publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence with its operation together with the information contemplated in ~~Section 19(8)(d)~~. Section 18(8)(d).

Amendment of Section 18(13)(b)

(b) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in ~~Section 19(13)~~. (DELETED) Section 18(13). (SUBSTITUTED)

FORMER SECTION 20 SHALL READ AS SECTION 19

Amendment of Section 19(1)

(1) General criteria for consideration and determination of application by Municipal Planning Tribunal or ~~Authorised official~~, (DELETED) Land Development Officer (SUBSTITUTED)

Amendment of Section 19(1)(a); Section 19(1)(a)(iii); Section 19(1)(a)(v); Section 19(1)(a)(vii);

- (a) When the Municipal Planning Tribunal or Land Development Officer considers an application, it may have regard to the following **but not limited to** (INSERTED):
- iii. the **need and** (INSERTED) desirability of the proposed utilisation of land and any guidelines issued by the Member of the Executive Council regarding proposed land uses;
 - v. the response by the applicant to the comments referred to in ~~Section 20(1)(iv)~~; (DELETED) Section 19(1)(iv); (SUBSTITUTED)
 - (vii) a written ~~assessment~~ (DELETED) **report** (INSERTED) by ~~professional planner as defined in Section (1) of the Planning Profession Act in respect of land development applications to be considered and determined by the Municipal Planning Tribunal~~ (DELETED) a Town Planner of the Municipality

Deleted former Section 20(1)(b) and Section 20(1)(c)

- ~~(b) The Municipality must approve a site development plan submitted to it for approval in terms of applicable development parameters or conditions of approval if the site development plan –~~
- ~~(i) is consistent with the development rules of the zoning;~~
 - ~~(ii) complies with the conditions of approval; and~~
 - ~~(iv) complies with this By-law. (DELETED)~~

~~(c) When a site development plan is required in terms of development parameters or conditions of approval—~~

~~(i) the Municipality must not approve a building plan if the site development plan has not been approved; and~~

~~(ii) the Municipality must not approve a building plan that is inconsistent with the approved site development plan. (DELETED)~~

Former Section 20(1)(d) shall read as Section 19(1)(b)

~~(d)~~ (b) The written ~~assessment~~^(DELETED) report of a ~~professional planner~~^(DELETED) ~~Town planner of the Municipality~~^(SUBSTITUTED) contemplated in ~~Section 20(1)(a)(vii)~~^(DELETED) ~~Section 18(1)(a)(vii)~~^(SUBSTITUTED) ~~must~~^(DELETED) ~~may~~ where applicable include such ^(INSERTED) ~~registered~~^(DELETED) planner's evaluation of the proposal confirming that the application complies with the procedures required by this By-law, the spatial development framework, the land use scheme; applicable policies and guidelines; or if the application does not comply, state to what extent the application does not comply.

FORMER SECTION 21 SHALL READ AS SECTION 20

Amendment of Section 20(1);

(1) When the Municipal Planning Tribunal or ~~An Authorised Official~~^(DELETED) ~~Land Development Officer~~^(SUBSTITUTED) approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.

Amendment of Section 20(2); Section 20(2)(b); Section 20(2)(d);Section 20(2)(g); Section 20(2)(j);

(2) Conditions imposed in accordance with Section 21(1) may include ~~but not limited to~~ conditions relating to:

(b) the ~~vesting of land, cession of land or the payment of money;~~ The "setting apart and appropriated by proper authority" shall mean the filing in the Deeds Office or other registration office of any general plan of a township, agricultural holdings or other division of land or any alteration, addition to or amendment thereof approved by the Surveyor General on which are marked such roads, streets, squares, to which the public have a common right of user;

(d) the extent of land to ~~be vested~~ ~~ceded to~~ ~~in~~ the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality. The term "vested in the council" shall mean the statutory grant to the council of a servitude for the purposes mentioned in this subsection over the property so vested but shall not include the dominium of such property, except when by any law such dominium expressly passes to the council.

(g) ~~biodiversity~~ ~~environmental~~ conservation and management ;

Deleted Section 20(2)(i)

~~(i) energy efficiency;~~

Amendment of former Section 21(2)(j) which read as Section 20(2)(i)

(i) requirements aimed at addressing ~~energy efficiency~~ climate change;

Deleted former Section 21(2)(k)

~~(k) the establishment of an owners' association in respect of the approval of a subdivision;~~

Amendment of former Section 21(2)(m) which now reads as Section 20(2)(k)

(k) the endorsement of the relevant title deed in terms of Section 31 of by the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes;

Amendment of former Section 21(2)(r) which now reads as Section 20(2)(p)

(p) the phasing of a township development, including lapsing clauses as provided for in Section 17(9)(c) and Section 17(11)(d) of this by-law relating to such phasing;

Deleted former Section 21(2)(v)

~~(v) the circumstances under which certain land uses will lapse;~~

Amendment of former Section 21(2)(x) which read as Section 20(2)(u)

(u) requirements for a an occasional temporary use that must specifically include —

Amendment of Section 20(3)

(3) If a Municipal Planning Tribunal or An Authorised Official (DELETED) Land Development Officer (SUBSTITUTED) imposes a condition contemplated in Section 21(2)(a) (DELETED) Section 20(2)(a), (SUBSTITUTED) an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.

Amendment of Section 20(4)

(4) A condition contemplated in Section 21(2)(b) (DELETED) Section 20(2)(b) (SUBSTITUTED) may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with norms and standards, as may be prescribed.

Amendment of Section 20(5)

(5) Municipal public expenditure contemplated in Section 21(4) (DELETED) Section 20(4) (SUBSTITUTED) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—

Amendment of Section 20(7)

(7) A Municipal Planning Tribunal or An Authorised Official (DELETED) Land Development Officer (SUBSTITUTED) must not approve a land development or land use application subject to a condition that approval in terms of other legislation is required.

Deleted Former Section 21 (10) and Section 21(11)

~~(10) If the Municipal Planning Tribunal or An Authorised Official approves a land development or use application subject to conditions, it must specify which~~

~~conditions must be complied with before the sale, development or transfer of the land.~~ (DELETED)

~~(11) The Municipal Planning Tribunal or An Authorised Official may, on its, his or her own initiative or on application, amend, delete or impose additional conditions after due notice to the owner and any persons whose rights may be affected.~~ (DELETED)

FORMER SECTION 22 SHALL READ AS SECTION 21

Amendment of Section 21(1) and (2)

- (1) The Municipal Manager ~~must~~ (DELETED) **may** (SUBSTITUTED) designate an employee as the administrator for the Municipal Planning Tribunal.
- (2) The person referred to in ~~Section 22(1)~~ (DELETED) **Section 21(1)** (SUBSTITUTED) must

Deleted former Section 22(2)(f) and Section 22(2)(i)

- (f) ~~administer the proceedings of the Municipal Planning Tribunal;~~
- (i) ~~arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;~~

Former Section 22(2)(g) shall read as Section 21(2)(f)

Former Section 22(2)(h) shall read as Section 21(2)(g)

Former Section 22(2)(j) shall read as Section 21(2)(h)

Former Section 22(2)(k) shall read as Section 21(2)(i)

Former Section 22(2)(l) shall read as Section 21(2)(j)

Insertion of Section 21(2)(k)

- (k) inform the Municipal Planning Tribunal or Land Development Officer of when any decision of the Municipal Planning Tribunal or Land Development Officer has been referred to the Appeal Authority and inform the Municipal Planning Tribunal or Land Development Officer of the timeframes where in reasons its decisions must be given, by timeously delivering the notice of the appeal to the Municipal Planning Tribunal or Land Development Officer.

CHAPTER 6

FORMER SECTION 23 SHALL READ AS SECTION 22

Amendment of Section 22(1); Section 22(2); Section 22(3); Section 22(4);

- (1) A person who is aggrieved; ~~who shall~~ (DELETED) hereinafter ~~be~~ (DELETED) referred to as **an Appellant** (INSERTED), by the decision of the Municipal Planning Tribunal or an ~~Authorised Official~~ (DELETED) **Land Development Officer** (SUBSTITUTED) may **appeal such a decision by giving Notice of Appeal** (INSERTED) in writing and stating reasons therein (INSERTED) to the Municipal Manager ~~appeal such decision~~ (DELETED) within 21 days ~~of~~ (DELETED) **from the date** (INSERTED) notification of the decision, as contemplated in Section 51 (1) of the ~~Spatial Planning and Land Use Management~~ (DELETED) Act;
- (2) An appeal that is not lodged within the ~~applicable~~ (DELETED) **prescribed** (SUBSTITUTED) period in subsection 1 above or that does not comply with ~~this section, or not based on the record of the hearing a quo~~ (DELETED) **the provision set out herein further** (INSERTED) will be invalid **and will be of no legal force or effect.** (INSERTED)

(3) Notice of Appeal

The ~~aggrieved person~~^(DELETED) Appellant^(SUBSTITUTED) shall commence an appeal by delivering a notice of appeal within ~~a~~^(DELETED) ~~the~~^(SUBSTITUTED) period stated in section 23 (1) and such notice shall be served in accordance with ~~section 15 of + section 23 (1)~~^(DELETED) ~~section 22 (1)~~^(INSERTED) ~~the Municipal Systems Act~~^(DELETED) ~~the following manner~~^(INSERTED) and ~~the~~^(DELETED) ~~any such~~^(INSERTED) additional requirements as may be ~~determined~~^(DELETED) ~~prescribed~~^(INSERTED) by the Municipality:

