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[PROVINCIAL NOTICE NO. 229 OF 2015]

MUNICIPAL LAND USE PLANNING BY-LAWS

Notice is hereby given in terms of the provisions of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Nketoana Local Municipality adopted the set of Municipal Land Use Planning By-laws.
The By-laws are published for the purpose of general public notification. Copies of the By-laws are available at Cnr. Voortrekker & Kerk Street, Reitz

Mr. L.I. Mokgatlhe
Municipal Manager

To provide for the regulation and control of activities on and in respect of spatial planning and land use management, and to provide for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and
WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and
WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within their financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and
WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include hoardings and the display of advertisements in public places and any other matter assigned to it by national or provincial legislation, by making and administering By-laws for the effective administration of these matters;
BE IT THEREFORE ENACTED by the Municipal Council of the Nketoana Local Municipality as follows:-

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CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) has the meaning assigned to it in that Act.

All references to sections in this by-law refers to this specific document unless otherwise stated—
"adopt", in relation to a spatial development framework, land use scheme, policy or strategy, means the approval thereof by the executive authority;
"agent" means a person authorized by the owner of land to make an application;
"Appeal Authority" means the Appeal Authority contemplated in section 83(1);
"applicant" means a person referred to in section 16(2) who makes an application to the Municipality as contemplated in that section;
"application" means an application to the Municipality referred to in section 16(2);
"authorized employee" means a municipal employee who is authorized by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law, the land use scheme and Deed of Title;
"consolidation", in relation to land, means the merging of two or more adjacent land parcels into a single land parcel;
"Council" means the municipal council of the Municipality;
"date of notification" means the date on which a notice is served as contemplated in section 49(7) or published in the media or Provincial Gazette;
"day" means a calendar day, and when any number of days are prescribed for the execution of any act, it must be calculated by excluding the first day and including the last day, however, should the last day fall on a Saturday, Sunday or Public Holiday, the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday;
"development charge" means a development charge levied by the Municipality as contemplated in section 88;
"emergency" includes a situation that arises from a flood, strong wind, severe rainstorm, fire, earthquake or industrial accident and that requires the relocation of human settlements;
"external engineering service" means an engineering service situated outside the boundaries of a land area and that is necessary to serve the use and development of the land area;
"Free State Spatial Planning and Land Use Bill" means the Free State Spatial Planning and Land Use Bill, and upon enactment the Act;
"local spatial development framework" means a local spatial development framework contemplated in section 10;
"municipal spatial development framework" means a municipal spatial development framework adopted by the Municipality in terms of Chapter 5 of the Municipal Systems Act and Chapter 4 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

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"Municipal Manager" means the municipal manager of the Municipality;
"Municipality" means the municipality of Nketoana established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;
"non-conforming use" means an existing land use that was lawful in terms of a previous land use scheme but that does not comply with the land use scheme in force;
"occasional use" means a departure in respect of a right to use land for a purpose granted on a temporary basis for a specific occasion or event;
"overlay zone" means an area in a land use scheme that is demarcated for the purpose of conserving natural resources or promoting certain types of development and that is subject to conditions, requirements or restrictions in addition to those of the land use scheme;
"owners' association" means an owners' association established in terms of section 30;
"pre-application consultation" means a consultation between an owner or an agent and the Municipality contemplated in section 38;
"public facilities" means amenities that are—
(a) intended for the use of the general public;
(b) used to offer a service or for recreation; and
(c) ordinarily owned by the state or a municipality;
"service" means a service provided by the Municipality, any other organ of state or a service provider, including services for the provision of water, sewerage, electricity, refuse removal, roads, storm water, and includes infrastructure, systems and processes related to the service;
"site development plan" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs, parking, internal services, servitudes and landscaping;
"social infrastructure" means community facilities, services and networks that meet social needs and enhance community well-being;
"Spatial Planning and Land Use Management Act" means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);
"Tribunal" means the Municipal Planning Tribunal established in terms of section 74.

Any reference to erf or rural land refers to the Land Survey Act, 1997, (Act No 8 of 1997).
Any reference to the male gender includes the female gender and any reference to the plural will include the singular and *vice versa*, as the context may require.

2. APPLICATION OF BY-LAW

This By-law applies to all land situated within the municipal area, including land owned by the state and by organs of state.

CHAPTER II – SPATIAL PLANNING

3. SPATIAL PLANNING CATEGORIES

(1) All Development Frameworks developed for areas in, or associated with, the Free State province must be represented spatially. In order to create a uniform system across the Province, the attribute data must be represented according to the following primary spatial planning categories:

(a) Core Conservation Areas that must be captured in the attribute data as a capital letter A including;
  (i) Statutory Protected Areas that must be captured in the attribute data as a letter A.a or;

(b) Natural Buffer Areas that must be captured in the attribute data as a capital letter B including;
  (i) Non-Statutory Conservation Areas that must be captured in the attribute data as a letter B.a;
  (ii) Ecological Corridors that must be captured in the attribute data as a letter B.b;
  (iii) Urban Green Areas that must be captured in the attribute data as a letter B.c or;

(c) Agricultural Areas that must be captured in the attribute data as a capital letter C including;
  (i) Extensive agricultural areas that must be captured in the attribute data as a letter C.a;
  (ii) Intensive agricultural areas that must be captured in the attribute data as a letter C.b or;

(d) Urban Related Areas that must be captured in the attribute data as a capital letter D including;
  (i) Main Towns that must be captured in the attribute data as a letter D.a;
  (ii) Local Towns that must be captured in the attribute data as a letter D.b;
  (iii) Rural Settlements that must be captured in the attribute data as a letter D.c;
  (iv) Tribal Authority Settlements that must be captured in the attribute data as a letter D.d;
  (v) Communal Settlements that must be captured in the attribute data as a letter D.e;
  (vi) Institutional Areas that must be captured in the attribute data as a letter D.f;
  (vii) Authority Areas that must be captured in the attribute data as a letter D.g;
  (viii) Residential Areas that must be captured in the attribute data as a letter D.h;
  (ix) Business Areas that must be captured in the attribute data as a letter D.i;
  (x) Service Related Business that must be captured in the attribute data as a letter D.j;
  (xi) Special Business that must be captured in the attribute data as a letter D.k;
  (xii) SMME Incubators that must be captured in the attribute data as a letter D.l;
  (xiii) Mixed Use Development Areas that must be captured in the attribute data as a letter D.m;
  (xiv) Cemeteries that must be captured in the attribute data as a letter D.n;
  (xv) Sports fields and Infrastructure that must be captured in the attribute data as a letter D.o;

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(xvi) Airports and Infrastructure that must be captured in the attribute data as a letter D.p;
(xvii) Resorts and Tourism Related Areas that must be captured in the attribute data as a letter D.q;
(xviii) Farmsteads and Outbuildings that must be captured in the attribute data as a letter D.r or;

(e) Industrial Areas that must be captured in the attribute data as a capital letter E including;
(i) Agricultural industry that must be captured in the attribute data as a letter E.a;
(ii) Industrial Development Zone that must be captured in the attribute data as a letter E.b;
(iii) Light industry that must be captured in the attribute data as a letter E.c;
(iv) Heavy industry that must be captured in the attribute data as a letter E.d;
(v) Extractive industry that must be captured in the attribute data as a letter E.e or;

(f) Surface Infrastructure that must be captured in the attribute data as a capital letter F including;
(i) National roads that must be captured in the attribute data as a letter F.a;
(ii) Main roads that must be captured in the attribute data as a letter F.b;
(iii) Minor roads that must be captured in the attribute data as a letter F.c;
(iv) Public Streets that must be captured in the attribute data as a letter F.d;
(v) Heavy Vehicle Overnight Facilities that must be captured in the attribute data as a letter F.e;
(vi) Railway lines that must be captured in the attribute data as a letter F.f;
(vii) Power lines that must be captured in the attribute data as a letter F.g;
(viii) Telecommunication Infrastructure that must be captured in the attribute data as a letter F.h;
(ix) Renewable Energy Structures that must be captured in the attribute data as a letter F.i;
(x) Dams and Reserves that must be captured in the attribute data as a letter F.j;
(xi) Canals that must be captured in the attribute data as a letter F.k;
(xii) Sewerage Plants and Refuse Areas that must be captured in the attribute data as a letter F.l;

(2) All the main spatial planning categories must further be divided into sub-categories and more detailed categories as required by the municipality.

4. COMPILATION, REVIEW OR AMENDMENT OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

(1) When the Council compiles, reviews or amends its municipal spatial development framework in accordance with the Municipal Systems Act and the Spatial Planning and Land Use Management Act, the Council must—
(a) establish an intergovernmental steering committee to compile or amend its municipal spatial development framework; or
(b) refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to National and Provincial Departments and contiguous municipalities for comment, in accordance with Section 7 (e) (ii) of the Spatial Planning and Land Use Management Act, 2013.

(2) The Municipality must—
(a) publish a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area concerned of—
(i) the intention to compile, review or amend the municipal spatial development framework; and
(ii) the process it will follow, in accordance with section 30(3) of the Municipal Systems Act;
(b) in writing inform the National and Provincial Departments and contiguous municipalities of—
(i) the intention to compile, review or amend the municipal spatial development framework;
(ii) its decision in terms of subsection (1)(a) or (b); and
(iii) the process it will follow to compile, review or amend the municipal spatial development framework, including the process for public participation; and
(c) register relevant affected parties, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process to be followed.

5. ESTABLISHMENT OF PROJECT COMMITTEE

(1) The Municipality must establish a project committee to compile, review or amend its municipal spatial development framework.
(2) The project committee must at least consist of—
(a) the Municipal Manager; and
(b) municipal employees from at least the following municipal departments:
(i) the integrated development planning office;
(ii) the planning department;
(iii) the engineering department;
(iv) the local economic development department;
(v) the housing department; and
(vi) office of the chief financial officer.

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6. ESTABLISHMENT OF INTERGOVERNMENTAL STEERING COMMITTEE

(1) If the Council establishes an intergovernmental steering committee, the Municipality must, in writing, invite written nominations for representatives to serve on the intergovernmental steering committee from—
- *(a)* the delegated party of the national and provincial government department responsible for land use planning;
- *(b)* the delegated party of the provincial government department responsible for environmental affairs;
- *(c)* the delegated party of the provincial government department responsible for agriculture;
- *(d)* relevant organs of state; and
- *(e)* any other department deemed necessary by the municipality.

7. PROCEDURE WITH INTERGOVERNMENTAL STEERING COMMITTEE

(1) If the Council establishes an intergovernmental steering committee, the project committee must compile a draft *status quo* document setting out an assessment of the existing levels of development and development challenges in the municipal area, and must submit it to the intergovernmental steering committee for comments.

(2) After consideration of the comments of the intergovernmental steering committee, the project committee must complete the *status quo* document and submit it to the Council for adoption.

(3) The project committee must compile a first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comments.

(4) After consideration of the comments of the intergovernmental steering committee, the project committee must complete the first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comments.

(5) After consideration of the comments and representations, as a result of the publication contemplated in subsection (4), the project committee must compile a final municipal spatial development framework or final amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.

(6) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the project committee must complete the final draft of the municipal spatial development framework or final draft amendment of the municipal spatial development framework and submit it to the Council for adoption by the Council.

(7) If the final municipal spatial development framework or final amendment of the municipal spatial development framework contemplated in subsection (6) is materially different to what was published in terms of subsection (4), the Municipality must follow a further consultation and public participation process in accordance with this section before the final municipal spatial development framework or final amendment of the municipal spatial development framework is adopted by the Council.

(8) The Council or the project committee may at any time in the process of compiling a municipal spatial development framework or drafting an amendment of the spatial development framework request comments from the intergovernmental steering committee.

(9) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice thereof in the media and the *Provincial Gazette*.

8. PROCEDURE WITHOUT INTERGOVERNMENTAL STEERING COMMITTEE

(1) If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the project committee must—
- *(a)* compile a draft *status quo* document setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to the Council for adoption;
- *(b)* after adoption of the *status quo* document, compile a draft municipal spatial development framework or draft amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;
- *(c)* after approval of the draft municipal spatial development framework or draft amendment of the municipal spatial development framework for publication contemplated in paragraph *(b)*, submit the draft municipal spatial development framework or draft amendment of the municipal spatial development framework to the MEC for comment in; and
- *(d)* after consideration of the comments received from the public and the MEC, submit a final municipal spatial development framework or final amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.

(2) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice thereof in the media and the *Provincial Gazette*.

