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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**


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**NOTICE 6 OF 2016****NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****NOTICE: PERI URBAN AREAS SCHEME – AMENDMENT SCHEME NO. 2186**

We, Lombard Du Preez Professionele Landmeters (Pty) Ltd, being the authorized agent of the owner of PORTION 128 OF THE FARM DE RUST NO.478-JQ hereby gives notice in terms of section 56(1)(b)(i) of the Town-Planning and Townships Ordinance 1986, read with the relevant provisions of the Spatial Planning and Land Use Management Act 2013 (Act16/2013), that we have applied at the Local Municipality of Madibeng, for the amendment of the town-planning scheme known as Peri Urban Areas Town-Planning Scheme 1975, by the rezoning of the property mentioned above, situated approximately 750m east of the T-junction made by road N4/12 with road P123/1, north of K'shane, from "Undetermined" to "Special for Tourist centre" (which includes tourist accommodation with a maximum of 20 rooms, places of refreshment, micro craft beer brewery, chapel, place for wedding functions and a Magaliesberg Eco and Heritage centre) with a maximum coverage of 10% , a maximum Floor Area Ratio of 0,1 and a maximum height of 2 storeys. Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, 52 Van Velden Street, Brits, for a period of 28 days from 19 January 2016. Objections in respect of the application must be lodged with or made in writing to the Municipal Manager, at the above address or at P.O. Box 106, Brits, 0250, within a period of 28 days from 19 January 2016. Address of agent: **LOMBARD DU PREEZ** Professionele Landmeters (Edms) Bpk, P.O. Box 798, Brits, 0250 (30 Van Veldenstreet) Tel. (012) 252 5959.

19-26

**NOTICE 6 OF 2016****KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)****KENNISGEWING: BUITESTEDELIKE GEBIEDE SKEMA – WYSIGINGSKEMA NO. 2186**

Ons, Lombard Du Preez Professionele Landmeters (Edms) Bpk, synde die gemagtigde agent van die eienaar van GEDEELTE 128 VAN DIE PLAAS DE RUST NO.478-JQ, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, saamgelees met die relevante bepalings van die Ruimtelike Beplanning en Grondgebruik Bestuur Wet, 2013 (Wet16/2013), kennis dat ons by die Plaaslike Munisipaliteit van Madibeng, aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as die Buitestedelike Gebiede Dorpsbeplanningskema, 1975, deur die hersonering van die eiendom hierbo beskryf, geleë ongeveer 750m oos van die T-aansluiting van pad N4/12 met pad P123/1, noord van K'shane, van "Onbepaald" na "Spesiaal vir Toeriste sentrum" (wat insluit toeriste akkommodasie met 'n maksimum van 20 kamers, verversingsplekke, mikro bierbrouery, kapel, plek vir huwelik funksies en Magaliesberg Eko en Erfenis sentrum) met 'n maksimum dekking van 10%, 'n maksimum vloeroppervlakverhouding van 0,1 en 'n maksimum hoogte van 2 verdiepings . Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, te Van Veldenstraat 52, Brits, vir 'n tydperk van 28 dae vanaf 19 Januarie 2016. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 19 Januarie 2016 skriftelik by die Munisipale Bestuurder, by bovermelde adres of by Posbus 106, Brits, 0250, ingedien of gerig word. Adres van agent: **LOMBARD DU PREEZ** Professionele Landmeters (Edms) Bpk, Posbus 798, Brits, 0250 (Van Veldenstraat 30). Tel. (012) 252 5959.

19-26

**NOTICE 7 OF 2016****LOCAL MUNICIPALITY OF MADIBENG  
NOTICE OF AMENDMENT APPLICATION FOR THE ESTABLISHMENT OF TOWNSHIP: MT  
MASADA**

The Madibeng Local Municipality hereby give notice in terms of Section 69(6)(a) read together with Section 96(1) of the Townplanning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that an amended application in terms of Section 100 of the Ordinance, to establish the township referred to in the Annexure, has been received by it.

Particulars of the application will lie for inspection during normal office hours at the Madibeng Municipal Offices, Van Velden Street, Brits, for a period of 28 Days from 19 January 2016.

Objections to or representations in respect of the application must be lodged in writing and in duplicate to the Municipal Manager, Local Municipality of Madibeng, P O Box 106, Brits, 0250 within a period of 28 days from 19 January 2016.

**ANNEXURE**

*Name of township* : THE BAY

*Full name of applicant* : URBAN CONSULT TOWNPLANNERS

*Number of erven in proposed township* : Residential 1 – 658, Residential 2(25u/ha) – 50, Residential 3(40u/ha) – 19, Business 1 – 4, Special for Golf Course, Clubhouse and Recreational – 4, Institutional – 7, Private open Space – 36, Special for private roads and access control - 2

*Description of land on which the township is to be established* : the remainder of portion 2 and portion 166 of the farm De Rust 478 JQ.

*Locality of proposed township* : The township is located South of hartbeespoortdam adjacent to road R512 directly west of The Islands estate and directly east of Lakeland estate.

*Address of agent* : Urban Consult, PO Box 95884, Waterkloof, 0145, Cell 082 573 0409

19-26

**KENNISGEWING 7 VAN 2016****MADIBENG PLAASLIKE MUNISIPALITEIT  
KENNISGEWING VAN WYSIGINGS AANSOEK OM STIGTING VAN N DORP: THE BAY**

Die plaaslike Munisipaliteit van Madibeng gee hiermee ingevolge artikel 69(6)(a) saamgelees met Artikel 96 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) kennis dat n wysigings aansoek in terme van artikel 100 van die Ordonnansie om die stigting van n dorp, soos uiteengesit in die Bylae, ontvang is. Alle dokumente relevant tot die aansoek le ter insae gedurende gewone kantoorure by die Madibeng Munisipale kantore, Van Velden Straat, Brits, vir n tydperk van 28 dae vanaf 19 Januarie 2016.

Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 19 Januarie 2016, skriftelik en in tweefout by die Munisipale Bestuurder, Madibeng Plaaslike Munisipaliteit, Posbus 106, Brits, 0250 ingedien word.

**BYLAE**

*Naam van dorp* : THE BAY

*Volle naam van aansoeker* : URBAN CONSULT STADSBEPLANNERS

*Getal erwe in voorgestelde dorp* : Residensieel 1 – 658, Residensieel 2(25u/ha) – 50, Residensieel 3(40u/ha) – 19, Business 1 – 4, Spesiaal vir golfbaan, Klubhuis, ontspanning – 4, Institusioneel – 7, Privaat Opp Ruimtes – 36, Spesiaal vir privaat pad en toegangsbeheer - 2

*Beskruiving van grond waarop dorp gestig gaan word*: Die restant van gedeelte 2 en gedeelte 166 van die plaas De Rust 478 JQ

*Ligging van voorgestelde dorp*: Die dorp is gelee suid van die hartbeespoort dam, langs provinsiale pad R512, wes van The Islands estate en oos van Lakeland estate.

*Gemagtigde Agent*: Urban Consult Stadsbeplanners, Posbus 95884, Waterkloof, 0145, cell 082 5730409

19-26

**NOTICE 8 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF  
SECTION 56(1)(b)(i) OF THE TOWN-PLANNING AND TOWNSHIP ORDINANCE, 1986  
(ORDINANCE 15 OF 1986)**

**KLERKSDORP LAND USE MANAGEMENT SCHEME 2005**

**AMENDMEND SCHEME 943**

I, Joze Maleta, being the authorized agent of the owner(s) of Erf 55 of the Township Freemanville, Klerksdorp, hereby give notice in terms of Section 56(1)(b)(i) of the Town-Planning and Townships Ordinance, 1986, read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), that I have applied to the City of Matlosana for the amendment of the Town-Planning Scheme known as the Klerksdorp Land Use Management Scheme 2005, as amended, by the rezoning of Erf 55 of the Township Freemanville, Klerksdorp, situated adjacent to 75 Joe Slovo (N12), previously known as Johannesburg Road, Klerksdorp, from "Residential 1" to "Business 1".

Particulars of the application will lie for inspection during normal office hours at the Records Division, Basement, Civic Centre, Bram Fisher Street, Klerksdorp for the period of 28 days from 19 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, City of Matlosana, at the above address or at P.O. Box 99, Klerksdorp, 2570, within a period of 28 days from 19 January 2016.

Address of Agent: J.Maleta, P.O. Box 1372, Klerksdorp, 2570, Tel.: (018) 462-1991

Ref.: e55ws943

19-26

**KENNISGEWING 8 VAN 2016**

**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA  
INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN  
DORPE, 1986 (ORDONNANSIE 15 VAN 1986)**

**KLERKSDORP LAND USE MANAGEMENT SCHEME 2005**

**WYSIGINGSKEMA 943**

Ek, Joze Maleta, synde die gemagtigde agent van die eienaar(s) van Erf 55 van die dorp Freemanville, Klerksdorp, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met die Spatial Planning and Land Use Management Wet, 2013 (Wet 16 van 2013), kennis dat ek by die City of Matlosana aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as Klerksdorp Land Use Management Scheme 2005, soos gewysig, deur die herosnering van Erf 55 van die dorp Freemanville, Klerksdorp, geleë aanliggend aan 75 Joe Slovo (N12), voorheen bekend as Johannesburgweg, Klerksdorp, van "Residensieël 1" na "Besigheid 1"

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling, Kelderverdieping, Burgersentrum, Bram Fisherstraat, Klerksdorp, vir 'n tydperk van 28 dae vanaf 19 Januarie 2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 19 Januarie 2016, skriftelik by of tot die Munisipale Bestuurder, City of Matlosana, by bovermelde adres of by Posbus 99, Klerksdorp, 2570, ingedien of gerig word.

Adres van Agent: J.Maleta, Posbus 1372, Klerksdorp, 2570, Tel. (018) 462-1991.

19-26

**NOTICE 9 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF  
SECTION 56(1)(b)(i) OF THE TOWN-PLANNING AND TOWNSHIP ORDINANCE, 1986  
(ORDINANCE 15 OF 1986)**

**KLERKSDORP LAND USE MANAGEMENT SCHEME 2005**

**AMENDMENT SCHEME 895**

I, Joze Maleta, being the authorized agent of the owner of Erf 89, of the township Songloed, hereby give notice in terms of Section 56(1)(b)(i) of the Town-Planning and Townships Ordinance, 1986, read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), that I have applied to the City of Matlosana for the amendment of the Town-Planning Scheme known as the Klerksdorp Land Use Management Scheme 2005, as amended, by the rezoning of Erf 89 in extent 2006m<sup>2</sup> of the Township Songloed, situated adjacent to 1 Denise Street, Songloed, Klerksdorp, from "Residential 1" to "Residential 2" for six dwelling units.

Particulars of the application will lie for inspection during normal office hours at the Records Division, Basement, Civic Centre, Bram Fisher Street, Klerksdorp for the period of 28 days from 19 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, City of Matlosana, at the above address or at P.O. Box 99, Klerksdorp, 2570, within a period of 28 days from 19 January 2016.

Address of Agent: J.Maleta, P.O. Box 1372, Klerksdorp, 2570, Tel.: (018) 462-1991

**KENNISGEWING 9 VAN 2016****KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)****KLERKSDORP LAND USE MANAGEMENT SCHEME 2005****WYSIGINGSKEMA 895**

Ek, Joze Maleta, synde die gemagtigde agent van die eienaar van Erf 89 van die dorp Songloed, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met die Spatial Planning and Land Use Management Wet, 2013 (Wet 16 van 2013), kennis dat ek by die City of Matlosana aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as Klerksdorp Land Use Management Scheme 2005, soos gewysig, deur die hersonering van Erf 89 groot 2006m<sup>2</sup> van die dorp Songloed, geleë aanliggend aan 1 Denisestraat, Songloed, Klerksdorp, van "Residensieël 1" na "Residensieël 2" vir ses wooneenhede.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling, Kelderverdieping, Burgersentrum, Bram Fisherstraat, Klerksdorp, vir 'n tydperk van 28 dae vanaf 19 Januarie 2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 19 Januarie 2016, skriftelik by of tot die Munisipale Bestuurder, City of Matlosana, by bovermelde adres of by Posbus 99, Klerksdorp, 2570, ingedien of gerig word.

Adres van Agent: J.Maleta, Posbus 1372, Klerksdorp, 2570, Tel. (018) 462-1991.

19-26

**NOTICE 11 OF 2016****NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****NOTICE: HARTBEESPOORT TOWNPLANNINGSKEMA, 1993 – AMENDMENT SCHEME NO. 1/475**

We, Lombard Du Preez Professionele Landmeters (Pty) Ltd, being the authorized agent of the owner of PORTION 133 OF THE FARM HARTBEESTPOORT NO.482-JQ hereby gives notice in terms of section 56(1)(b)(i) of the Town-Planning and Townships Ordinance 1986, read with the relevant provisions of the Spatial Planning and Land Use Management Act 2013 (Act16/2013), that we have applied at the Local Municipality of Madibeng, for the amendment of the town-planning scheme known as Hartbeespoort Town-Planning Scheme 1993, by the rezoning of the property mentioned above, situated on Road P249/1, 500m North-west of the traffic light at the entrance to the Village Mall, from "Agricultural" to "Special for public garage with shops, automatic teller machine, take-away facility and confectionery", with a maximum coverage of 15% , a maximum Floor Area Ratio of 0,15 and a maximum height of 2 storeys. Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, 52 Van Velden Street, Brits, for a period of 28 days from 26 January 2016. Objections in respect of the application must be lodged with or made in writing to the Municipal Manager, at the above address or at P.O. Box 106, Brits, 0250, within a period of 28 days from 26 January 2016. Address of agent: **LOMBARD DU PREEZ** Professionele Landmeters (Edms) Bpk, P.O. Box 798, Brits, 0250 (30 Van Veldenstreet) Tel. (012) 252 5959.

26-2

**KENNISGEWING 11 VAN 2016****KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)****KENNISGEWING: HARTBEESPOORT DORPSBEPLANNINGSKEMA, 1993 – WYSIGINGSKEMA NO. 1/475**

Ons, Lombard Du Preez Professionele Landmeters (Edms) Bpk, synde die gemagtigde agent van die eienaar van GEDEELTE 133 VAN DIE PLAAS HARTBEESTPOORT NO.482-JQ, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, saamgelees met die relevante bepaling van die Ruimtelike Beplanning en Grondgebruik Bestuur Wet, 2013 (Wet 16/2013), kennis dat ons by die Plaaslike Munisipaliteit van Madibeng, aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as die Hartbeespoort Dorpsbeplanningskema, 1993, deur die hersonering van die eiendom hierbo beskryf, geleë op die pad P249/1, 500m Noord-wes van die verkeerslig by die ingang na die Village Mall, van "Landbou" na "Spesiaal vir openbare garage, outomatiese tellermasjien, wegneemete fasiliteit en banketbakkerij", met 'n maksimum dekking van 15%, 'n maksimum vloeroppervlakverhouding van 0,15 en 'n maksimum hoogte van 2 verdiepings. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, te Van Veldenstraat 52, Brits, vir 'n tydperk van 28 dae vanaf 26 Januarie 2016. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 26 Januarie 2016 skriftelik by die Munisipale Bestuurder, by bovermelde adres of by Posbus 106, Brits, 0250, ingedien of gerig word. Adres van agent: **LOMBARD DU PREEZ** Professionele Landmeters (Edms) Bpk, Posbus 798, Brits, 0250 (Van Veldenstraat 30). Tel. (012) 252 5959.

26-2

**NOTICE 12 OF 2016****NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (ii) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****HARTBEESPOORT AMENDMENT SCHEME 474**

I, Jeff de Klerk, being the authorized agent of the owner of Portion 54, Syferfontein 483-JQ, hereby give notice in terms of section 56 (1) (b) (ii) of the Town Planning and Townships Ordinance, 1986, read with the Spatial Planning and Land Use Management Act, No 16 of 2013, that I have applied to the Madibeng Local Municipality for the amendment of the Town Planning Scheme known as **Hartbeespoort Town Planning Scheme, 1993**, by the rezoning of the property described above, situated east of and adjoining Vilmey Street, Syferfontein, from "Agricultural" to "Special" for Storage facilities and a caretaker dwelling unit, subject to certain conditions.

Particulars of the application will lie for inspection during normal office hours at the Municipal Offices, Van Velden Street, Brits for a period of 28 days from 26 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, at the above address or at PO Box 106, Brits, 0250, within a period of 28 days from 26 January 2016.

Address of authorized agent: P O Box 105, Ifafi, 0260, Tel (012) 259 1688 / 082 229 1151

26-2



**KENNISGEWING 12 VAN 2016**

**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (ii) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE 1986 (ORDONNANSIE 15 VAN 1986)**

**HARTBEESPOORT WYSIGINGSKEMA 474**

Ek, Jeff de Klerk, synde die gemagtigde agent van die eienaar van Gedeelte 54, Syferfontein 483-JQ, gee hiermee ingevolge artikel 56 (1) (b) (ii) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met die Wet Op Ruimtelike Beplanning en Grondgebruiksbestuur, No 16 van 2013, kennis dat ek by die Madibeng Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as **Hartbeespoort Dorpsbeplanningskema, 1993**, deur die hersonering van die eiendom hierbo beskryf, geleë oos van en aangrensend aan Vilmeystraat, Syferfontein, vanaf "Landbou" na "Spesiaal" vir Stoorfasiliteite en opsigters wooneenheid, onderworpe aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Munisipale Kantore, Van Veldenstraat, Brits, vir 'n tydperk van 28 dae vanaf 26 Januarie 2016.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 26 Januarie 2016 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 106, Brits, 0250, ingedien word.

Adres van gemagtigde agent: Posbus 105, Ifafi, 0260, Tel (012) 259 1688 / 082 229 1151

26-2

**NOTICE 13 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) LEKWA-TEEMANE LAND USE SCHEME, 2011 - AMENDMENT SCHEME 18**

Maxim Planning Solutions (Pty) Ltd (2002/017393/07) being the authorised agent of the owner of Erf 4283, Boitumelong Extension 4, hereby gives notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read together with SPLUMA, Act 16 of 2013, that we have applied to the Lekwa-Teemane Local Municipality for the amendment of the Town Planning Scheme known as Lekwa-Teemane Land Use Scheme, 2011, as amended, by the rezoning of Erf 4283, Boitumelong Extension 4, situated adjacent to Seakgwa Street, between Morake-, Makaudi- and Gopane Street, within the northern portion of Boitumelong, Bloemhof, from "Residential 1" to "Special", for the purposes of a dwelling unit and a place of refreshment.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Lekwa-Teemane Local Municipality, corner of Robyn- and Dirkie Uys Street, Christiana, for the period of 28 days from 26 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or posted to P.O. Box 13, Christiana, 2680 within a period of 28 days from 27 January 2016.

**Address of authorised agent: Maxim Planning Solutions (Pty) Ltd (2002/017393/07), Unit 35 Corpus Novem Office Park, 35 Dr. Yusuf Dadoo Avenue, Wilkoppies, Klerksdorp, 2571, P.O. Box 6848, Flamwood, 2572, Tel: 018-468 6366, (2/1646)**

26-02

**KENNISGEWING 13 VAN 2016****KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) LEKWA-TEEMANE LAND USE SCHEME, 2011 - WYSIGINGSKEMA 18**

Maxim Planning Solutions (Edms) Bpk (2002/017393/07) synde die gemagtigde agent van die eienaar van Erf 4283, Boitumelong Uitbreiding 4, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), saamgelees met SPLUMA, Wet 16 van 2013, kennis dat ons by die Lekwa-Teemane Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Lekwa-Teemane Land Use Scheme, 2011, soos gewysig, deur die hersonering van Erf 4283, Boitumelong Uitbreiding 4, geleë aanliggend tot Seakgwastraat, tussen Morake-, Makaudi- en Gopanestraat, in die noordelike gedeelte van Boitumelong, Bloemhof, vanaf "Residensieel 1" na "Spesiaal", vir die doeleindes van 'n wooneenheid en 'n verversingsplek.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Lekwa-Teemane Plaaslike Munisipaliteit, hoek van Robyn- en Dirkie Uysstraat, Christiana, vir 'n tydperk van 28 dae vanaf 27 Januarie 2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 27 Januarie 2016 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 13, Christiana, 2680 ingedien of gerig word.