- (a) to the said person personally or to his or her duly authorised agent;^(INSERTED)
- (b) at the residence or place of business of the said person or to some person apparently not less than 16 years of age and apparently residing or employed there;^(INSERTED)
- (c) at the place of employment of the said person, or to some person apparently not less than 16 years of age and apparently in authority over him or her or, in the absence of such person in authority, to a person apparently not less than 16 years of age and apparently in charge at his or her place of employment;^(INSERTED)
- (d) if the person so to be served has chosen a domicilium citandi, by delivering or leaving a copy thereof at the domicilium so chosen;^(INSERTED)
- (e) in the case of a body or body corporate, by delivering a copy to a responsible employee thereof at its registered office or its principal place of business, or if there is no such employee willing to accept service, by affixing a copy to the main door of such office or place of business;^(INSERTED)
- (f) to any agent or attorney who is duly authorised in writing to accept service on behalf of the person upon whom service is to be effected in any applicable manner prescribed above;^(INSERTED)
- (g) where a local authority is to be served, on the municipal manager of such local authority;^(INSERTED)
- (h) any delivery or service of documents stated above may be by facsimile or email only where the parties have agreed thereto in writing.^(INSERTED)

(4) A notice of appeal must be ~~prepared and~~^(DELETED) served by the appellant ~~to~~^(DELETED) ~~on~~^(SUBSTITUTED) the following persons:

- (i) ~~Registrar~~^(DELETED) Municipal Manager
- (ii) Respondent
- (iii) The Municipal Planning Tribunal/~~Land Development Officer~~^(INSERTED)

Amendment of Section 22 (5)

(5) A Notice of Appeal must clearly ~~contain and~~^(INSERTED) indicate:

- (a) whether the appeal is against the whole decision or only part of the decision and if only a part, which part;
- (b) where applicable, ~~whether~~^(DELETED) **where**^(SUBSTITUTED) the appeal is against any conditions of approval of an application ~~and~~^(DELETED) which conditions;
- ~~(c) the grounds of appeal including any findings of fact or conclusions of law;~~
~~(DELETED)~~
- ~~(d)~~ **(c)** a clear statement of the relief sought on appeal;
- ~~(e) any issues that the appellant wants the appeal authority to consider in making its decision; and~~^(DELETED)
- ~~(f)~~ **(d)** a motivation ~~of~~^(DELETED) **for**^(SUBSTITUTED) an award for costs.
- (e)** A notice shall be accompanied by a proof of payment of the prescribed fee and power of attorney where the appeal is lodged by a representative of the appellant^(INSERTED)

Amendment of Section 22(6)

- (6) ~~An appellant~~^(DELETED) **A person or body**^(SUBSTITUTED) who was a party to the hearing a *quo* and **who**^(INSERTED) wishes to oppose the appeal may do so within seven (7) days ~~of receipt of the notice of appeal~~^(DELETED) **from the date of notification of the notice of appeal**^(INSERTED) and such notice to oppose must be served in accordance with ~~Section 115 of the Municipal System Act.~~^(DELETED) **Section 22(a) to (h) above.**^(INSERTED)

Amendment of Section 22(7)

~~(7) Notice to oppose an appeal~~

- (7) A notice to oppose an appeal must clearly **contain and**^(INSERTED) indicate:
 - ~~(a) whether the whole or only part of the appeal is opposed and if only a part, which part;~~
 - ~~(b) whether any conditions of approval of an application are opposed and which conditions;~~^(DELETED)
 - ~~(c) whether the relief sought by the appellant is opposed;~~^(DELETED)
 - ~~(d) the grounds for opposing the appeal including any finding of fact or conclusions of law in dispute;~~^(DELETED) **(b) the grounds on which the appeal is opposed, specifying the findings of fact or rulings of law opposed, as stated in the appeal**^(INSERTED)
 - ~~(e) (c) a clear statement of relief sought on appeal.~~
 - (f) (d) Motivation for an award of costs.**^(INSERTED)

Insertion of Section 22(8)

- (8) any person or body or body corporate other than the Municipality submitting a notice**

of appeal or notice to oppose an appeal or a petition to be granted intervener status, such person or body or body corporate shall be liable to a fee as may be prescribed by the Municipality from time to time. (INSERTED)

FORMER SECTION 24 SHALL READ AS SECTION 23

Amendment of Section 23(1)

- (1) When the ~~appeal authority~~ (DELETED) registrar or municipal manager (SUBSTITUTED) receives a Notice of Appeal, it must screen such Notice in line with Regulation 30 of the Act (INSERTED) to determine whether:
 - (i) (a) It complies with the form approved by the Council;
 - (ii) (b) it is submitted within the required time limit; and,
 - (iii) (c) the appeal authority has jurisdiction over the appeal.

Combined/Joint Section 24(2) with Section 24(3) to form an amended Section 23(2)

- (2) If a Notice of Appeal or notice to oppose does not comply with the ~~form approved by the Council, the registrar/municipal manager must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the registrar or municipal manager by the appellant within a specific time period.~~ (DELETED) provisions of Section 22(5) or (7) above, then. (INSERTED)
 - ~~(3) If the information requested is not furnished within 7 days of a request the registrar/municipal manager must accordingly notify the parties as follows~~ (DELETED)
 - (i) (a) in the case of a notice to appeal, the appeal shall be considered ~~abandoned~~ (DELETED) not to have been lodged; (INSERTED) and
 - (ii) (b) in the case of a notice to oppose, the appeal shall proceed ~~without such information~~ (DELETED) unopposed (INSERTED).

Amendment of former Section 24(4) which now reads as Section 23(3)

- (3) Where any party to the appeal process at any time prior to the hearing of the appeal raises any point in limine, including (inserted) a point on jurisdiction, the appeal authority must invite the parties to make submissions on that issue and must notify the parties in writing of the decision on that issue; the provision of Section 18(11)(d)(i)(aa) to (cc) shall apply *mutatis mutandis*. (inserted)

DELETED SECTION 25

~~25. CONDONATION~~

~~Condonation for lack of timely compliance to the dies shall only be granted under extreme circumstances which shall be limited to unconstitutional:~~

- a. ~~A proven incapacity by a party to act timeously.~~^(DELETED)

FORMER SECTION 26 SHALL READ AS SECTION 24

Amendment of Section 24(1), its section title

26. ~~(25) MANAGEMENT~~^(DELETED) **ADMINISTRATION**^(INSERTED) OF AN APPEAL AUTHORITY

~~(1) The management~~^(DELETED) The administration and composition^(INSERTED) of the appeal authority shall be ~~constituted and complemented~~^(DELETED) as ~~hereunder~~^(DELETED) follows:
^(INSERTED)

~~—~~⁽¹⁾ (a) Presiding officer of appeal authority, ~~who is responsible for managing the judicial functions of that appeal authority.~~^(INSERTED)

~~The presiding officer of the appeal authority is responsible for managing the judicial functions of that appeal authority.~~^(DELETED)

(b) Subject to Section 24(3) below, the Registrar who shall be responsible for the administrative duties and functions of the Appeal Authority.^(INSERTED)

Amendment of Section 24 (2)(a),(b), (c), (d) and (e)

(2) Bias and disclosure of interest

- (a) No presiding officer or member of an appeal authority may sit at the hearing of an appeal against a decision of a Municipal Planning Tribunal if he or she was a member of that Municipal Planning Tribunal when the decision was made or if he or she was the ~~An Authorised Official~~^(DELETED) **Land Development Officer**^(SUBSTITUTED) and he or she made the decision that is the subject of the appeal.
- (b) A presiding officer or member of an appeal authority who has or appears to have a conflict of interest as defined in ~~Sections 26(2)(e) and (f)~~^(DELETED) **Sections 24(2)(e) and (f)**^(SUBSTITUTED) must recuse himself or herself from the appeal hearing.
- (c) A party may in writing ~~apply at any time prior to the commencement of the appeal hearing or at any time after the commencement of the appeal hearing~~^(INSERTED) to the appeal authority ~~request~~^(DELETED) **for**^(INSERTED) the recusal of the presiding officer or member of that appeal authority on the grounds of conflict of interest and the presiding officer must decide on the request and inform the party of the decision in writing.
- (d) A decision by a presiding officer or member to recuse himself or herself ~~or a decision by the appeal authority to recuse a presiding officer or member,~~^(DELETED) must be communicated to the parties concerned by the registrar.
- (e) For the purpose of this Chapter "conflict of interest" means any factor that may impair or reasonable give the appearance of impairing the ability of a member of an appeal authority to independently and impartially adjudicate an appeal assigned to the appeal authority ~~and as contemplated in Section 38(4) of the Act.~~^(INSERTED)

Amendment of Section 24(3)(b),(c) and (d)

- (b) Notwithstanding the provisions of ~~Section 26(3)(a)~~,^(DELETED) **Section 24(3)(a)**,^(SUBSTITUTED) a municipal council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority and if it so appoints or designates a person or an official, that person or official has delegated authority as contemplated in Section 56 of the Act.
- (c) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant, the municipal council ~~may, after consultation with the presiding officer of the appeal authority, authorise any other competent official in the public service~~ ^(deleted) shall act in terms of the provisions of Section 54A of the Systems Act and make an appointment accordingly of a person ^(inserted) to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.
- (d) Any person appointed under ~~Section 26(3)(b)~~,^(DELETED) **Section 24(3)(b)**,^(SUBSTITUTED) or authorised under ~~Section 26(3)(c)~~ ^(DELETED) **Section 24(3)(c)**,^(SUBSTITUTED) may hold more than one office simultaneously.

Deleted former Section 26(4)(c). Former Section 26(4)(d) shall now read as Section 24(4)(c)

~~(e) The presiding officer of the appeal authority may give the registrar directions regarding the exercise of his or her powers under this Chapter.~~^(DELETED)

FORMER SECTION 27 SHALL READ AS SECTION 25

Amendment of Section 25(1)(b) to (d)

- (b) the applicant, if the applicant is not the appellant as contemplated in ~~Section 27(1)(a)~~,^(DELETED) **Section 25(1)(a)**,^(SUBSTITUTED) in the capacity of a Respondent and only in the event where such former applicant opposes the appeal.;^(INSERTED)
- (c) the Municipal Planning Tribunal that or the ~~Authorised Official~~,^(DELETED) **Land Development Officer**,^(SUBSTITUTED) who made the decision;
- (d) any **interested**,^(INSERTED) person who has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under Section 45(2) of the Act to be granted intervener status.