9. FUNCTIONS AND DUTIES

(1) The members of the project committee must, in accordance with the directions of [the executive authority/executive mayor/committee of councillors]—
- *(a)* compile a municipal spatial development framework or draft an amendment of the municipal spatial development framework for adoption by the Council;

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(b) provide technical knowledge and expertise to the Council;
(c) monitor progress and ensure that the compilation of the municipal spatial development framework or drafting of the amendment of the municipal spatial development framework is progressing according to the approved process contemplated in section 4(2)(*a*)(ii);
(d) guide the public participation process and ensure that the registered affected parties remain informed;
(e) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment of the municipal spatial development framework based on the consideration of the comments received during the process of drafting thereof;
(f) oversee the drafting of a report setting out the response of the Municipality to the provincial comments issued;
(g) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and other organs of state as contemplated in section 24(1) of the Municipal Systems Act;
(h) facilitate the integration of other sector plans into the municipal spatial development framework;
(i) 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 between the project committee and the intergovernmental steering committee.

(2) The members of the intergovernmental steering committee must—
(a) provide the intergovernmental steering committee with the following:
(i) technical knowledge and expertise;
(ii) input on outstanding information that is required to draft the municipal spatial development framework or an amendment thereof;
(iii) information on the locality of projects and budgetary allocations; and
(iv) written comments in terms of section 7.
(b) communicate to the intergovernmental steering committee any current or planned projects that have an influence on the municipal area; and
(c) provide the project committee with written comments in terms of section 7.

10. LOCAL SPATIAL DEVELOPMENT FRAMEWORKS

(1) The Municipality may adopt a local spatial development framework for a specific geographical area in a portion of the municipal area.
(2) The purpose of a local spatial development framework in a specific geographical area is to:
(a) provide detailed spatial planning guidelines;
(b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;
(c) meet specific land use planning needs and priorities;
(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;
(f) guide decision making on land use applications; and
(g) identify a funding source and budget for prioritized projects.

11. COMPILATION, AMENDMENT OR REVIEW OF LOCAL SPATIAL DEVELOPMENT FRAMEWORKS

(1) If the Municipality compiles, amends or reviews a local spatial development framework, it must draft and approve a process plan, including the public participation processes to be followed for the compilation, amendment, review or adoption of a local spatial development framework.
(2) When the Council drafts or amends its local spatial development framework it must refer its draft local spatial development framework or draft amendment to its local spatial development framework to National and Provincial Departments for comment.
(3) The municipality must, within 21 days of adopting a local spatial development framework or an amendment of local spatial development framework, publish a notice of the decision in the media and the *Provincial Gazette*.

12. STATUS OF LOCAL SPATIAL DEVELOPMENT FRAMEWORKS

(1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in Section 11.
(2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away rights.

13. STRUCTURE PLANS

(1) When the Municipality intends to convert a structure plan to a local spatial development framework it must comply with sections 10 to 12 and must—
(a) review that structure plan and make it consistent with the purpose of a municipal spatial development framework;

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(b) incorporate the provisions of the structure plan that are consistent with that purpose in a municipal spatial development framework.

(2) The Municipality must withdraw the relevant structure plan by notice in the *Provincial Gazette* when it adopts a local spatial development framework contemplated in subsection (1).

CHAPTER III – DEVELOPMENT MANAGEMENT

14. DETERMINATION OF ZONING

(1) The owner of land or his agent may apply in terms of section 16(2) to the Municipality for the determination of a zoning for land within its municipal jurisdiction.

(2) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:

(a) the lawful use of the land, or the purpose for which it could lawfully be used immediately prior to the commencement of this By-law if it can be determined;

(b) the zoning, if any, that is most compatible with that use or purpose and any applicable title deed condition;

(c) any temporary use or consent use that may be required in conjunction with that land use scheme;

(d) in the case of land that was vacant immediately before the commencement of this By-law, the use that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the municipality; and

(e) where the lawful use of the land and the purpose for which it could lawfully be used immediately before the commencement of this By-law cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.

(3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and serve notice of its intention in terms of section 49.

(4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be lawful.

15. NON-CONFORMING USES

(1) A non-conforming use provides that land is being used lawfully in terms of an existing zoning for a purpose that does not comply with a proposed zoning may continue to be used for that purpose when the new zoning comes into operation.

(2) A non-conforming use does not constitute an offence in terms of this By-law.

(3) A non-conforming use may continue as long as it remains otherwise lawful, subject to the following:

(a) if the non-conforming use ceases for any reason for a period of more than twenty-four consecutive months, any subsequent use of the property must conform to the requirements of this By-law, with or without temporary uses;

(b) a land use application must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;

(c) the owner bears the onus of proving that the non-conforming use right exists; and

(d) the use right is limited to the area of the building or land on which the proven use right is in existence.

(4) If an existing building, which constitutes a non-conforming use, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Council may grant permission for the reconstruction of such building subject to conditions.

16. LAND DEVELOPMENT REQUIRING APPROVAL

(1) No person may commence, continue, or cause the commencement or continuation of, land development, without the approval of the Municipality in terms of subsection (2).

(2) The municipality has categorized their applications, as contemplated in section 35(3) of the Spatial Planning and Land Use Management Act, into two categories;

(a) Category 1 applications consist of:

(i) The establishment of a township or the extension of the boundaries of a township;

(ii) The amendment of an existing scheme or land use scheme by the rezoning of land;

(iii) The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;

(iv) The amendment or cancellation in whole or in part of a general plan of a township;

(v) The subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;

(vi) Permanent closure of any public place

(vii) Any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;

(viii) Any consent or approval provided for in any law referred to in section 45(4) of the regulations of the Spatial Planning and Land Use Management Act

(b) Category 2 applications consist of:

(i) The subdivision of any land where such subdivision is expressly provided for in a land use scheme;

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(ii) The consolidation of any land;
(iii) The simultaneous subdivision, as contemplated in subsection (b)(i) and consolidation of land;
(iv) The consent of the municipality for any land use purpose or temporary use or deviation in terms of a land use scheme, which does not constitute a land development application;
(v) The removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.

(3) The owner of land or his agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:
(a) a rezoning of land;
(b) a departure to use land for a purpose not provided for in the land use scheme granted on a temporary basis;
(c) a subdivision of land, including the registration of a servitude or lease agreement;
(d) a consolidation of land;
(e) an amendment, suspension or removal of restrictive conditions in respect of a land parcel;
(f) a permission required in terms of the land use scheme;
(g) an amendment, removal or imposition of conditions in respect of an existing approval;
(h) an extension of the validity period of an approval;
(i) an approval of an overlay zone as provided for in the land use scheme;
(j) a phasing, amendment or cancellation of a general plan or a part thereof;
(k) a permission required in terms of a condition of approval;
(l) a determination of a land use scheme;
(m) a closure of a public place or part thereof;
(n) a consent use provided for in the land use scheme;
(o) an occasional use of land.

(4) If the land development is of provincial interest the provincial department responsible for land use planning must be approached.

(5) If the land development is of national interest the national and provincial department responsible for land use planning must be approached.

(6) If section 52 of the Spatial Planning and Land Use Management Act is applicable to the land development, the owner or agent must also apply in terms of that Act.

(7) When an applicant or owner exercises a use right granted in terms of an approval, he must comply with the conditions of the approval and the applicable provisions of the land use scheme.

(8) When the Municipality on its own initiative develops land as contemplated in subsection (2), it must apply to the Municipal Planning Tribunal in accordance with this Chapter and Chapter IV.

17. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

(1) If land that is the subject of an application is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the municipality:
(a) proof of change of ownership; and
(b) an amended power of attorney, if an agent was appointed to make the application.

(2) The new owner must advise the Municipality in writing of the continuation of the application.

18. REZONING OF LAND

(1) The Municipality may, on its own initiative, rezone land of which it is not the owner to—
(a) provide a public service or to provide a public recreational space; or
(b) substitute a zoning or part thereof for a zoning in terms of which the land is not necessarily zoned in accordance with the use thereof or existing use rights.

(2) An applicant who wishes land to be rezoned, must submit an application to the Municipality in terms of section 16(2).

(3) The Municipality may, on its own initiative or on application, create an overlay zone for land.

(4) A land use scheme may be made applicable to a land parcel or part thereof, and zoning need not follow cadastral boundaries, subject to delineation of a defined area.

19. LAPSING OF REZONING AND EXTENSION OF VALIDITY PERIODS

(1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the municipality may determine, from the date that the approval comes into operation if, within that two-year period or shorter period—
(a) the land use scheme is not used in accordance with the approval; or
(b) the following requirements have not been met:
(i) the approval by the Municipality of a building plan envisaged for the use of the approved use right; and
(ii) commencement of the construction of the building contemplated in subparagraph (i).

(2) The approval of a township lapses after two years, or the shorter period that the municipality may determine, from the date that the approval comes into operation.

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20. ESTABLISHMENT OF TOWNSHIP

No person shall establish a township except with the approval of the Municipal Planning Tribunal.

21. APPLICATION FOR ESTABLISHMENT OF TOWNSHIP

(1) The owner of land or his agent, who proposes to establish a township on such land shall submit an application for approval to do so to the Municipality.

(2) If the land upon which the township is to be established is subject to a mortgage bond, the applicant shall lodge with such application the written consent of the mortgagee.

(3) After an owner of land has taken steps to establish a township thereon, no person shall-

(a) enter into any contract whereby any land in such township is sold exchanged, leased or disposed of in any other manner; or

(b) erect a building on such land in accordance with the conditions imposed by the Municipal Planning Tribunal when granting such approval, until-

(i) the application for approval for the establishment of such township shall have been refused by the Municipal Planning Tribunal ; or

(ii) the applicant shall have withdrawn the application;

(iii) the approval of the application shall have lapsed.

(iv) the Municipal Planning Tribunal shall have declared the township an approved township and, in the case of such an owner who is not a municipality, the Municipal Planning Tribunal shall have satisfied itself that the services and amenities that have to be provided in connection with such land in terms of the conditions subject to which the establishment of such township was approved, are available and shall have issued a certificate to that effect.

(4) Any contract entered into in conflict as contemplated in subsection (3) shall be of no force or effect.

22. APPLICANT TO LODGE GENERAL PLAN DIAGRAMS WITH SURVEYOR –GENERAL.

(1) An applicant shall, within a period of three year from the date of the notification of the approval or within such further period as the Municipal Planning Tribunal may in each case determine, lodge for approval with the Surveyor-General the general plan and such diagrams as may be necessary for the establishment of a township.

(2) If an applicant fails to lodge the general plan and diagrams with the Surveyor –General within the period or further period, the approval of the application shall lapse unless the Municipal Planning Tribunal condones such failure.

(3) When such general plan and diagrams have been approved by the Surveyor –General he shall notify the applicant and the Registrar of Deeds of such approval.

23. LODGING OF GENERAL PLAN, DIAGRAMS AND TITLE DEEDS WITH REGISTRAR OF DEEDS

(1) An applicant shall, within a period of two years from the date of the notification of an approval or within such further period as the Municipal Planning Tribunal may in each case determine, lodge the general plan and diagrams in question together with the title deeds of the land to which it relates with the Registrar of Deeds for registration, and the Registrar of Deeds shall notify the Municipality of the registration.

(2) If an applicant fails to lodge such documents with the Registrar of Deeds or to obtain registration thereof within the period or further period contemplated in subsection (1) the approval of the application shall lapse unless the Municipal Planning Tribunal after consultation with the board condones such failure.

24. PROCLAMATION OF APPROVED TOWNSHIP

(1) After the provisions of section 23 have been complied with the Municipality shall by proclamation declare the township to be an approved township.

(2) The conditions upon which the application for the establishment of the township has been approved shall be set out in a schedule to such proclamation.

(3) The Municipality may by proclamation rectify any error or omission in a proclamation or the schedule thereto issued in terms of subsection (1) and (2).

25. AMENDMENT OR CANCELLATION OF A GENERAL PLAN

(1) When the Municipal Planning Tribunal is satisfied that it is desirable to amend or cancel a general plan in the interest of the development of a township, or public interest it may, on application grant approval for the alteration, amendment or total or partial cancellation of the general plan representing the layout of such township, either unconditionally or subject to such conditions as it may determine.

(2) Any person may make application for the Municipal Planning Tribunal's approval and such application shall be submitted to the municipality in duplicate in such form as may be described or determined by the Municipal Planning Tribunal and shall be accompanied by such plans, documents, information and fees as may be prescribed or determined by the Municipal Planning Tribunal.

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(3) When a general plan of a township is totally or partially cancelled by the Surveyor-General, in terms of the Land Survey Act, 1997, (Act No 8 of 1997).

26. OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL ENGINEERING SERVICES AND SOCIAL FACILITIES

(1) The ownership of land that is earmarked for a public place as shown on an approved general plan vest in the Municipality upon confirmation of the subdivision or a part thereof.

(2) The Municipality may in terms of conditions imposed under section 71 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved general plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

27. CLOSURE OF PUBLIC PLACES

(1) The Municipality may, on own initiative or on application, permanently close a public place or any portion thereof in accordance with Chapter IV.

(2) An applicant, who requires the closure of a public place, whether permanently or temporarily, must apply in terms of section 16(2) to the Municipality.

(3) If any person lodges a claim against the Municipality for loss or damage that he has allegedly suffered due to wrongdoing on the part of the Municipality when it permanently closed a public place, the authorized employee must—

(a) require proof of negligence or any other wrongdoing on the part of the Municipality which resulted in the loss or damage; and

(b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the public place to determine whether or not there has been negligence on the part of the Municipality.

(4) The Municipality may pay a claim if—

(a) the circumstances of loss or damage reveal that the Municipality acted wrongfully;

(b) the claimant has proved his loss or damage;

(c) the claimant has provided proof of a fair and reasonable quantum;

(d) no claim has been made and paid by personal insurance covering the same loss; and

(e) any other relevant additional information as requested by the authorized employee has been received.

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

(6) The Municipal Manager may, without complying with Chapter IV, temporarily close a public place—

(a) for the purpose of, or pending, the construction, reconstruction, maintenance or repair of the public place;
for the purpose of, or pending, the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure,

(b) works or service alongside, on, across, through, over or under the public place;

(c) if the street or place is in a state that is dangerous to the public;

(d) by reason of an emergency or public event that requires special measures for the control of traffic or special provision for the accommodation of crowds; or

(e) for any other reason that renders the temporary closing of the public place necessary or desirable.

(7) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

28. SERVICES ARISING FROM TOWNSHIP ESTABLISHMENT

(1) Subsequent to the approval of an application for township establishment in terms of this By-law, the owner of any land parcel originating from the township establishment must—

(a) allow without compensation that the following be conveyed across his land parcel in respect of other land parcels originating from the township establishment:

(i) gas mains;
(ii) electricity cables;
(iii) telephone cables;
(iv) television cables;
(v) other electronic infrastructure;
(vi) main and other water pipes;
(vii) foul sewers;
(viii) storm water pipes; and
(ix) ditches and channels;

(b) allow the following on his land parcel 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 pillars;

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(c) allow access to the land parcel at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs *(a)* or *(b)*; and

(d) receive material or permit excavation on the land parcel as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land parcel, unless he elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

29. CERTIFICATION BY MUNICIPALITY

(1) A person may not apply to the Registrar of Deeds to register the transfer of a land parcel, unless the Municipality has issued a certificate in terms of this section.

(2) The Municipality may not issue a certificate to transfer a land parcel in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—

(a) a conveyancer's certificate confirming that money due by the transferor of land to an owners' association established in respect of that land has been paid, or that provision has been made to the satisfaction of the owners' association for the payment thereof;

(b) proof of payment of any contravention penalty or proof of compliance with an instruction in a compliance notice issued in terms of Chapter IX;

(c) proof that the land use and buildings constructed on the land parcel comply with the requirements of the land use scheme;

(d) proof that all common property, arising from the subdivision has been transferred to the owners' association as contemplated in section 30(3)*(e)*; and

(e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with in all respects.

30. OWNERS' ASSOCIATIONS

(1) The Municipality may, when approving an application for a subdivision of land, impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.

(2) An owners' association that comes into being by virtue of subsection (1) is a juristic person and must have a constitution.

(3) The constitution of an owners' association must be approved by the Municipality before the transfer of the first land parcel and must provide for—

(a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;

(b) control over and maintenance of buildings, services or amenities arising from the subdivision;

(c) the regulation of at least one yearly meeting with its members;

(d) control over the design guidelines of the buildings and erven arising from the subdivision;

(e) the ownership by the owners' association of all common property arising from the subdivision, including—

(i) private open spaces;

(ii) private roads;

(iii) private places; and

(iv) land required for services provided by the owners' association;

(f) enforcement of conditions of approval or management plans;

(g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;

(h) the implementation and enforcement by the owners' association of the provisions of the constitution.

(4) The constitution of an owners' association may have other objects as set by the association but may not contain provisions that are in conflict with any law.

(5) An owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a provision referred to in subsection (3), the amendment must also be approved by the Municipality.

(6) An owners' association that comes into being by virtue of subsection (1)—

(a) has as its members all the owners of land parcels originating from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and

(b) is upon registration of the first land parcel automatically constituted.

(7) The design guidelines contemplated in subsection (3)*(d)* may introduce more restrictive development rules than the rules provided for in the land use scheme.

(8) If an owners' association fails to meet any of its obligations contemplated in subsection (3) and any person is, in the opinion of the Municipality, adversely affected by that failure, the Municipality may take appropriate action to rectify the failure and recover from the members referred to in subsection (6)*(a)* the amount of any expenditure incurred by it in respect of those actions.

(9) The amount of any expenditure so recovered is, for the purposes of subsection (8), considered to be expenditure incurred by the owners' association.

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31. OWNERS' ASSOCIATION CEASES TO FUNCTION

(1) If an owners' association ceases to function or carry out its obligations, the Municipality may—
  (a) take steps to instruct the association to hold a meeting and to reconstitute itself;
  (b) subject to the amendment of the conditions of approval, remove the obligation to establish an owners' association; or
  (c) subject to the amendment of title conditions pertaining to the owners' association, remove any obligations in respect of an owners' association.

(2) In determining which option to follow, the Municipality must have regard to—
  (a) the purpose of the owners' association;
  (b) who will take over the maintenance of infrastructure for which the owners' association is responsible; and
  (c) the effect of the dissolution of the owners' association on the members and the community concerned.

32. SUBDIVISION OR CONSOLIDATION OF LAND PARCELS

(1) No person may subdivide or consolidate land without the approval of the Municipality in terms of section 16(2).

(2) A copy of the approval must accompany the diagram that is submitted to the Surveyor-General's office.

(3) If a Municipality approves a subdivision or consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
  (a) the decision to approve the subdivision or consolidation;
  (b) the conditions of approval contemplated in section 71; and
  (c) the approved subdivision or consolidation plan.

(4) If a Municipality approves a subdivision or consolidation, the Municipality must amend the land use scheme in terms of Chapter IV and, where applicable, the register accordingly.

33. EXTENSION OF VALIDITY PERIODS FOR SUBDIVISION AND CONSOLIDATION

(1) Subject to subsection (2), an approved subdivision or consolidation of land parcels lapses if the subdivision or consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval of the subdivision or consolidation.

(2) If the subdivision or consolidation of land parcels forms part of land development that has been approved in terms of this By-law subject to longer validity periods, the applicant may apply for an extension of the period referred to in subsection (1).

(3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed five years.

(4) If an approval of a subdivision or consolidation lapses in terms of subsection (1)—
  (a) the Municipality must—
    (i) amend the land use scheme and, where applicable, the register accordingly; and
    (ii) notify the Surveyor-General accordingly; and
  (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the consolidation has lapsed.

34. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE

(1) The Municipality may, on its own initiative or on application in terms of section 16(2), by notice in the *Provincial Gazette* amend, suspend or remove a restrictive condition.

(2) The Municipality may amend, suspend or remove a restrictive condition—
  (a) permanently;
  (b) for a period specified in the notice; or
  (c) subject to conditions specified in the notice.

(3) In addition to the procedures set out in Chapter IV, the owner must—
  (a) submit the original title deed to the Municipality or a certified copy thereof; and
  (b) where applicable, submit the bondholder's consent to the application.

(4) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
  (a) all organs of state that may have an interest in the title deed restriction;
  (b) every holder of a bond encumbering the land;
  (c) a person whose rights or legitimate expectations will materially and adversely be affected by the approval of the application; and
  (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

(5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:
  (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
  (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
  (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is amended, suspended or removed;

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(d) the social benefit of the restrictive condition remaining in place in its existing form;
(e) the social benefit of the amendment, suspension or removal of the restrictive condition; and
(f) whether the amendment, suspension or removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

35. ENDORSEMENTS IN CONNECTION WITH AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

(1) The applicant must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 34(1), submit the following to the Registrar of Deeds:
(a) the original title deed;
(b) the original letter of approval; and
(c) a copy of the notification of the approval.
(2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition, make the appropriate entries in, and endorsements on, any relevant register, title deed, diagram or plan in their respective offices or submitted to them, to reflect the amendment, suspension or removal of the restrictive condition.

CHAPTER IV – APPLICATION PROCEDURES

36. PROCEDURES FOR APPLICATIONS

(1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law, all applications must be consistent and give effect to Chapter 2 of the Spatial Planning and Land Use Management Act.
(2) The application procedures are distinctive to the different types of applications referred to in section 16.
(3) Category 1 and 2 applications as contemplated in section 16(2) should be submitted to the Municipality via the e-lodgement process, as contemplated in section 37.
(4) Category 1 applications must be submitted with a comprehensive application.
(5) Category 2 applications must be submitted with an abridged application.
(6) The tables in Annexure C indicate the process relevant to each type of applications referred to in section 16.

37. PROCEDURES FOR E-LODGEMENT APPLICATIONS

(1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law.
(2) The application procedures are distinctive to the different types of applications referred to in section 16.
(3) An application will not be considered a complete application unless all documents, as contemplated in section 39, are uploaded to the e-lodgement site.
(4) Proof of payment of the application fee as contemplated in section 41, should be uploaded to the e-lodgement site.
(5) After a full application and proof of payment has been uploaded to the e-lodgement site, the municipality must confirm the complete application in terms of section 43 and issue a notice indicating all the documents received.
(6) After the applicant has received the notification, as referred in subsection (4):
(a) the serving of notices must take place in accordance with sections 47, 48, 49, 50 and 51 of this By-law.
(b) an original copy with 5 copies of all documentation, referred to in subsection (2) and (3) and the notice, referred to in subsection (4) must be sent to the municipality within 7 days after e-lodgement for the consideration of an application and an additional 2 copies for administrative use.
(c) an additional 5 copies of documentation as contemplated in subsection (6)(b) that is larger than an A3 size must be submitted to the municipality within 7 days for the consideration of an application and an additional 2 copies for administrative use.
(7) If the applicant does not comply with subsection (5) and (6), the municipality will not consider the application.
(8) The municipality must notify the applicant of its decision in accordance with section 64.

38. PRE-APPLICATION CONSULTATION

(1) The Municipality may require an owner of land who intends to submit an application or his agent to meet with the authorized employee for a pre-application consultation before he submits an application to the Municipality in order to determine the information to be submitted with the application.
(2) The Municipality may make guidelines for determining whether an application requires a pre-application consultation, the nature of the information that is required, the employees from the Municipality or other organs of state that must attend the meeting and the procedures to be followed.
(3) The Municipality must keep minutes of the proceedings of a pre-application consultation.
(4) The Municipality must also allow consultation on the behest of the applicant or his agent with regards to subsection (1), (2) and (3).

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39. INFORMATION REQUIRED

(1) An application contemplated in section 16, must be accompanied by the following documents:
- *(a)* a comprehensive or abridged application form, as contemplated in Annexure A and B, completed and signed by the applicant;
- *(b)* if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
- *(c)* if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorized to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
- *(d)* the relevant bondholder's consent;
- *(e)* a comprehensive motivation for all applications, based on the criteria for consideration of the application referred to in section 70;
- *(f)* proof of payment of application fees;
- *(g)* a full copy of the title deeds indicating all existing title conditions in current and historic title deeds;
- *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds;
- *(j)* where applicable, the minutes of any pre-application consultations and
- *(k)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application.

(2) Additional to the application form as contemplated in subsection (1)(a) the following plans and maps must form part of a comprehensive application, unless the Municipality has, in writing, indicated differently:
- *(a)* Orientation locality map;
- *(b)* Land Use Scheme Zoning extract;
- *(c)* Land use map;
- *(d)* Detail layout map;
- *(e)* Site development plan;
- *(f)* Aerial photograph;
- *(g)* Extract of Approved Spatial Development Frameworks.

(3) Additional to the application form as contemplated in subsection (1)(a) the following plans and maps must form part of an abridged application, unless the Municipality has, in writing, indicated differently:
- *(a)* Orientation locality map;
- *(b)* Basic layout map
- *(c)* Land Use Scheme Zoning extract;
- *(d)* Extract of Approved Spatial Development Frameworks.