**Adres van gemagtigde agent: Maxim Planning Solutions (Edms) Bpk (2002/017393/07), Eenheid 35 Corpus Novem Kantoor Park, Dr. Yusuf Dadooiaan 35, Wilkoppies, Klerksdorp, 2571, Posbus 6848, Flamwood, 2572, Tel: (018) 468-6366, (2/1646)**

26-02

**NOTICE 14 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF THE KLERKSDORP LAND USE MANAGEMENT SCHEME, 2005, IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986, READ WITH SPLUMA, ACT 16 OF 2013**

**AMENDMENT SCHEME 945**

I, KW Rost (ID nr 760721 5043 08 9), of Townscape Planning Solutions CC (Reg nr 2000/045930/23), being the authorised agent of the owners of Portion 1 of Erf 1693- and the Remaining Extent of Erf 1693, Flamwood, Registration Division I.P., Province North West, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read with SPLUMA, 2013 (Act 16 of 2013) that we have applied to the City of Matlosana for the amendment of the Town Planning Scheme known as the Klerksdorp Land Use Management Scheme, 2005, by the rezoning of the property described above, situated in Latham Way, from "Residential 1" to "Special" with Annexure number 1047, for the purposes of an accommodation enterprise (guesthouse), tea garden and conference facilities.

Particulars of the application will lie for inspection during normal office hours at the office of the Records Section, Basement Floor, Klerksdorp Civic Centre, for a period of 28 days from **26 January 2016**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 99, Klerksdorp, 2570 within a period of 28 days from **26 January 2016**.

Address of applicant: Townscape Planning Solutions, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105  
Ref: P16525

26-2

**KENNISGEWING 14 VAN 2016****KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE KLERKSDORP GRONDGEBRUIKBEHEER SKEMA 2005 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, SAAMGELEES MET SPLUMA, WET 16 VAN 2013****WYSIGINGSKEMA 945**

Ek, KW Rost (ID nr 760721 5043 08 9), van Townscape Planning Solutions BK (Reg nr 2000/045930/23), synde die gemagtigde agent van die eienaars van Gedeelte 1 van Erf 1693- en die Resterende Gedeelte van Erf 1693, Klerksdorp Uitbreiding 10, Registrasie Afdeling I.P., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA, 2013 (Wet 16 van 2013) kennis dat ons by die Stad van Matlosana aansoek gedoen het om die wysiging van die Dorpsbeplanningskema, bekend as die Klerksdorp Grondgebruikbeheer Skema, 2005, deur die hersonering van die eiendomme hierbo beskryf, geleë in Latham Weg, vanaf "Residensieel 1" na "Spesiaal" met Bylae nommer 1047, vir die doeleindes van 'n akkommodasie-onderneming (gastehuis), teetuin en konferensie fasiliteite.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling, Kelder Verdieping, Klerksdorp Burgersentrum, vir 'n tydperk van 28 dae vanaf **26 Januarie 2016**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **26 Januarie 2016** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 99, Klerksdorp, 2570 ingedien of gerig word.

Adres van applikant: Townscape Planning Solutions, Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105

Verw: P16525

26-2

**NOTICE 15 OF 2016****RUSTENBURG LOCAL MUNICIPALITY****1. NOTICE OF PROPOSED CLOSURE (PORTION OF PRESIDENT THABO MBEKI DRIVE, RUSTENBURG TOWNSHIP)**

Notice is hereby given in terms of Section 67 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), that it is the intention of the Rustenburg Local Municipality to permanently close a portion of President Thabo Mbeki Drive as denoted on the sketch plan described below, adjacent to and in the proximity of Erven 2162, 2418, 1056, Remainder of 2439, Portion 1 of 2439, Portion 2 of 45, Remainder of 46, Remainder of 47, Portion 2 of 47, Portion 5 of 48, Portion 2 of 48, 103, 2146, Portion 1 of 91 and 2406 in the Rustenburg Township, in the area between Oliver Tambo Drive in the north-east and Nelson Mandela Street in the south-west.

The purpose of the closure of the aforesaid street portion is to create a developable erf of approximately 7200m<sup>2</sup> on which the proposed Central Bus Station of the Rustenburg Rapid Transport System will be erected.

The sketch plan showing the proposed closure, as well as further particulars relevant to the proposed closure are open for inspection during normal office hours at the office of the Director: Planning and Human Settlement, Room 319, Rustenburg Local Municipality, Missionary Mpheni House, Corner of Beyers Naude Street and Nelson Mandela Street, Rustenburg for a period of 30 days from 26 January 2016 and enquiries may be made by calling 014-590 3692.

Objections to or representations in respect of the proposed closure and/or claims for compensation for loss or damage if such closing is carried out, must be lodged in writing with the Director: Planning and Human Settlement at the above office or posted to P O Box 16, Rustenburg, 0300 before or on 25 February 2016 provided that, should claims and/or objections/representations be sent by mail, such claims and/or objections/representations must reach the Municipality before or on 25 February 2016.

Further note that, in terms of Section 21 of the Municipal Systems Act, 2000 (Act 32 of 2000), any person who wants to object, make representations or file a claim, but cannot write may, during office hours, within a period of 30 days from 26 January 2016 attend on the Director: Planning and Human Settlement of the Municipality to transcribe such representations or objections or claims and to place same on record.

2. NOTICE OF PREPARATION OF DRAFT SCHEME AND THE MUNICIPALITY'S INTENTION TO AMEND THE PROVISIONS OF THE RUSTENBURG LAND USE MANAGEMENT SCHEME, 2005 IN TERMS OF SECTION 18(1)(a) READ WITH SECTION 28 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

The Rustenburg Local Municipality hereby gives notice in terms of Section 28(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read with Sections 63 and 67 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) and the relevant provisions of the Spatial Planning and Land Use Management Act, 2013, that a draft town planning scheme to be known as Rustenburg Amendment Scheme 1454 (read with Annexure 1760), has been prepared by it.

The scheme is a proposed amendment of the Rustenburg Land Use Management Scheme, 2005 and contains the following proposals:

The rezoning of part of President Thabo Mbeki Drive, measuring approximately 7200m<sup>2</sup>, from "Existing Public Roads" to "Transportation", to permit the erection of a new bus station on the property as part of the Rustenburg Rapid Transport System. The amendment scheme will provide for:

- A floor area ratio of 1.5; and
- A height of 3 storeys (excluding basement levels).

The area to be rezoned is situated between Oliver Tambo Drive in the north-east and Nelson Mandela Street in the south-east in Rustenburg Township. The effect of the coming into operation of the draft scheme will be to convert approximately 7200m<sup>2</sup> of the existing public street reserve into a developable erf on which the new bus station will be erected.

The draft amendment scheme documents and associated plans will lie for inspection during normal office hours at the office of The Director: Planning and Human Settlement, Room 319, Rustenburg Local Municipality, Missionary Mpheni House, Corner of Beyers Naude Street and Nelson Mandela Street, Rustenburg for a period of 28 days from 26 January 2016 (date of first publication of this notice).

Objections to or representations in respect of the draft scheme must be lodged in writing at the above office or be addressed to: The Director: Planning and Human Settlements, P O Box 16, Rustenburg, 0300 within a period of 28 days from 26 January 2016, provided that, should objections and/or representations be sent by mail, such objections and/or representations must reach the Municipality before or on 23 February 2016

Further note that, in terms of Section 21 of the Municipal Systems Act, 2000 (Act 32 of 2000), any person who wants to object or make representations, but cannot write may, during office hours, within a period of 28 days from 26 January 2016 attend on the Director: Planning and Human Settlement of the Municipality to transcribe such representations or objections and to place same on record.

**Municipal Manager: Rustenburg Local Municipality**  
**Ref: A/S1454**

**KENNISGEWING 15 VAN 2016**

**RUSTENBURG PLAASLIKE MUNISIPALITEIT**

**1. KENNISGEWING VAN VOORGESTELDE SLUITING ('N GEDEELTE VAN PRESIDENT THABO MBEKIRYLAAN, RUSTENBURG DORP)**

Kennis word hiermee in terme Artikel 67 van die Plaaslike Bestuursordonnansie, 1939 (Ordonnansie 17 van 1939) gegee dat dit die voorneme is van die Rustenburg Plaaslike Munisipaliteit om 'n gedeelte van President Thabo Mbekirylaan permanent te sluit, welke straatgedeelte op die sketsplan hierin verder beskryf aangetoon word, welke naasliggend tot en in die onmiddellike omgewing van Erwe 2162, 2418, 1056, Restant van 2439, Gedeelte 1 van 2439, Gedeelte 2 van 45, Restant van 46, Restant van 47, Gedeelte 2 van 47, Gedeelte 5 van 48, Gedeelte 2 van 48, 103, 2146, Gedeelte 1 van 91 en 2406 in Rustenburg Dorp geleë is, in die gebied tussen Oliver Tamborylaan in die noord-ooste en Nelson Mandelastraat in die suid-weste.

Die doel van die sluiting van die voormelde straatgedeelte is om 'n ontwikkelbare erf van ongeveer 7200m<sup>2</sup> te skep waarop die voorgestelde Sentral Busstasie van die "*Rustenburg Rapid Transport System*" opgerig staan te word.

Die sketsplan wat voormelde straatsluiting aantoon, tesame met verdere besonderhede relevant tot die voorgestelde straatsluiting is oop vir inspeksie gedurende normale kantoorure by die kantoor van die Direkteur: Beplanning en Menslike Nedersetting, Kamer 319, Rustenburg Plaaslike Munisipaliteit, Missionary Mpheni House, Hoek van Beyers Naudestraat en Nelson Mandelastraat, Rustenburg vir 'n periode van 30 dae vanaf 26 Januarie 2016. Navrae in die verband mag gemaak word deur 014-590 3692 te skakel.

Besware teen of verhoë ten aansien van die voorgestelde sluiting en/of eise vir vergoeding vir verlies of skade indien sodanige sluiting uitgevoer word, moet op skrif aan die Direkteur: Beplanning en Menslike Nedersetting by bogemelde kantoor ingedien word of aan Posbus16, Rustenburg, 0300 gepos word voor of op 25 Februarie 2016. Met dien verstande dat, indien sodanige eise en/of besware/verhoë per pos aangestuur word, sodanige eise en/of besware en/of verhoë die munisipaliteit voor of op 25 Februarie 2016 moet bereik.

Let asseblief daarop dat, ingevolge Artikel 21 van die Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000), enige persoon wat van voorneme is om beswaar aan te teken, maar wie nie kan skryf nie, mag gedurende kantoorure binne 'n periode van 30 dae vanaf 26 Januarie 2016 by die Direkteur: Beplanning en Menslike Nedersetting van die Munisipaliteit u opwagting maak ten einde die besware, verhoë of eis te transkribeer en op rekord te stel.

2. KENNISGEWING VAN VOORBEREIDING VAN ONTWERPSKEMA EN DIE VOORNEME VAN DIE MUNISIPALITEIT OM DIE BEPALINGS VAN DIE RUSTENBURG GRONDGEBRUIKSBESTUURSKEMA, 2005 IN TERME ARTIKEL 18(1)(a) SAAMGELEES MET ARTIKEL 28 VAN DIE DORPSBEPLANNING EN DORPE ORDONNANSIE, 1986 (ORDONNANSIE 15 VAN 1986) TE WYSIG

Die Rustenburg Plaaslike Munisipaliteit gee hiermee kennis in terme van die bepalings van Artikel 28(1)(a) van die Dorpsbeplanning en Dorpe Ordonnansie, 1986 (Ordonnansie 15 van 1986), saamgelees met Artikels 63 en 67 van die Plaaslike Bestuursordonnansie, 1939 (Ordonnansie 17 van 1939) en die relevante bepalings van die Ruimtelike Beplanning en Grondgebruikbestuurswet, 2013 dat 'n ontwerp dorpsbeplanningskema wat bekend sal staan as Rustenburg Wysigingskema 1454 (saamgelees met Aanhangsel 1760 daartoe), deur die Munisipaliteit voorberei is.

Die skema is 'n voorgestelde wysiging van die Rustenburg Grondgebruiksbestuurskema, 2005 en bevat die volgende voorstelle:

Die hersonering van 'n gedeelte van President Thabo Mbekitylaan, ongeveer 7200m<sup>2</sup> groot, vanaf "Bestaande Openbare Paaie" na "Vervoer" (Transportation), ten einde die voorgestelde oprigting van 'n busstasie op die eiendom moontlik te maak as deel van die "*Rustenburg Rapid Transport System*" ('n snelbus fasiliteit). Die wysigingskema sal voorsiening maak vir die volgende:

- 'n Vloeroppervlakteverhouding van 1.5; en
- 'n Hoogte van 3 verdiepings (kelder vloere uitgesluit).

Die grondgebied wat hersoneer staan te word is geleë tussen Oliver Tamborylaan in the noord-ooste en Nelson Mandelastraat in die suid-weste in Rustenburg Dorp. Die effek van die inwerkingtreëding van die ontwerp-skema sal wees om 'n oppervlakte van ongeveer 7200m<sup>2</sup> van die bestaande openbare straatreserwe te omskep in 'n ontwikkelbare erf waarop gemelde nuwe busstasie opgerig sal word.

Die ontwerp-skema dokumentasie en verwante planne sal beskikbaar wees vir inspeksie gedurende normale kantoorure by die kantoor van die Direkteur: Beplanning en Menslike Nedersetting, Kamer 319, Rustenburg Plaaslike Munisipaliteit, Missionary Mphemi House, Hoek van Beyers Naudestraat en Nelson Mandelastraat, Rustenburg vir 'n periode van 28 dae vanaf 26 Januarie 2016 (datum van eerste publikasie van hierdie kennisgewing).

Besware teen of verhoë ten aansien van die ontwerp-skema moet op skrif aan bogemelde kantoor gerig word of aan die Direkteur: Beplanning en Menslike Nedersetting, Posbus16, Rustenburg, 0300 binne 'n periode van 28 dae vanaf 26 Januarie 2016 gepos word. Met dien verstande dat, indien sodanige besware of verhoë per pos versend word, sodanige besware en/of verhoë die munisipaliteit voor of op 23 Februarie 2016 moet bereik.

Neem verder kennis dat, ingevolge die bepalings van Artikel 21 van die Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000), enige persoon wie van voorneme is om beswaar aan te teken of verhoë te rig maar wie nie kan skryf nie, mag gedurende kantoorure binne 'n periode van 28 dae vanaf 26 Januarie 2016 by die Direkteur: Beplanning en Menslike Nedersetting van die Munisipaliteit u opwagting moet maak ten einde die besware en/of verhoë te transkribeer en op rekord te plaas.

**Munisipale Bestuurder: Rustenburg Plaaslike Munisipaliteit**  
**Verw : W1454**

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**


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**PROVINCIAL NOTICE 3 OF 2016**
**NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ IN CONJUNCTION WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) RUSTENBURG AMENDMENT SCHEME 1429**

I, Jan-Nolte Ekkerd of the firm NE Town Planning CC (Reg Nr. 2008/249644/23), being the authorised agent of the owner of **Portion 3 (a portion of portion 2) of Erf 1185, and Portion 2 (a portion of portion 1) of Erf 1185, Rustenburg, Registration Division J.Q. North West Province**, hereby give notice in terms of section 56 (1) (b) (i) of the Town-planning and Townships Ordinance 1986, that I have applied to the **Rustenburg Local Municipality** for the amendment of the Town-planning scheme known as **Rustenburg Land Use Management Scheme 2005** by the rezoning of the above mentioned properties from "Residential 1" to "Business 1". The application also entails that the above mentioned properties will be consolidated. **Portion 3 a portion of portion 2) of Erf 1185, and the Remainder of Portion 2 of Erf 1185, Rustenburg** are situated at 177 and 177B Joubert Street. Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager **Room 319, at the Missionary Mpheni House, cnr. of Nelson Mandela and Beyers Naude Drives, Rustenburg** for the period of 28 days from **19 January 2016**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at **P.O. Box 16, Rustenburg, 0300** within a period of 28 days from **19 January 2016**.

Address of owner: **P/a NE Town Planning CC, P.O. Box 5717, RUSTENBURG, 0300**

Tel:(014) 5922777, Fax: (014) 5921640

19-26

**PROVINSIALE KENNISGEWING 3 VAN 2016**
**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE (ORDONNANSIE 15 VAN 1986) SAAMGELEES MET DIE WET OP OP RUIMTELIKE BEPLANNING EN GRONDBRUIK BESTUUR, 2013 (WET 16 VAN 2013)- RUSTENBURG WYSIGINGSKEMA 1429**

Ek, Jan-Nolte Ekkerd, van die firma NE Town Planning BK (Reg Nr. 2008/249644/23), synde die gemagtigde agent van die eienaar van **Gedeelte 3 ('n gedeelte van gedeelte 2) van Erf 1185, en Gedeelte 2 ('n gedeelte van gedeelte 1) van Erf 1185, Rustenburg, Registrasie Afdeling J.Q, Noord Wes Provinsie** gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by **Rustenburg Plaaslike Munisipaliteit** aansoek gedoen het om wysiging van die Dorpsbeplanningskema bekend as **Rustenburg Grondgebruiksbestuursskema, 2005** deur die hersonering van bogenoemde gedeeltes vanaf "Residensieël 1" na "Besigheid 1". Die aansoek behels ook dat die voorgenoemde gedeeltes gekonsolideer sal word. Gedeelte 3 ('n gedeelte van gedeelte 2) van Erf 1185, en die Restant van Gedeelte 2 van Erf 1185, Rustenburg is geleë te 177 en 177B Joubert Straat, Rustenburg. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder **Kamer 319, Missionary Mpheni House, h/v Nelson Mandela en Beyers Naude Lane, Rustenburg** vir 'n tydperk van 28 dae vanaf **19 Januarie 2016**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **19 Januarie 2016** skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by **Posbus 16, Rustenburg, 0300** ingedien of gerig word.

Adres van eienaar: **P/a NE Town Planning CC, Posbus 5717, RUSTENBURG, 0300**

Tel:(014) 5922777, Faks: (014) 5921640

19-26

**PROVINCIAL NOTICE 5 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF THE VENTERSDORP LAND USE MANAGEMENT SCHEME 2007 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ WITH SPLUMA, 2013, ACT 16 OF 2013**

**VENTERSDORP AMENDMENT SCHEME 39**

I, N.J Blignaut (ID: 681211 50310 08 4) of Welwyn Town and Regional Planning CC, 1998/005829/23, being the authorised agent of the owner of a (a Portion of) a one-half share in and to Portion 88 (a Portion of Portion 2) of the farm Roodepoort 191, Registration Division I.P., Province of North West – to be known as Remainder of Portion 88 of the farm Roodepoort 191, Registration Division I.P., Province North West, hereby give notice in terms of section 56(1)(b)(i) of the Town planning and Townships Ordinance, 1986, read with SPLUMA, 2013, Act 16 of 2013, that we have applied to the Ventersdorp Local Municipality for the amendment of the town planning scheme known as the Ventersdorp Land Use Management Scheme, 2007, by the rezoning of the property described above, situated adjacent the north-eastern corner of N14 and Voortrekker Street intersection, Ventersdorp, from “Industrial 1” to “Business 1” with annexure 43 for a Bakery, Service Industry, Vehicle Workshop and Wholesale trade.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Van Tonder Crescent, Ventersdorp for a period of 30 days from 26 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at Private Bag X 1010, Ventersdorp, 2710, within a period of 30 days from 26 January 2016, quoting the relevant application, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf and phone numbers and address.