Amendment of Section 25(2)(a) and (d)

- (a) Where an appeal has been lodged by an appellant to the appeal authority, an interested person referred to in Section 45(2) of the Act may, at any time during the proceedings, petition the appeal authority in writing on the form approved by Council to be granted intervener status on the grounds that his or her rights may have been affected by the decision of the Municipal Planning Tribunal or ~~Authorised Official~~,^(DELETED) **Land Development Officer**,^(SUBSTITUTED) and might therefore be affected by the ~~judgement~~,^(DELETED) **decision**,^(SUBSTITUTED) of the appeal authority.
- (b) The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer is final and must be communicated to the petitioner and the parties by the registrar. **The other parties to the appeal are entitled to also make representations**

or lead evidence with regard to the interested person be granted intervenor status.^(INSERTED)

FORMER SECTION 28 SHALL READ AS SECTION 26

Amendment of Section 26(3)

- (3) At an appeal process before an appeal authority, a party to the proceeding may appear in person or may be represented by another person as his/her duly authorized agent see S 45(1)(b) of the Act.^(inserted)

FORMER SECTION 29 SHALL READ AS SECTION 27

Amendment of Section 27(1)

- (1) Notification of date, time and place of hearing
- (a) The ~~Presiding Officer~~^(deleted) registrar^(substituted) of the Appeal Authority must notify the parties of the date, time and place of a hearing at least 14 days before the hearing commences.
- (b) The registrar of the^(inserted) appeal authority will provide notification of the hearing to the appellant at the appellant's address for delivery.

Deleted former Section 29(2)

~~(2) Hearing date~~

~~A hearing will commence within 15 days after the completed Notice of Appeal has been delivered to the appeal authority, unless the parties and the presiding officer of the appeal authority consent to a later date.^(deleted)~~

Amendment of former Section 29(3)(a),(d) and (e) which read as Section 27(2) (a),(d) and (e)

- (2) Adjournment
- (a) If a party requests an adjournment more than ~~one day~~^(DELETED) 24 hours^(INSERTED) prior to the hearing, the party must obtain the written consent of the other party and the presiding officer of the appeal authority.
- (d) If the presiding officer of the appeal authority or the other party does not consent to the request for an adjournment, the hearing will not be adjourned but the application for an adjournment will be heard by the appeal authority and a ruling thereon will be made, which ruling may include an order towards costs.^(INSERTED)
- (e) If a party requests an adjournment within ~~one day~~^(DELETED) 24 hours^(INSERTED) prior to the hearing, the request must be made to the appeal authority at the hearing and may be made notwithstanding that a prior request was not consented to.

Amendment of former Section 29(4)(a) which read as Section 27(3)(a)

- (a) The registrar may –

- (i) on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;
- (ii) on good cause shown, condone any failure by any party to an appeal to comply with these ~~Regulations~~ (DELETED) ~~provisions~~ (SUBSTITUTED) or any directions given in terms hereof ~~excluding the timeous lodging of the appeal~~, (INSERTED) if he or she is of the opinion that such failure has not unduly prejudiced any other person;

Amendment of former Section 29(4)(b)(i) and (c) now reads as Section 27(3)(b)(i) and (c)

(b) Every application for condonation made in terms of this regulation must be –

- (i) served on the registrar ~~and on all other parties to the appeal~~; (INSERTED)

(c) Where a failure is condoned in terms of ~~section 29(4)(a)(ii)~~ (DELETED) ~~section 27(3)(a)(ii)~~, (SUBSTITUTED) the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

Insertion of Section 27(4)(b)

(b) In the event of a withdrawal as contemplated in paragraph (a), the Appeal Authority may make a determination as to costs. (INSERTED)

FORMER SECTION 30 SHALL READ AS SECTION 28

Amendment of Section 28(1)

(1) An oral hearing must be held in a location within the area of jurisdiction of the Municipality ~~but must not be held where the Municipal Planning Tribunal sits or the office of the Authorised Official whose decision is under appeal~~. (DELETED)

Amendment of Section 28(2)

(2) Arguments to Point in limine

(a) The appeal authority shall in terms of the notice contemplated in ~~Section 29(1)~~ (DELETED) ~~Section 27(1)~~ (SUBSTITUTED) deal with any point in limine which may be raised by any party to the hearing first, in a manner which they deem appropriate, before continuing with the hearing of the merits of the application/appeal; ~~the provisions of Section 18(11)(d)(i)(aa) to (cc) shall apply mutatis mutandis~~ (INSERTED)

(b) The Appeal Authority having dealt with all points in limine, which may have been raised in terms of ~~Section 30(3)~~ (DELETED) ~~Section 28(2)(a)~~ (SUBSTITUTED) ~~may determine that no further points in limine may be raised, having concluded the procedural issues prior to~~ (DELETED) shall proceed immediately with (INSERTED) the consideration of the merits of the application.

Amendment of Section 28(3)(b)

(b) The appellant will have the opportunity to present evidence and make arguments first, followed by ~~the~~ (DELETED) ~~any respondent or an interested person, as the case may be and the~~ (INSERTED) Municipal Planning Tribunal or the ~~Authorised official~~ (DELETED) ~~Land Development OFFICER~~, (SUBSTITUTED)

Insertion of Section 28(3)(c)

(c) After any Respondent or interested person, as the case may be and the Municipal Planning Authority or the Land Development Officer have stated their case, the appellant shall have the right to reply. ^(INSERTED)

Combined/Joint subsections, former Section 30(4)(a) with Section 30(4)(b) to read as Section 28(4)(a).

- (4) Proceeding in absence of party
- a. If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party if the party was notified of the hearing and the Appeal Authority has determined that the absent party received notification of the date, time and place of the hearing as prescribed. ^(INSERTED)
 - ~~b. Prior to proceeding, the appeal authority must first determine whether the absent party received notification of the date, time and place of the hearing. ^(DELETED)~~

Amendment of former Section 30(4)(c) which now read as Section 28(4)(b)

- c. ^(b) If the notice requirement was not met, the hearing cannot proceed and the presiding officer of the appeal authority must reschedule the hearing and make a ruling as to the notification of the absent party and prescribe time frames for this purpose. ^(INSERTED)

Amendment of Section 28(6)

- (6) Witnesses (including parties) are required to give evidence under oath or ~~confirmation~~ ^(DELETED) affirmation. ^(INSERTED)

Amendment of Section 28(7)

- (7) Additional documentation
- a. Any party wishing to provide the appeal authority with additional documentation not included in the appeal record should provide it to the ~~appeal authority~~ ^(DELETED) registrar and to all the parties to the appeal. ^(INSERTED) at least three days before the hearing date.
 - b. The registrar must distribute the documentation ^(INSERTED) immediately and without delay ^(DELETED) to the ~~other party and the~~ ^(DELETED) members of the appeal authority.
 - c. If the party is unable to provide the additional documentation to the ~~appeal authority~~ ^(DELETED) registrar ^(INSERTED) at least 3 days prior to the hearing, the party may provide it to the appeal authority at the hearing.
 - d. The party must bring copies of the additional documentation for the members of the appeal authority and the other ~~party~~ ^(DELETED) parties. ^(SUBSTITUTED)
 - e. If the additional documentation brought to the hearing is substantive or voluminous, the other ~~party~~ ^(DELETED) parties ^(SUBSTITUTED) may request an adjournment ~~from the appeal authority.~~ ^(DELETED) of the appeal proceedings, which the appeal authority may grant together with an appropriate order as to costs. ^(INSERTED)

FORMER SECTION 31 SHALL READ AS SECTION 29

Amendment of Section 29(2)

(2) Presentation of each party's case in written hearing:

- a. Each party must be provided an opportunity to provide written submissions to support their case.
- b. The appellant will ~~be given~~^(DELETED) within ^(INSERTED) 7 days ~~to~~^(DELETED) provide a written ~~submission.~~^(DELETED) submissions and shall serve same on all other parties ~~to the appeal and to the registrar.~~^(INSERTED)
- ~~c. — Upon receipt of the appellant's submission within the timelines, the appeal authority must forward the appellant's submission to the Municipal Planning Tribunal or the Authorized Official.~~^(DELETED)
- d. The Municipal Planning Tribunal or the ~~Authorized Official~~^(DELETED) ~~Land Development Officer~~^(SUBSTITUTED) and any other party to the appeal shall within ^(INSERTED) ~~has seven days~~^(DELETED) 21 days ^(INSERTED) ~~in which to~~^(DELETED) provide ~~a submission.~~^(DELETED) submissions in response and serve same on all other parties to the appeal and to the registrar.^(INSERTED)
- e. The appellant shall within 7 days from receipt of the said submissions, reply thereto.^(INSERTED)
- f. If no submission is received by a party in the time established in the submissions schedule ~~or no reply is received, as provided for,~~^(INSERTED) it will be deemed that the party declined the opportunity to provide a submission ~~or reply.~~^(INSERTED)

Amendment of Section 29(3)(a)

- (a) If a party wishes to request an extension of the time ~~established~~^(DELETED) ~~set~~^(INSERTED) to provide a written submission ~~or reply,~~^(INSERTED) this request must be in writing to the appeal authority in advance of the date on which the submission is due ~~said application must also be served on all other parties to the appeal.~~^(INSERTED)

Amendment of Section 29(4)(c)