(4) The Municipality may add or remove any information requirements for a particular application as recorded in the pre-application consultation contemplated in section 37.

(5) The Municipality may make guidelines regarding the submission of additional information and procedural requirements.

40. APPLICATION STANDARDS

(1) Applications that do not comply with the provisions of this section are deemed to be incomplete, and must be handled in terms of section 44.

(2) An orientation locality map should be at least clearly readable A3 sized map indicating the application area in relation to the surrounding properties and must include the following basic details:
- *(a)* True north, scale, key and heading "Orientation Locality Map";
- *(b)* The approximate location of the land parcel involved in the application, relative to the nearest town for farming areas and the immediate residential neighbourhoods for urban areas;
- *(c)* Boundary of the Local Municipality, including the names of adjacent Local Municipality for applications near the border of the aforementioned;
- *(d)* Roads, indicated whether they are main roads, highways, national roads or provincial roads if near or adjacent to the application area;
- *(e)* Size and location of the particular portion applicable to the application and;
- *(f)* Any other applicable particulars to give more clarity to the application.

(3) A basic layout map of at least 1:2000 in scale must include the following details:
- *(a)* True north, scale, key and heading "Basic Layout Map";
- *(b)* Erf boundaries, street names (if applicable), including neighbouring erf or farm numbers.
- *(c)* The location of existing buildings on the application area and surrounding properties, if the application has an influence on them.
- *(d)* Detail regarding the proposed development, including proposed subdivision and consolidation boundaries.
- *(e)* Detail regarding relative internal engineering services.
- *(f)* Any physical restrictions on the land parcel or neighbouring land parcels that might influence the application (if applicable).
- *(g)* The maximum, minimum, ruling and average erf sizes of the proposed erven.
- *(h)* Any other applicable particulars to give more clarity to the application.

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(4) A Land Use Scheme zoning map extract of at least 1:2000 in scale must include an extract of the municipality's official land use scheme map with the following detail:
- *(a)* The scale, true north, key and heading "Land Use Scheme Zoning Map Extract";
- *(b)* All land parcels and existing zonings thereof within a radius of 500m from the outside boundary of the application area, as well as of all undeveloped land parcels for applications within Urban Areas and;
- *(c)* All land parcels and existing zonings of adjacent farms for applications within Rural Areas.

(5) A land use map of at least 1:2000 in scale must be included where the existing land uses differ from the relative zonings of the application area, or if it is requested by the municipality. A land use map must include the following:
- *(a)* The scale, true north, key and heading "Land Use Map";
- *(b)* All existing land uses found within a radius of 500m from the outside boundary of the application area, as well as all undeveloped land parcels for applications within Urban Areas and;
- *(c)* All land parcels and existing land uses of adjacent farms for applications within Rural Areas.

(6) A detail layout map must be included for any application that necessitates such detail for consideration. A detailed map must be at least on a 1:2000 scale and must indicate at least the following details:
- *(a)* The scale, true north, key and heading "Detail Layout Map";
- *(b)* The Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers.
- *(c)* Contours with 1m or 2m height differences up to the outside of the Layout boundary.
- *(d)* A slope analysis in accordance with civil engineering regulations in terms of roads and buildings.
- *(e)* 1:50 year and or 1:100 year flood-line signed on the plan by a practising registered professional engineer. If neither flood-line is applicable this must also be indicated on the plan.
- *(f)* Other physical restrictions that might influence the layout (e.g. hills, valleys, wetlands, rivers, rocky outcrops).
- *(g)* All existing services within and surrounding the application area.
- *(h)* All existing surrounding social amenities with catchment area using network analyses in accordance with the minimum standards for social amenities.
- *(i)* Road layout on adjacent land parcels.
- *(j)* The proposed erven.
- *(k)* The maximum, minimum, ruling and average erf sizes of the proposed erven.
- *(l)* Sufficient measurements to indicate the sizes of the proposed erven.
- *(m)* The erven numbered consecutively.
- *(n)* The name of the person or firm that prepared the layout, including Professional Registration number.
- *(o)* If contours, indicated on the map, were prepared by another person or firm, the particular registered professional engineer should also be mentioned.
- *(p)* Co-coordinates together with grid references if requested.
- *(q)* The proposed new streets names for new township establishments.
- *(r)* A list of the proposed zonings distinguished by means of different colours, the colour code shall be in accordance with the scheme regulations, indicating the different uses, amount of erven for each use, surfaces per use and surfaces expressed as a percentage of the total area of the subdivision. The surface area shall be expressed in m^2 or hectares.

(7) A site development plan must be included for any application that can have an influence on interested and affected parties and must include the following:
- *(a)* The scale, true north, key and heading "Site Development Plan";
- *(b)* Existing buildings on the land parcel and on directly adjacent land parcels.
- *(c)* All existing services within and surrounding the application area.
- *(d)* All proposed buildings, building lines, building restrictions, access, formal and informal thoroughfares, parking bays, landscaped areas and any other detail that can give more clarity to the application.

(8) An aerial photograph should accompany a detailed layout plan on the same scale, with the layout over-lay on it.

(9) All maps should be compiled using the Hartebeesthoek 1994 coordinate system for town level maps and Lambert Conical Conform with the appropriate standard parallels for municipal level maps.

(10) All maps and plans must be printed in colour with a minimum dot per inch (dpi) of 300.

(11) All maps and plans for e-lodgement must be uploaded in pdf format with a minimum dot per inch (dpi) of 300.

(12) All text documents for e-lodgement must be uploaded in pdf format with a minimum dot per inch (dpi) of 150.

(13) All maps and plans should be signed off by a registered GISc professional (Technician, Technologist and Practitioner), as prescribed in the Geomatics Profession Act, Act 19 of 2013.

(14) The municipality can at any time insist on adding details to application standards if the application necessitates such detail for consideration, in accordance with section 44.

41. APPLICATION FEES

(1) An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this By-law.

(2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

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42. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

(1) The Municipality may refuse to accept an application if—
- *(a)* the Municipality has already decided on the application;
- *(b)* there is no proof of payment of the applicable fees;
- *(c)* the application is not in the form required by the Municipality or does not contain the documents required for the submission of the application as set out in section 39.

43. RECEIPT OF APPLICATION AND REQUEST FOR FURTHER INFORMATION, DOCUMENTATION, PLANS OR ADDITIONAL FEES

(1) The Municipality must—
- *(a)* record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
- *(b)* notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within 7 days of receipt of the application.

(2) If the Municipality fails to notify the applicant as contemplated in subsection (1)*(b)* the applicant may appeal against failure to confirm application is complete.

44. PROVISION OF FURTHER INFORMATION, DOCUMENTATION OR PLANS AND PAYMENT OF FEES

(1) The applicant must provide the Municipality with the requested information, documentation or plans or payment of the requested additional fees contemplated in section 43(1)*(b)* for the completion of the application within 14 days of the request therefor or within the further period agreed to between the applicant and the Municipality.

(2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).

(3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.

(4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.

(5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

45. CONFIRMATION OF COMPLETE APPLICATION

(1) The Municipality must notify the applicant in writing that the application is complete within 7 days of receipt of the requested information, documentation or plans or additional fees required by it under section 43(1) or if further information is required as a result of the additional information received.

(2) If the Municipality fails to notify the applicant as contemplated in subsection (1) the applicant may appeal against failure to confirm application is complete.

(3) If the Municipality notified the applicant that further information is required as contemplated in subsection (1), section 44 applies to the further submission of the information required.

46. WITHDRAWAL OF APPLICATION OR AUTHORIZATION

(1) An applicant may, at any time before the Municipality makes a decision, withdraw an application on written notice to the Municipality.

(2) The owner of land must in writing inform the Municipality if he has withdrawn the authorization given to his former agent.

47. NOTICE OF APPLICATIONS IN TERMS OF INTEGRATED PROCEDURES

(1) The Municipality may, on written request and motivation by an applicant, before notice is given of an application, determine that—
- *(a)* a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or
- *(b)* public notice of an application made in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms of another law.

(2) If a Municipality determines that an application may be published as contemplated in subsection (1)*(b)*, an agreement must be entered into between the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.

(3) The Municipality must, within 14 days of having notified the applicant that an application is complete, simultaneously—
- *(a)* cause public notice of the application to be given in terms of section 49(1); and
- *(b)* forward a copy of the notice together with the application concerned to every municipal department, service provider and organ of state that has an interest in the application, unless the Municipality has determined that a procedure in terms of another law, as contemplated in subsection (1), is considered to be public notice in terms of this By-law.
- *(c)* The Municipality may require the applicant to give the required notice of an application in the media.
- *(d)* If an applicant has published a notice in the media at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been published as required.

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48. NOTIFICATION OF APPLICATION IN MEDIA

(1) The Municipality must, in accordance with this By-law, cause notice to be given in the media for Category 1 applications as contemplated in section 16(2).

(2) Applications that will materially affect the public interest or the interests of the community if approved must cause notice to be given in the media the objectors then receive 30 days to lodge and substantiate their objection.

(3) Notice of the application in the media must be given by—

(a) publishing a notice in the *Provincial Gazette;* and

(b) publishing a notice of the application, in two newspapers with a general circulation in the area concerned, in at least two of the official languages of the Province most spoken in the area concerned; or

(c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality.

49. SERVING OF NOTICES

(1) Notice of an application contemplated in section 49(1) and subsection (2) must be served—

(a) in accordance with section 115 of the Municipal Systems Act;

(b) in at least two of the official languages of the Province most spoken in the area concerned; and

(c) on each person whose rights or legitimate expectations will be affected by the approval of the application.

(2) The Municipality must at least cause a notice contemplated in section 50 to be served of the following applications:

(a) a determination of a zoning contemplated in section 14;

(b) an application for subdivision or the phasing, amendment or cancellation of a subdivision contemplated in section 16(2)*(d)* and *(k)* respectively;

(c) an application for consolidation contemplated in section 16(2)*(e)*; or

(d) the amendment, deletion or imposition of a condition contemplated in section 16(2)*(h)*.

(3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law and that is not listed in subsection (2).

(4) The Municipality may require the applicant to attend to the serving of a notice of an application contemplated in subsection (1).

(5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.

(6) The date of notification in respect of a notice served in terms of this section—

(a) when it was served by certified or registered post, is the date of registration of the notice; and

(b) when it was delivered to that person personally, is the date of delivery to that person;

(c) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or

(d) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place.

50. CONTENT OF NOTICE

(1) When notice of an application must be given in terms of section 48 or served in terms of section 49 or 51, the notice must—

(a) provide the full names of the applicant, if authorized representative, the full names and organisation of the representative;

(b) identify the land or land parcel to which the application relates by giving the property description and the physical address;

(c) state the intent and purpose of the application;

(d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;

(e) state the name and contact details of the person to whom comments, objections or representations must be addressed;

(f) invite members of the public to submit written comments, objections or representations, together with the reasons therefor, in respect of the application;

(g) state in which manner comments, objections or representations may be submitted;

(h) state the date by which the comments, objections or representations must be submitted, which date may not be less than 30 days from the date on which the notice was given;

(i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

51. ADDITIONAL METHODS OF PUBLIC NOTICE

(1) The Municipality may, on its own initiative or on request, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:

(a) displaying a notice contemplated in section 49 of a size of at least 60 centimetres by 42 centimetres on the frontage of the erf or farm portion concerned or at any other conspicuous and easily accessible place on the erf or farm portion, provided that—

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(i) he notice must be readable from all street or road boundaries and be displayed for a minimum of 30 days during the period that the public may comment on the application; and

(ii) the applicant must, within 7 days from the last day of display of the notice, submit to the Municipality—

(aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and

(bb) at least two photos of the notice, one from close up and one where the notice and full extent of a boundary can be seen, where possible;

(b) convening a meeting for the purpose of informing the affected members of the public of the application;

(c) broadcasting information regarding the application on a local radio station in a specified language;

(d) holding an open day or public meeting to notify and inform the affected members of the public of the application;

(e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or

(f) obtaining letters of consent or objection to the application.

(g) by serving a copy of the notice on every adjoining owner, provide that-

(i) the applicant must within 21 days of the last day of notice submit to the municipality a copy of the registered posting delivery

(2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 47 or 48 to be ineffective or if it expects that the public notice would be ineffective.

(3) Additional public notice can be given simultaneously with notice given in accordance with sections 47 or 48 or thereafter.