**Address of applicant:**

**Welwyn Town and Regional Planners**

**P.O. Box 20508**

**Noordbrug**

**2522**

**Tel: (018) 293 1536**

**1<sup>st</sup> Publishment: 26 January 2016**

**2<sup>nd</sup> Publishment: 2 February 2016**



**PROVINSIALE KENNISGEWING 5 VAN 2016**

**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE VENTERSDORP GRONDGEBRUIKBEHEERSKEMA 2007 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) GELEES TESAME MET SPLUMA, 2013, WET 16 VAN 2013**

**VENTERSDORP WYSIGINGSKEMA 39**

Ek, N.J Blignaut (ID: 681211 50310 08 4) van Welwyn Stads- en Streekbeplanning BK, 1998/005829/23, synde die gemagtigde agent van die eienaar van ('n Gedeelte van) een-half aandeel in en tot Gedeelte 88 ('n Gedeelte van Gedeelte 2) van die plaas Roodepoort 191, Registrasie Afdeling I.P., Provinsie Noord Wes – wat bekend sal staan as Restant van Gedeelte 88 van die plaas Roodepoort 191, Registrasie Afdeling I.P., Provinsie Noord Wes, ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, gelees tesame met SPLUMA, 2013, Wet 16 van 2013, gee hiermee kennis dat ons by die Ventersdorp Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Ventersdorp Grondgebruikbeheerskema, 2007, deur die hersonering van die eiendom hierbo beskryf, geleë aangrensend die noord-oostelike hoek van N14 en Voortrekkerstraat interseksie, Ventersdorp, vanaf "Industrieel 1" na "Besigheid 1" met bylaag 43 vir Bakkerij, Diens Nywerheid, Motor Werkswinkel en Groothandel.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Van Tondersingel, Ventersdorp, vir 'n tydperk van 30 dae vanaf 26 Januarie 2016

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 26 Januarie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Privaatsak X 1010, Ventersdorp, 2710, ingedien of gerig word en moet die relevante aansoek aanhaal, beswaarmaker se belange in die saak, gronde vir besware/verhoë en die beswaarmaker se erf, telefoon nommer en adres insluit.

**Adres van applikant:**

**Welwyn Stads - en Streekbeplanners**

**Posbus 20508**

**Noordbrug**

**2522**

**Tel: (018) 293 1536**

**1<sup>ste</sup> Afkondiging: 26 Januarie 2016**

**2<sup>de</sup> Afkondiging: 2 Februarie 2016**

**PROVINCIAL NOTICE 6 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ WITH SPLUMA, 2013, ACT 16 OF 2013**

**POTCHEFSTROOM AMENDMENT SCHEME 2142**

I, N.J. Blignaut (I.D. 681211 5030 08 4) of Welwyn Town and Regional Planning CC, 1998/005829/23, being the authorised agent of the owner of Erf 1158, Erf 1159 and Erf 1160, Baillie Park Extension 25 Township, hereby give notice in terms of section 56(1)(b)(i) of the Town planning and Townships Ordinance, 1986, read with SPLUMA, 2013, Act 16 of 2013, that we have applied to the Tlokwe City Council for the amendment of the town planning scheme known as the Potchefstroom Town Planning Scheme, 1980, by the rezoning of the properties described above, situated respectively at 8 en 10 as well as 12 Ingonya Street / 2 Thandi Street, Baillie Park Extension 25, from "Residential 1" to "Residential 3" with annexure 1689 for 50% Coverage and 6 Dwelling Units.

Particulars of the application will lie for inspection during normal office hours at the Office of the Department Human Settlements and Planning, Tlokwe City Council, Office 210, Second floor, Dan Tloome Complex, Corner of Wolmarans Street and Sol Plaatjie Avenue, Potchefstroom for a period of 30 days from 26 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 113, Potchefstroom, 2520, within a period of 30 days from 26 January 2016, quoting the relevant application, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf and phone numbers and address.

**Address of applicant:**  
**Welwyn Town and Regional Planners**  
**P.O. Box 20508**  
**Noordbrug**  
**2522**  
**Tel: (018) 293 1536**

**PROVINSIALE KENNISGEWING 6 VAN 2016**

**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) GELEES SAAM SPLUMA, 2013, WET 16 VAN 2013**

**POTCHEFSTROOM WYSIGINGSKEMA 2142**

Ek, N.J. Blignaut (I.D. 681211 5030 08 4) van Welwyn Stads- en Streekbeplanning BK, 1998/005829/23, synde die gemagtigde agent van die eienaar van Erf 1158, Erf 1159 en Erf 1160, Baillie Park Uitbreiding 25 Dorpsgebied, ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, SPLUMA, 2013, Wet 16 van 2013, gee hiermee kennis dat ons by die Tlokwe Stadsraad aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Potchefstroom Dorpsbeplanningskema, 1980, deur die hersonering van die eiendom hierbo beskryf, onderskeidelik geleë te Ingonyastraat 8 en 10 asook Ingonyastraat 12 / Thandistraat 2, Baillie Park Uitbreiding 25, vanaf "Residensieel 1" na "Residensieel 3" met bylaag 1689 vir 50% Dekking en 6 Wooneenhede.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure te die kantoor van die Departement Menslike Nedersettings en Beplanning, Tlokwe Stadsraad, Kantoor 210, Tweede Vloer, Dan Tloome Kompleks, op die hoek van Wolmaransstraat en Sol Plaatjelaan, Potchefstroom, vir 'n tydperk van 30 dae vanaf 26 Januarie 2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 26 Januarie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520, ingedien of gerig word en moet die relevante aansoek aanhaal, beswaarmaker se belange in die saak, gronde vir besware/verhoë en die beswaarmaker se erf, telefoon nommer en adres insluit.

**Adres van applikant:**

**Welwyn Stads - en Streekbeplanners**

**Posbus 20508**

**Noordbrug**

**2522**

**Tel: (018) 293 1536**

**PROVINCIAL NOTICE 7 OF 2016**

**NOTICE OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) READ WITH SPLUMA, 2013, ACT 16 OF 2013**

**POTCHEFSTROOM AMENDMENT SCHEME 2143**

I, N.J. Blignaut (I.D. 681211 5030 08 4) of Welwyn Town and Regional Planning CC, 1998/005829/23, being the authorised agent of the owner of Portion 2 of Erf 908, Potchefstroom Township, hereby give notice in terms of section 56(1)(b)(i) of the Town planning and Townships Ordinance, 1986, read with SPLUMA, 2013, Act 16 of 2013, that we have applied to the Tlokwe City Council for the amendment of the town planning scheme known as the Potchefstroom Town Planning Scheme, 1980, by the rezoning of the property described above, situated at 45 Rissik Street, Potchefstroom, from "Residential 1" to "Residential 4" with annexure 1690 for 65% Coverage, FAR of 0.9 and 3 Storey's.

Particulars of the application will lie for inspection during normal office hours at the Office of the Department Human Settlements and Planning, Tlokwe City Council, Office 210, Second floor, Dan Tloome Complex, Corner of Wolmarans Street and Sol Plaatjie Avenue, Potchefstroom for a period of 30 days from 26 January 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 113, Potchefstroom, 2520, within a period of 30 days from 26 January 2016, quoting the relevant application, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf and phone numbers and address.

**Address of applicant:**

**Welwyn Town and Regional Planners**

**P.O. Box 20508**

**Noordbrug**

**2522**

**Tel: (018) 293 1536**

**PROVINSIALE KENNISGEWING 7 VAN 2016**

**KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) GELEES SAAM SPLUMA, 2013, WET 16 VAN 2013**

**POTCHEFSTROOM WYSIGINGSKEMA 2143**

Ek, N.J. Blignaut (I.D. 681211 5030 08 4) van Welwyn Stads- en Streekbeplanning BK, 1998/005829/23, synde die gemagtigde agent van die eienaar van Gedeelte 2 van Erf 908, Potchefstroom Dorpsgebied, ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, SPLUMA, 2013, Wet 16 van 2013, gee hiermee kennis dat ons by die Tlokwe Stadsraad aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Potchefstroom Dorpsbeplanningskema, 1980, deur die hersonering van die eiendom hierbo beskryf, geleë te Rissikstraat 45, Potchefstroom, vanaf "Residensieel 1" na "Residensieel 4" met bylaag 1690 vir 65% Dekking, V.O.V van 0.9 en 3 Verdiepings.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure te die kantoor van die Departement Menslike Nedersettings en Beplanning, Tlokwe Stadsraad, Kantoor 210, Tweede Vloer, Dan Tloome Kompleks, op die hoek van Wolmaransstraat en Sol Plaatjelaan, Potchefstroom, vir 'n tydperk van 30 dae vanaf 26 Januarie 2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 26 Januarie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520, ingedien of gerig word en moet die relevante aansoek aanhaal, beswaarmaker se belange in die saak, gronde vir besware/verhoë en die beswaarmaker se erf, telefoon nommer en adres insluit.

**Adres van applikant:**

**Welwyn Stads - en Streekbeplanners**

**Posbus 20508**

**Noordbrug**

**2522**

**Tel: (018) 293 1536**

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**


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**LOCAL AUTHORITY NOTICE 6 OF 2016****NOTICE**

**OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980, IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), READ TOGETHER WITH SPLUMA, ACT 16 OF 2013**

**POTCHEFSTROOM AMENDMENT SCHEME 2136**

**I, J.J. Botha of H & W Town Planners CC [Reg Nr. 2006/148547/23]**, being the authorized agent of the owner of Portion 17 of Erf 52, Potchefstroom, Registration Division I.Q., North West Province, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read together with SPLUMA, Act 16 of 2013, that we have applied to the Tlokwe City Council for the amendment of the town planning scheme known as the the Potchefstroom Town Planning Scheme, 1980, as amended, by the rezoning of the above mentioned property situated at 78 Dr. James Moroka Avenue, **from** "Special" with Annexure 442 **to** "Institutional" with Annexure 1685, to make provision that the erf may also be used for ancillary and subservient related medical business rights.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Tlokwe City Council Offices, Wolmarans Street, Potchefstroom, for a period of 28 days from **19 January 2016**.

Objection to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or posted to him at P.O. Box 113, Potchefstroom, 2520, within a period of 28 days from **19 January 2016**.

Address of authorised agent: **H & W TOWN PLANNERS**, PO Box 1635, Potchefstroom, 2520,  
Tel: 018 297 7077 [JJ Botha], **Ref:** HB 201542

19-26

**PLAASLIKE OWERHEID KENNISGEWING 6 VAN 2016****KENNISGEWING**

**VAN AANSOEK OM WYSIGING VAN POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980, INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), SAAMGELEES MET SPLUMA, WET 16 VAN 2013**

**POTCHEFSTROOM WYSIGINGSKEMA 2136**

**Ek, J.J. Botha van H & W Town Planners BK [Reg No. 2006/148547/23]**, synde die gemagtigde agent van die eienaar van Gedeelte 17 van Erf 52, Potchefstroom, Registrasie Afdeling I.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA, Wet 16 van 2013, kennis dat ons by die Tlokwe Stadsraad aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Potchefstroom Dorpsbeplanningskema, 1980, soos gewysig, deur die hersonering van bogenoemde eiendom geleë te Dr. James Morokalaan 78, **vanaf** "Spesiaal" met Bylae 442 **na** "Inrigting" met Bylae 1685, om voorsiening te maak dat die erf ook gebruik mag word vir aanvullende en ondergeskikte aanverwante mediese besigheidsregte.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Tlokwe Stadsraad Kantore, Wolmaransstraat, Potchefstroom, vir 'n tydperk van 28 dae vanaf **19 Januarie 2016**.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **19 Januarie 2016** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520, ingedien of gerig word.

Adres van gemagtigde agent: **H & W TOWN PLANNERS**, Posbus 1635, Potchefstroom, 2520,  
Tel : 018 297 7077 [JJ Botha], **Verw:** HB 201542

19-26

**LOCAL AUTHORITY NOTICE 8 OF 2016**

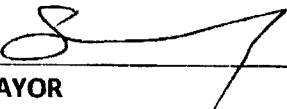
**By the**

**Mayor of the Naledi Local Municipality**

**No. 01/2015**

**NALEDI LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW,  
2015**

In terms of Section 178 of the Naledi Local Municipality Spatial Planning and Land Use Management By-Law, 2015, as adopted by the Municipal Council of the Naledi Local Municipality on the 30 September 2015, I hereby determine that the By-Law shall come into operation on 1 January 2015.

  
MAYOR

**PLAASLIKE OWERHEID KENNISGEWING 8 VAN 2016**

**Deur die**

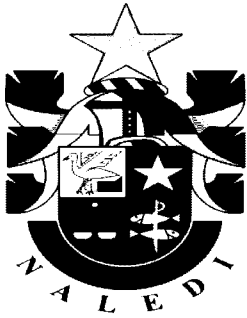
**Burgemeester van die Naledi Plaaslike Munisipaliteit**

**Nr. 01/2015**

**NALEDI PLAASLIKE MUNISIPALITEIT VERORDENING OP RUIMTELIKE BEPLANNING EN  
GRONDBESTUUR, 2015**

Ingevolge Artikel 178 van die Naledi Plaaslike Munisipaliteit Verordening op Ruimtelike Beplanning en Grondbestuur, 2015, wat die Munisipale Raad van die Naledi Plaaslike Munisipaliteit op 30 September 2015 aanvaar het, bepaal ek hiermee dat die verordening op 1 Januarie 2015 in werking sal tree.

  
BURGEMEESTER



**NALEDI LOCAL MUNICIPALITY SPATIAL  
PLANNING AND LAND USE MANAGEMENT  
BY-LAW, 2015**

**APPROVED BY COUNCIL : 30 SEPTEMBER  
2015**

**PROMULGATED ..... NOVEMBER 2015  
PG .....**

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CHAPTER 1

DEFINITIONS, APPLICABILITY AND CONFLICT OF LAWS

**1 Definitions**

In this By-Law, unless the context indicates otherwise, a word or expression defined in the Act, the Regulations or provincial legislation has the same meaning as in this By-law and -

“**Act**” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

**“appeal authority”** means the executive authority of the municipality or any other body or institution outside of the municipality authorised by that municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Act;

**“approved township”** means a township declared an approved township in terms of section 61 of this By-law;

**“By-Law”** means this By-Law and includes the schedules attached hereto or referred to herein.

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

- (a) the government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or
- (b) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971);

**“consent”** means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme;

**“consolidation”** means the joining of two or more pieces of land into a single entity;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“Council”** means the municipal council of the Municipality;

**“diagram”** means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

**“deeds registry”** means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

**“file”** means the lodgement of a document with the appeal authority of the municipality;

**“land”** means -

- (a) any erf, agricultural holding or farm portion, and includes any improvements or building on the land and any real right in land, and
- (b) the area of communal land to which a household holds an informal right recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of, and adversely to, the registered owner of the land;

**“land development area”** means an erf or the land which is delineated in a land development application submitted in terms of this By-law or any other legislation governing the change in land use and “land area” has a similar meaning;

**“Land Development Officer”** means the authorised official defined in regulation 1 of the Regulations;

**“land use scheme”** means the land use scheme adopted and approved in terms of Chapter 3 of this By-law and for the purpose of this By-law includes an existing scheme until such time as the existing scheme is replaced by the adopted and approved land use scheme.

**“Member of the Executive Council”** means the Member of the Executive Council responsible for local government in the Province;

**“municipal area”** means the area of jurisdiction of the (*insert the name of the local municipality*) in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**“Municipal Manager”** means the person appointed as the (*insert the name of the local municipality*) Municipal Manager in terms of appointed in terms of section 54A of the Municipal Systems Act and includes any person acting in that position or to whom authority has been delegated;

**“Municipal Planning Tribunal”** means the Naledi Municipal Planning Tribunal established in terms of section 32;

**“Municipality”** means the Naledi Local Municipality or its successor in title as envisaged in section 155(1) of the Constitution, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes a municipal department, the Council, the Municipal Manager or an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

**“objector”** means a person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or a land development and land use application;

**“overlay zone”** means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed;

**“Premier”** means the Premier of the Province of North West;

**“previous planning legislation”** means any planning legislation that is repealed by the Act or the provincial legislation;

**“provincial legislation”** means legislation contemplated in section 10 of the Act promulgated by the Province;

**“Province”** means the Province of North West referred to in section 103 of the Constitution;



**“Regulations”** means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015;

**“service provider”** means a person lawfully appointed by a municipality or other organ of state to carry out, manage or implement any service, work or function on behalf of or by the direction of such municipality or organ of state;

**“spatial development framework”** means the Naledi Local Municipality Spatial Development Framework;

**“subdivision”** means the division of a piece of land into two or more portions;

**“the Act”** means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and any subsidiary legislation or other legal instruments issued in terms thereof;

**“township register”** means an approved subdivision register of a township in terms of the Deeds Registries Act;

**“traditional communities”** means communities recognised in terms of section 3 of the North West Traditional Leadership and Governance Act, 2005.

## **2 Application of By-law**

(1) This By-law applies to all land within the geographical area of the Municipality, including land owned by the state.

(2) This By-law binds every owner and their successor-in-title and every user of land, including the state.

## **3 Conflict of laws**

(1) This By-law is subject to the relevant provisions of the Act and the provincial legislation.

(2) When considering an apparent conflict between this By-law and another law, a court must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.

(3) Where a provision of this By-law is in conflict with a provision of the Act or provincial legislation, the Municipality must institute the conflict resolution measures provided for in the Act or in provincial legislation, or in the absence of such measures, the measures provided for in the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005); to resolve the conflict and until such time as the conflict is resolved, the provisions of this By-law prevails.

(4) Where a provision of the land use scheme is in conflict with the provisions of this By-law, the provisions of this By-law prevails.

(5) Where there is a conflict between this By-law and another By-law of the Municipality, this By-Law prevails over the affected provision of the other By-law in respect of any municipal planning matter.

## CHAPTER 2

### MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

#### 4 Municipal spatial development framework

(1) The Municipality must draft a municipal spatial development framework in accordance with the provisions of sections 20 and 21 of the Act read with sections 23 to 35 of the Municipal Systems Act.

(2) A municipal spatial development framework does not confer or take away land use rights but guides and informs decisions to be made by the Municipality relating to land development.

(3) The provisions of this Chapter apply, with the necessary change, to the review or amendment of a municipal spatial development framework.

#### 5 Contents of municipal spatial development framework

(1) A municipal spatial development framework must provide for the matters contemplated in section 21 of the Act, section 26 of the Municipal Systems Act and provincial legislation, if any, and the Municipality may for purposes of reaching its constitutional objectives include any matter which it may deem necessary for municipal planning.

(2) Over and above the matters required in terms of subsection (1), the Municipality may determine any further plans, policies and instruments by virtue of which the municipal spatial development framework must be applied, interpreted and implemented.

(3) A municipal spatial development framework must contain transitional arrangements with regard to the manner in which the municipal spatial development framework is to be implemented by the Municipality.

#### 6 Intention to prepare, amend or review municipal spatial development framework

A Municipality which intends to prepare, amend or review its municipal spatial development framework

- (a) may convene an intergovernmental steering committee and a project committee in accordance with section 7;
- (b) must publish a notice in two of the official languages of the Province most spoken in the municipal area of the Municipality of its intention to prepare, amend or review

the municipal spatial development framework and the process to be followed in accordance with section 28 of the Municipal Systems Act in two newspapers circulating in the area concerned;

- (c) must inform the Member of the Executive Council in writing of -
  - (i) its intention to prepare, amend or review the municipal spatial development framework;
  - (ii) the process that will be followed in the drafting or amendment of the municipal spatial development framework including the process for public participation; and
- (e) must register relevant stakeholders 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.

#### **7 Institutional framework for preparation, amendment or review of municipal spatial development framework**

(1) The purpose of the intergovernmental steering committee contemplated in section 6(a) is to co-ordinate the applicable contributions into the municipal spatial development framework and to-

- (a) provide technical knowledge and expertise;
- (b) provide input on outstanding information that is required to draft the municipal spatial development framework or an amendment or review thereof;
- (c) communicate any current or planned projects that have an impact on the municipal area;
- (d) provide information on the locality of projects and budgetary allocations; and
- (e) provide written comment to the project committee at each of various phases of the process.

(2) The Municipality must, before commencement of the preparation, amendment or review of the municipal spatial development framework, in writing, invite nominations for representatives to serve on the intergovernmental steering committee from—

- (a) departments in the national, provincial and local sphere of government, other organs of state, community representatives, engineering services providers, traditional councils; and
- (b) any other body or person that may assist in providing information and technical advice on the content of the municipal spatial development framework.