- (c) Any submission received after the date it was due ~~but before the appeal authority for adjudication has rendered its decision will be forwarded to the presiding officer of the appeal authority to decide whether or not to accept the late submission.~~^(DELETED) and with regard to which no application for an extension of time was made and granted, shall not be accepted and shall not be considered by the appeal authority in adjudicating the appeal.^(INSERTED)

Deleted Section 31(4)(d)

- ~~(d) The appeal authority must issue a decision in writing to the parties and, if the submission is accepted, the other party will be given 21 days to provide a written submission in response.~~

FORMER SECTION 32 SHALL READ AS SECTION 30

Amendment of Section 30(1)

~~(1) Further information or advice~~^(DELETED)

After hearing all parties on the day of the hearing, the appeal authority –

~~(a) may in considering its decision request any further information from any party to the appeal hearing or conduct any investigation which it considers necessary;~~^(DELETED)

~~(b) may postpone the matter for a reasonable period to obtain further information or advice, in which case it must without delay make a decision as contemplated by Section 32(1)(c);~~^(DELETED)

~~(c)~~ **(c)** must within 21 days after the last day of the hearing, issue its decision on the appeal together with the reasons therefor

Amendment of Section 30(3) to (4)

(3) The registrar must notify the parties of the decision of the appeal authority in terms of ~~Section 32(2)~~^(DELETED) **Section 30(2)**^(SUBSTITUTED) of ~~his~~^(DELETED) **this**^(INSERTED) by-law, together with the reasons therefore. ~~within seven (7) days after the appeal authority handed down its decision.~~^(DELETED)

~~(4) Directives to municipality~~^(DELETED)

(a) **(4)** The appeal authority must, in its decision, give directives to the municipality concerned as to how such a decision must be implemented and which of the provisions of the Act and the Regulations have to be complied with by the municipality as far as implementation of the decision is concerned.

CHAPTER 7

FORMER SECTION 33 SHALL READ AS SECTION 31

Amendment of Section 31(1)

(1) Every development area ~~and~~^(DELETED) **resulting from a**^(INSERTED) land development ~~application~~^(DELETED) in terms of this By-law or any other law shall be provided with such engineering services as the Municipality may deem necessary for the proper development of the subject properties.

Amendment of Section 31(3) (b) and (c)

(b) the Municipality shall be responsible for the installation and provision of external engineering services ~~or as provided for in the agreement in terms of subsection 33 (2) and;~~^(DELETED) or request the ^(INSERTED) **developer**^(DELETED) **owner**^(SUBSTITUTED) to install the external engineering services on behalf of the Municipality as provided for in the service agreement in terms of Section 32(11) and;^(INSERTED)

(c) the provisions of the land use scheme with regard to engineering services shall apply to all **land**^(INSERTED) development.

Amendment of Section 31(4) (b) and (c),

- (4) ~~Engineering~~ ^(DELETED) Internal Engineering ^(SUBSTITUTED) services as contemplated in ~~Section 33(2)~~ ^(DELETED) Section 31 (2) ^(SUBSTITUTED)
- (b) shall require that the Municipality for the purposes of ~~Section 33(1)~~ ^(DELETED) Section 31 (1) ^(SUBSTITUTED), have regard to such standards as the Minister may determine for streets and storm water drainage, water, electricity and sewage disposal services in terms of the Act; and
- (c) Where a land development application ~~or the approval in relation to a land development application~~ ^(INSERTED) has lapsed in terms of any provision in terms of ~~of the Act~~ ^(DELETED), provincial legislation ~~or conditions of this By-law~~ ^(DELETED), the engineering services agreements shall lapse and the applicant having installed any engineering services based on the ~~above~~ ^(DELETED), ~~said~~ ^(INSERTED) agreement shall have no claim against the ~~Municipal Council~~ ^(DELETED) Municipality ^(SUBSTITUTED) ~~of whatsoever nature~~ ^(INSERTED) with regard to the installation or construction of any engineering services ~~of whatsoever nature.~~ ^(DELETED)

FORMER SECTION 34 SHALL READ AS SECTION 32

Amendment of Section 32(1)

- (1) Where a land development application was considered and approved by the Municipality or amendment scheme which is an adopted amendment scheme came into operation in terms of this By-law the Municipality may, require the owner of land to which the ~~amendment~~ ^(INSERTED) scheme relates, subject to ~~Section 34(7)~~ ^(DELETED) Section 32(9) ^(SUBSTITUTED) to pay a Development Charge to it in respect of the provision of:
- (a) the engineering services contemplated in this Chapter where it will be necessary to enhance or improve such services as a result of the coming into operation of ~~an~~ ^(INSERTED) ~~the~~ ^(SUBSTITUTED) amendment scheme;
- (b) ~~and the Municipality for purposes of the calculation of development charges for engineering services shall do so in accordance with a policy approved by the Municipal Council;~~ ^(DELETED) open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density, and which opens spaces shall be provided in terms of Schedule 19. ^(SUBSTITUTED)
- (c) ~~open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density, which opens spaces shall be provided in terms of Schedule 19.~~ ^(DELETED) and the Municipality for purposes of the calculation of development charges for engineering services shall do so in accordance with a policy approved by the Municipal Council; ^(SUBSTITUTED)

Amendment of Section 32(2)

No Development Charge in ~~Section 34(1)~~ ^(DELETED) Section 32(1) ^(SUBSTITUTED) or any portion thereof shall be refunded to an owner: Provided that where the owner has made payment of the said Development Charges prior to the land use rights coming into operation and the application is abandoned in terms of Chapter 6 excluding a lapsing of an application, ~~or the approval in relation to a land development application,~~ ^(INSERTED) as provided for in Section 31(4)(c) above, ^(INSERTED) the Municipality

may, on such terms and conditions as he may determine, **read with Section 32(5)**, (INSERTED) authorize the refund of Development Charges for engineering services or any portion thereof, ~~read with Section 34(4)(e)~~. (DELETED)

Amendment of Section 32(3)(a)

- (a) **Where** (INSERTED) The Municipality shall ~~where~~ (DELETED) in its sole discretion it allows any private roads, private open spaces or any other private facilities or engineering services are created or to be constructed with the approval of any land development application **it** (INSERTED) may set the standards for the width and or any other matter required to provide sufficient access and engineering services; including but not limited to:

Amendment of Section 32(4)

- (a) ~~If~~ (DELETED) **Where** (SUBSTITUTED) the ~~applicant or~~ (DELETED) owner is responsible for the provision **and payment** (INSERTED) of external engineering services as may be agreed upon in terms of ~~Section 34(4)(b)~~ (DELETED) **Section 32(4)(b)**, (SUBSTITUTED) the Municipality may agree to the offsetting of Development Charges against the cost of the provision of the said external engineering services;
- (b) **The amount paid** (INSERTED) In terms of ~~Section 34(4)(a)~~ (DELETED) **Section 32(4)(a)** (SUBSTITUTED) ~~the amount~~ (DELETED) shall be determined by the Municipality and for that purpose the Municipality may require documentary proof to its satisfaction to be submitted by the ~~applicant/~~ (DELETED) owner, which details the cost of the construction of engineering services;
- ~~(c) Nothing contained in this section shall oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in the engineering services agreement contemplated in Section (34)(9).~~ (DELETED) **Nothing contained in this section shall oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in a services agreement as contemplated in Section 32(2) above to a maximum of the amount of the engineering services;** (SUBSTITUTED)
- ~~(d) offset any external engineering services constructed by the owner as may have been agreed upon in a services agreement as contemplated in Section 34(2) above to a maximum of the amount of the engineering services;~~ (DELETED) **Nothing contained in this section shall oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in the engineering services agreement contemplated in** (SUBSTITUTED) ~~Section 33(2)~~ (DELETED) **Section (32)(11)**, (SUBSTITUTED)
- (e) ~~should the amount exceed the amount of engineering services Development Charges then the Municipality may in its sole discretion refund the owner provided that the necessary funds are available on the Municipality's approved budget.~~ (DELETED)

Insertion of Section 32(5) and (6)

- (5) **should the amount exceed the amount of engineering services Development charges, the developer shall bear the full cost of the excess** (INSERTED) ~~exceeded amount.~~ (DELETED)
- (6) **To the extent of that the** (INSERTED) ~~Local Authority~~ (DELETED) **Municipality** (SUBSTITUTED) **may find it necessary in future,** (INSERTED) ~~shall it~~ (DELETED) **it shall be entitled to connect an area outside the** (INSERTED) ~~township~~ (DELETED) **said land development area to any part of the**

external or internal services in order to provide such services to other areas. In such events of the ^(INSERTED) ~~Local Authority~~ ^(DELETED) ~~Municipality~~ ^(SUBSTITUTED) will re-imburse the ^(INSERTED) ~~developer~~ ^(DELETED) ~~owner~~ ^(SUBSTITUTED) ~~the~~ ^(DELETED) pro rata in relation to its share of the cost of the bulk services installed by the ^(INSERTED) ~~Developer~~ ^(DELETED) ~~owner~~ ^(SUBSTITUTED)

Amendment of former Section 34(5) which now read as Section 32(7)

- (a) a written statement contemplated in Section 118 of the Municipal System Act is furnished in respect of the ~~land development area~~ ^(INSERTED)
- (b) a building plan is approved in respect of:
- (i) the proposed alteration of or addition to an existing building on the land;
 - (ii) the erection of a new building on the land, where that building plan, were it not for the commencement of the amendment scheme contemplated in Section 18(1)(v) ~~above~~ ^(INSERTED) would have been in conflict with the land use scheme in operation;
 - (iii) the land is used in a manner or for a purpose which, ~~were~~ ^(DELETED) ~~is~~ ^(INSERTED) it not for the commencement of the amendment scheme, would have been in conflict with the ~~Land Use Scheme~~ ^(DELETED) ~~land use scheme~~ ^(SUBSTITUTED) in operation.