(4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

(5) Category 1 applications, as contemplated in section 16(2) must give additional notice in terms of subsection (1)(a) and 1(g).

(6) Category 2 applications, as contemplated in section 16(2) must give notice in terms of subsection 1(a) and 1(g).

52. REQUIREMENTS FOR PETITIONS

(1) All petitions must clearly state—

(a) the contact details of the authorized representative of the signatories of the petition;

(b) the full name and physical address of each signatory; and

(c) the objections, comments or representations and reason therefore.

(2) Notice to the person contemplated in subsection (1)*(a)* constitutes notice to all the signatories to the petition.

53. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

(1) Any person may in response to a notice received in terms of sections 47, 48 or 51 object, comment or make representations in accordance with this section.

(2) Any objections, comments or representations received as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice and in the manner set out in this section.

(3) The objections, comments or representations must state the following:

(a) the name of the person or body concerned;

(b) the address or contact details at which the person or body concerned will accept notice or service of documents;

(c) the interest of the body or person in the application; and

(d) the reason for the objections, comments or representations.

(4) The reasons for any objections, comments or representations must be set out in sufficient detail in order to—

(a) indicate the facts and circumstances that explain the objection, comment or representation;

(b) demonstrate the undesirable effect which the application will have; or

(c) demonstrate any aspect of the application which is not considered consistent with applicable policy.

(5) The Municipality must refuse to accept an objection, comment or representation received after the closing date.

54. FURNISHING OF COMMENTS AND INFORMATION

(1) If a person or government department is required by the Municipality in terms of this by-law to furnish any comment or other information in terms of this by-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or body may be deemed to have had no comment or other information to furnish.

(2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

(3) The Municipality, MEC or Minister may request Provincial or National Technical Advisory directorates to investigate the refusal or failure of a person or body to furnish comment or information

55. AMENDMENTS PRIOR TO APPROVAL

(1) An applicant may amend his application at any time after notice of the application has been given in terms of this By-law and prior to the approval thereof—

(a) at the applicant's own initiative;

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(b) as a result of an objection comment or representation made during the notice process; or
(c) at the request of the Municipality.

(2) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

56. FURTHER PUBLIC NOTICE

(1) The Municipality may require that notice of an application be given again if more than 18 months has elapsed since the first public notice of the application and if the Municipality has not considered the application.
(2) The Municipality may, at any stage during the processing of the application—
(a) require notice of an application to be to be given or served again in terms of section 47, 48 or 51.; and
(b) 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.

57. LIABILITY FOR COST OF NOTICE

The applicant is liable for the costs of giving and serving notice of an application in terms of sections 47, 48 and 51.

58. RIGHT OF AN APPLICANT TO REPLY

(1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.
(2) The applicant may, within a period of 14 days from the date of the provision of the objections, comments or representations, as contemplated in subsection (2), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
(3) The applicant may, before the expiry of the fourteen-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply.
(4) If the applicant does not submit comments within the period of 14 days, the applicant is considered to have no comment.
(5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.
(6) If the applicant does not provide the additional information within the period contemplated in subsection (5), section 44(2) to (5), read with the necessary changes, applies.

59. WRITTEN ASSESSMENT OF APPLICATION

(1) An employee authorized by the Municipality, if such an employee is not in the employ of the Municipality or they cannot afford to solicit the services of such an authorized employee, the Municipality may make use of the Provincial or National Technical advisers employed in the directorates responsible for Spatial Planning in these two spheres, must in writing assess an application in accordance with section 72 and make a recommendation to the decision-maker regarding the approval or refusal of the application within 14 days from the date of the closing of objections and reply period.
(2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

60. DECISION-MAKING PERIOD

(1) If the power to take a decision in respect of an application is delegated to an authorized employee and no integrated process in terms of another law is being followed, the authorized employee must decide on the application within 60 days calculated from—
(a) the last day of submission of comments, objections or representations if no comments, objections or representations as contemplated in section 50*(h),* were submitted;
(b) the last day of the submission of the applicant's reply to comments, objections or representations submitted as contemplated in sections 58(2) and (3);
(c) the last day of the submission of additional information as contemplated in section 58(5); or
(d) within the such further period agreed to between the applicant and the Municipality.

(2) If the power to take a decision is not delegated to an authorized employee and no integrated process in terms of another law is being followed, the Municipal Planning Tribunal must decide on the application within 120 days calculated from the dates contemplated in subsections (1)*(a)* to *(d)*.

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61. FAILURE TO ACT WITHIN TIME PERIOD

(1) An applicant may lodge an appeal to the Appeal Authority if the authorized employee or the Municipal Planning Tribunal fails to decide on an application within the period referred to in section 60(1) or (2).

(2) Subject to sections 44(2) and 45(2), an applicant may not appeal to the Appeal Authority if the authorized employee or the Municipal Planning Tribunal fails to decide on an application due to the fact that all required information to decide on the matter is not available.

62. POWERS TO CONDUCT ROUTINE INSPECTIONS

(1) An employee authorized by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a written assessment contemplated in section 59.

(2) When conducting an inspection, the authorized employee may—

(a) request that any record, document or item be produced to assist in the inspection;

(b) make copies of, or take extracts from any document produced by virtue of paragraph *(a)* that is related to the inspection;

(c) on providing a receipt, remove a record, document or other item that is related to the inspection; or

(d) inspect any building or structure and make enquiries regarding that building or structure.

(3) No person may interfere with an authorized employee who is conducting an inspection as contemplated in subsection (1).

(4) The authorized employee must, upon request, produce identification showing that he is authorized by the Municipality to conduct the inspection.

(5) SFAn inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

63. DETERMINATION OF APPLICATION

(1) An authorized employee, or if such an employee is not in the employ of the Municipality or they cannot afford to solicit the services of such an authorized employee, the Municipality shall make use of the Provincial or National Technical advisers employed in the directorates responsible for Spatial Planning and Land Use Management in these two spheres or the Municipal Planning Tribunal authorized in terms of section 74 may in respect of a Category 2 application contemplated in subsection 16(2)—

(a) approve, in whole or in part, or refuse that application;

(b) upon the approval of that application, impose conditions under section 71, including conditions related to the provision of engineering services and the payment of a development charge;

(c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law and provincial legislation;

(d) conduct any necessary investigation;

(e) give directions relevant to its functions to any person in the service of the Municipality or municipal entity;

(f) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law.

(2) An approval comes into operation only after the expiry of the period contemplated in section 83(1) within which an appeal must be lodged.

(3) If an appeal has been lodged, the Municipality must notify the applicant in writing whether or not the operation of the approval of the application is suspended as contemplated in section 84(14).

64. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the determination of the decision and their right to appeal if applicable.

(2) A notice contemplated in subsection (1) must inform an applicant that an approval comes into operation only after the expiry of the period contemplated in section 83(1) within which an appeal must be lodged if no appeal has been lodged.

(3) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him of the decision of the Municipality.

65. DUTIES OF AGENT

(1) An agent must ensure that he has the contact details of the owner who authorized him to act on behalf of the owner.

(2) An agent may not provide information or make a statement in support of an application which information or statement he knows or believes to be misleading, false or inaccurate.

66. ERRORS AND OMISSIONS

(1) The Municipality may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.

(2) The Municipality may, on its own initiative or on application by the applicant or interested party, upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

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67. WITHDRAWAL OF APPROVAL

(1) The Municipality may withdraw an approval granted for a consent use or temporary departure if the applicant or owner fails to comply with a condition of approval.

(2) Before the withdrawal of a consent use approval, the Municipality must serve a notice on the owner—
- *(a)* informing the owner of the alleged breach of the condition;
- *(b)* instructing the owner to rectify the breach within a specified time period;
- *(c)* inviting the owner to make representations on the notice within a specified time period.

68. PROCEDURE TO WITHDRAW AN APPROVAL

(1) The Municipality may withdraw an approval granted—
- *(a)* after consideration of the representations made by virtue of section 67(2)*(c)*; and
- *(b)* if the condition is still being breached and not being complied with at the end of the time period specified in terms of section 67(2)*(b)*.

(2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the unlawful use immediately.

(3) The approval is withdrawn from the date of notification of the owner.

69. EXEMPTIONS TO FACILITATE EXPEDITED PROCEDURES

(1) The Municipality may in writing—
- *(a)* exempt a development from compliance with the provisions of this By-law to reduce the financial or administrative burden of—
  - (i) integrated application processes contemplated in section 47;
  - (ii) the provision of housing with the assistance of a state subsidy; or
  - (iii) incremental upgrading of existing settlements;
- *(b)* in an emergency situation authorize that a development may depart from any of the provisions of this By-law.

CHAPTER V – CRITERIA FOR DECISION-MAKING

70. GENERAL CRITERIA FOR CONSIDERATION OF APPLICATIONS

(1) When the Municipality considers an application it must have regard to the following:
- *(a)* the application submitted in terms of this By-law;
- *(b)* the procedure followed in processing the application;
- *(c)* the desirability of the proposed use of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
- *(d)* the objection, comment or representation in response to the notice of the application and the comment received from organs of state and municipal departments;
- *(e)* the response by the applicant, if any, to the objection, comment or representation referred to in paragraph *(d)*;
- *(f)* investigations carried out in terms of other laws that are relevant to the consideration of the application;
- *(g)* a registered planner's written assessment, if a registered planner is not in the employ of the Municipality or they cannot afford to solicit the services of a private registered planner, the Municipality must make use of the Provincial or National Technical advisers employed as registered planners in the directorates responsible for Spatial Planning in these two spheres, in respect of an application for—
  - (i) a rezoning;
  - (ii) a subdivision and consolidation;
  - (iii) a removal, suspension or amendment of a restrictive condition, if it relates to a change of land use;
  - (iv) an amendment, deletion or additional conditions in respect of an existing use right;
  - (v) an approval of an overlay zone as provided in the land use scheme;
  - (vi) a phasing, amendment or cancellation of a plan of subdivision or a part thereof;
  - (vii) a determination of a zoning;
  - (viii) a closure of a public place or part thereof;
  - (ix) a township establishment
- *(h)* the integrated development plan and municipal spatial development framework;
- *(i)* the integrated development plan and spatial development framework of the district municipality, where applicable;
- *(j)* the applicable local spatial development frameworks adopted by the Municipality;
- *(k)* the applicable structure plans;
- *(l)* the applicable policies of the Municipality that guide decision-making;
- *(m)* the national spatial development framework and provincial spatial development framework;

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(n) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act;
(o) the policies, principles, and the planning and development norms and criteria set by national and provincial government;
(p) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
(q) the development principles, norms and standards referred to in Chapter 2 of the Spatial Planning and Land Use Management Act;
(r) the applicable provisions of the land use scheme.
(s) public interest;
(t) the constitutional transformation imperatives and the related duties of the State;
(u) the facts and circumstances relevant to the application;
(v) the respective rights and obligations of all those affected;
(w) the state and effect of engineering services, social infrastructure and open space requirements; and
(x) any factors that may be prescribed, including timeframes for making decisions.

(2) 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—
(a) is consistent with the development rules of the land use scheme;
(b) is consistent with the development rules of the overlay zone;
(c) complies with the conditions of approval; and
(d) complies with this By-law.

71. CONDITIONS OF APPROVAL

(1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed use of land.
(2) Conditions imposed in accordance with subsection (1) may include conditions relating to—
(a) the provision of engineering services and infrastructure;
(b) the cession of land or the payment of money;
(c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
(d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
(e) settlement restructuring;
(f) agricultural or heritage resource conservation;
(g) biodiversity conservation and management;
(h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
(i) energy efficiency;
(j) requirements aimed at addressing climate change;
(k) the establishment of an owners' association in respect of the approval of a subdivision;
(l) the provision of land needed by other organs of state;
(m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
(n) the registration of public places in the name of the municipality;
(o) the transfer of ownership to the municipality of land needed for other public purposes;
(p) the implementation of a township establishment in phases;
(q) requirements of other organs of state.
(r) the submission of a construction management plan to manage the influence of the construction of a new building on the surrounding properties or on the environment;
(s) agreements to be entered into in respect of certain conditions;
(t) the phasing of a development, including lapsing clauses relating to such phasing;
(u) the delimitation of development parameters or land uses that are set for a particular zoning;
(v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
(w) the setting of a period within which a particular condition must be met;
(x) requirements relating to engineering services as contemplated in section 79;
(y) requirements for an occasional use, which must include—
(i) parking and the number of ablution facilities required;
(ii) the maximum duration or occurrence of the occasional use; and
(iii) parameters relating to a consent use in terms of the zoning.