(3) The purpose of the project committee contemplated in section 6(a) is to –

- (a) prepare, amend or review the municipal spatial development framework for adoption by the Council;
  - (b) provide technical knowledge and expertise;
  - (c) monitor progress and ensure that the drafting or amendment of the municipal spatial development framework is progressing according to the approved process plan;
  - (d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;
  - (e) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and organs of state as contemplated in section 24(1) of the Municipal Systems Act;
  - (f) facilitate the integration of other sector plans into the municipal spatial development framework;
  - (g) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment or review of the municipal spatial development framework to address comments obtained during the process of drafting thereof;
  - (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.
- (4) The project committee must consist of –
- (a) the Municipal Manager;
  - (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 environmental services department; and
    - (vi) the human settlement department.

## **8 Preparation, amendment or review of municipal spatial development framework**

(1) The project committee must compile a status quo document setting out an assessment of existing levels of development and development challenges in the municipal area and must submit it to the intergovernmental steering committee for comment.

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

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

(4) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the first draft of the municipal spatial development framework or first draft amendment or review of the municipal spatial development framework and submit it to the Council, together with the report referred to in subsection (5), to approve the publication of a notice referred to in section 9(4) that the draft municipal spatial development framework or an amendment or review thereof is available for public comment.

(5) The project committee must submit a written report as contemplated in subsection (4) which must at least —

- (a) indicate the rationale in the approach to the drafting of the municipal spatial development framework;
- (b) summarise the process of drafting the municipal spatial development framework;
- (c) summarise the consultation process to be followed with reference to section 9 of this By-law;
- (d) indicate the involvement of the intergovernmental steering committee, if convened by the Municipality;
- (e) indicate the departments that were engaged in the drafting of the municipal spatial development framework;
- (f) indicate the alignment with the national and provincial spatial development frameworks;
- (g) indicate all sector plans that may have an impact on the municipal spatial development framework;
- (h) indicate how the municipal spatial development framework complies with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Council; and

- (i) recommend the adoption of the municipal spatial development framework for public participation as the draft municipal spatial development framework for the Municipality, in terms of the relevant legislation and this By-law.

(6) 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 or review of the municipal spatial development framework and must submit it to the intergovernmental steering committee for comment.

(7) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the final municipal spatial development framework or final amendment or review of the municipal spatial development framework and submit it to the Council for adoption.

(8) If the final municipal spatial development framework or final amendment or review of the municipal spatial development framework, as 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 before it is adopted by the Council.

(9) The Council must adopt the final municipal spatial development framework or final amendment or review of the municipal spatial development framework, with or without amendments, and must within 21 days of its decision –

- (a) give notice of its adoption in the media and the *Provincial Gazette*; and
- (b) submit a copy of the municipal spatial development framework to the Member of the Executive Council.

(10) The municipal spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in subsection 9.

(11) If no intergovernmental steering committee is convened by the Municipality, the project committee submits the draft and final municipal spatial development framework or amendment or review thereof directly to the Council.

## **9 Public participation**

(1) Public participation undertaken by the Municipality must contain and comply with all the essential elements of any notices to be placed in terms of the Act or the Municipal Systems Act.

(2) In addition to the publication of notices in the *Provincial Gazette* and a newspaper that is circulated in the municipal area, the Municipality may, subject to section 21A of the Municipal Systems Act, use any other method of communication it may deem appropriate.

(3) The Municipality may for purposes of public engagement on the content of the draft municipal spatial development framework arrange -

- (a) specific consultations with professional bodies, ward communities or other groups; and
- (b) public meetings.

(4) The notice contemplated in section 8(4) must specifically state that any person or body wishing to provide comments must-

- (a) do so within a period of 60 days from the first day of publication of the notice;
- (b) provide written comments; and
- (c) provide their contact details as specified in the definition of contact details.

#### **10 Local spatial development framework**

(1) The Municipality may adopt a local spatial development framework for a specific geographical area of a portion of the municipal area.

(2) The purpose of a local spatial development framework is to:

- (a) provide detailed spatial planning guidelines or further plans for a specific geographic area or parts of specific geographical areas and may include precinct plans;
- (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework or necessary to give effect to the municipal spatial development framework and or its integrated development plan and other relevant sector plans;
- (c) address specific land use planning needs of a specified geographic area;
- (d) provide detailed policy and development parameters for land use planning;
- (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; or
- (f) guide decision making on land development applications;
- (g) or any other relevant provision that will give effect to its duty to manage municipal planning in the context of its constitutional obligations.

#### **11 Compilation, amendment or review of local spatial development framework**

(1) If the Municipality prepares, amends or reviews a local spatial development framework, it must draft and approve a process plan, including public participation processes to be followed for the compilation, amendment, review or adoption of a local spatial development framework.

(2) 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 and submit a copy of the local spatial development framework to

the Member of the Executive Council.

## **12 Effect of local spatial development framework**

(1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in section 8(9).

(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 Record of and access to municipal spatial development framework**

(1) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved municipal or local spatial development framework and or any component thereof applicable within the jurisdiction of the Municipality.

(2) Should anybody or person request a copy of the municipal or local spatial development framework the Municipality must provide on payment by such body or person of the fee approved by the Council, a copy to them of the approved municipal spatial development framework or any component thereof.

## **14 Variance from municipal spatial development framework**

(1) For purposes of section 22(2) of the Act, site specific circumstances include –

- (a) a variance that does not materially change the municipal spatial development framework; and
- (b) a unique circumstance pertaining to a discovery of national importance.

(2) If the effect of an approval of an application will be a material change of the municipal spatial development framework, the Municipality may amend the municipal spatial development framework in terms of the provisions of this Chapter, prior to the Municipal Planning Tribunal taking a decision which would constitute a variance from the municipal spatial development framework.

## **CHAPTER 3 LAND USE SCHEME**

### **15 Applicability of Act**

Sections 24 to 30 of the Act apply to any land use scheme developed, prepared, adopted and amended by the Municipality.

### **16 Purpose of land use scheme**

In addition to the purposes of a land use scheme stipulated in section 25(1) of the Act, the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote -

- (a) harmonious and compatible land use patterns;



- (b) aesthetic considerations;
- (c) sustainable development and densification; and
- (d) the accommodation of cultural customs and practices of traditional communities in land use management; and
- (e) a healthy environment that is not harmful to a person's health.

#### **17 General matters pertaining to land use scheme**

- (1) In order to comply with section 24(1) of the Act, the Municipality must -
  - (a) develop a draft land use scheme as contemplated in section 18;
  - (b) obtain Council approval for publication of the draft land use scheme as contemplated in section 19;
  - (c) embark on the necessary public participation process as contemplated in section 20;
  - (d) incorporate relevant comments received during the public participation process as contemplated in section 21;
  - (e) prepare the land use scheme as contemplated in section 22;
  - (f) submit the land use scheme to the Council for approval and adoption as contemplated in section 23;
  - (g) publish a notice of the adoption and approval of the land use scheme in the Provincial Gazette as contemplated in section 24; and
  - (h) submit the land use scheme to the Member of the Executive Council as contemplated in section 25.
- (2) The Municipality may, on its own initiative or on application, create an overlay zone for land.
- (3) Zoning may be made applicable to a land unit or part thereof and must follow cadastral boundaries except for a land unit or part thereof which has not been surveyed, in which case a reference or description as generally approved by Council may be used.
- (4) The land use scheme of the Municipality must take into consideration:
  - (a) the Integrated Development Plan in terms of the Municipal Systems Act;
  - (b) the Spatial Development Framework as contemplated in Chapter 4 of the Act and Chapter 2 of this By-law, and
  - (c) provincial legislation.

## **18 Development of draft land use scheme**

(1) Before the Municipality commences with the development of a draft land use scheme, the Council must take resolve to develop and prepare a land use scheme, provided that in its resolution the Council must:

- (a) adopt a process for drafting the land use scheme which complies with the Act, provincial legislation, this Chapter and any other applicable legislation;
- (b) confirm over and above that which is contained in the applicable legislation the public participation to be followed;
- (c) determine the form and content of the land use scheme;
- (d) determine the scale and whether it should be available in an electronic media;
- (e) determine any other relevant issue that will impact on the drafting and final adoption of the land use scheme which will allow for it to be interpreted and or implemented; and
- (f) confirm the manner in which the land use scheme must inter alia set out the general provisions for land uses applicable to all land, categories of land use, zoning maps, restrictions, prohibitions and or any other provision that may be relevant to the management of land use, which may or must not require a consent or permission from the Municipality for purposes of the use of land.

(2) After the resolution is taken by the Council, the department responsible for spatial planning and land use management or development planning in the Municipality must develop the draft land use scheme in accordance with the provisions of the Act, provincial legislation and this Chapter.

## **19 Council approval for publication of draft land use scheme**

(1) Upon completion of the draft land use scheme, the department responsible for spatial planning and land use management or development planning in the Municipality must submit it to the Council for approval as the draft land use scheme.

(2) The submission of the draft land use scheme to the Council must be accompanied by a written report from the department responsible for spatial planning and land use management or development planning in the Municipality and the report must at least –

- (a) indicate the rationale in the approach to the drafting of the land use scheme;
- (b) summarise the process of drafting the draft land use scheme;
- (c) summarise the consultation process to be followed with reference to section 20 of this By-law;

- (d) indicate the departments that were engaged in the drafting of the draft land use scheme;
- (e) indicate how the draft land use scheme complies with the requirements of relevant national and provincial legislation, and relevant mechanism controlling and managing land use rights by the Council;
- (f) recommend the approval of the draft land use scheme for public participation in terms of the relevant legislation and this By-law.

(3) If the Council is satisfied with the report and the draft land use scheme, it must approve the draft land use scheme and authorise the public participation thereof in terms of this By-law and the relevant legislation referred to in section 15.

## **20 Public participation**

(1) The public participation process must contain and comply with all the essential elements of any notices to be placed in terms of this By-law and in the event of an amendment of the land use scheme, the matters contemplated in section 28 of the Act.

(2) Without detracting from the provisions of subsection (1) above the Municipality must -

- (a) publish a notice in the *Provincial Gazette*; and
- (b) publish a notice in two local newspapers that is circulated in the municipal area of the municipality in two languages commonly spoken in the area, once a week for two consecutive weeks; and
- (c) use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections must:
  - (i) do so within a period of 60 days from the first day of publication of the notice;
  - (ii) provide written comments in the form approved by Council; and
  - (iii) provide their contact details as specified in the definition of contact details.

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

- (a) specific consultations with professional bodies, ward communities or other groups; and
- (b) public meetings.

(4) The Municipality must inform the Member of the Executive Council in writing of the intention to draft a land use scheme and provide him or her with a copy of the draft land use scheme after it has been approved by the Council as contemplated in section 18.

## **21 Incorporation of relevant comments**

(1) Within 60 days after completion of the public participation process outlined in section 20 the department responsible for spatial development and land use management or development planning in the Municipality must –

- (a) review and consider all submissions made in writing or during any engagements; and
- (b) prepare a report including all information they deem relevant, on the submissions made; provided that:
  - (i) for purposes of reviewing and considering all submissions made, the Municipal Manager may elect to hear the submission through an oral hearing process;
  - (ii) all persons and or bodies that made submissions must be notified of the time, date and place of the hearing as may be determined by the Municipality not less than 30 days prior to the date determined for the hearing, by electronic means or registered post;
  - (iii) for purposes of the consideration of the submissions made on the land use scheme the Municipality may at any time prior to the submission of the land use scheme to the Council, request further information or elaboration on the submissions made from any person or body.

(2) The department responsible for spatial development and land use management or development planning in the Municipality must for purposes of proper consideration provide comments on the submissions made which comments must form part of the documentation to be submitted to the Council as contemplated in subsection (1).

## **22 Preparation of land use scheme**

The department responsible for spatial development and land use management or development planning in the Municipality must, where required and based on the submissions made during public participation, make final amendments to the draft land use scheme, provided that; if such amendments are in the opinion of the Municipality materially different to what was published in terms of section 20(2), the Municipality must follow a further consultation and public participation process in terms of section 20(2) of this By-law, before the land use scheme is adopted by the Council.

## **23 Submission of land use scheme to Council for approval and adoption**

(1) The department responsible for spatial development and land use management or development planning in the Municipality must -

- (a) within 60 days from the closing date for objections contemplated in section 20(2)(c)(i), or
- (b) if a further consultation and public participation process is followed as contemplated in section 22, within 60 days from the closing date of such further objections permitted in terms of section 22 read with section 20(2)(c)(i),

submit the proposed land use scheme and all relevant supporting documentation to the Council with a recommendation for adoption.

- (2) The Council must consider and adopt the land use scheme with or without amendments.

#### **24 Publication of notice of adoption and approval of land use scheme**

- (1) The Council must, within 60 days of its decision referred to in section 23, give notice of its decision to all persons or bodies who gave submissions on the land use scheme, and publish such notice in the media and the *Provincial Gazette*.

- (2) The date of publication of the notice referred to in subsection (1), in the *Provincial Gazette*, is the date of coming into operation of the land use scheme unless the notice indicates a different date of coming into operation.

#### **25 Submission to Member of Executive Council**

After the land use scheme is published in terms of section 24 the Municipality must submit the approved land use scheme to the Member of the Executive Council for cognisance.

#### **26 Records**

- (1) The Municipality may in hard copy or electronic media and or data base keep record in the land use scheme register referred to in section 28 of the land use rights in relation to each erf or portion of land and which information is regarded as part of its land use scheme.

- (2) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved land use scheme and or any component thereof applicable within the municipal area of the Municipality.

- (3) Should anybody or person request a copy of the approved land use scheme, the Municipality must provide on payment by such body or person of the fee approved by the Council, a copy to them of the approved land use scheme or any component thereof: Provided that if the Municipality is of the opinion that in order to provide the said copy it will take officials unreasonably away from their substantive duties such request for a copy can be dealt with in terms of the Promotion of Access to Information Act, 2000.

## **27 Contents of land use scheme**

(1) The contents of a land use scheme developed and prepared by the Municipality must include all the essential elements contemplated in Chapter 5 of the Act and provincial legislation and must contain –

- (a) a zoning for all properties within the geographic area of the Municipality in accordance with a category of zoning as approved by Council;
- (b) land use regulations including specific conditions, limitations, provisions or prohibitions relating to the exercising of any land use rights or zoning approved on a property in terms of the approved land use scheme or any amendment scheme, consent, permission or conditions of approval of a land development application on a property;
- (c) provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved land use scheme;
- (d) provisions relating to the provision of engineering services, which provisions must specifically state that land use rights may only be exercised if engineering services can be provided to the property to the satisfaction of the Municipality;
- (e) servitudes for municipal services and access arrangements for all properties;
- (f) provisions applicable to all properties relating to storm water;
- (g) provisions for the construction and maintenance of engineering services including but not limited to bodies established through the approval of land development applications to undertake such construction and maintenance;
- (h) zoning maps as approved by Council that depicts the zoning of every property in Municipality's geographical area as updated from time to time in line with the land use rights approved or granted; and
- (i) transitional arrangements with regard to the manner in which the land use scheme is to be implemented.

(2) The land use scheme may –

- (a) determine the components of the land use scheme for purposes of it being applied, interpreted and implemented; and
- (b) include any matter which it deems necessary for municipal planning in terms of the constitutional powers, functions and duties of a municipality.

## **28 Land use rights register**

The Municipality must keep and maintain a land use scheme register in a hard copy or electronic format as approved by the Council and may contain the following but is not limited to:

- (a) Date of application;
- (b) name and contact details of applicant;
- (c) property description;
- (c) type of application;
- (e) existing zoning;
- (f) proposed zoning;
- (g) amendment scheme number;
- (h) annexure number;
- (i) item number;
- (j) item date;
- (k) decision (approved/not approved);
- (l) decision date.

## **29 Replacement and consolidation of amendment scheme**

(1) The Municipality may of its own accord in order to replace or consolidate an amendment scheme or several amendment schemes, map(s), annexure(s) or schedule(s) of the approved land use scheme, of more than one property, prepare a certified copy of documentation as the Municipality may require, for purposes of replacing or consolidating the said amendment scheme(s), which consolidated or replacement amendment scheme must from the date of the signing thereof, be in operation; provided that:

- (a) such replacement and consolidation must not take away any land use rights granted in terms of an approved land use scheme, for purposes of implementation of the land use rights and may include a provision for consolidation of property for purposes of consolidating land use schemes; provided that if a consolidation is required, the Municipality only do so after consultation with the owner(s).
- (b) after the Municipality has signed and certified a consolidation or replacement amendment scheme, it must publish it in the *Provincial Gazette*.

(2) Where as a result of a repealed legislation, the demarcation of municipal boundaries or defunct processes it is necessary in the opinion of the Municipality for certain areas where land use rights are governed through a process, other than a land use scheme; the Municipality may for purposes of including such land use rights into a land use scheme prepare an amendment scheme and incorporate it into the land use scheme.

(3) The provisions of sections 15 to 28 apply, with the necessary changes, to the review or amendment of an existing land use scheme other than a rezoning or similar application relating to a property or properties or multiple portions thereof, which in the opinion of the Municipality is dealt with as a land development application.

## **CHAPTER 4**

### **INSTITUTIONAL STRUCTURE FOR LAND USE MANAGEMENT DECISIONS**

#### **Part A: Division of Functions**

#### **30 Division of functions between Municipal Planning Tribunal and Land Development Officer**

(1) For purposes of section 35(3) of the Act, the following categories of applications defined in section 54 of this By-law must be considered and determined -

- (a) by the Municipal Planning Tribunal:
  - (i) All category 1 applications; and
  - (ii) all opposed category 2 applications;
- (b) by the Land Development Officer:
  - (i) All category 2 applications that are not opposed.

(2) For the purposes of subsection (1), an opposed application means an application on which negative comments or objections were received after the public participation process.

#### **Part B: Assessment to establish Municipal Planning Tribunal**

#### **31 Municipal assessment prior to establishment of Municipal Planning Tribunal**

(1) The decision of a municipality to –

- (a) establish a joint Municipal Planning Tribunal as contemplated in section 34(1) of the Act; or
- (b) agree to the establishment of a Municipal Planning Tribunal by a district municipality as contemplated in section 34(2) of the Act; or
- (c) establish a Municipal Planning Tribunal for its municipal area,

must be preceded by an assessment of the factors referred to in subregulation (2).

(2) The assessment referred to in subregulation (1) includes, amongst others, the following factors -

- (a) the impact of the Act on the municipality's financial, administrative and professional capacity;
- (b) the ability of the municipality to effectively implement the provisions of the Act;
- (c) the average number of applications dealt with by the municipality annually in terms of existing planning legislation; and
- (d) the development pressures in the municipal area.



**Part C: Establishment of Municipal Planning Tribunal for Local Municipal Area****32 Establishment of Municipal Planning Tribunal for local municipal area**

(1) Subject to the provisions of Part D and E of this Chapter, the Naledi Municipal Planning Tribunal is hereby established for the municipal area of Naledi Local Municipality, in compliance with section 35 of the Act.

(2) The provisions of subsection (1) do not apply if, after the assessment contemplated in section 31, the municipality decides to establish a joint Municipal Planning Tribunal or a district Municipal Planning Tribunal.

**33 Composition of Municipal Planning Tribunal for local municipal area**

(1) The Municipal Planning Tribunal consists of at least 5 members made up as follows

- (a) One or more adequately skilled and experienced officials from Technical Services and Facilities Management of the municipality;
- (b) One or more adequately skilled and experienced officials from Town Planning & Building Control of the municipality;
- (c) One or more adequately skilled and experienced officials from Corporate Services (Legal Section) of the municipality;
- (d) One or more adequately skilled and experienced officials from Finance Services (Revenue and Property Valuation) of the municipality;
- (e) an environmental assessment practitioner adequately skilled and experienced; and
- (f) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(2) The persons referred to in subsection (1)(e) and (f) must –

- (a) demonstrate knowledge of spatial planning, land use management and land development of the law related thereto;
- (d) demonstrate leadership in his or her profession or vocation or in community organisations.