Amendment of former Section 34(6) which now read as Section 32(8)

- (8) Where ~~a~~ ^(DELETED) ~~the approval of land~~ ^(INSERTED) development application gave rise to a Development Charge contemplated in Section 33(2) ~~has been approved~~ ^(DELETED) and a prospective transferee of the land in respect of which the Development Charge is payable, furnishes an undertaking to the Municipality, which is to the satisfaction of the Municipality, to pay the Development Charge should he/she exercise any new right conferred in respect of the land by the scheme:

Amendment of former Section 34(7) which now read as Section 32(9)

(9) The Municipality may:

~~(a) in the circumstances contemplated in Sections 34(7)(b) or 34(7)(c), allow payment of the Development Charge contemplated in Section 39(6) in installments over a period not exceeding 3 months;~~ ^(DELETED)

~~(a) Allow the~~ ^(INSERTED) ~~developer~~ ^(DELETED) ~~owner~~ ^(SUBSTITUTED) ~~to~~ ^(INSERTED) ~~develop~~ ^(DELETED) proceed with the development in phases. The development charges for each phase will be ^(INSERTED) ~~charged~~ ^(DELETED) calculated at the ^(INSERTED) ~~prevailing~~ ^(DELETED) charges ~~prevailing upon the completion of every phase;~~ ^(INSERTED)

~~(b) — in any case, allow payment of the Development Charge becoming payable in terms of this By-law on signing of service agreements through a bank guarantee or cash payment to be postponed for a period not exceeding 3 months from the date upon which the owner or applicant is directed to pay the development charges, where security for the payment is given to Municipality's satisfaction;~~ ^(DELETED)

~~(c) — in exercising the power conferred by Sections 34(7)(a) or 34(7)(b), impose any condition, including a condition for the payment of interest.~~ ^(DELETED)

Amendment of former Section 34(8)(a), (b) and (c) which now read as Section 32(10)(a),(b) and (c)

- (10) Subsequent to the granting of ~~an~~ ^(DELETED) a land development ^(INSERTED) application for township establishment or subdivision in terms of this By-law, the owner of any property created as a result of a subdivision or township establishment shall:
- (a) allow without compensation or the necessity of the registration of servitudes ~~to the~~ ^(DELETED) that the following be conveyed across his or her property in respect of other properties, **to the satisfactory of the Municipality;** ^(INSERTED)
 - (b) allow the following on his or her property if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) ~~service~~ ^(DELETED) **pillar** ^(SUBSTITUTED) boxes;
 - (c) allow access to the property at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in ~~subsections 34(8)(a)~~ ^(DELETED) **Section 34(10)(a)** ^(SUBSTITUTED) and ~~34(8)(b)~~ ^(DELETED) **34(10)(b);** ^(SUBSTITUTED) and

Amendment of former Section 34(9) (a) and (e) which now read as Section 32(11) (a) and (e)

- (a) Where required by the municipality, an owner ~~of a land development application~~ ^(DELETED) and municipality must **in terms hereof and read with Sections 33(1) to (4) and Section 18(12)** ^(INSERTED) enter into an Engineering Services Agreement ~~read with Sections 33(1) to (4) and Section 18(12).~~ ^(DELETED)
- (e) The owner must install the internal engineering services in accordance with the conditions of approval, establishment and or the requirements of the Municipality at the time of approval **of the land development application** ^(INSERTED) or as may be amended from time to time.

Deleted former Section 34(9)(g)

- ~~(g) If a service within the boundaries of the new land development is intended also to serve any other area within the jurisdiction of the Municipality, such service and the costs of provision thereof may be treated as an internal engineering service to the extent that it serves the land development and as an external engineering service to the extent that it serves any other development.~~ ^(DELETED)

Amendment of former Section 34(9)(h) which now read as Section 32(11)(g)

- (g) ~~There must be clear provisions in the Engineering Service Agreement recording the~~ ^(DELETED) **The** ^(INSERTED) responsibilities of the parties regarding the installation and provision of internal and external engineering services, **must be clearly recorded in the Engineering Service Agreement** ^(INSERTED) bearing in mind the following principle:
 - (i) If any one of the parties is to provide and install an engineering service at the request and at the cost of the other, such service must be clearly

identified and the cost or the manner of determining the cost of the service must be clearly set ~~out~~^(INSERTED)

- (iii) It must be clear whether additional bulk services are to be provided by the Municipality and, if so, ~~the scope, nature and costs~~^(DELETED) of such services must be identified;

Deleted former Section 34(15)

~~15) — Provision may be made for the manner in which the parties are to finance their relative responsibilities in terms of the engineering services agreement. Where appropriate, either party may undertake to provide bridging finance to the other party.~~^(DELETED)

CHAPTER 8

FORMER SECTION 35 SHALL READ AS SECTION 33

Insertion of Section 33(2)

- (2) Any form of communication by any employee of the Municipality in relation to any intended or pending land development application and which may be construed as advice shall not be binding or have any effect in the determination of such a land development application by either the Municipal Planning Tribunal, Land Development Officer or Appeal Authority.^(INSERTED)

FORMER SECTION 36 SHALL READ AS SECTION 34

Amendment of former Section 36(1) which now read as Section 34(1)

- (1) Any power conferred in this By-law, Act, Land Use Scheme or any other legislation on the Municipality may be delegated by the Municipality subject to ~~Section 56 of the Act and~~^(INSERTED) Section 59 of the Municipal Systems Act, to any official within its employ which may include the power to sub-delegate as may be determined by the Municipal Council.
- (2) Where in terms of ~~Section 36(1)~~^(DELETED) ~~Section 34(1)~~^(SUBSTITUTED) an official is delegated to consider category 2 land development applications as contemplated in Section 17(3), Schedule 23 of this by-law shall apply *mutatis mutandis* to his/her consideration of a land development application.

FORMER SECTION 37 SHALL READ AS SECTION 35

FORMER SECTION 38 SHALL READ AS SECTION 36

Amendment of former Section 38 1(a) and (b) which now read as Section 36(1)(a) and (b)

- (a) The Municipality may require that new notice of an application as contemplated in Schedule 12 or other relevant schedules to this By-law be given if more than ~~18 months~~^(DELETED) ~~12 months~~^(SUBSTITUTED) has lapsed since the first public notice of the application and if the application has not been considered by the ~~Municipality.~~^(DELETED) ~~Municipal Planning Tribunal or Land Development Officer.~~^(INSERTED)
- (b) The Municipality may, at any stage during the processing of the application:

- (i) require notice of an application to be republished or to be served again; and
- (ii) an application to be re-sent to municipal departments for comment, if new information comes to its attention which is material to the consideration of the application **but before the relevant application has been submitted to the Municipal Planning Tribunal or Land Development Officer.**^(INSERTED)

FORMER SECTION 39 SHALL READ AS SECTION 37

Amendment of former Section 39(5),(6) and (9) which now read as Section 37(5),(6) and (9)

- (5) Access for any land to a public street, as determined in terms of a land use application ~~included~~^(DELETED) **including**^(SUBSTITUTED) a subdivision and or consolidation, shall be to the satisfaction of the Municipality and may be done by the registration of a servitude; provided that no property shall be provided with more than one access without the consent of the Municipality;
 - (6) Upon consolidation, ~~the 2m~~^(DELETED) **any applicable** ^(INSERTED) building restriction servitude on any boundary other than a street boundary if ~~not~~^(INSERTED) taken up by a service, shall be cancelled at the cost of the applicant;
- (9) Copy to Municipality
- (a) Lodging copy of general plan with Municipality.—
 - (i) The applicant shall, within a period of 3 months from the date upon which the Surveyor-General has approved the plans and diagrams contemplated in ~~Section 18(9)~~ ^(DELETED) **Section 17(9)**, ^(SUBSTITUTED) lodge a certified copy or tracing of the general plan of the township with the Municipality.
 - (b) Where the applicant fails to comply with the provisions of ~~Section 18(17)(a)~~ ^(DELETED) **Section 17(17)(a)**, ^(SUBSTITUTED) the Municipality may obtain a certified copy or tracing contemplated in ~~Section 18(17)(a)~~ ^(DELETED) **Section 17(17)(a)** ^(SUBSTITUTED) from the Surveyor-General and recover the costs from the applicant.

FORMER SECTION 40 SHALL READ AS SECTION 38

Amendment of former Section 40(1)(a) which read as Section 38 (1)(a)

- (a) If a property or properties are the subject of a land development application, excluding a removal of restrictive conditions contemplated in ~~Section 18(2)~~ ^(DELETED) **Section 17(2)**, ^(SUBSTITUTED) to the Municipality in terms of the provisions of this By-law and that land is transferred to any other person before:

Amendment of former Section 40(1)(b) which read as Section 38 (1)(b)

- (b) the transferor of the property or properties forming the subject of the land

development application shall have an obligation to disclose to the transferee that an application has been submitted in terms of this By-law or any other law administered by the Municipality dealing with land development applications and he shall for that purpose include the following:

- (i) ensure that the transferee is aware of all the obligations arising out of the application on the owner of the property, including any agreements that may have been entered into with the Municipality or any other parties as a result of the land development application;
- (ii) any financial implications and or payment of monies, including development charges or monies for the provision of parks and open space to the Municipality that may result ~~out of the~~ ^{by} submission of the land development application or the potential approval of the land development application; and
- (iii) any land that may be required to be transferred to the Municipality, ~~anybody~~ ^{any body} or person that may arise out of the potential approval of the land development application.