(3) If the Municipality imposes a condition contemplated in subsection (2)*(a) or (x)*, 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.
(4) A condition contemplated in subsection (2)*(b)* 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 provincial norms and standards.
(5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—

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(a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
(b) conservation purposes;
(c) energy conservation;
(d) climate change; or
(e) engineering services.

(6) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.

(7) An owners' association or home owners' association that came into being by virtue of a condition imposed under the Ordinance and that is in existence immediately before the commencement of this By-law is regarded as an owners' association that came into being by virtue of a condition imposed by the Municipality in accordance with this By-law.

(8) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.

(9) Conditions requiring a standard to be met must specifically refer to an approved or published standard.

(10) No conditions may be imposed that rely on a third party for fulfilment.

(11) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

(12) The Municipality may, on its own initiative or on application, amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.

72. TECHNICAL AND OTHER ADVISERS

(1) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the Provincial Directorate of COGTA responsible for Spatial Planning as Provincial Technical Advisers in the following capacities –
(a) Registered Professional Town and Regional Planners
(b) Administrative Professionals

(2) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the National Directorate of the Department of Rural Development and Land Reform responsible for Spatial Planning as a Provincial Technical Advisers in the following capacities –
(a) Registered Professional Town and Regional Planners
(b) Registered GISc Practitioners

(3) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the National Directorate of the Department of Rural Development and Land Reform responsible for National Geomatic Management as a Provincial Technical Advisers in the following capacities –
(a) Registered Professional Land Surveyors

(4) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the Municipal Infrastructure Support Agency of the National Department of Cooperative Governance as a Provincial Technical Advisers in the following capacities –
(a) Registered Professional Town and Regional Planners
(b) Registered Professional Engineers

73. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

(1) The Municipality may approve an application for the extension of a validity period imposed in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the expiry of the validity period.

(2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
(a) whether the circumstances prevailing at the time of the original approval have materially changed; and
(b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.

(3) If there are material changes in circumstances or in legislative or policy requirements that will necessitate new conditions of approval if an extension of a validity period is approved, an application contemplated in section 16(2)*(h)* must be submitted for consideration before or simultaneously with the application for the extension of a validity period.

(4) The extended validity period takes effect on and is calculated from the expiry date of the validity period applicable to the original approval or from the expiry date of the previous extended validity period approved in terms of this By-law.

CHAPTER VI – MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

74. MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

(1) Applications are decided by—
(a) an authorized employee who has been authorized by the Municipality to consider and determine the applications contemplated in subsection 75(1);

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(b) the Municipal Planning Tribunal, where the powers and duties to consider and determine an application has not been delegated to an authorized employee contemplated in section 75(2);

(c) the Appeal Authority where an appeal has been lodged against a decision of the authorized employee or the Municipal Planning Tribunal.

75. CONSIDERATION OF APPLICATIONS

(1) Category 2 applications must be considered and determined by an authorized employee and the municipality must delegate the powers and duties to decide on those applications to an authorized employee, as contemplated in Section 35(2) of the Spatial Planning and Land Use Management Act.

(2) The Municipal Planning Tribunal considers and determines all applications, other than those in respect of which the powers and duties to consider and determine them have been delegated and assigned to an authorized employee in terms of subsection (1).

76. ESTABLISHMENT OF MUNICIPAL PLANNING TRIBUNAL

(1) The Municipality must—

(a) establish a Municipal Planning Tribunal for its municipal area; or

(b) by agreement with one or more municipalities establish a joint Municipal Planning Tribunal; or

(c) agree to the establishment of a district Municipal Planning Tribunal by the District Municipality.

(2) An agreement referred to in subsection (1)*(b)* or *(c)* must be published in the *Provincial Gazette* and must provide for—

(a) the composition of the Municipal Planning Tribunal;

(b) the terms and conditions of appointment of members of the Municipal Planning Tribunal; and

(c) the determination of rules and proceedings of the Municipal Planning Tribunal.

77. COMPOSITION OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

(1) A Municipal Planning Tribunal established in terms of subsection 76(1)*(a)* must consist of the following members:

(a) three (3) employees in the full-time service of the Municipality, appointed by the Municipality; and

(b) Five (5) who are not municipal employees or councillors and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto, appointed by the Municipality.

(c) a Land Development Officer in the full time employ of the Municipality, with the necessary qualifications, skills and knowledge of spatial planning, land use management and land development.

(2) The members of the Municipal Planning Tribunal referred to in subsection (1)*(b)* may be appointed only after the Council, by notice in the *Provincial Gazette* and in other media that the Council considers appropriate, has invited interested parties to submit within the period mentioned in the notice, names of persons who are fit and proper persons to be so appointed.

(3) Nominations, in respect of the notice placed in terms of subsection (2), must be submitted within 30 days of the publication date, accompanied by the following:

(a) Personal details of the applicant or nominee;

(b) Particulars of the applicant's or nominee's qualifications or experience in the matters listed in section 36(1)(b) of the Spatial Planning and Land Use Management Act;

(c) In the case of a nomination, a letter of acceptance of nomination by the nominee;

(d) A sworn declaration by the applicant or nominee that he is not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act;

(e) A disclosure of the information contemplated in section 38(3) and (4) of the Spatial Planning and Land Use Management Act;

(f) Permission from the applicant or nominee to verify the information provided by him.

(4) The council must appoint Municipal Planning Tribunal members within 30 days of the expiry date of the notice, as contemplated in subsection (2).

(5) The Council must designate from among the members contemplated in subsection (1)*(a)*—

(a) a chairperson; and

(b) another member as deputy chairperson, to act as chairperson of the Municipal Planning Tribunal when the chairperson is absent or unable to perform his duties.

(6) The Municipal Manager must, within 30 days of the first appointment of members to a Municipal Planning Tribunal—

(a) obtain written confirmation from the Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence its operations; and

(b) after receipt of the confirmation referred to in paragraph *(a)*, publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence its operation.

(7) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection

78. TERM OF OFFICE AND CONDITIONS OF SERVICE OF MEMBERS OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

(1) A member of the Municipal Planning Tribunal is appointed for a term of five (5) years which is renewable once.

(2) The office of a member becomes vacant if—

(a) the member is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;

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(b) the member tenders his resignation in writing to the chairperson of the Municipal Planning Tribunal;
(c) the member is removed from the Municipal Planning Tribunal under subsection (3); or the member dies.

(3) The Council may, after having given the member an opportunity to be heard, remove a member of the Municipal Planning Tribunal if—
(a) sufficient grounds exist for his removal;
(b) a member contravenes the code of conduct referred to in section 80;
(c) a member becomes subject to a disqualification from membership of the Municipal Planning Tribunal as referred to in section 38(1) of the Spatial Planning and Land Use Management Act.

(4) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 77(1)*(a)* or, in the case of a member contemplated in section 77(1)(b), in terms of section 77(2).

(5) A member who is appointed by virtue of subsection (4) holds office for the unexpired portion of the period for which the member he replaces was appointed.

(6) Members of the Municipal Planning Tribunal referred to in section 77(1)*(b)* must be appointed on the terms and conditions, and must be paid the remuneration and allowances and be reimbursed for expenses as determined by the relevant legislation.

(7) The council must publish a notice in terms of section 77(2), 90 days before the expiry of every term of office, as contemplated in subsection (1).

79. MEETINGS OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

(1) The Municipal Planning Tribunal contemplated in section 76(1)*(a)* must determine its own internal arrangements, proceedings and procedures and those of its committees by drafting rules for—
(a) the convening of meetings;
(b) preparation and distribution of agendas
(c) the procedure at meetings including
(i) formal meeting procedures
(ii) Apologies
(iii) attendance, and
(d) the frequency of meetings.

(2) A quorum for a meeting of the Municipal Planning Tribunal or its committees is a majority of its members.

(3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of the Municipal Planning Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his deliberative vote as a member of the Municipal Planning Tribunal.

(4) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the rules of the Municipal Planning Tribunal.

80. CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

The code of conduct in Schedule 2 applies to every member of the Municipal Planning Tribunal.

81. ADMINISTRATOR FOR MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

(1) The Municipal Manager must appoint an employee as the Administrator and other staff for the Municipal Planning Tribunal in terms of the Systems Act.

(2) The Administrator must—
(a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipal Planning Tribunal;
(b) maintain a diary of hearings of the Municipal Planning Tribunal;
(c) allocate meeting dates for and application numbers to applications;
(d) arrange the attendance of meetings by members of the Municipal Planning Tribunal;
(e) arrange venues for Municipal Planning Tribunal meetings;;
(f) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;
(g) ensure the efficient administration of the proceedings of the Municipal Planning Tribunal in accordance with the directions of the chairperson of the Municipal Planning Tribunal;
(h) 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;
(i) notify parties of decisions and procedural directives given by the Municipal Planning Tribunal;
(j) keep a record of all applications submitted to the Municipal Planning Tribunal and the outcome of each, including—
(i) decisions of the Municipal Planning Tribunal;
(ii) on-site inspections and any matter recorded as a result thereof;
(iii) reasons for decisions; and
(iv) proceedings of the Municipal Planning Tribunal; and
(k) keep records by any means as the Municipal Planning Tribunal may deem expedient.

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82. FUNCTIONING OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

(1) The meetings of the Municipal Planning Tribunal contemplated in section 79(1)*(a)* must be held at the times and places as the chairperson may determine.
(2) The meetings of the Municipal Planning Tribunal must be held at least once per month if there are applications to consider.
(3) If the chairperson and the deputy chairperson fail to attend a meeting of the Municipal Planning Tribunal, the members who are present at the meeting must elect one from among them to preside at that meeting.
(4) If an applicant or a person whose rights or legitimate expectations will be affected by the approval of an application wishes to make a verbal representation at a meeting of the Municipal Planning Tribunal, he must submit a written request to the Administrator, at least 14 days before that meeting.
(5) The Chairperson may approve a request to make a verbal representation subject to reasonable conditions.

83. APPEALS

(1) A *Committee of the Council* is the Appeal Authority in respect of decisions contemplated in section 64(1)*(a)* and *(b)* and a failure to decide on an application as contemplated in section 61(1).
(2) A person whose rights are affected by a decision of the Municipal Planning Tribunal or an authorized employee may appeal in writing, stating reasons, to the Municipal Manager within 21 days of notification of the decision, as contemplated in section 51(1) in the Spatial Planning and Land Use Management Act.
(3) An applicant may appeal verbally or in writing to the Municipal Manager in respect of the failure of the Municipal Planning Tribunal or an authorized employee to take a decision within the period contemplated in section 60(1) of (2), any time after the expiry of the applicable period contemplated in section 61.

84. PROCEDURES FOR APPEAL

(1) An appeal that is not lodged within the applicable period contemplated in section 83 or that does not comply with this section, is invalid.
(2) An appeal must set out the grounds on which the appellant believes the decision-maker erred in coming to the conclusion it did or the decision-maker failed to take a decision.
(3) An applicant who lodges an appeal must simultaneously serve notice of the appeal on any person who commented or made representations on, or objected to, the application concerned.
(4) The notice must be served in accordance with section 115 of the Municipal Systems Act and the additional requirements as may be determined by the Municipality.
(5) The notice must invite persons to object, comment or make a representation on the appeal within 21 days of being notified of the appeal.
(6) The appellant must submit proof of the notification contemplated in subsections (3) and (4) to the Municipality within 14 days of the date of notification.
(7) If a person other than the applicant lodges an appeal, the Municipality must give notice of the appeal to the applicant within 14 days of receipt thereof.
(8) An applicant who has received notice of an appeal in terms of subsection (7) may comment on the appeal within 21 days of being notified.
(9) The Municipality may refuse to accept any comments on an appeal after the closing date for those comments.
(10) The Municipality—
  (a) may request National and Provincial departments to comment in writing on an appeal within 60 days of receipt of the request; and
  (b) must notify and request the National and Provincial departments to comment on an appeal in respect of the following applications within 60 days of receipt of the request:
    (i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;
    (ii) if the Municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;
    (iii) a rezoning of land zoned for agricultural or conservation purposes;
    (iv) any development or category of land use applications as may be prescribed by legislation and national and provincial policies.
(11) The authorized employee must draft a report assessing an appeal and must submit it to the Municipal Manager within—
  (a) 30 days of the closing date for comments requested in terms of subsection (8) if no comments were requested in terms of subsection (10); or
  (b) within 30 days of the closing date for comments requested in terms of subsection (10).