**34 Nomination procedure**

(1) The Municipality must -

- (a) in the case of the first appointment of members to the Municipal Planning Tribunal, invite and call for nominations as contemplated in Part B of Chapter 2 of the Regulations as soon as possible after the approval of the Regulations by the Minister; and

- (b) in the case of the subsequent appointment of members to the Municipal Planning Tribunal, 90 days before the expiry of the term of office of the members serving on the Municipal Planning Tribunal, invite and call for nominations as contemplated in Part B of the Regulations.

(2) The invitation to the organs of state and non-governmental organisations contemplated in regulation 3(2)(a) of the Regulations must be addressed to the organs of state and non-governmental organisations and must be in the form contemplated in Schedule 1 together with any other information deemed necessary by the Municipality.

(3) The call for nominations to persons in their individual capacity contemplated in regulation 3(2)(b) of the Regulations must be in the form contemplated in Schedule 2 and—

- (a) must be published in one local newspaper that is circulated in the municipal area of the Municipality in two languages commonly spoken in the area;
- (b) may be submitted to the various professional bodies which registers persons referred to in section 33(1) with a request to distribute the call for nominations to their members and to advertise it on their respective websites;
- (c) may advertise the call for nominations on the municipal website; and
- (d) utilise any other method and media it deems necessary to advertise the call for nominations.

### **35 Submission of nomination**

(1) The nomination must be in writing and be addressed to the Municipal Manager.

(2) The nomination must consist of –

- (a) the completed declaration contained in the form contemplated in Schedule 2 and all pertinent information must be provided within the space provided on the form;
- (b) the completed declaration of interest form contemplated in Schedule 3;
- (c) the motivation by the nominator contemplated in subsection (3)(a); and
- (d) the summarised curriculum vitae of the nominee contemplated in subsection (3)(b).

(3) In addition to the requirements for the call for nominations contemplated in regulation 3(6) of the Regulations, the nomination must include—

- (a) a motivation by the nominator for the appointment of the nominee to the Municipal Planning Tribunal which motivation must not be more than 250 words; and
- (b) a summarised curriculum vitae of the nominee.
- (c) certified copies of formal qualifications

**36 Initial screening of nomination by Municipality**

(1) After the expiry date for nominations the Municipality must screen all of the nominations received by it to determine whether the nominations comply with the provisions of section 35.

(2) The nominations that are incomplete or do not comply with the provisions of section 35 must be rejected by the Municipality.

(3) Every nomination that is complete and that complies with the provisions of section 35 must be subjected to verification by the Municipality.

(4) If, after the verification of the information by the Municipality, the nominee is ineligible for appointment due to the fact that he or she –

- (a) was not duly nominated;
- (b) is disqualified from appointment as contemplated in section 38 of the Act;
- (c) does not possess the knowledge or experience as required in terms of section 33(3); or
- (d) is not registered with the professional councils or voluntary bodies contemplated in section 33(1), if applicable,

the nomination must be rejected and must not be considered by the evaluation panel contemplated in section 37.

(5) Every nomination that has been verified by the Municipality and the nominee found to be eligible for appointment to the Municipal Planning Tribunal, must be considered by the evaluation panel contemplated in section 37.

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

**37 Evaluation panel**

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

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

**38 Appointment of members to Municipal Planning Tribunal by Council**

(1) Upon receipt of the report, the Council must consider the recommendations made by the evaluation panel and thereafter appoint the members to the Municipal Planning Tribunal.

(2) After appointment of the members to the Municipal Planning Tribunal, the Council must designate a chairperson and a deputy chairperson from the members so appointed.

(3) The Municipal Manager must, in writing, notify the members of their appointment to the Municipal Planning Tribunal and, in addition, to the two members who are designated as chairperson and deputy chairperson, indicate that they have been appointed as such.

(4) The Municipal Manager must, when he or she publishes the notice of the commencement date of the operations of the first Municipal Planning Tribunal contemplated in section 43, publish the names of the members of the Municipal Planning Tribunal and their office term in the same notice.

### **39 Term of office and conditions of service of members of Municipal Planning Tribunal for municipal area**

(1) A member of the Municipal Planning Tribunal appointed in terms of this Chapter is appointed for a term of five years, which is renewable once for a further period of five years.

(2) The office of a member becomes vacant if that member -

- (a) is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;
- (b) tenders his or her resignation in writing to the chairperson of the Municipal Planning Tribunal;
- (c) is removed from the Municipal Planning Tribunal under subsection (3); or
- (d) dies.

(3) The Council may remove a member of the Municipal Planning Tribunal if -

- (a) sufficient reasons exist for his or her removal;
- (b) a member contravenes the code of conduct contemplated in Schedule 4;
- (c) a member becomes subject to a disqualification as contemplated in section 38(1) of the Act.

after giving the member an opportunity to be heard.

(4) An official of a municipality contemplated in section 33(1)(a) who serves on the Municipal Planning Tribunal -

- (a) may only serve as member of the Municipal Planning Tribunal for as long as he or she is in the full-time employ of the municipality;
- (b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick

leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;

- (c) who is found guilty of misconduct under the collective agreement applicable to employees of the Municipality must immediately be disqualified from serving on the Municipal Planning Tribunal.

(5) A person appointed by a municipality in terms of section 33(1)(b) to (g) to the Municipal Planning Tribunal -

- (a) is not an employee on the staff establishment of that municipality;
- (b) if that person is an employee of an organ of state as contemplated in regulation 3(2)(a) of the Regulations, is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;
- (c) performs the specific tasks allocated by the chairperson of the Municipal Planning Tribunal to him or her for a decision hearing of the Municipal Planning Tribunal ;
- (d) sits at such meetings of the Municipal Planning Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Municipal Planning Tribunal;
- (e) in the case of a person referred to in regulation 3(2)(b) of the Regulations is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on determined annually by the municipality in accordance with the Act;
- (f) is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.

(6) All members of the Municipal Planning Tribunal must sign the Code of Conduct contained in Schedule 4 before taking up a seat on the Municipal Planning Tribunal.

(7) All members serving on the Municipal Planning Tribunal must adhere to ethics adopted and applied by the Municipality and must conduct themselves in a manner that will not bring the name of the Municipality into disrepute.

(8) The members of the Municipal Planning Tribunal, in the execution of their duties, must comply with the provisions of the Act, provincial legislation, this By-law and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

**40 Vacancy**

(1) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 33(2).

(2) A member who is appointed by virtue of subsection (1) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.

**41 Proceedings of Municipal Planning Tribunal for municipal area**

(1) The Municipal Planning Tribunal must operate in accordance with the operational procedures determined by the Municipality.

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

(3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of 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 or her deliberative vote as a member of the Municipal Planning Tribunal.

(4) Meetings of the Municipal Planning Tribunal must be held as and when needs arises at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the operational procedures of the Municipal Planning Tribunal.

(5) The chairperson may arrange multiple Municipal Planning Tribunal meetings on the same day constituted from different members of the Municipal Planning Tribunal and must designate a presiding officer for each of the meetings.

**42 Tribunal of record**

(1) The Municipal Planning Tribunal is a Tribunal of record and must record all proceedings, but is not obliged to provide the in -committee discussions to any member of the public or any person or body.

(2) The Municipality must make the record of the Municipal Planning Tribunal available to any person upon payment of the fee approved by the Council.

**43 Commencement date of operations of Municipal Planning Tribunal for local municipal area**

(1) The Municipal Manager must within 30 days of the first appointment of members to the Municipal Planning Tribunal publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence with its operation together with the information contemplated in section 38(4).

(2) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection (1).

#### **Part D: Establishment of Joint Municipal Planning Tribunal**

##### **44 Agreement to establish joint Municipal Planning Tribunal**

(1) If, after the assessment contemplated in section 31, the Municipality decides to establish a joint Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the other Municipalities that have indicated that they would be party to a joint Municipal Planning Tribunal.

(2) The parties to the discussion contemplated in subsection (1) must, as soon as practicable, conclude an agreement that complies with the requirements of the Act.

(3) The Municipality must, within 30 days after signing the agreement, publish the agreement as contemplated in section 34(3) of the Act.

##### **45 Status of decision of joint Municipal Planning Tribunal**

A decision of a joint Municipal Planning Tribunal is binding on both the applicant and the Municipality in whose area of jurisdiction the land relating to the land development application is located as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

##### **46 Applicability of Part C, F and G to joint Municipal Planning Tribunal**

The provisions of Part C, Part F and G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

#### **Part E: Establishment of District Municipal Planning Tribunal**

##### **47 Agreement to establish district Municipal Planning Tribunal**

(1) If requested by a district municipality and after the assessment contemplated in section 31, the Municipality decides to establish a district Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the other Municipalities in the district and conclude the necessary agreement that complies with the requirements of the Act.

(2) The Municipality must, within 30 days after signing the agreement, publish the agreement as contemplated in section 34(3) of the Act.

##### **48 Composition of district Municipal Planning Tribunals**

(1) A district Municipal Planning Tribunal must consist of -

- (a) at least three officials of each participating municipality in the full-time service of the municipalities; and
- (b) persons who are not municipal officials and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(2) No municipal councillor of a participating municipality may be appointed as a member of a district Municipal Planning Tribunal.

**49 Status of decision of district Municipal Planning Tribunal**

A decision of a district Municipal Planning Tribunal is binding on both the applicant and the Municipality in whose area of jurisdiction the land relating to the land development application is located as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

**50 Applicability of Part C, F and G to district Municipal Planning Tribunal**

The provisions of Part C, Part F and Part G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

**Part F: Decisions of Municipal Planning Tribunal****51 General criteria for consideration and determination of application by Municipal Planning Tribunal or Land Development Officer**

(1) When the Municipal Planning Tribunal or Land Development Officer 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 utilisation of land and any guidelines issued by the Member of the Executive Council regarding proposed land uses;
- (d) the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- (e) the response by the applicant to the comments referred to in paragraph (d);
- (f) investigations carried out in terms of other laws which are relevant to the consideration of the application;
- (g) a written assessment by Land Development Officer, in respect of land development applications to be considered and determined by the Municipal Planning Tribunal.
- (h) the integrated development plan and municipal spatial development framework;
- (i) the applicable local spatial development frameworks adopted by the Municipality;
- (j) the applicable structure plans;
- (k) the applicable policies of the Municipality that guide decision-making;
- (l) the provincial spatial development framework;
- (m) where applicable, the regional spatial development framework;
- (n) the policies, principles, planning and development norms and criteria set by national and provincial government;



- (o) the matters referred to in section 42 of the Act;
- (p) the relevant provisions of the land use scheme.

(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 zoning;
- (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.

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

- (a) the Municipality must not approve a building plan if the site development plan has not been approved; and
- (b) the Municipality must not approve a building plan that is inconsistent with the approved site development plan.

(4) The written assessment of the officer contemplated in subsection (1)(g) must include such officer's evaluation of the proposal confirming that the application complies with the procedures required by this By-law, the spatial development framework, the land use scheme; applicable policies and guidelines; or if the application does not comply, state to what extent the application does not comply.

## **52 Conditions of approval**

(1) When the Municipal Planning Tribunal or Land Development Officer approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation 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 or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes;
- (n) the implementation of a subdivision in phases;
- (o) requirements of other organs of state.
- (p) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
- (q) agreements to be entered into in respect of certain conditions;
- (r) the phasing of a development, including lapsing clauses relating to such phasing;
- (s) the delimitation of development parameters or land uses that are set for a particular zoning;
- (t) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (u) the setting of dates by which particular conditions must be met;
- (v) the circumstances under which certain land uses will lapse;
- (w) requirements relating to engineering services as contemplated in Chapter 7;
- (x) requirements for an occasional use that must specifically include –
  - (i) parking and the number of ablution facilities required;
  - (ii) maximum duration or occurrence of the occasional use; and

(iii) parameters relating to a consent use in terms of the land use scheme;

(3) If a Municipal Planning Tribunal or Land Development Officer imposes a condition contemplated in subsection (2)(a), 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 norms and standards, as may be prescribed.

(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—

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

(8) Conditions which require a standard to be met must specifically refer to an approved or published standard.

(9) No conditions may be imposed which affect a third party or which are reliant on a third party for fulfilment.

(10) If the Municipal Planning Tribunal or Land Development Officer approves a land development or use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

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

**Part G: Administrative Arrangements****53 Administrator for Municipal Planning Tribunal**

(1) The Municipal Manager must designate an employee as the administrator for the Municipal Planning Tribunal.

(2) The person referred to in subsection (1) must—

- (a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipality;
- (b) maintain a diary of hearings of the Municipal Planning Tribunal;
- (c) allocate meeting dates 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) administer the proceedings of the Municipal Planning Tribunal;
- (g) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;
- (h) 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;
- (i) arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;
- (j) notify parties of orders and directives given by the Municipal Planning Tribunal;
- (k) 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
- (l) keep records by any means as the Municipal Planning Tribunal may deem expedient.

**CHAPTER 5****DEVELOPMENT MANAGEMENT****Part A: Categories of Applications****54 Categories of land use and land development applications**

(1) The categories of land development and land use management for the Municipality, as contemplated in section 35(3) of the Act, are as follows -

- (a) Category 1: Land Development Applications;
- (b) Category 2: Land Use Applications;

(2) Land development applications are applications for -

- (a) the establishment of a township or the extension of the boundaries of a township;
- (b) the amendment or cancellation in whole or in part of a general plan of a township;
- (c) the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
- (d) permanent closure of any public place;
- (e) any development on communal land that constitute deviation from the provisions of land use scheme.

(3) Land use applications are applications for other compatible rights that the land unit does not yet possess but which are permitted in terms of the land use scheme and which may be obtained by application in terms of this By-law or land use scheme and includes:

- (a) the amendment of an existing scheme or land use scheme by the rezoning of land;
- (b) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
- (c) The subdivision of any land where such subdivision is expressly provided for in a land use scheme;
- (d) the consolidation of any land;
- (e) the simultaneous subdivision, under circumstances contemplated in paragraph (c) and consolidation of land;
- (f) the consent of the municipality for any land use purpose or departure or variance in terms of a land use scheme or existing scheme which does not constitute a land development application;

- (g) 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; and
- (h) a temporary use application.

(3) The division of functions as contemplated in section 35(3) of the Act between a Land Development Officer and a Municipal Planning Tribunal is set out in section 30.

#### **55 Application for land development required**

(1) No person may commence with, carry on or cause the commencement with or carrying on of land development without the approval of the Municipality in terms of subsection (2).

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

### **Part B: Establishment of Township or Extension of Boundaries of Township**

#### **56 Application for establishment of township**

(1) An applicant who wishes to establish a township on land or for the extension of the boundaries of an approved township must apply to the Municipality for the establishment of a township or for the extension of the boundaries of an approved township in the manner provided for in Chapter 6.

(2) The Municipality must, in approving an application for township establishment, set out:

- (a) the conditions of approval in a statement of conditions in the form approved by the Council;
- (b) the statement of conditions which conditions shall be known as conditions of establishment for the township; and
- (c) the statement of conditions must, in the opinion of the Municipality, substantially be in accordance with this By-law.

(3) The statement of conditions must, read with directives that may be issued by the Registrar of Deeds, contain the following:

- (a) Specify those conditions that must be complied with prior to the opening of a township register for the township with the Registrar of Deeds;
- (b) the conditions of establishment relating to the township that must remain applicable to the township;
- (c) conditions of title to be incorporated into the title deeds of the erven to be created for purposes of the township;

- (d) third party conditions as required by the Registrar of Deeds;
- (e) the conditions to be incorporated into the land use scheme by means of an amendment scheme.
- (f) if a non-profit company is to be established for purposes of maintaining or transfer of erven within the township to them the conditions that must apply;
- (g) any other conditions and or obligation on the township owner, which in the opinion of the Municipality deemed necessary for the proper establishment, execution and implementation of the township.

(4) After the applicant has been notified that his or her application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed in terms of subsection (4) or add any further conditions: provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality must not exercise its powers in terms hereof and must require the applicant to submit an amended or new application and in the sole discretion of the Municipality to re-advertise the application in accordance with section 90.

(5) After the applicant has been notified that his or her application has been approved, the Municipality or at the applicant's request may, after consultation with the applicant and the Surveyor General, amend the layout of the township approved as part of the township establishment: Provided that if the amendment is in the opinion of the Municipality so material as to constitute a new application, the Municipality must not exercise its powers in terms hereof and require the applicant to submit an amended or new application in the opinion of the Municipality and re-advertise the application in the sole discretion of the Municipality in accordance with section 90.

(6) Without detracting from the provisions of subsection (5) and (6) the municipality may require the applicant or the applicant of his or her own accord, amend both the conditions and the layout plan of the township establishment application as contemplated therein.

### **57 Division or phasing of township**

(1) An applicant who has been notified in terms of section 109 that his or her application has been approved may, within a period of eight months from the date of the notice, or such further period as the Municipality may allow, apply to the Municipality for the division of the township into two or more separate townships.

(2) On receipt of an application in terms of subsection (1) the Municipality must consider the application and may for purposes of the consideration of the application require the applicant to indicate whether the necessary documents were lodged with the Surveyor-General or provide proof that he or she consulted with the Surveyor General.

(3) Where the Municipality approves an application it may impose any condition it may deem expedient and must notify the application in writing thereof and of any conditions imposed.

(4) The applicant must, within a period of 3 months from the date of the notice contemplated in subsection (3), submit to the Municipality such plans, diagrams or other documents and furnish such information as may be required in respect of each separate township.

(5) On receipt of the documents or information contemplated in subsection (4) the Municipality must notify the Surveyor-General, and the registrar in writing of the approval of the application and such notice must be accompanied by a copy of the plan of each separate township.

#### **58 Lodging of layout plan for approval with the Surveyor-General.**

(1) An applicant who has been notified in terms of section 109 that his or her application has been approved, must, within a period of 24 months from the date of such notice, or such further period as the Municipality may allow, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, and if the applicant fails to do so the application lapses.

(2) For purposes of subsection (1), the Municipality must provide to the applicant a final schedule as contemplated in section 56(2) and (3) of the conditions of establishment together with a stamped and approved layout plan.

(3) The Municipality may for purposes of lodging the documents contemplated in subsection (1) determine street names and numbers on the layout plan.

(4) Where the applicant fails, within a reasonable time as may be determined by the Municipality after he or she has lodged the plans, diagrams or other documents contemplated in subsection (1), to comply with any requirement the Surveyor-General may lawfully determine, the Surveyor-General must notify the Municipality that he or she is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the application lapses.

(5) After an applicant has been notified that his or her application has been approved, the municipality may:

- (a) where the documents contemplated in subsection (1) have not yet been lodged with the Surveyor General;
- (b) where the documents contemplated in subsection (1) have been lodged with the Surveyor General, after consultation with the Surveyor General;

consent to the amendment of such documents, unless the amendment is, in its opinion, so material as to constitute a new application for the establishment of a township.



**59 Compliance with pre-proclamation conditions**

(1) The applicant must provide proof to the satisfaction of the Municipality within the timeframes as prescribed in terms of this By-law, that all conditions contained in the schedule to the approval of a township establishment application have been complied with.

(2) The Municipality must certify that all the conditions that have to be complied with by the applicant or owner as contemplated in section 56(2) and (3) have been complied with including the provision of guarantees and payment of monies that may be required.

(3) The Municipality must at the same time notify the Registrar of Deeds and Surveyor General of the certification by the Municipality in terms of subsection (2).

(4) The municipality may agree to an extension of time as contemplated in subsection(1), after receiving a written application from the applicant for an extension of time: Provided that such application provides motivation for the extension of time.

**60 Opening of Township Register**

(1) The applicant must lodge with the Registrar of Deeds the plans and diagrams contemplated in section 58 as approved by the Surveyor-General together with the relative title deeds for endorsement or registration, as the case may be.

(2) For purposes of subsection (1) the Registrar must not accept such documents for endorsement or registration until such time as the Municipality has certified that the applicant has complied with such conditions as the Municipality may require to be fulfilled in terms of section 56(3).