Amendment of former Section 40(1)(d) which read as Section 38(1)(d)

- (d) If the land development application has lapsed prior to the application for change of ownership having been submitted the Municipality shall not approve the change ownership contemplated in ~~Section 40(1)(a)~~ ^{Section 38(1)(a)};

Amendment of former Section 40(1)(h) which read as Section 38(1)(h)

- (h) Having granted the approval for the continuation of the land development application subject to any conditions he may deem expedient, an owner who continues with an application in accordance with the provisions of ~~Subsection 40(1)(e)~~ ^{Section 38(1)(c)} shall, for the purposes of the provisions of this By-law, be deemed to be the applicant for purposes this By-law.

FORMER SECTION 41 SHALL READ AS SECTION 39

Amendment of former Section 41 which read Section 39

- (1) After an owner of land has applied in terms of ~~section 18~~ ^{section 17(7)} for the approval of a land development application ^{inform of a township establishment but} ~~inform of a township establishment but~~ ^(INSERTED) prior to the rights coming into operation in terms of ~~Section 18(1)(v)~~ ^{Section 17(1)(v)} he may apply to the Municipality for consent to enter into any contract or to grant any option, and the Municipality may consent to the entering into of such contract or the granting of such option subject to any condition it may deem expedient, and thereupon it shall notify the owner in writing thereof and of any condition imposed.
- (2) On receipt of a notice contemplated in ~~Section 41(1)~~ ^{Section 39(1)} the applicant shall, before entering into the contract or granting the option, but within a period of 6 months from the date of the consent, furnish to the Municipality with a guarantee of such type and for such amount as the Municipality may determine and which is otherwise to its satisfaction that he will fulfill his duties in respect of the engineering services contemplated in Chapter 7, and if he fails to do so the consent shall lapse.

- (3) The owner of land shall not enter into any contracts and or options contemplated in ~~Section 41(1)~~ (DELETED) **Section 39(1)** (SUBSTITUTED) above until and unless he has provided the guarantees as contemplated in ~~Section 41(2)~~ (DELETED) **Section 39(2)** (SUBSTITUTED).
- (4) A determination by the Municipality in terms of ~~Section 41(2)~~ (DELETED) **Section 39(2)** (SUBSTITUTED) shall not be subject to an appeal in terms of this By-law.
- (5) Where the Municipality has, in terms of ~~Section 41(2)~~ (DELETED) **Section 39(2)** (SUBSTITUTED) consented to the entering into of a contract or the granting of an option, the contract or option shall contain a clause stating that the rights have not yet come into operation.
- (6) Where a contract or option contemplated in ~~Section 41(5)~~ (DELETED) **Section 39(5)** (SUBSTITUTED) does not contain the clause contemplated in that subsection, the contract or option shall, at any time before the land use rights comes into operation, be voidable at the instance of any party to the contract or option, other than the person who alienates or disposes of the erf or who grants the option.
- (7) Any person who alienates or disposes of a property and who enters into a contract contemplated in ~~Section 41(5)~~ (DELETED) **Section 39(5)** (SUBSTITUTED) or grants an option contemplated in that subsection which does not contain the clause contemplated therein shall be guilty of an offence.

FORMER SECTION 42 SHALL READ AS SECTION 40

Amendment of former Section 42 which read as Section 40

- (1) The Applicant shall be responsible for the excision of land from an Agricultural Holding register if ~~required to do so either of his own accord or by the Municipality.~~ (DELETED) the said Applicant has submitted a land development application in relation to such land and the land development or land use applied for is restricted by any conditions in the Title Deed of the subject property, inserted therein as a result of a certificate issued in terms of Section 1 of the Agricultural Holdings Act. (INSERTED)
- (2) If the excision of an Agricultural Holding ~~through the cancellation of the certificate issued in terms of Section 1 of Act 22 of 1919~~ (INSERTED) is necessary due to the approval of a land development application, such approval shall be conditional on the excision of the said property. in the event of the approval of a land development application results in any proclamation having to be done, such proclamation shall not be affected prior to the excision of the subject property. (INSERTED) ~~required as a result of a township establishment application it be a pre-proclamation condition in terms of Section 18(7)(g);~~ (DELETED)
- (3) The endorsement of the ~~Agricultural Holding~~ (DELETED) Title Deed of the relevant Agricultural Holding (INSERTED) by the Registrar of Deeds ~~as provided for in Section 3 of the Agricultural Holdings Act,~~ (INSERTED) to the effect that it is excised and ~~known~~ (DELETED) to in future be referred to (INSERTED) as a farm portion for purposes of ~~a~~ (DELETED) ~~an approved~~ (INSERTED) township establishment ~~application~~ (DELETED), can be done simultaneously with the endorsement of the title deed of the farm portion ~~and~~ (DELETED) ~~for~~ (INSERTED) the opening of a township register.
- (4) The Municipality shall issue a certificate ~~certifying~~ (DELETED) in which it will confirm (INSERTED) that ~~the pre-proclamation~~ (DELETED) conditions ~~imposed in terms of Section 40(2) above~~ (INSERTED) have been complied with ~~and, in certifying it may require that certain conditions be complied with together with the opening of township register.~~ (DELETED)

- (5) ~~If an applicant elects to remove restrictive conditions of title applicable to Agricultural Holding through an excision application, the Municipality shall only regard proof of the removal of the restrictive conditions if the applicant provides the title deed of the Agricultural Holding as it has been endorsed by the Registrar of Deeds and a copy of the farm title created as a result of the excision.~~ ^(DELETED) The provisions of Section 42(1) to (4) above does not preclude an applicant from applying for the granting of any consent or approval specified in any Title condition pertaining to the Agricultural Holding, in terms of the provisions of Section 45(6) of the Act and in which event the provisions of Section 18(3) of this By-law shall apply mutatis mutandis but excluding the provisions of Section 18(3)(j) ^(SUBSTITUTED)

FORMER SECTION 43 SHALL READ AS SECTION 41

Amendment of former Section 43 which read as Section 41

Not more than ~~one application pending at~~ ^(INSERTED) ~~of~~ ^(DELETED) the same type of application in terms of this By-law may at any time be pending on the same property in terms of any other legislation before the Municipality, which seeks to accomplish the same as contemplated in this By-law ~~unless provided for in terms of specific provisions of this By-law.~~ ^(DELETED)

FORMER SECTION 44 SHALL READ AS SECTION 42

Amendment of Section 42

- (1) If in terms of the provisions of this By-law, any condition of approval of a land development application or any other law, a non-profit company or property-homeowners association or other entity as may be approved by the Municipality is to be created or established in respect of a land development application then;
 - (a) such an entity shall be established or registered prior to the proclamation of a township in terms of ~~Section 18(7)(g)(vi)~~ ^(DELETED) ~~Section 17(7)(g)(vi)~~ ^(SUBSTITUTED) in the case of a township; and
 - (b) in the case of a subdivision or any other land development application prior to the registration of any newly created portions or the exercising of any land use rights granted in terms of any land development application.
- (2) Any entity established in terms of ~~Subsection 44(1)~~ ^(DELETED) ~~Section 42(1)~~ ^(SUBSTITUTED) shall be established for the in accordance with Schedule 24 and its establishment documentation shall contain the conditions as set out in the Regulation unless otherwise directed by the Municipality.
- (3) An owners' association, property owners association and or homeowners association or any other association, whether established in terms of ~~Section 44(1)~~ ^(deleted) ~~Section 42(1)~~ ^(SUBSTITUTED) or of their own accord or as may be determined in terms of any relevant legislation, shall not encroach into the powers, functions and duties of a municipality to perform "municipal planning" as contemplated in the Constitution;
- (4) Any decision taken by a decision-maker with regard to development within the jurisdiction of the Municipality shall be taken within their sole discretion whether permission has been granted by an association established in terms of ~~Sections 44(1) or 44(2)~~ ^(DELETED) ~~Sections 42(1) or 42(2)~~ ^(SUBSTITUTED) above or not and the Municipality shall not be bound by the articles, constitution, rules or regulations of the associations of which it is not a member.

FORMER SECTION 45 SHALL READ AS SECTION 43

Amendment of former Section 45, its Sectional Title, Subsections and subsections which read as Section 43

~~45. POST-APPROVAL ERRORS AND OMISSIONS~~ (DELETED) **43. CANCELLATION, ABANDON, REPEAL OR WITHDRAWAL** (SUBSTITUTED)

~~(1) Correction of errors or omissions~~ (DELETED)

~~(a) Where the Municipality is of the opinion that any error or omission in an approved scheme, consent, removal of restrictive conditions or any land development application in the approval thereof have occurred, relating to land situated within its area of jurisdiction may be corrected without the necessity for a new application to be brought or the preparing of an amendment scheme, it may, correct such error or omission by:~~

~~i. referring to the original approval and quoting in the amended approval the error and or omission that occurred and the manner in which it is corrected; or~~

~~ii. by notice in the Provincial Gazette, correct such error or omission as the case may be where this By-law, the Land Use Scheme or other legislation requires a notice to be placed in the Provincial Gazette.~~

~~(b) The Municipality may, by notice in the Provincial Gazette, correct any error or omission in a notice setting out the conditions of establishment of a Township.~~ (DELETED)

~~(2) Administrative amendment of conditions of application and administrative processes~~

~~1. Where in the opinion of the Municipality an administrative amendment can be approved on any land use application, which administrative amendment in his/her opinion does not constitute a material amendment, they may make such an amendment after consultation and or the applicant, and Section 45(1) shall apply.~~ (DELETED)

(1) Cancellation, ~~abandon,~~ (DELETED) **abandonment** repeal, ~~withdrawn~~ (DELETED) **withdrawal** (SUBSTITUTED)

(a) An applicant may, at any time prior to a decision being taken, withdraw an application at the Municipality or withdrawn the power of attorney that authorized a person to make an application on his/her behalf. Where an objection is received on an application **It is the obligation of the applicant to inform all registered objectors, that the application has been formally withdrawn and proof thereof be submitted to the Municipality.** (INSERTED)

(b) An applicant who does not wish to proceed with the implementation or development of land based on the result of a land development application that was approved, shall within a period of 60 days from the date of having been notified of the approval of the land development application but **prior to the proclamation of approved land use rights or exercising the land use rights brought about a written or special consent have a right to abandon the approval by the Municipality.** (INSERTED) ~~to it coming into operation have the right to abandon or or cancel the application as prescribed in Schedule 25~~

~~as approved by the Municipality, provided it is prior to notice having been given of the application in terms of Sections 18(1)(v), 18(2)(g), and 18(13) by:~~
(DELETED)

- (i) Submitting a written notification for ~~cancellation~~, abandonment or repeal to the Municipality, and to any person who submitted an objection or made a representation on the application;
- (ii) providing proof to the satisfaction of the Municipality, that all persons as indicated in ~~subsection 18(1)(m)~~(DELETED) **Section 17(1)(m)**(SUBSTITUTED) ~~has~~ (DELETED) **have** (SUBSTITUTE) been notified;

after which the Municipality shall record the abandonment ~~or cancellation~~ (DELETED) in the land use register and the **approval of the**(INSERTED) land development application shall be regarded as abandoned.