(12) The Appeal Authority must decide on an appeal within 60 days of receipt of the assessment report contemplated in subsection (11).
(13) The parties to an appeal must be notified in writing of the decision of the Appeal Authority within 21 days from the date of the decision.
(14) The Municipality must—
  (a) on receipt of an appeal in terms of this section notify the applicant in writing whether or not the operation of the approval of the application is suspended; and
  (b) if a decision on the appeal upholds an approval, notify the applicant in writing that he may act on the approval.

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(15) The operation of the approval of a land use application that is the subject of an appeal is suspended pending the decision of the appeal authority on the appeal, as contemplated in subsection 14.

(16) If an appeal is lodged only against conditions imposed in terms of section 71, the Municipality may determine that the approval of the land use application is not suspended.

85. HEARING OF APPEAL AUTHORITY

(1) The appeal authority must notify the relevant parties of the date, time and place of the hearing, 5 days prior to the hearing.

(2) A hearing must commence within 15 days after the completed notice of appeal has been delivered to the appeal authority, unless otherwise stated by the appeal authority.

(3) An appellant of any respondent may at any time before the appeal hearing withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar and all other parties to the appeal.

(4) The hearing of the appeal authority may take place as an oral hearing or a written hearing.

(5) Procedural arrangements for an oral hearing include that:

(a) An oral hearing must take place in an area within the jurisdiction of the municipality excluding the office of the Municipal Planning Tribunal or the official authorized in terms of section 74(1).

(b) The appellant will first present his case, followed by the Municipal Planning Tribunal or the official authorized in terms of section 74(1).

(c) Each party has the right to call witnesses to give evidence.

(d) If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party, after it was determined if the absent party was notified. If the party was not notified the hearing cannot proceed and the presiding officer must reschedule the hearing.

(e) Hearings of the appeal authority may be recorded.

(f) Witnesses and parties are required to give evidence under oath or confirmation.

(g) Any additional documentation not included in the appeal record should be provided three days before the hearing to the appeal authority.

(h) The registrar must distribute the documentation to all parties to the appeal authority and members of the appeal authority.

(i) If the additional documentation, as contemplated in subsection (g) is not provided at least 3 days prior to the hearing, it may be provided at the hearing, where the party must bring copies of the additional documentation for the members of the appeal authority.

(j) If the additional documentation, as contemplated in subsection (g), is substantive or voluminous, the other party may request an adjournment

(6) Procedural arrangements for an oral hearing include that:

(a) Each party must be provided an opportunity to provide written submissions to support their case.

(b) the appellant will be given seven days to provide a written submission.

(c) Upon receipt of the appellant's written submission the appeal authority must forward it to the Municipal Planning Tribunal or the official authorized in terms of section 74(1).

(d) The Municipal Planning Tribunal or the authorized official has seven days in which to provide the written response, if no written submission is received it will be deemed that the party has the declined the opportunity.

(e) An extension of time maybe requested in writing in advance of the due date for submissions, accompanied by reasons for the request of extension.

(f) Following receipt of a request the appeal authority must issue a written decision to all parties.

(g) Following receipt of any written submissions the registrar must forward the appeal record to the appeal authority, including written submissions.

(h) If no written submissions are received from the parties the registrar will forward the existing appeal record to the appeal authority for adjudication.

(i) The presiding officer of the appeal authority will decide whether or not to accept the late written submissions.

(j) The appeal authority issues a decision in writing to all other parties, who have seven days to respond.

86. DECISION OF APPEAL AUTHORITY

(1) After hearing all parties the appeal authority:

(a) May request any further information from any party;

(b) May postpone the matter for a reasonable period;

(c) Must within 21 days after the last day of the hearing, issue its decision with reasons

(2) The appeal authority may confirm, amend or rescind the decision of the Municipal Planning Tribunal or official authorized in terms of section 74(1) and may include an award of costs.

(3) The presiding officer must sign the decision of the appeal authority and any order made by it.

(4) The registrar must notify the parties of the decision of the appeal authority within 7 days, together with reasons.

(5) The appeal authority must, in its decision, give directives to the municipality as to how such a decision must be implemented.

(6) Where an appeal is uphold the municipal manager must within 21 days of the decision publish the decision in the Provincial Gazette.

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CHAPTER VII – PROVISION OF ENGINEERING SERVICES

87. RESPONSIBILITY FOR PROVISION OF ENGINEERING SERVICES

(1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development when an application is approved, as contemplated in section 49(1) of the Spatial Planning and Land Use Management Act.

(2) The Municipality is responsible for the provision and installation of external engineering services, as contemplated in section 49(2) of the Spatial Planning and Land Use Management Act.

(3) When the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service, as contemplated in section 49(3) of the Spatial Planning and Land Use Management Act.

(4) The Municipality may enter into a written agreement with an applicant to provide that—

(a) the applicant will install the external engineering service instead of paying the applicable development charges; or

(b) the fair and reasonable cost of the external engineering service may be set off against the development charges payable by the applicant.

88. DEVELOPMENT CHARGES

(1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.

(2) The external engineering service for which development charges is payable must be set out in a policy adopted by the Municipality.

(3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.

(4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval.

(5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges.

(6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

(7) When determining the contribution contemplated in sections 71(4) and (5), the Municipality must have regard to provincial norms and standards and—

(a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;

(b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;

(c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;

(d) money in respect of contributions contemplated in subsection 71(4) paid in the past by the owner of the land concerned; and

(e) money in respect of contributions contemplated in subsection 71(4) to be paid in the future by the owner of the land concerned.

89. LAND FOR PARKS, OPEN SPACES AND OTHER USES

(1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.

(2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with a policy approved by the Municipality.

(3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Spatial Planning and Land Use Management Act.

(4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER VIII - ENFORCEMENT

90. ENFORCEMENT

(1) The Municipality must comply and enforce compliance with—

(a) the provisions of this By-law;

(b) the provisions of a land use scheme;

(c) conditions imposed in terms of this By-law or previous planning legislation; and

(d) conditions of Deed of Title.

(2) The Municipality may not do anything that is in conflict with subsection (1).

91. OFFENCES AND PENALTIES

(1) Any person who—

(a) contravenes or fails to comply with sections 16(1) and (6), 64(2) and 88(3););

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(b) fails to comply with a compliance notice served in terms of section 90;
(c) uses land in a manner other than prescribed by a land use scheme without the approval of the municipality;
(d) upon registration of the first land parcel arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;
(e) supplies particulars, information or answers in an application, or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
(f) falsely professes to be an authorized employee or the interpreter or assistant of an authorized employee; or
(g) hinders or interferes with an authorized employee in the exercise of any power, or the performance of any duty, of that employee, is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

(2) An owner who permits his land to be used in a manner set out in subsection (1)*(c)* 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 provisions of a land use scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.

(3) A person convicted of an offence in terms of this By-law who, after conviction, continues with the action in respect of which he was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he so continues or has continued with that act or omission.

(4) A Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

92. SERVING OF COMPLIANCE NOTICE

(1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence in terms of section 90.

(2) A compliance notice must instruct the occupier and owner to cease the unlawful land use or construction activity or both without delay or within the time period determined by the Municipality, and may include an instruction to—
(a) demolish unauthorized building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or another period determined by the Municipal Manager; or
(b) submit an application for land use or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty.

(3) A person who has received a compliance notice with an instruction contemplated in subsection (2)*(a)* may not submit an application in terms of subsection (2)*(b)*.

(4) An instruction to submit an application in terms of subsection (2)*(b)* must not be construed as an indication that the application will be approved.

(5) In the event that the application submitted in terms of subsection (2)*(b)* is refused, the owner must demolish the unauthorized building work.

(6) A person who received a compliance notice in terms of this section may object to the notice by lodging representations to the Municipality within 30 days of receipt of the notice.

93. CONTENT OF COMPLIANCE NOTICES

(1) A compliance notice must—
(a) identify the judicial person as registered owner to whom it is addressed;
(b) describe the alleged unlawful use of land or construction activity concerned and the land on which it occurs;
(c) state that the activity is unlawful and inform the person of the particular offence contemplated in section 90 which that person allegedly has committed or is committing through the continuation of that activity on the land;
(d) the steps that the person must take and the period within which those steps must be taken;
(e) anything which the person may not do and the period during which the person may not do it;
(f) provide for an opportunity for a person to submit representations in terms of section 92(6) with the contact person stated in the notice; and
(g) issue a warning to the effect that—
(i) the person may be prosecuted for and convicted of an offence contemplated in section 90;
(ii) on conviction of an offence, the person will be liable for the penalty as provided for;
(iii) the person may be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
(iv) in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn;
(v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty, including any costs incurred by the Municipality, will be imposed.

(2) Any person on whom a compliance notice is served 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 notice in terms of section 92.

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94. OBJECTIONS TO COMPLIANCE NOTICE

(1) Any person or owner who receives a compliance notice in terms of section 92 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.

(2) After the consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipal Manager—

(a) may suspend, confirm, vary or cancel a compliance 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 varied.

95. FAILURE TO COMPLY WITH COMPLIANCE NOTICE

(1) If a person fails to comply with a compliance notice, the Municipality may—

(a) lay a criminal charge against the person;

(b) apply to the High Court for an order—

(i) restraining that person from continuing the unlawful use of the land,

(ii) directing that person to, without the payment of compensation—

(aa) demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation; or

(bb) rehabilitate the land concerned.

(c) in the case of a temporary departure or consent use, withdraw the approval granted and act in terms of section 88.

96. URGENT MATTERS

(1) The Municipality does not have to comply with sections 92(6), 93(1)*(f)* and 94 in a case where an unlawful use of land must be stopped urgently and may issue a compliance notice calling upon the person or owner to cease the unlawful use of land immediately.

(2) If the person or owner fails to cease the unlawful use of land immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

97. SUBSEQUENT APPLICATION FOR AUTHORISATION OF ACTIVITY

(1) If instructed to rectify or cease an unlawful use of land, a person may apply to the Municipality for an appropriate land development contemplated in subsection 16(2), unless the person is instructed in terms of section 92(2)*(a)* to demolish the building work.

(2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

98. GENERAL POWERS AND FUNCTIONS OF AUTHORIZED EMPLOYEES

(1) An authorized employee may, with the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.

(2) An authorized employee must be in possession of proof that he has been designated as an authorized employee for the purposes of subsection (1).

(3) An authorized employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

99. POWERS OF ENTRY, SEARCH AND SEIZURE

(1) In ensuring compliance with this By-law in terms of section 90, an authorized employee may—

(a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorized employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;

(b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—

(i) an offence in terms of this By-law;

(ii) a contravention of this By-law; or

(iii) a contravention of an approval or a term or condition of that approval;

(c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;

(d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph *(c)*, or remove that document, book, record or written or electronic information in order to make copies or extracts;

(e) require that person to produce or deliver to a place specified by the authorized employee, any document, book, record or any written or electronic information referred to in paragraph *(c)* for inspection;

examine that document, book, record or any written or electronic information or make a copy thereof or an extract therefrom;

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(f) require from that person an explanation of any entry in that document, book, record or any written or electronic information;

(g) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;

take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or

seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.

(2) When an authorized employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he must issue a receipt to the owner or person in control thereof.

(3) An authorized employee may not have a direct or indirect personal or private interest in the matter to be investigated.

100. WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

(1) A judge of a High Court or a magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—

(a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or

(b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.

(2) A warrant may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—

(a) an authorized employee has been refused entry to land or a building that he is entitled to inspect;

(b) an authorized employee reasonably anticipates that entry to land or a building that he is entitled to inspect will be refused;

(c) there are reasonable grounds for suspecting that an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or

(d) the inspection is reasonably necessary for the purposes of this By-law.

(3) A warrant must authorize the Municipality to enter upon the land or to enter the building or premises to take any of the measures referred to in section 98 as specified in the warrant, on one occasion only, and that entry must occur—

(a) within one month of the date on which the warrant was issued; and

(b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

101. REGARD TO DECENCY AND ORDER

(1) The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to—

(a) a person's right to respect for and protection of his dignity;

(b) the right to freedom and security of the person; and

(c) the right to a person's personal privacy.

102. ENFORCEMENT LITIGATION

(1) Whether or not a Municipality lays criminal charges against a person for an offence contemplated in section 90, the Municipality may apply to the High Court for an interdict or any other appropriate order including an order compelling that person to—

(a) demolish, remove or alter any building, structure or work illegally erected or constructed;

(b) rehabilitate the land concerned; or

(c) cease with the unlawful use of land.

CHAPTER IX - MISCELLANEOUS

103. NAMING OF STREETS AND NUMBERING OF PROPERTIES

(1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land parcels located in such street or road.