(3) The plans, diagrams and title deeds contemplated in subsection (1) must be lodged within a period of 24 months from the date of the approval of such plans and diagrams, or such further period as the Municipality may allow.

(4) If the applicant fails to comply with the provisions of subsections (1), (2) and (3), the diagrams concern shall lapse.

(5) Having endorsed or registered the title deeds contemplated in subsection (1), the Registrar must notify the Municipality forthwith of such endorsement or registration, and thereafter the Registrar must not register any further transactions in respect of any land situated in the township until such time as the township is declared an approved township in terms of section 61.

**61 Proclamation of approved township.**

After the provisions of sections 57, 58, 59 and 60 have been complied with and the Municipality is satisfied that the township is in its area of jurisdiction, the Municipality or the applicant, if authorised in writing by the Municipality, must, by notice in the *Provincial Gazette*, declare the

township an approved township and it must, in an annexure to such notice, set out the conditions on which the township is declared an approved township.

### **Part C: Rezoning of land**

#### **62 Application for amendment of a land use scheme by rezoning of land**

(1) An owner of land who wishes to have a provision of a land use scheme relating to his land amended by the rezoning, must apply to the Municipality in the manner provided for in Chapter 6.

(2) A rezoning approval lapses after a period of 24 months, or a shorter period as the Municipality may determine, from the date of approval or the date that the approval comes into operation if, within that 2 year period or shorter period—

- (a) the conditions of approval have not been met;
- (b) the development charges referred to in Chapter 7 have not been paid or paid in the agreed instalments;
- (c) the land is not utilised in accordance with the approval thereof; or
- (d) the following requirements are not met:
  - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
  - (ii) commencement with the construction of the building contemplated in subparagraph (i).

(3) The Municipality may grant one extension to the period contemplated in subsection(2) and the granting of an extension may not be unreasonably withheld, which period together with any extension that the Municipality grants, may not exceed 4 years.

(4) If a rezoning approval lapses, the zoning applicable to the land prior to the approval of the rezoning applies, or where no zoning existed prior to the approval of the rezoning, the Municipality must determine a zoning as contemplated in section 174.

### **Part D: Removal, Amendment or Suspension of a Restrictive or Obsolete Condition, Servitude or Reservation Registered Against the Title of the Land**

#### **63 Requirements for amendment, suspension or removal of restrictive conditions or obsolete condition, servitude or reservation registered against the title of the land**

(1) The Municipality may, of its own accord or on application by notice in the *Provincial Gazette* amend, suspend or remove, either permanently or for a period specified in the notice and either unconditionally or subject to any condition so specified, any restrictive condition.

(2) An owner of land who wishes to have a restrictive condition imposed in his title amended, suspended or removed must apply to the municipality for the amendment, suspension or removal of the restrictive condition in the manner provided for in Chapter 6.

- (3) In addition to the procedures set out in Chapter 6, the owner or his duly authorized agent must—
- (a) submit the original title deed to the Municipality or a certified copy thereof; and
  - (b) submit the bondholder's consent to the application, where applicable.
- (4) The Municipality must cause a notice of its intention to consider an application under 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 be materially and adversely 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 removed;
  - (d) the social benefit of the restrictive condition remaining in place in its existing form;
  - (e) the social benefit of the removal or amendment of the restrictive condition; and
  - (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

#### **64 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 63(1), submit the following to the Registrar of Deeds:
- (a) a copy of the original title deed;
  - (b) a copy of 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 by notice in the *Provincial Gazette*, as contemplated in section 63(1), make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan in their respective offices or submitted to them, as may be necessary to reflect the effect of the amendment, suspension or removal of the restrictive condition.

#### **Part E: Amendment or Cancellation in Whole or in Part of a General Plan of a Township**

##### **65 Notification of Surveyor General**

(1) After the Municipal Planning Tribunal has approved or refused an application for the alteration, amendment or cancellation of a general plan, the municipality must forthwith notify the Surveyor-General in writing of the decision and, where the application has been approved, state any conditions imposed.

(2) After the Municipal Planning Tribunal has approved or refused an application for the alteration, amendment or cancellation of a general plan, the municipality must forthwith notify the Surveyor-General in writing of the decision and, where the application has been approved, state any conditions imposed.

(3) An applicant who has been notified that his or her application has been approved must, within a period of 24 months from the date of the notice, lodge with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may deem necessary to effect the alteration, amendment or cancellation of the general plan, and if he or she fails to do so the application lapses.

(4) Where the applicant fails, within a reasonable time after he or she has lodged the plans, diagrams or other documents contemplated in subsection (2), to comply with any requirement the Surveyor-General may lawfully lay down, the Surveyor-General must notify the municipality accordingly, and where the municipality is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, the municipality must notify the applicant, and thereupon the application lapses.

(4) After the Surveyor-General has, in terms of section 30(2) of the Land Survey Act, 1927, altered or amended the general plan or has totally or partially cancelled it, he or she must notify the municipality.

(5) On receipt of the notice contemplated in subsection (4) the municipality must publish a notice in the *Provincial Gazette* declaring that the general plan has been altered, amended or totally or partially cancelled and the Municipality must, in a schedule to the latter notice, set out the conditions imposed or the amendment or deletion of any condition, where applicable.

(6) The municipality must provide the Registrar of Deeds with a copy of the notice in the *Provincial Gazette* and schedule thereto contemplated in subsection (5).

#### **66 Effect of amendment or cancellation of general plan**

Upon the total or partial cancellation of the general plan of a township -

- (a) the township or part thereof ceases to exist as a township; and
- (b) the ownership of any public place reverts to the extent affected by cancellation or amendment to the township owner.

### **Part F: Subdivision and Consolidation**

#### **67 Application for subdivision**

(1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted under section 71.

(2) An owner of land who wishes to have his land subdivided must apply to the Municipality for the subdivision of land in the manner provided for in Chapter 6.

(3) No application for subdivision involving a change of zoning may be considered by the Municipality, if the erf concerned is smaller than the minimum permitted erf size or exceeds permissible density.

(4) The Municipality must impose appropriate conditions relating to engineering services for an approval of a subdivision.

(5) If a Municipality approves a subdivision, the applicant must submit a general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—

- (a) the Municipality's decision to approve the subdivision;
- (b) the conditions of approval contemplated in subsection (3) and section 52; and
- (c) the approved subdivision plan.

(6) If the Municipality approves an application for a subdivision, the applicant must within a period of 4 years or the shorter period as the Municipality may determine, from the date of approval of the subdivision or the date that the approval comes into operation, comply with the following requirements:

- (a) the approval by the Surveyor-General of the general plan or diagram contemplated in subsection (4);
- (b) completion of the installation of engineering services in accordance with the conditions contemplated in subsection (3) or other applicable legislation;

- (c) proof to the satisfaction of the Municipality that all relevant conditions contemplated in section 52 for the approved subdivision in respect of the area shown on the general plan or diagram and that must be complied with before compliance with paragraph (d) have been met; and
- (d) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.

(7) A confirmation from the Municipality in terms of subsection (6)(c) that all conditions of approval have been met, which is issued in error, does not absolve the applicant from complying with the obligations imposed in terms of the conditions or otherwise complying with the conditions after confirmation of the subdivision.

### **68 Confirmation of subdivision**

(1) Upon compliance with section 67(6), the subdivision or part thereof is confirmed and cannot lapse.

(2) Upon confirmation of a subdivision or part thereof under section 67(6), the zonings indicated on the approved subdivision plan as confirmed cannot lapse.

(3) The Municipality must in writing confirm to the applicant or to any other person at his or her written request that a subdivision or a part of a subdivision is confirmed, if the applicant has to the satisfaction of the Municipality submitted proof of compliance with the requirements of section 67(6) for the subdivision or part thereof.

(4) No building or structure may be constructed on a land unit forming part of an approved subdivision unless the subdivision is confirmed as contemplated in section 67(6) or the Municipality approved the construction prior to the subdivision being confirmed.

### **69 Lapsing of subdivision and extension of validity periods**

(1) An approved subdivision or a portion thereof lapses if the applicant does not comply with subsection 67(6).

(2) An applicant may apply for an extension of the period to comply with subsection 67(6) or must comply with subsection (4).

(3) An extension contemplated in subsection (2) may not be unreasonably withheld by the Municipality and may be granted for a period not exceeding five years and if after the expiry of the extended period the requirements of subsection 67(6) has not been complied with, the subdivision may lapse and subsection (6) applies.

(4) The Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 10 years.

(5) If only a portion of the general plan, contemplated in subsection 67(6)(a) complies with subsection 67(6)(b) and (c), the general plan must be withdrawn and a new general plan must be submitted to the Surveyor-General.

(6) If an approval of a subdivision or part thereof lapses under subsection (1) —

(a) the Municipality must—

- (i) amend the zoning map 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 subdivision has lapsed.

#### **70 Amendment or cancellation of subdivision plan**

(1) The Municipality may approve the amendment or cancellation of a subdivision plan, including conditions of approval, the general plan or diagram, in relation to land units shown on the general plan or diagram of which no transfer has been registered in terms of the Deeds Registries Act.

(2) When the Municipality approves an application in terms of subsection (1), any public place that is no longer required by virtue of the approval must be closed.

(3) 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 amendment or cancellation of the subdivision.

(4) An approval of a subdivision in respect of which an amendment or cancellation is approved in terms of subsection (1), remains valid for the remainder of the period contemplated in section 67(6) applicable to the initial approval of the subdivision, calculated from the date of approval of the amendment or cancellation in terms of subsection (1).

#### **71 Exemption of subdivisions and consolidations**

(1) The subdivision or consolidation of land in the following circumstances does not require the approval of the Municipality:

- (a) if the subdivision or consolidation arises from the implementation of a court ruling;
- (b) if the subdivision or consolidation arises from an expropriation;
- (c) a minor amendment of the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10 per cent;
- (d) the registration of a servitude or lease agreement for the provision or installation of—

- (i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
- (ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
- (iii) the imposition of height restrictions;
- (e) the exclusive utilisation of land for agricultural purposes, if the utilisation—
  - (i) requires approval in terms of legislation regulating the subdivision of agricultural land; and
  - (ii) does not lead to urban expansion.
- (f) the subdivision and consolidation of a closed public place with an abutting erf; and
- (g) the granting of a right of habitation or usufruct.

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

(3) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of sections 67 to 70.

## **72 Services arising from subdivision**

Subsequent to the granting of an application for subdivision in terms of this By-law the owner of any land unit originating from the subdivision must—

- (a) allow without compensation that the following be conveyed across his or her land unit in respect of other land units:
  - (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 or her land unit 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;
- (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) and (b); and
- (d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and 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 unit, unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

### **73 Consolidation of land units**

(1) No person may consolidate land without the approval of the Municipality, unless the consolidation is exempted under section 71.

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

(3) If the Municipality approves a 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;
- (b) the conditions of approval contemplated in section 52; and
- (c) the approved consolidation plan.

(4) If the Municipality approves a consolidation, the Municipality must amend the zoning map and, where applicable, the register accordingly.

### **74 Lapsing of consolidation and extension of validity periods**

(1) If a consolidation of land units is approved but no consequent registration by the Registrar of Deeds takes place within 24 months of the approval, the consolidation approval lapses, unless the consolidation of land units form part of a land use application which has been approved for a longer period.

(2) An applicant may apply for an extension of the period to comply with subsection (1) and the granting of an extension may not be unreasonably withheld.

(3) An extension contemplated in subsection (2) may be granted for a further period not exceeding 2 years and if after the expiry of the extended period the requirements of subsection (1) have not been complied with, the consolidation lapses and subsection (5) applies.

(4) If the Municipality grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 4 years.

(5) If an approval of a consolidation lapses under subsection (1) the Municipality must—

- (a) amend the zoning map and, where applicable, the register accordingly; and
- (b) notify the Surveyor-General accordingly; and
- (c) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

### **Part G: Permanent Closure of Public Place**

#### **75 Closure of public place**

(1) The Municipality may on own initiative or on application close a public place or any portion thereof in accordance with the procedures in Chapter 6.

(2) An applicant who wishes to have a public place closed or a portion of a public place closed must apply to the municipality for the closure of the public place or portion thereof in the manner provided for in Chapter 6.

(3) If any person lodges a claim against the Municipality for loss or damage that he or she has allegedly suffered as a result of the wrong doing on the part of the Municipality as a result of the closure of a public place, an employee duly authorised by the Municipality must—

- (a) require proof of negligence 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 negligently;
  - (b) the circumstances of the loss are not inconsistent with this By-law;
  - (c) the claimant has proved his or her loss or damage;
  - (d) the claimant has provided the proof of a fair and reasonable quantum;
  - (e) no claim has been made and paid by personal insurance covering the same loss;
- and

- (f) any other relevant additional information as requested by the authorised employee has been received.

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

(6) The municipal manager may, without complying with the provisions of this Chapter temporarily close a public place—

- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of the public place;
- (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;
- (c) if the street or place is, in the opinion of the municipal manager, in a state dangerous to the public;
- (d) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measures for the control of traffic or special provision for the accommodation of crowds, or
- (e) for any other reason which, in the opinion of the municipal manager, 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.

## **Part H: Consent Use**

### **76 Application for consent use**

(1) An applicant may apply to the Municipality for a consent use provided for in the land use scheme in the manner provided for in Chapter 6.

(2) Where the development parameters for the consent use that is being applied for are not defined in an applicable land use scheme, the Municipality must determine the development parameters that apply to the consent use as conditions of approval contemplated in section 52.

(3) A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 52.

(4) A consent use granted for a specified period of time contemplated in subsection (3) must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land.

(5) A consent use contemplated in subsection (1) lapses after a period of 24 months or the shorter period as the Municipality may determine from the date that the approval comes into operation if, within that 24 months period or shorter period -

- (a) the land concern is not utilised in accordance with the approval thereof; or
- (b) the following requirements are not met:
  - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
  - (ii) commencement with the construction of the building contemplated in subparagraph (i).

(6) The Municipality may grant extensions to the period contemplated in subsection (5) and the granting of an extension may not be unreasonably withheld by the Municipality, which period together with any extensions that the Municipality grants, may not exceed 4 years.

#### **Part I: Traditional Use**

##### **77 Application for traditional use**

(1) An applicant who wishes to amend the provisions of the land use scheme or land use right applicable to a land unit situated in the area of a traditional council must apply to the Municipality for such amendment in the manner provided for in the land use scheme and Chapter 6 of this by-law.

(2) For the application of subsection (1), the provisions of section 62 and 76 shall, in so far as they can be applied, apply with the necessary changes in relation to such amendment or consent.

#### **Part J: Temporary Use**

##### **78 Application for temporary use**

(1) Temporary use applications are applications that do not result in an amendment of the land use scheme and are:

- (a) prospecting rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
- (b) any other application for temporary use submitted in accordance with the By-laws of the Municipality.

(2) An applicant may apply to the Municipality-

- (a) for a departure from the development parameters of a zoning; or

(b) to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone for a period not exceeding 5 years or such shorter period as may be determined by the Municipality, in the manner provided for in Chapter 6.

(2) A departure contemplated in subsection (1)(a) lapses after a period of 24 months or the shorter period as the Municipality may determine from the date that the approval comes into operation if, within that five year period or shorter period, the departure is not utilised in accordance with the approval thereof.

(3) The Municipality may grant extensions to the period contemplated in subsection (2), which period together with any extensions that the Municipality grants, may not exceed 5 years and the granting of the extension may not be unreasonably withheld by the Municipality.

(4) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than 5 years, provided that, the period may not, together with any extension approved in accordance with section 66, exceed five years;

(5) A temporary departure contemplated in subsection (1)(b) may not be granted more than once in respect of a particular use on a specific land unit.

(6) A temporary departure contemplated in subsection (1)(b) may not include the improvement of land that is not temporary in nature and which has the effect that the land cannot, without further construction or demolition, revert to its previous lawful use upon the expiry of the period contemplated in subsection (1)(b).

#### **Part K: General Matters**

#### **79 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 subdivision plan vest in the Municipality upon confirmation of the subdivision or a part thereof.

(2) The Municipality may in terms of conditions imposed in terms of section 52 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved subdivision plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

#### **80 Restriction of transfer and registration**

(1) Notwithstanding the provisions contained in this By-law or any conditions imposed in the approval of any land development application, the owner must, at his or her cost and to the satisfaction of the Municipality, survey and register all servitudes required to protect the engineering services provided, constructed and installed as contemplated in Chapter 7.

(2) No Erf/Erven and/or units in a land development area, may be alienated or transferred into the name of a purchaser nor must a Certificate of Registered Title be registered in the name of the owner, prior to the Municipality certifying to the Registrar of Deeds that:

- (a) All engineering services have been designed and constructed to the satisfaction of the Municipality, including guarantees for services having been provided to the satisfaction of the Municipality as may be required; and
- (b) all engineering services and development charges have been paid or an agreement has been entered into to pay the development charges in monthly instalments; and
- (c) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes; and
- (d) all conditions of the approval of the land development application have been complied with or that arrangements have been made to the satisfaction of the Municipality for the compliance there of within 3 months of having certified to the Registrar in terms of this section that registration may take place; and
- (e) that the Municipality is in a position to consider a final building plan; and
- (f) that all the properties have either been transferred or must be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

### **81 First transfer**

(1) Where an owner of land to which a land development application relates is required to transfer land to:

- (a) the Municipality; or
- (b) an owners' association,

by virtue of a condition set out in the conditions to the approval of a land development application contemplated in section 52, the land must be so transferred at the expense of the applicant, within a period of 6 months from the date of the land use rights coming into operation in terms of section 52, or within such further period as the Municipality may allow, but in any event prior to any registration or transfer of any erf, portion, opening of a sectional title scheme or unit within the development.

### **82 Certification by Municipality**

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

- (2) The Municipality must not issue a certificate to transfer a land unit in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—
- (a) a certificate of a conveyancer confirming that funds due by the transferor in respect of land, have been paid;
  - (b) proof of payment of any contravention penalty or proof of compliance with a directive contemplated in Chapter 9;
  - (c) proof that the land use and buildings constructed on the land unit comply with the requirements of the land use scheme;
  - (d) proof that all common property including private roads and private places originating from the subdivision, has been transferred to the owners' association as contemplated in Schedule 5; and
  - (e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with.

### **83 National and provincial interest**

(1) In terms of section 52 of the Act an applicant must refer any application which affects national or provincial interest respectively to the Minister and the Member of the Executive Council for comments, which comments are to be provided within 21 days as prescribed in section 52(5) of the Act.

(2) Where any application in terms of this By-law, which in the opinion of the Municipal Manager affects national or provincial interest as defined in section 52 of the Act, is submitted, such application must be referred to the Minister or the Member of the Executive Council respectively and the provisions of sections 52(5) to (7) of the Act, apply with the necessary changes.

(3) The Municipal Planning Tribunal or Land Development Officer as the case may be, as contemplated in this By-law and the Act, may direct that an application before it, be referred to the Minister and the Member of the Executive Council, if such an application in their opinion affects national or provincial interest and the provisions of sections 52(5) to (7) apply with the necessary changes.

(4) Subsections (1) to (3) must be read with section 33(1) of the Act in that the national and or provincial departments becomes parties to the application that affects national or provincial interest, but the Municipality remains the decision maker of first instance.

## CHAPTER 6 GENERAL APPLICATION PROCEDURES

### 84 Applicability of Chapter

This Chapter applies to all applications submitted to the Municipality in terms of Chapter 5.

### 85 Procedures for making application

An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter 5 of this By-law.