- (c) ~~Section 45(3)(a)~~ (DELETED) **Section 43(3)(a)**(SUBSTITUTED) shall not apply to any land development application where in terms of this By-law it makes provision for the cancellation of an application as part of the specific provisions of the application or be applicable where an application may lapse as a result of the failure of the applicant to comply with the ~~provisions~~ (DELETED) **requirements** (INSERTED) of that application.
- (d) The Municipality may consent to the repeal of the application subject to conditions it deems fit.

FORMER SECTION 46 SHALL READ AS SECTION 44

Amendment of former Section 46(1) and (2) which now read as Section 44(1) and (2)

- (1) The Schedules and Forms to this By-law are aimed at assisting the public and the Municipality in dealing with any matter in terms of this By-law and provides draft forms and formats which shall be substantially be complied with, in the opinion of the Municipality, by ~~anybody~~ (DELETED) **any body**(INSERTED) or person as contemplated in this By-law and therefore:

~~(2) nothing contained in this By-law or any other legislation shall prohibit the Municipal Manager **Municipality** from determining through its Schedules or Forms, or amendment thereof from time to time, processes and procedures to be complied with by the owner, applicant or any other person acting in terms of these By-laws; provided that in determining these processes and procedures it shall not do so if the determination materially, in the opinion of the Municipal Manager, amends this By-law as adopted.~~(DELETED)

Insertion of Section 44(3)

- (3) **In the event of a discrepancy between the by-law and S any Schedule or Forms, the By-law will prevail.**
-

CHAPTER 9

FORMER SECTION 47 SHALL READ AS SECTION 45

Amendment of Section 45 (1)(d):

- (d) the provisions of ~~section 47~~^(DELETED) title conditions contained in the title deeds of property within its municipal area^(INSERTED) and section 32 of ~~Spatial Planning and Land Use Management~~^(DELETED) Act, 2013. ^(DELETED)

Insertion of Section 45(1)(e):

- (e) the provision of town planning policies of the Municipality ^(INSERTED)

Amendment of Section 45(2)

- (2) Any person who contravenes or fails to comply with ~~Section 47(1)~~^(DELETED) **Section 45(1)**^(SUBSTITUTED) shall be guilty of an offence.

FORMER SECTION 48 SHALL READ AS SECTION 46

Amendment of Section 46(1):

- (1) The Municipality may through its **designated municipal**^(inserted) official **as contemplated in section 32(3) of the Act**^(inserted), ensure compliance by any person who contravenes municipal planning By-laws, **town planning**^(inserted) policies, **land use scheme**^(inserted) or any other legislations by first issuing a Compliance/**Legal** ^(inserted) Notice in writing which shall contain the following:

Amendment of Section 46(1)(a):

- (a) ~~Identify~~^(deleted) **identity**^(substitute) of the registered owner and address to whom the compliance/**Legal** ^(inserted) notice is directed

Insertion of the following subsubsection:

- (c): **Current zoning applicable to the property;**^(inserted)

Amendment of former Section 48(1)(d) which read as Section 46(1) (e)

- (b) ~~the steps and period within which such steps should be taken to remedy the illegal land use;~~ ^(deleted) **actions and the timeframe within which the contravener should cease the illegal land use and comply with the provision of the land use scheme;**^(substituted)

former Section 48(1)(e) shall read as Section 46(1)(f)

Insertion of the Section 46(1)(f)(vi):

- (vi): **A further warning stating that if a registered owner admits to or continue with a transgression set out in the compliance/legal notice he/she/it shall be summarily liable to a fine determined by the municipality as prescribed.**^(inserted)

Deleted former subsubsection 48(1)(f):

- f) ~~A warning further that:~~

- (i) ~~If a registered owner admits to a transgression set out in the notice should be summarily liable to a fine set out in the fine schedule.~~ (deleted)

Amendment of Section 46(2)

- (2) The compliance/legal (inserted) notice to a person who contravenes Municipal By-laws, Town Planning (inserted) Policies, Land Use Scheme (inserted) and or relevant legislations or who uses any land or building or caused it to be used in manner contrary thereto to ~~instruction~~ (deleted) order (SUBSTITUTED) such a person:

Amendment of Section 46(3)

- (3) The provisions of ~~Section 48(1)~~(DELETED) Section 46(1) (SUBSTITUTED) shall not apply to the erection or alteration of or addition to a building in accordance with an approved building plan.

Amendment of Section 46(4)

- (4) The compliance/legal (inserted) notice must instruct ~~the occupier and~~ (deleted) owner to cease the unauthorised land use ~~or activity~~(DELETED) ~~or contravention~~ (SUBSTITUTED) or both, forthwith or within the time period determined by the Municipality and may include an instruction to:
- (a) Entirely at his own expense demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within ~~30 days~~ (deleted) 90 days (substituted) or such other time period determined by the ~~(Municipal Manager)~~ (deleted) Municipality; (substituted) or
 - (b) submit an application in terms of this By-law within 30 days after payment of the fine as envisaged in ~~Section 48(f)~~(deleted) Section 46(1)(f)(vi) (substituted) ~~and or section 48(2)~~(deleted)
 - (c) ~~A person who has received a compliance notice with an instruction contemplated in Section 48(3)(a) may not submit an application in terms of Section 48(4)(b).~~ (deleted)
 - (d) ~~An~~ The submission of an application in terms of ~~Section 48(3)(b)~~ (DELETED) Section 46(4)(b) (DELETED) shall not ipso facto be an approval.

Amendment of Section 46(5)

- (5) Any ~~person or~~ (DELETED) owner who receives a compliance/(INSERTED) legal notice must comply with that notice within the time period stated in the notice unless the Municipality has agreed to suspend the operation of the compliance/legal (INSERTED) notice in terms of ~~Section 48~~ (DELETED) Section 46 (SUBSTITUTED)

Amendment of Section 46(6)

- (6) If ~~a person~~(DELETED) an owner (SUBSTITUTED) fails to comply with a Compliance/(INSERTED) legal notice the Municipality may

- (a) give a fine that ~~needs~~ (DELETED) ~~has~~ (SUBSTITUTED) to be paid within 7 days from the date of the fine
- (b) lay a criminal charge against the person;
- (c) apply to the Court for an order restraining that ~~person~~ (DELETED) ~~owner~~ (SUBSTITUTED) from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned; or

Amendment of Section 46(7):

- (7) Any owner who received a fine in terms of ~~Section 48(6) (a)~~ (DELETED) ~~Section 46(6) (a)~~ (SUBSTITUTED) may make a written representation to the ~~Authorised official~~ (DELETED) ~~designated unit manager~~ (SUBSTITUTED) within 7 days of receipt of the fine.

Amendment of Section 46(8)

- (8) The ~~Authorised official~~ (DELETED) ~~designated unit manager~~ (SUBSTITUTED); shall consider any representations made in writing in terms of ~~Section 48(6)(a)~~ (DELETED) ~~Section 46(6)(a)~~ (SUBSTITUTED) –
 - (a) May ~~suspend~~ (DELETED) ~~extend~~ (SUBSTITUTED); confirm, vary or ~~cancel~~ (DELETED) a notice or any part of the notice; and
 - (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified and
 - (c) shall notify the person who made the representation within a period of 30 days after the decision has been taken.

Amendment of Section 46(9)

- (9) In cases where an ~~activity~~ (DELETED) ~~contravention~~ (SUBSTITUTED) must be stopped within immediate effect, the Municipality may dispense with the procedures set out above and issue a compliance/~~legal~~ (INSERTED) notice calling upon the person or owner to cease immediately and if the person or owner fails to cease the ~~activity~~ (DELETED) ~~act of contravention~~ (SUBSTITUTED) immediately, the Municipality may apply to the Court for an urgent interdict or any other relief necessary.

Amendment of Section 46(10)

- (10) Where any ~~person~~ (DELETED) ~~owner~~ fails to comply with a ~~compliance/~~ legal notice issued in terms of ~~Section 48(5)~~ (DELETED) ~~Section 46(2)~~ (SUBSTITUTED) the Municipality may, whether or not a prosecution has been or will be instituted, ~~remove~~ ~~demolish~~ the building or other ~~work~~ ~~construction~~ or cause the building or other work to comply with the provisions of its land use scheme and recover all expenses incurred in connection therewith from such person.

Insertion of Section 46(11)

- (11) The provision Section 23(3) with regard to serving of notices will apply mutatis mutandis to the delivery of a compliance/legal notices in terms of this ~~Section~~ (INSERTED).