(2) The proposed names of the streets and numbers of properties must be submitted as part of an application.

(3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering of properties.

(4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a general plan. The Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment to the street names on an approved general plan.

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104. REPEAL

The by-laws listed in Schedule 1 are repealed.

105. SHORT TITLE AND COMMENCEMENT

(1) This By-law is called the By-law on Municipal Land Use Planning.
(2) This By-law comes into operation on the date that the Spatial Planning and Land Use Management Act comes into operation in the municipal area of the Municipality.

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 100

Each Municipality to insert relevant information here

SCHEDULE 2

CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

General conduct

1. A member of the Municipal Planning Tribunal must at all times—
(a) act in accordance with the principles of accountability and transparency;
(b) disclose his personal interests in any decision to be made in the planning process in which he serves or has been requested to serve;
(c) abstain completely from direct or indirect participation as an adviser or decision-maker in any matter in which he has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorized his participation.

2. A member of the Municipal Planning Tribunal may not—
(a) use the position or privileges of a Municipal Planning Tribunal member or confidential information obtained as a Municipal Planning Tribunal member for private gain or to improperly benefit another person; and
(b) participate in a decision concerning a matter in which that Municipal Planning Tribunal member or that members spouse, partner or business associate, has a direct or indirect personal or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers were intended or expected to influence a participant's objectivity as an adviser or decision-maker in the planning process.

Undue influence

4. A member of the Municipal Planning Tribunal may not—
(a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
(b) use confidential information acquired in the course of his duties to further a personal interest;
(c) disclose confidential information acquired in the course of his duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
(d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

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Annexure A – Comprehensive application form
Nketoana Local Municipality

Applications for land use amendments (give full details in the motivation report, if space provided is not enough)

SECTION 1 **Details of Applicant**(See Planning Profession Act, Act 36 of 2002)			
Name:	_____	Contact person:	_____
Postal address:	_____	Physical address:	_____
	_____		_____
	_____ Code:_____		_____
Tel no:	_____	Cell no:	_____
Fax no:	_____	E-mail address:	_____
SACPLAN Reg No:	_____		_____

SECTION 2 **Details of Land Owner**(If different from Applicant)			
Name:	_____	Contact person:	_____
Postal address:	_____	Physical address:	_____
	_____		_____
	_____ Code:_____		_____
Tel no:	_____	Cell no:	_____
Fax no:	_____	E-mail address:	_____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land parcel and if the land parcel is owned by a company or more than one person.

SECTION 3 **Details of Property**(In accordance with Title deed)			
Erf/ Farm No and portion description:	_____	Area (m^2 or ha):	_____
Physical address of erf/farm:	_____	Existing zoning:	_____
Location from nearest town:	_____	Existing land use:	_____
Town/suburb:	_____	Area applicable to application:	_____
Registration Division:	_____	Title deed no:	_____

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SECTION 4 **Type of Application being Submitted** (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

Rezoning/ Zoning:	
Creation of an overlay zoning	
Removal, suspension or amendment of Title Deed Restrictions:	
Township Establishment	
Temporary use to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Consent use:	
Incorporation of an erf into a general plan;	
The subdivision of land:	
The removal, suspension or amendment of the original approval conditions as provided by the relevant authorities:	
General Plan Cancellation:	
Amendment of General Plan by Closure of Park or Public Road:	
Consolidation of one or more properties:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	

Please give a short description of the scope of the project:
_____
_____
_____

SECTION 5 **Detail of application**(Mark with an X and give detail where applicable)

Is the land parcel currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
Is the current zoning of the land used?	YES	NO	If answered NO, what is the application/ use of land?	
Is the property subjected to a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	

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Has any application on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including type of application, all authority reference numbers and decisions:	
Does the proposal apply to the entire land parcel?	YES	NO	If answered NO, indicate the size of the portion of the land parcel concerned, as well as what it will be used for, including the remaining extent:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land parcel in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land parcel in a flood plain of a river beneath the 1:50/1:100 year flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
Is the proposed application in line with the approved spatial development frameworks?	YES	NO	If answered NO, please provide site specific circumstances in accordance with section 22(2) of the SPLUMA.	
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water			
	Storm-Water:			
	Road Network:			

SECTION 6

List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				**Checklist (for the use of Responsible Authority only)**		
YES	**NO**	**ANNEXURE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**N/A**
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Board of Directors' / Trustees' resolution / consent			

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			Power of Attorney			
			Certified copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Land Use Scheme Zoning Map Extract			
			Land Use Map			
			Detail Layout Map			
			Ortophoto / Aerial survey map			
			Site Development Plan			
			Extract of Spatial Development Framework			
			Contour map			
			Surveyor general diagrams (cadastral information)			
			Conveyancer's certificate			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Mineral rights certificate (together with mineral holder's consent)			
			Prospecting contract			
			Registered servitudes (deed and map/plan)			
			Status report from Surveyor General – street closure or state owned land			
			Detail Engineering Services plan (Bulk and internal)			
			Environmental Impact Study/Assessment (EIA – Environmental Authorisation)			
			Archaeological Impact Assessment (AIA) - approval from relevant Department			
			Heritage Impact Assessment - approval from relevant Department			
			Traffic impact study/assessment			
			Geotechnical report (NHBR Standards)			
			Eskom services report			
			Flood line certificate - certificate from relevant Dept			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Public participation report and minutes of meetings			
			Other (specify):			
			Seven (7) sets of full colour documentation copies			

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SECTION 7 Declaration														
Note:	***If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory***													
I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorized to make this application.														
Applicant's/ Owner's Signature:	_____	Date:												
Full name (print):	_____													
Professional capacity (Reg no):	_____													
Applicant's ref:	_____													

SECTION 8 Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)					
Checklist for required advertisement procedure			**Checklist for required proof of advertisement**		
YES	**NO**	**DOCUMENTATION AND STEPS TO BE TAKEN**	**YES**	**NO**	**DOCUMENTATION TO BE PROVIDED AS PROOF**
		Notice to be placed in the Local Newspaper			**Proof of Notice in Local Newspaper** Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			**Proof of Notice in the Provincial Gazette** Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			**Proof of Notice to neighbours** Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			**Proof of Notice in site** Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			**Proof of Public Meeting** The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			**Proof of additional components**

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SECTION 9
Power of Attorney/Proxy

I/We, the undersigned

(FULL NAMES, ID NO & PROFESSIONAL REGISTRATION NUMBER IF APPLICABLE)

Nominate, constitute and hereby appoint

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM RESPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general to realize the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20___
(TOWN) *(DAY)* *(MONTH)* *(YEAR)*

In the presence of the undersigned witnesses

_____ _____
Signature of Assigner/ Land Owner Witness 1

_____
Witness 2

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Annexure B – Abridged application form
Nketoana Local Municipality

Applications for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1 **Details of Applicant**(See Planning Profession Act, Act 36 of 2002)			
Name:		Contact person:	
Postal address:		Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 **Details of Land Owner**(If different from Applicant)			
Name:		Contact person:	
Postal address:		Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land parcel and if the land parcel is owned by a company or more than one person.

SECTION 3 **Details of Property**(In accordance with Title deed)

Erf/ Farm No and portion description:		Area (m^2 or ha):	
Physical address of erf/farm:		Existing zoning:	
Location from nearest town:		Existing land use:	
Town/suburb:		Area applicable to application:	
Registration Division:		Title deed no:	

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SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the LUS	
Application for subdivision requiring abridged processes.	
The amendment of cancellation of a general plan of a township.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	
Please give a short description of the scope of the project:	
_____	
_____	
_____	

SECTION 5
Detail of application(Mark with an X and give detail where applicable)

Is the property subjected to a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has any application on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including type of application, all authority reference numbers and decisions:	
Does the proposal apply to the entire land parcel?	YES	NO	If answered NO, indicate the size of the portion of the land parcel concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land parcel in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	

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Are there any physical restrictions (e.g. steep inclines, unstable land formationsmarshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land parcel in a flood plain of a river beneath the 1:50/1:100 year flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water:			
	Storm-Water			
	Road Network			

SECTION 6

List of Attachments and supporting information required/ submitted with checklist for Municipal use(Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				**Checklist (for the use of Responsible Authority only)**		
YES	**NO**	**ANNEXURE**	**DOCUMENT ATTACHED**	**YES**	**NO**	**N/A**
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Certified copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Eskom services report			
			Status report from Surveyor General – street closure or state owned land			
			Flood line certificate / coastal setback report - certificate from relevant Department			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Other (specify):			
			Seven (7) sets of full colour documentation copies			

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SECTION 7 Declaration

Note:	***If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory***

I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorized to make this application.

Applicant's/ Owner's Signature:	_____	Date:								
Full name (print):	_____									
Professional capacity:	_____									
Applicant's ref:	_____									

SECTION 8 Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			**Proof of Notice in Local Newspaper** Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			**Proof of Notice in the Provincial Gazette** Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			**Proof of Notice to neighbours** Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			**Proof of Notice in site** Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			**Proof of Public Meeting** The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			**Proof of additional components**

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SECTION 9
Power of Attorney/Proxy

I/We, the undersigned

_____

_____

(FULL NAMES, ID NO & PROFESSIONAL REGISTRATION NUMBER IF APPLICABLE)

Nominate, constitute and hereby appoint

_____

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM RESPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

_____

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

_____

(DESCRIPTION OF PROPERTY)

and in general to realize the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20___
(TOWN) *(DAY)* *(MONTH)* *(YEAR)*

In the presence of the undersigned witnesses

_____ _____
Signature of Assigner/ Land Owner Witness 1

_____
Witness 2

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APPOINTMENT OF MEMBERS TO THE MUNICIPAL PLANNING TRIBUNAL INVITATION FOR NOMINATIONS

Interested persons are invited in terms of section 35(1) of SPLUMA to nominate persons representing the following disciplines (Town and Regional Planner, Building Inspector, Environmental Expert, Agriculturalist, Engineer or any other person who has the knowledge of and interest in town planning) to serve on the Municipal Planning Tribunal. The members of the Tribunal shall hold office for a period of five years (5) years.

Function of the Municipal Planning Tribunal

To consider and formulate the decisions regarding all land development applications in the local municipality

Submissions of Nominations

Nominations must be submitted with information pertaining to name, residential and postal address, Curriculum Vitae and telephone number(s)

1. CLOSING DATE AND SUBMISSION:

The closing date for submission of the nomination is **30 August 2014**

1.1. **Each nomination must be accompanied by the following documents**:

- A copy of the nominee's ID document; and
- Latest CV of the nominee.

1.1.1. Nominations must reach the following address on or before **end of business on the 30 August 2014** in order for nominations to be distributed to the relevant local municipalities.

Mr Danie Schoeman
Chief Town Planner – Free State Spatial Planning and Land Use Management Services
National Department of Rural Development and Land Reform
73 Aliwal Street
Bloemfontein
9300
Tel: (051) 410 5800
Fax: 086 548 3919
Email: danie.splumsfs@gmail.com

NOMINATION FORM:
APPLICABLE TO ALL LOCAL MUNICIPALITIES

2. NOMINATOR'S INFORMATION:

2.1. NAME OF MUNICIPALITY	.....	
2.2. NOMINATOR	..... (Insert name and surname of the nominator)	
2.3. IDENTITY NUMBER	.....	
2.4. CONTACT NUMBER OF NOMINATOR	.....	
2.5. SIGNATURE OF NOMINATOR	.....	..... DATE
(This signature implies that the nominator knows the nominee and can testify to the abilities of the nominee)		

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3. NOMINEE'S INFORMATION:

3.1. I, THE NOMINATOR HEREBY NOMINATE:	…… **(Insert full names and surname of the nominee)** ***Please ensure the correct spelling of Name and Surname as this name will be used in official documents***						
3.2. DISCIPLINE OF NOMINEE (Mark with X)	Town and Regional Planner	Land surveyor	Building Inspector	Environmental Expert	Agriculturalist	Engineer (Please specify) …… ……	Other (Please specify) …… ……

3.3. GENDER (Mark with X):	**Male**	**Female**
3.4. IDENTITY NUMBER OF NOMINEE:	……	
3.5. RESIDENTIAL ADDRESS OF NOMINEE:	……	
3.6. POSTAL ADDRESS OF NOMINEE	……	
3.7. CONTACT NUMBE OF NOMINEE:		
3.8. SIGNATURE OF NOMINEE:	……	…… DATE
This signature implies that the nominee: ▪ Accepts this nomination; and ▪ Agrees to abide by the policy and guidelines of the Provincial and National government.		