### 86 Information required

- (1) An application must be accompanied by the following documents:
  - (a) an approved application form, completed and signed by the applicant;
  - (b) if the applicant is not the owner of the land, a power of attorney signed by the owner authorising the applicant to make the application on behalf of the owner and if the owner is married in community of property a power of attorney signed by both spouses;
  - (c) if the owner of the land is a company, closed corporation, trust, body corporate or owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, trust, body corporate or owners' association;
  - (d) the relevant bondholder's consent, if required by the Municipality;
  - (e) a written motivation for the application based on the criteria for consideration of the application;
  - (f) a copy of the Surveyor-General's diagram of the subject property or if it does not exist, an extract from relevant general plan;
  - (g) a locality plan and site development plan, when required, or a plan showing the proposal in its cadastral context;
  - (h) in the case of an application for the subdivision of land, copies of the subdivision plan showing the following:
    - (i) the location of the proposed land units;
    - (ii) all existing structures on the property and abutting properties;
    - (iii) the public places and the land needed for public purposes;
    - (iv) the existing access points;
    - (v) all servitudes;



- (vi) contours with at least a one meter interval or such other interval as may be approved by the Municipality;
- (vii) the street furniture;
- (viii) the light, electrical and telephone poles;
- (ix) the electrical transformers and mini substations;
- (x) the storm water channels and catch pits;
- (xi) the sewerage lines and connection points;
- (xi) any significant natural features; and
- (xiii) the scale and all distances and areas;
- (i) any other plans, diagrams, documents or information that the Municipality may require;
- (j) proof of payment of application fees;
- (k) proof that there is an existing connection to the municipal sewerage system;
- (l) a full copy of the title deeds indicating all existing title conditions in current and historic title deeds; and
- (m) if required by the Municipality, a certificate of a conveyancer indicating that no restrictive condition in respect of the application is contained in such title deeds.; and
- (n) in the case of a traditional use application referred to in section 54(2)(j), community approval granted as a result of a community participation process conducted in terms of Customary Law.

(2) The Municipality may make guidelines relating to the submission of additional information and procedural requirements.

### **87 Application fees**

(1) An applicant must pay the application fees approved by the Council prior to 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 the application.

### **88 Grounds for refusing to accept application**

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 fees;
- (c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of an application as set out in section 86.

### **89 Receipt of application and request for further documents**

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 issue proof of receipt to the applicant;
- (b) notify the applicant in writing of any outstanding or additional plans, documents, other information or additional fees that it may require within 30 days of receipt of the application or the further period as may be agreed upon, failing which it is regarded that there is no outstanding information or documents; and
- (c) if the application is complete, notify the applicant in writing that the application is complete within 30 days of receipt of the application.

### **90 Additional information**

(1) The applicant must provide the Municipality with the information or documentation required for the completion of the application within 30 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 information within the timeframes contemplated in subsection (1).

(3) The Municipality must notify the applicant in writing of the refusal to consider the application 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 (3) to refuse to consider the application.

(5) If an applicant wishes to continue with an application that the Municipality refused to consider under subsection (3), the applicant must make a new application and pay the applicable application fees.

### **91 Confirmation of complete application**

(1) The Municipality must notify the applicant in writing that the application is complete within 21 days of receipt of the additional plans, documents or information required by it or if further information is required as a result of the furnishing of the additional information.

(2) If further information is required, section 90 applies to the further submission of information that may be required.

**92 Withdrawal of application**

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

(2) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney that authorised another person to make an application on his or her behalf.

**93 Notice of applications in terms of integrated procedures**

(1) The Municipality may, on prior written request and motivation by an applicant, 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) 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 other legislation;

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

(3) The Municipality must, within 30 days of having notified the applicant that the application is complete, simultaneously—

(a) cause public notice of the application to be given in terms of section 94(1); and

(b) forward a copy of the notice together with the relevant application to every municipal department, service provider and organ of state that has an interest in the application,

unless it has been determined by the Municipality that a procedure in terms of another law, as determined in subsection (1), is considered to be public notice in terms of this By-law.

(4) The Municipality may require the applicant to give the required notice of an application in the media.

(5) Where an applicant has published a notice in the media at the request of a Municipality, the applicant must provide proof that the notice has been published as required.

**94 Notification of application in media**

(1) The Municipality must cause notice to be given in the media, in accordance with this By-law, of the following applications:

(a) an application for a rezoning or a rezoning on the initiative of the Municipality;

- (b) the subdivision of land larger than five hectares inside the outer limit of urban expansion as reflected in its municipal spatial development framework;
  - (c) the subdivision of land larger than one hectare outside the outer limit of urban expansion as reflected in its municipal spatial development framework;
  - (d) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than five hectares inside the physical edge, including existing urban land use approvals, of the existing urban area;
  - (e) if the Municipality has no approved municipal spatial development framework, the subdivision of land larger than one hectare outside the physical edge, including existing urban land use approvals, of the existing urban area;
  - (f) the closure of a public place;
  - (g) an application in respect of a restrictive condition;
  - (h) other applications that will materially affect the public interest or the interests of the community if approved.
- (2) Notice of the application in the media must be given by—
- (a) publishing a notice of the application, in 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
  - (b) 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.

## 95 Serving of notices

- (1) Notice of an application contemplated in section 94(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;
  - (c) on each owner of an abutting property, including a property separated from the property concerned by a road;
  - (d) on each person whose rights or legitimate expectations will be affected by the approval of the application.

(2) When the Municipality intends to consider any of the following, it must at least cause a notice to be served as contemplated in section 94 of its intention:

- (a) a determination of a zoning;
- (b) a land development application for subdivision or the amendment or cancellation of a subdivision contemplated in sections 67 and 70, respectively;
- (c) a land development application for consolidation contemplated in section 73; or
- (d) the imposition, amendment or waiver of a condition.

(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.

(4) The Municipality may require notice of its intention to consider all other applications not listed in subsection (2) to be given in terms of section 97.

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

(6) Where an applicant has served a notice at the request of a Municipality, the applicant must provide proof that the notice has been served as required.

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

- (a) when it has been served by certified or registered post is the date of registration of the notice; and
- (b) when it has been delivered to that person personally is the date of delivery to that person;
- (c) when it has been 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 has been left with that person; or
- (d) when it has been posted in a conspicuous place on the property or premises to which it relates is the date that it is posted in that place.

## **96 Content of notice**

When notice of an application must be given in terms of section 94 or served in terms of section 95, the notice must contain the following information:

- (a) the name, identity number, physical address and contact details of the applicant;
- (b) identify the land or land unit to which the application relates by giving full description of the property and the physical address (street name and number);
- (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 contact details of the relevant municipal employee;
- (f) invite members of the public to submit written comments or objections together with the reasons therefor in respect of the application;
- (g) state in which manner comments or objections may be submitted;
- (h) state the date by when the comments or objections must be submitted which must 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 attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's objections or comments.

#### **97 Additional methods of public notice**

(1) If the Municipality considers notice in accordance with sections 94 or 95 to be ineffective or the Municipality decides to give notice of any application in terms of this By-law, the Municipality may on its own initiative or on request require an applicant to follow one or more of the following methods to give additional public notice of an application:

- (a) to display a notice contemplated in section 94 of a size of at least 42 cm by 30 cm (A3 size) on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf, provided that—
  - (i) the notice must be displayed for a minimum of 21 days during the period that the public may comment on the application;
  - (ii) the applicant must, within 21 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 nearby and one from across the street.
- (b) to convene a meeting for the purpose of informing the affected members of the public of the application;
- (c) to broadcast information regarding the application on a local radio station in a specified language;
- (d) to hold an open day or public meeting to notify and inform the affected members of the public of the application;

- (e) to publish the application on the Municipality's website for the duration of the period that the public may comment on the application; or
- (f) to obtain letters of consent or objection to the application.

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

(3) Where the Municipality requires an applicant to display a public notice as contemplated in paragraph (a), the Municipality must conduct an on-site inspection to verify whether the applicant has complied with the requirement to display that public notice.

### **98 Requirements for petitions**

(1) All petitions must, in addition to the provisions of section 99(4), clearly state—

- (a) the contact details of the authorised representative of the signatories of the petition;
- (b) the full name and physical address of each signatory; and
- (c) the objection and reasons for the objection.

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

### **99 Requirements for objections or comments**

(1) A person may, in response to a notice received in terms of sections 94, 95 or 97, object or comment in accordance with this section.

(2) Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the municipal employee mentioned in the notice within the time period stated in the notice and in the manner set out in this section.

(3) The objection 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;
- (d) the reason for the objection, comment or representation.

(4) The reasons for any objection, comment or representation must be set out in sufficient detail in order to—

- (a) indicate the facts and circumstances which explains the objection, comment or representation;

- (b) demonstrate the undesirable effect which the application will have on the area;
- (c) demonstrate any aspect of the application which is not considered consistent with applicable policy.

(5) The Municipality must not accept any objection, comment or representation received after the closing date.

#### **100 Amendments prior to approval**

(1) An applicant may amend his or her 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;
- (b) as a result of objections and comments made during the public notification 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 in terms of this By-law and may require that the notice and the application be resent to municipal departments, organs of state and service providers.

#### **101 Further public notice**

(1) The Municipality may require that fresh notice of an application be given if more than 18 months has elapsed since the first public notice of the application and if the application has not been considered by the Municipality.

(2) The Municipality may, at any stage during the processing of the application—

- (a) require notice of an application to be republished or to be served again; and
- (b) an application to be resent to municipal departments for comment,

if new information comes to its attention which is material to the consideration of the application.

#### **102 Cost of notice**

The applicant is liable for the costs of giving notice of an application.

#### **103 Applicant's right to reply**

(1) Copies of all objections or comments lodged with a Municipality must be provided 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 30 days from the date of the provision of the objections or comments, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections or comments.



(3) The applicant may before the expiry of the 30 day period referred to in subsection (2), apply to the Municipality for an extension of the period with a further period of 14 days to lodge a written reply.

(4) If the applicant does not submit comments within the period of 30 days or within an additional period 14 of days if applied for, the applicant is considered to have no comment.

(5) If as a result of the objections or comments lodged with a 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 information within the timeframes contemplated in subsection (5), section 90(2) to (5) with the necessary changes, applies.

#### **104 Written assessment of application**

(1) An employee authorised by the Municipality must in writing assess an application in accordance with section 104 and recommend to the decision-maker whether the application must be approved or refused.

(2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

#### **105 Decision-making period**

(1) When the power to take a decision is delegated to an authorised employee and no integrated process in terms of another law is being followed, the authorised employee must decide on the application within 60 days of the closing date for the submission of comments or objections.

(2) When the power to take a decision is not delegated to an authorised employee and no integrated process in terms of another law is being followed, the Municipal Planning Tribunal must decide on the application within 60days of the closing date for the submission of comments or objections.

#### **106 Failure to act within time period**

If no decision is made by the Municipal Planning Tribunal within the period required in terms of the Act, it is considered undue delay for purposes of these By-Laws and the applicant or interested person may report the non-performance of the Municipal Planning Tribunal or Land Development Officer to the municipal manager, who must report it to the municipal council.

#### **107 Powers to conduct routine inspections**

(1) An employee authorised 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 report contemplated in section 104.

- (2) When conducting an inspection, the authorised 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 authorised employee who is conducting an inspection as contemplated in subsection (1).

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

(5) An 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.

#### **108 Determination of application**

The Municipality may in respect of any application submitted in terms of this Chapter -

- (a) approve, in whole or in part, or refuse any application referred to it in accordance with this By-law;
- (b) on the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges;
- (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 a Municipality or municipal entity;
- (f) decide any question concerning its own jurisdiction;
- (g) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law;

**109 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 decision of the decision and their right to appeal if applicable.

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

**110 Duties of agent of applicant**

(1) The agent must ensure that all information furnished to the Municipality is accurate.

(2) The agent must ensure that no misrepresentations are made.

(3) The provision of inaccurate, false or misleading information is an offence.

**111 Errors and omissions**

(1) The Municipality may at any time, with the written consent of the applicant or, if applicable, any party to the application, correct an error in the wording of its decision provided that the correction does not change its decision or results in an alteration, suspension or deletion of a condition of its approval.

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

**112 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) Prior to doing so, 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) allowing the owner to make representations on the notice within a specified time period.

**113 Procedure to withdraw an approval**

(1) The Municipality may withdraw an approval granted—

(a) after consideration of the representations made in terms of section 112(2)(c); and

(b) if the Municipality is of the opinion that the condition is still being breached and not being complied with at the end of the period specified in terms of section 112(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 activity immediately.

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

#### **114 Exemptions to facilitate expedited procedures**

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 as contemplated in section 93;
  - (ii) the provision of housing with the assistance of a state subsidy; or
  - (iii) incremental upgrading of existing settlements;
- (b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law

### **CHAPTER 7**

#### **ENGINEERING SERVICES AND DEVELOPMENT CHARGES**

##### **Part A: Provision and Installation of Engineering Services**

#### **115 Responsibility for providing engineering services**

(1) Every land development area must be provided with such engineering services as the Municipality may deem necessary for the appropriate development of the land.

(2) An applicant is responsible for the provision and installation of internal engineering services required for a development at his or her cost when a land development application is approved.

(3) The Municipality is responsible for the installation and provision of external engineering services, subject to the payment of development charges first being received, unless the engineering services agreement referred to in section 117 provides otherwise.

#### **116 Installation of engineering services**

(1) The applicant must provide and install the internal engineering services, including private internal engineering services, in accordance with the conditions of establishment and to the satisfaction of the Municipality, and for that purpose the applicant must lodge with the Municipality such reports, diagrams and specifications as the Municipality may require.

(2) The Municipality must have regard to such standards as the Minister or the Member of the Executive Council may determine for streets and storm water drainage, water, electricity and sewage disposal services in terms of the Act.

(3) If an engineering service within the boundaries of the land development area is intended

to serve any other area within the municipal area, such engineering service and the costs of provision thereof must be treated as an internal engineering service to the extent that it serves the land development and as an external engineering service to the extent that it serves any other development.

(4) The Municipality must, where any private roads, private open spaces or any other private facilities or engineering services are created or to be constructed with the approval of any land development application set the standards for the width and or any other matter required to provide sufficient access and engineering services; including but not limited to:

- (a) roadways for purposes of sectional title schemes to be created;
- (b) the purpose and time limit in which private roads, private engineering services and private facilities are to be completed;

### **117 Engineering services agreement**

(1) An applicant of a land development application and the Municipality must enter into an engineering service agreement if the Municipality requires such agreement.

(2) The engineering services agreement must –

- (a) classify the services as internal engineering services, external engineering services or private engineering services;
- (b) be clear when the applicant and the Municipality are to commence construction of internal engineering services, whether private engineering services or not, and external engineering services, at which rate construction of such services is to proceed and when such services must be completed;
- (c) provide for the inspection and handing over of internal engineering services to the Municipality or the inspection of private internal engineering services;
- (d) determine that the risk and ownership in respect of such services must pass to the Municipality or the owners' association as the case may be, when the Municipality is satisfied that the services are installed to its standards;
- (e) require the applicant to take out adequate insurance cover in respect of such risks as are insurable for the duration of the land development; and
- (f) provide for the following responsibilities after the internal services have been handed over to the Municipality or the owners' association:
  - (i) when normal maintenance by the relevant authority or owners' association must commence;
  - (ii) the responsibility of the applicant for the rectification of defects in material and

workmanship; and

- (iii) the rights of the relevant authority or owners' association if the applicant fails to rectify any defects within a reasonable period after having been requested to do so;
- (g) if any one of the parties is to provide and install an engineering service at the request and at the cost of the other, such service must be clearly identified and the cost or the manner of determining the cost of the service must be clearly set;
- (h) determine whether additional bulk services are to be provided by the Municipality and, if so, such services must be identified;
- (i) determine which party is responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, and the extent or manner, if any, to which the costs of such service connections are to be recovered;
- (j) define the service connections to be made which may include all service connections between internal engineering services and the applicable erf or portion of the land and these include –
  - (i) a water-borne sewerage pipe terminating at a sewer connection;
  - (ii) a water-pipe terminating at a water meter; and
  - (iii) an electricity house connection cable terminating on the relevant erf; and
- (k) clearly identify the level and standard of the internal engineering services to be provided and installed and these include, amongst others –
  - (i) water reticulation;
  - (ii) sewerage reticulation, sewage treatment facilities and the means of disposal of effluent and other products of treatment;
  - (iii) roads and storm-water drainage;
  - (iv) electricity reticulation (high and low tension);
  - (v) street lighting.

(3) The engineering services agreement may –

- (a) require that performance guarantees be provided, or otherwise, with the provision that -
  - (i) the obligations of the parties with regard to such guarantees are clearly stated;
  - (ii) such guarantee is irrevocable during its period of validity; and

- (iii) such guarantee is transferable by the person to whom such guarantee is expressed to be payable; and
- (b) provide for the manner in which the parties are to finance their relative responsibilities in terms of the engineering services agreement and where appropriate, either party may undertake to provide bridging finance to the other party.

(4) Where only basic services are to be provided initially, the timeframes and the responsibility of the parties for the upgrading (if any) of services must be recorded in the engineering services agreement.

#### **118 Abandonment or lapsing of land development application**

Where a land development application is abandoned by the applicant or has lapsed in terms of any provision in terms of the Act, provincial legislation or conditions or this By-law, the engineering services agreement referred to in section 117 lapses and if the applicant had installed any engineering services before the lapsing of the application in terms of the engineering services agreement, he or she shall not have any claim against the Council with regard to the provision and installation of any engineering services of whatsoever nature.

#### **119 Internal and external engineering services**

For the purpose of this Chapter:

- (a) **"external engineering services"** has the same meaning as defined in section 1 of the Act and consist of both "bulk services" and "link services";
- (b) **"bulk services"** means all the primary water, sewerage, waste disposal, sewage treatment facilities and means of disposal of effluent and other products of treatment, electricity and storm-water services, as well as the road network in the system to which the internal services are to be linked by means of link services;
- (c) **"link services"** means all new services necessary to connect the internal services to the bulk services; and
- (d) **"internal engineering services"** has the same meaning as defined in section 1 of the Act and includes any link services linking such internal services to the external engineering services.

### **Part B: Development Charges**

#### **120 Payment of development charge**

(1) The Municipality must develop a policy for development charges and may levy a development charge in accordance with the policy, for the provision of -

- (a) the engineering services contemplated in this Chapter where it will be necessary to enhance or improve such services as a result of the commencement of the amendment scheme; and
- (b) open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density.

(2) If a land development application is approved by the Municipal Planning Tribunal subject to, amongst others, the payment of a development charge or an amendment scheme comes into operation, the applicant or owner of the land to which the scheme relates, must, subject to section 121, pay the development charge to the Municipality.

(3) An applicant or owner who is required to pay a development charge in terms of this By-law must pay such development charge to the Municipality before:

- (a) any land use right is exercised;
- (b) any connection is made to the municipal bulk infrastructure;
- (c) a written statement contemplated in section 118 of the Municipal System Act is furnished in respect of the land;
- (d) a building plan is approved in respect of:
  - (i) the proposed alteration of or addition to an existing building on the land;
  - (ii) the erection of a new building on the land, where that building plan, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation;
- (e) the land is used in a manner or for a purpose which, were it not for the commencement of the amendment scheme, would have been in conflict with the land use scheme in operation.

#### **121 Offset of development charge**

(1) An agreement concluded between the Municipality and the applicant in terms of section 49(4) of the Act, to offset the provision of external engineering services and, if applicable, the cost of internal infrastructure where additional capacity is required by the Municipality, against the applicable development charge, must be in writing and must include the estimated cost of the installation of the external engineering services.

(2) The applicant or the owner must submit documentary proof of the estimated cost of the installation of the external engineering services.

(3) The amount to be offset against the applicable development charge must be determined by the Municipality.



(4) If the cost of the installation of the external engineering services exceeds the amount of the applicable development charge, the Municipality may refund the applicant or the owner if there are funds available in the Municipality's approved budget.

(5) This section does not oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in the engineering services agreement contemplated in section 117.

### **122 Payment of development charge in instalments**

The Municipality may -

- (a) in the circumstances contemplated in subparagraph (b) or (c), allow payment of the development charge contemplated in section 120 in instalments over a period not exceeding three years;
- (b) in any case, allow payment of the development charge contemplated in section 120 to be postponed for a period not exceeding three months where security for the payment is given to its satisfaction;
- (c) in exercising the power conferred by subparagraphs (a) or (b), impose any condition, including a condition for the payment of interest.

### **123 Refund of development charge**

No development charge paid to the Municipality in terms of section 120 or any portion thereof must be refunded to an applicant or owner: Provided that where the owner paid the applicable charge prior to the land use rights coming into operation and the application is abandoned in terms of section 118 the Municipality may, on such terms and conditions as it may determine, authorise the refund of development charges or any portion thereof.