FORMER SECTION 49 SHALL READ AS SECTION 47

Amendment of Section 47

- (1) A ~~person~~^(DELETED) **owner**^(INSERTED) is guilty of an offence if the person
- (a) contravenes or fails to comply with:
 - (i) any provision of this By-Law including any condition imposed in terms of any other law relating to land development.
 - (ii) provision of the land use scheme or any amendment thereto ;
 - (iii) land use in a manner other than permitted by the land use scheme or amendment scheme or any amendment thereto;
 - (iv) compliance/**legal**^(INSERTED) notice issued in terms of this By-Law
 - (b) alters or destroys land to the extent that the property cannot be used for the purpose set out in the land use ~~or zoning~~^(DELETED) scheme;
 - (c) Threatens and/or obstructs, and/or hinders or fails to permit entry of the Municipality or its ~~authorised official~~^(DELETED) **designated municipal official**^(SUBSTITUTED) or interferes with ~~municipal official in their~~^(DELETED) **his/her**^(SUBSTITUTED) legal duties.
 - (d) furnishes false or misleading information or documentation to the Municipality or to ~~an~~^(DELETED) **the designated municipal**^(INSERTED) official of the Municipality when called to do so.
 - (e) Furnishes particulars, information or answers in an application, hearing or in an appeal ~~to a decision on a land development application,~~^(DELETED) knowing it to be false, incorrect or misleading or not believing it to be correct.
- (2) Any ~~person or~~^(DELETED) owner who permits land to be used in a manner contemplated in ~~subsection 49(1)~~^(DELETED) **section 47(1)**^(SUBSTITUTED) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provision of ~~subsection 49(1)~~^(DELETED) **section 47(1)**^(SUBSTITUTED) is guilty of an offence and upon conviction is liable to the penalties ~~contemplated in Sections 49(3) and 50(2).~~^(DELETED) **provided in Section 58(2) and (3) of the Act**^(SUBSTITUTED):
- (a) Upon conviction of an offence in this By-Law a person shall be liable to a fine or imprisonment as determined by the relevant court.

~~(4) Upon conviction of an offence in this By-Law a person shall be liable to a fine or imprisonment as determined by the relevant court.~~^(DELETED)

FORMER OF SECTION 50 SHALL READ AS SECTION 48

Amendment of Section 50 which now read as Section 48

In case where an ~~activity~~^(DELETED) **contravention**^(SUBSTITUTED) must be stopped ~~within~~^(DELETED) **with**^(SUBSTITUTED) immediate effect, the municipality may dispense with the procedure set out above and issue a compliance/**legal**^(INSERTED) notice calling upon the ~~person or~~^(DELETED) owner to cease ~~immediately~~^(DELETED) **with immediate effect;**^(INSERTED)

- (1) The ~~illegal activity~~^(DELETED) **contravention**^(SUBSTITUTED) referred to and the municipality may apply to court for an urgent interdict or any other relief necessary.
- (2) Where ~~any person~~^(DELETED) **owner**^(SUBSTITUTED) fails to comply with a compliance/**legal**^(INSERTED) notice issued in terms of ~~section 48(2)~~^(DELETED) **section 46(2)**^(SUBSTITUTE), the municipality may whether or not a prosecution has been or will be instituted, ~~remove~~^(DELETED) **demolish**^(SUBSTITUTED) the building or ~~work~~^(DELETED) **construction**^(SUBSTITUTED) or cause the building or other work to comply with the provisions of its land use scheme and recover all expense incurred in connection therewith from such a person or owner.

FORMER SECTION 51 SHALL READ AS SECTION 49

Amendment of former Section 51 and Section Title which read as Section 49

PROSECUTION OF **BODY^(INSERTED) CORPORATE BODY AND PARTNERSHIP**

- (1) Any person acting in a representative capacity of either a ~~juristic person~~^(DELETED) **body or body corporate**^(INSERTED) or partnership shall be liable for an offence in terms of this By-Law, is personally guilty of an offence contemplated in terms of this By-Law if the offence was committed by-
 - (a) a **body or**^(INSERTED) body corporate established in terms of any law; or
 - (b) a partnership; **and**^(INSERTED)
 - (c) ~~the~~^(DELETED) person **acting in the representative capacity of either of the above**^(INSERTED) **has**^(INSERTED) failed to take reasonable steps to prevent the offence

FORMER SECTION 52 SHALL READ AS SECTION 50

Amendment of former Section 52 and Section Title which read as Section 50

POWERS AND FUNCTIONS ~~OF AN INSPECTOR~~^(DELETED) **DESIGNATED MUNICIPAL OFFICIAL^(SUBSTITUTED)**

- (1) The Municipal Manager may authorise an official or any other person to act in terms of this section **read with Section 32 of the Act**^(INSERTED), for the purposes of the investigation of any infringement in relation to this By-Law, which person should not have direct or indirect personal or private interest **in such investigation**^(INSERTED).
- (2) The ~~An inspector and/or authorised official~~^(DELETED) **designated municipal official**^(SUBSTITUTED) may enter upon land, building or premises for the purposes of ensuring compliance with this By-Law; **with the permission of the occupier or owner, and if such permission is refused; if such permission is refused may only enter on the authority of a duly issued warrant.**^(INSERTED)

~~(a) With the permission of the occupier or owner, and if such permission is refused;~~

~~(b) Enter without permission accompanied by Municipal Law Enforcement officer/s or member/s of the South African Police Services if there is a~~

~~reasonable apprehension that the object of investigation or any matter or evidence may become dissipated if a warrant has first to be obtained.~~ (DELETED)

- (3) An inspector or authorised official must be in a possession of proof that he/she has been designated as an authorised official for purposes of subsection (2).
 - (a) The ~~inspector~~ (DELETED) **designate municipal official** (SUBSTITUTED) may request from the occupier of land, building or premises. permission to inspect any document, record, information or any matter for the purposes of his/her investigation.
 - (b) A ~~inspector~~ (DELETED) **designate municipal official** (SUBSTITUTED) may extract, make copies or take photographs of the documents or records referred in subsection (a) above and a receipt should be issued to the owner or person in control thereof.
- (4) A ~~compliance officer or authorised official~~ (DELETED) **designate municipal official** (SUBSTITUTED) may be accompanied by an interpreter, police officer or any other person who may be able to assist with the inspection.

FORMER SECTION 53 SHALL READ AS SECTION 51

Amendment of former Section 53 which read as Section 51

Where ~~inspector~~ (DELETED) **designate municipal official** (SUBSTITUTED) is impeded in his investigation by either refusal to enter land, premises or building or from obtaining any document or matter relating to his investigation, Municipality ~~may~~ (DELETED) **must** (SUBSTITUTED) :-

- (1) Approach court having jurisdiction where land, building or premises it is situated to issue a warrant:
 - (a) To enter upon the land, building or premises;
 - (b) To retrieve all documents, information, material or matter related to the investigation.
- (2) A warrant must authorise an entry on one occasion only and such entry must occur:-
 - (a) Within **the time stipulated by the relevant magistrate or** (INSERTED) ~~month~~ (DELETED) on the date on which the warrant was issued or at such time it may be extended.
 - (b) At a reasonable hour except where the warrant is issued on the ground of urgency.
- (3) A warrant may only be issued if it appears to the court from the information placed before it on oath that there are reasonable grounds for believing that:
 - (a) An ~~authorised official~~ (DELETED) **designate municipal official** (SUBSTITUTED) has been refused entry to land or a building that he is authorised to inspect;
 - (b) An ~~authorised official~~ (DELETED) **designate municipal official** (SUBSTITUTED) reasonably anticipates that entry to land or a building that he is authorised to inspect will be refused;

- (c) There are reasonable grounds for suspecting that an offence contemplated in this By-Laws has ~~occurred~~ (DELETED) **been permitted** (SUBSTITUTED) and the inspection of the premises is likely to yield information pertaining to that contention; or

DELETED FORMER SECTION 54

FORMER SECTION 55 SHALL READ AS SECTION 52

Amendment of Section 52(3)

- (2) A zoning or land use right(s) ceases to exist on the day when it lapses in terms of ~~this By-Law~~ **provincial legislation** or section 43 of the Act, or a condition of approval of a land development application **has not been complied with in terms Section 33 of the Act**, even if the zoning map still records the land use right as existing.

FORMER SECTION 56 SHALL READ AS SECTION 53

Amendment of Section 53 (2) to (4)

- (2) Where the Municipality fails within a period of 12 months from the date of a prohibition imposed in terms of ~~Section 56(1)~~ (DELETED) **Section 53(1)** (SUBSTITUTED) to take possession of the land concerned, the prohibition shall lapse and in such a case no further prohibition shall be so imposed in respect of that land **for the period not exceeding 12 months.**
- (3) Any person who contravenes or fails to comply with a prohibition imposed in terms of ~~Section 56(1)~~ (DELETED) **Section 53(1)** (SUBSTITUTED) shall be guilty of an offence.
- (4) Where any person has erected, altered or added to a building or other work in contravention of a prohibition imposed in terms of ~~Section 56(1)~~ (DELETED) **Section 53(1)** (SUBSTITUTED) the Municipality may ~~remove~~ **demolish** the building or other ~~work~~ **construction** and recover all expenses incurred in connection therewith from such person.

FORMER SECTION 57 SHALL READ AS SECTION 54

Amendment of Section 54(1)(a)

- (a) Has, with effect from the date as contemplated in ~~Section 13(9)~~ (DELETED) **Section 12(8)**, (SUBSTITUTED) the force of law and binds all persons, and particularly owners and users of land, including the municipality, a state owned enterprise and organs of state within the municipal area are bound by the provisions of such a Land Use Scheme;

FORMER SECTION 58 SHALL READ AS SECTION 55

Amendment of Section 55(2)

- (2) This By-Law shall commence on **the date of publication in the provincial gazette.**
(INSERTED)