### **124 General matters relating to contribution charges**

(1) Notwithstanding any provision to the contrary, where a development charge or contribution for open space is paid to the Municipality, such funds must, in terms of the provisions of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), be kept separate and only applied by the Municipality towards the improvement and expansion of the services infrastructure or the provision of open space or parking, as the case may be, to the benefit and in the best interests of the general area where the land area is situated or in the interest of a community that occupies or uses such land area.

(2) The Municipality must annually prepare a report on the development charges paid to the Municipality together with a statement of the expenditure of such amounts and the purposes of such expenditure and must submit such report and statement to the Premier.

**CHAPTER 8**  
**APPEAL PROCEDURES**  
**PART A: MANAGEMENT OF AN APPEAL AUTHORITY**

**125 Presiding officer of appeal authority**

The presiding officer of the appeal authority is responsible for managing the judicial functions of that appeal authority.

**126 Bias and disclosure of interest**

(1) No presiding officer or member of an appeal authority may sit at the hearing of an appeal against a decision of a Municipal Planning Tribunal if he or she was a member of that Municipal Planning Tribunal when the decision was made or if he or she was the Land Development Officer and he or she made the decision that is the subject of the appeal.

(2) A presiding officer or member of an appeal authority who has or appears to have a conflict of interest as defined in subregulations (5) and (6) must recuse himself or herself from the appeal hearing.

(3) A party may in writing to the appeal authority request the recusal of the presiding officer or member of that appeal authority on the grounds of conflict of interest and the presiding officer must decide on the request and inform the party of the decision in writing.

(4) A decision by a presiding officer or member to recuse himself or herself or a decision by the appeal authority to recuse a presiding officer or member, must be communicated to the parties concerned by the registrar.

(5) For the purpose of this Chapter "conflict of interest" means any factor that may impair or reasonably give the appearance of impairing the ability of a member of an appeal authority to independently and impartially adjudicate an appeal assigned to the appeal authority.

(6) A conflict of interest arises where an appeal assigned to an appeal authority involves any of the following:

- (a) A person with whom the presiding officer or member has a personal, familiar or professional relationship;
- (b) a matter in which the presiding officer or member has previously served in another capacity, including as an adviser, counsel, expert or witness; or
- (c) any other circumstances that would make it appear to a reasonable and impartial observer that the presiding officer's or member's participation in the adjudication of the matter would be inappropriate.

**127 Registrar of appeal authority**

(1) The municipal manager of a municipality is the registrar of the appeal authority.

(2) Notwithstanding the provisions of subregulation (1), a municipal council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority and if it so

appoints or designates a person or an official, that person or official has delegated authority as contemplated in section 56 of the Act.

(3) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant, the municipal council may, after consultation with the presiding officer of the appeal authority, authorise any other competent official in the public service to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.

(4) Any person appointed under subsection (2) or authorised under subsection (3) may hold more than one office simultaneously.

### **128 Powers and duties of registrar**

(1) The registrar is responsible for managing the administrative affairs of the appeal authority and, in addition to the powers and duties referred to in this Chapter, has all the powers to do what is necessary or convenient for the effective and efficient functioning of the appeal authority and to ensure accessibility and maintenance of the dignity of the appeal authority.

(2) The duties of the registrar include –

- (a) the determination of the sitting schedules of the appeal authority;
- (b) assignment of appeals to the appeal authority;
- (c) management of procedures to be adhered to in respect of case flow management and the finalisation of any matter before the appeal authority;
- (d) transmit all documents and make all notifications required by the procedures laid down in the provincial spatial planning and land use management legislation;
- (e) the establishment of a master registry file for each case which must record –
  - (i) the reference number of each appeal;
  - (ii) the names of the parties;
  - (iii) all actions taken in connection with the preparation of the appeal for hearing;
  - (iv) the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;
  - (v) the date of the hearing of the appeal;
  - (vi) the decision of the appeal authority;
  - (vii) whether the decision was unanimous or by majority vote; and
  - (viii) any other relevant information.

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

(4) The registrar must give written notice to the presiding officer of all direct or indirect pecuniary interest that he or she has or acquires in any business or legal person carrying on a business.

**PART B: APPEAL PROCESS****129 Commencing of appeal**

(1) An appellant must commence an appeal by delivering a Notice of Appeal approved by Council to the registrar of the relevant appeal authority within 21 days as contemplated in section 51 of the Act.

(2) in the event that an appellant fails to commence an appeal within the period stated in subsection (1), the appellant may, with good cause shown apply to the registrar for condonation within 7 days from the date of expiry of the period stated in subsection (1).

**130 Notice of appeal**

(1) A Notice of Appeal must clearly indicate:

- (a) whether the appeal is against the whole decision or only part of the decision and if only a part, which part;
- (b) where applicable, whether the appeal is against any conditions of approval of an application and which conditions;
- (c) the grounds of appeal including any findings of fact or conclusions of law;
- (d) a clear statement of the relief sought on appeal;
- (e) any issues that the appellant wants the appeal authority to consider in making its decision; and
- (f) a motivation of an award for costs.

(2) An appellant may, within seven days from receipt of a notice to oppose an appeal amend the notice of appeal and must submit a copy of the amended notice to the appeal authority and to every respondent.

**131 Notice to oppose an appeal**

A notice to oppose an appeal must clearly indicate:

- (a) whether the whole or only part of the appeal is opposed and if only a part, which part;
- (b) whether any conditions of approval of an application are opposed and which conditions;
- (c) whether the relief sought by the appellant is opposed;
- (d) the grounds for opposing the appeal including any finding of fact or conclusions of law in dispute;
- (e) a clear statement of relief sought on appeal.

### **132 Screening of appeal**

(1) When the appeal authority receives a Notice of Appeal, it must screen such Notice to determine whether:

- (a) It complies with the form approved by the Council;
- (b) it is submitted within the required time limit; and,
- (c) the appeal authority has jurisdiction over the appeal.

(2) If a Notice of Appeal does not comply with the form approved by the Council, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the appeal authority by the appellant within a specific time period.

(3) If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period, the appellant's appeal will be considered abandoned and the appeal authority must notify the parties in writing accordingly.

(4) If the Notice of Appeal is received by the appeal authority after the required time limit has expired, the party seeking to appeal is deemed to have abandoned the appeal and the appeal authority will notify the parties in writing.

(5) If the appeal relates to a matter that appears to be outside the jurisdiction of the appeal authority, it must notify the parties in writing.

(6) The appeal authority may invite the parties to make submissions on its jurisdiction and it will then determine, based on any submissions received, if it has jurisdiction over the appeal and must notify the parties in writing of the decision.

(7) The provisions of this section apply, with the necessary changes, to a notice to oppose an appeal contemplated in section 132.

## **PART C: PARTIES TO AN APPEAL**

### **133 Parties to appeal**

(1) The parties to an appeal before an appeal authority are:

- (a) the appellant who has lodged the appeal with the appeal authority in accordance with section 51(1) of the Act;
- (b) the applicant, if the applicant is not the appellant as contemplated in paragraph (a);
- (c) the Municipal Planning Tribunal that or the Land Development Officer who made the decision;
- (d) any person who has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under section 45(2) of the Act to be granted intervener status.

**134 Intervention by interested person**

(1) Where an appeal has been lodged by an appellant to the appeal authority, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the appeal authority in writing on the form approved by Council to be granted intervener status on the grounds that his or her rights may have been affected by the decision of the Municipal Planning Tribunal or Land Development Officer and might therefore be affected by the judgement of the appeal authority.

(2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –

- (a) does not collude with any of the appellants; and
- (b) is willing to deal with or act in regard to the appeal as the appeal authority may direct.

(3) The registrar must determine whether the requirements of this regulation have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.

(4) The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer is final and must be communicated to the petitioner and the parties by the registrar.

**PART D: JURISDICTION OF APPEAL AUTHORITY****135 Jurisdiction of appeal authority**

An appeal authority may consider an appeal on one or more of the following:

- (a) the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- (b) the merits of the land development or land use application.

**136 Written or oral appeal hearing by appeal authority**

(1) An appeal may be heard by an appeal authority by means of a written hearing and if it appears to the appeal authority that the issues for determination of the appeal cannot adequately be determined in the absence of the parties by considering the documents or other material lodged with or provided to it, by means of an oral hearing.

**137 Representation before appeal authority**

At an oral hearing of an appeal before an appeal authority, a party to the proceeding may appear in person or may be represented by another person.

**138 Opportunity to make submissions concerning evidence**

The appeal authority must ensure that every party to a proceeding before the appeal authority is given a reasonable opportunity to present his or her case and, in particular, to inspect any

documents to which the appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

## **PART E: HEARINGS OF APPEAL AUTHORITY**

### **139 Notification of date, time and place of hearing**

(1) The appeal authority must notify the parties of the date, time and place of a hearing at least 14 days before the hearing commences.

(2) The appeal authority will provide notification of the hearing to the appellant at the appellant's address for delivery.

### **140 Hearing date**

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

### **141 Adjournment**

(1) If a party requests an adjournment more than one day prior to the hearing, the party must obtain the written consent of the other party and the presiding officer of the appeal authority.

(2) The party requesting an adjournment must deliver to the appeal authority a completed form including reasons for the request.

(3) The appeal authority will notify the parties in writing of the decision of the presiding officer of the appeal authority.

(4) If the presiding officer of the appeal authority or the other party does not consent to the request for an adjournment, the hearing will not be adjourned.

(5) If a party requests an adjournment within one day prior to the hearing, the request must be made to the appeal authority at the hearing and may be made notwithstanding that a prior request was not consented to.

### **142 Urgency and condonation**

(1) The registrar may –

(a) on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;

(b) on good cause shown, condone any failure by any party to an appeal to comply with these Regulations or any directions given in terms hereof, if he or she is of the opinion that such failure has not unduly prejudiced any other person;

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

(a) served on the registrar;

(b) accompanied by a memorandum setting forth the reasons for the failure concerned; and

(c) determined by the presiding officer in such manner as he or she considers proper.

(3) Where a failure is condoned in terms of subregulation(1)(b), the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

#### **143 Withdrawal of appeal**

An appellant or 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.

### **PART F: ORAL HEARING PROCEDURE**

#### **144 Location of oral hearing**

An oral hearing must be held in a location within the area of jurisdiction of the Municipality but must not be held where the Municipal Planning Tribunal sits or the office of the Land Development Officer whose decision is under appeal.

#### **145 Presentation of each party's case**

(1) Each party has the right to present evidence and make arguments in support of that party's case.

(2) The appellant will have the opportunity to present evidence and make arguments first, followed by the Municipal Planning Tribunal or the Land Development Officer.

#### **146 Witnesses**

(1) Each party may call witnesses to give evidence before the panel.

(2) A witness may not be present at the hearing before giving evidence unless the witness is:

- (a) an expert witness in the proceedings;
- (b) a party to the appeal; or
- (c) a representative of a party to the appeal.

#### **147 Proceeding in absence of party**

(1) If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party if the party was notified of the hearing.

(2) Prior to proceeding, the appeal authority must first determine whether the absent party received notification of the date, time and place of the hearing.

(3) If the notice requirement was not met, the hearing cannot proceed and the presiding officer of the appeal authority must reschedule the hearing.



**148 Recording**

Hearings of the appeal authority must be recorded.

**149 Oaths**

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

**150 Additional documentation**

(1) Any party wishing to provide the appeal authority with additional documentation not included in the appeal record should provide it to the appeal authority at least three days before the hearing date.

(2) The registrar must distribute the documentation to the other party and the members of the appeal authority.

(3) If the party is unable to provide the additional documentation to the appeal authority at least 3 days prior to the hearing, the party may provide it to the appeal authority at the hearing.

(4) The party must bring copies of the additional documentation for the members of the appeal authority and the other party.

(5) If the additional documentation brought to the hearing is substantive or voluminous, the other party may request an adjournment from the appeal authority.

**PART G: WRITTEN HEARING PROCEDURE**

**151 Commencement of written hearing**

The written hearing process commences with the issuance of a letter from the appeal authority to the parties establishing a submissions schedule.

**152 Presentation of each party's case in written hearing**

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

(2) The appellant will be given seven days to provide a written submission.

(3) Upon receipt of the appellant's submission within the timelines, the appeal authority must forward the appellant's submission to the Municipal Planning Tribunal or the Land Development Officer.

(4) The Municipal Planning Tribunal or the Land Development Officer has seven days in which to provide a submission in response.

(5) If no submission is received by a party in the time established in the submissions schedule, it will be deemed that the party declined the opportunity to provide a submission.

### **153 Extension of time**

(1) If a party wishes to request an extension of the time established to provide a written submission, this request must be in writing to the appeal authority in advance of the date on which the submission is due.

(2) Any request for an extension must be accompanied by the reasons for the request.

(3) Following receipt of a request for an extension of time, the appeal authority will issue a decision in writing to the parties.

### **154 Adjudication of written submissions**

(1) Following receipt of any written submissions from the parties, the registrar must forward the appeal record, which includes the written submissions, to the appeal authority for adjudication.

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

(3) Any submission received after the date it was due but before the appeal authority for adjudication has rendered its decision will be forwarded to the presiding officer of the appeal authority to decide whether or not to accept the late submission.

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

## **PART H: DECISION OF APPEAL AUTHORITY**

### **155 Further information or advice**

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

- (a) may in considering its decision request any further information from any party to the appeal hearing or conduct any investigation which it considers necessary;
- (b) may postpone the matter for a reasonable period to obtain further information or advice, in which case it must without delay make a decision as contemplated by paragraph (c);
- (c) must within 21 days after the last day of the hearing, issue its decision on the appeal together with the reasons therefor.

### **156 Decision of appeal authority**

(1) The appeal authority may confirm, vary or revoke the decision of the Municipal Planning Tribunal or Land Development Officer and may include an award of costs.

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

**157 Notification of decision**

The registrar must notify the parties of the decision of the appeal authority in terms of section 156, together with the reasons therefor within seven days after the appeal authority handed down its decision.

**158 Directives to municipality**

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

(2) Where an appeal authority upholds a decision on a development application, the Municipal Manager must, within 21 days of the decision, take the necessary steps to have the decision published in the *Provincial Gazette*.

**PART I: GENERAL****159 Expenditure**

Expenditure in connection with the administration and functioning of the appeal authority must be defrayed from moneys appropriated by the applicable municipality.

**CHAPTER 9****COMPLIANCE AND ENFORCEMENT****160 Enforcement**

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) title deed conditions.

**161 Offences and penalties**

(1) Any person who—

- (a) contravenes or fails to comply with section 56 and subsection (2);
- (b) fails to comply with a compliance notice issued in terms of section 165;
- (c) utilises land in a manner other than prescribed by the land use scheme of the Municipality;

- (d) 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;
- (e) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or
- (f) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee;
- (g) upon registration of the first land unit arising from a township establishment or a subdivision, fails to transfer all common property, including private roads and private places origination from the subdivision, to the owners' association,

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 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 the land use scheme of the Municipality, 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 under this By-law who, after conviction, continues with the action in respect of which he or she 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 or she 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.

### **162 Service 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 contemplated in terms of section 161.

(2) A compliance notice must direct the occupier and owner to cease the unlawful land use or construction activity or both, forthwith or within the time period determined by the Municipality and may include an instruction to—

- (a) demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or such other time period determined by the Municipal Manager; or

(b) submit an application in terms of this By-law within 30 days of the service of the compliance notice and 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 unauthorised work.

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

### **163 Content of compliance notices**

(1) A compliance notice must—

- (a) identify the person to whom it is addressed;
- (b) describe the activity concerned and the land on which it is being carried out;
- (c) state that the activity is illegal and inform the person of the particular offence contemplated in section 161 which that person allegedly has committed or is committing through the carrying on of that activity;
- (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 lodge representations contemplated in terms of section 164 with the contact person stated in the notice;
- (g) issue a warning to the effect that—
  - (i) the person could be prosecuted for and convicted of an offence contemplated in section 161;
  - (ii) on conviction of an offence, the person will be liable for the penalties as provided for;
  - (iii) the person could 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 could 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 who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 164.

#### **164 Objections to compliance notice**

(1) Any person or owner who receives a compliance notice in terms of section 162 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.

(2) Subject to 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 notice or any part of the notice; and
- (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified.

#### **165 Failure to comply with compliance notice**

If a person fails to comply with a compliance notice the Municipality may—

- (a) lay a criminal charge against the person;
- (b) apply to an applicable court for an order restraining that person from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned; or
- (c) in the case of a temporary departure or consent use, the Municipality may withdraw the approval granted and then act in terms of section 162.

#### **166 Urgent matters**

(1) In cases where an activity must be stopped urgently, the Municipality may dispense with the procedures set out above and issue a compliance notice calling upon the person or owner to cease immediately.

(2) If the person or owner fails to cease the activity immediately, the Municipality may apply to any applicable court for an urgent interdict or any other relief necessary.

**167 Subsequent application for authorisation of activity**

(1) If instructed to rectify or cease an unlawful land use or building activity, a person may make an application to the Municipality for any land development contemplated in Chapter 5, unless the person is instructed under section 162 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.

**168 Power of entry for enforcement purposes**

(1) An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and 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 authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this By-law.

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

**169 Power and functions of authorised employee**

(1) In ascertaining compliance with this By-law as contemplated in section 160, an authorised employee may exercise all the powers and must perform all the functions granted to him or her under section 32 of the Act.

(2) An authorised employee must not have a direct or indirect personal or private interest in the matter to be investigated.

**170 Warrant of entry for enforcement purposes**

(1) 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 prior knowledge thereof.

(2) A warrant referred to in subsection (1) may be issued by a judge of any applicable court or by a magistrate who has jurisdiction in the area where the land in question is situated, and 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 authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
- (b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;
- (c) there are reasonable grounds for suspecting that a contravention contemplated in section 161 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 specify which of the acts mentioned in section 169 may be performed under the warrant by the person to whom it is issued and authorises the Municipality to enter upon the land or to enter the building or premises and to perform any of the acts referred to in section 169 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.

#### **171 Regard to decency and order**

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 or her dignity;
- (b) the right to freedom and security of the person; and
- (c) the right to a person's personal privacy.

#### **172 Court order**

Whether or not a Municipality has instituted proceedings against a person for an offence contemplated in section 161, the Municipality may apply to an applicable court for 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;
- (c) compelling that person to cease with the unlawful activity; or
- (d) any other appropriate order.



## CHAPTER 10

### TRANSITIONAL PROVISIONS

#### 173 Transitional provisions

(1) Any land development application or other matter in terms of any provision of National or Provincial legislation dealing with land development applications that are pending before the Municipality on the date of the coming into operation of this By-law, must be dealt with in terms of that legislation or if repealed in terms of its transitional arrangements or in the absence of any other provision, in terms of this By-law, read with section 2(2) and section 60 of the Act;

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

(3) The right to continue using any land or building by virtue of the provisions of subsection (2) must;

- (a) where the right is not exercised in the opinion of the Municipality for a continuous period of 15 months, lapse at the expiry of that period;
- (b) lapse at the expiry of a period of 15 years calculated from the date contemplated in subsection (2);
- (c) where on the date of the coming into operation of an approved land use scheme -
  - (i) a building, erected in accordance with an approved building plan, exists on land to which the approved land use scheme relates;
  - (ii) the erection of a building in accordance with an approved building plan has commenced on land and the building does not comply with a provision of the approved land use scheme, the building must for a period of 15 years from that date be deemed to comply with that provision.
- (d) where a period of 15 years has, in terms of subsection (3), commenced to run from a particular date in the opinion of the Municipality in respect of any land or building, no regard must, for the purposes of those subsections, be had to an approved scheme which comes into operation after that date.
- (e) within one year from the date of the coming into operation of an approved land use scheme-

- (i) the holder of a right contemplated in subsection (2) may notify the Municipality in writing that he is prepared to forfeit that right;
- (ii) the owner of a building contemplated in subsection (3)(c) may notify the Municipality in writing that he is prepared to forfeit any right acquired by virtue of the provisions of that subsection;

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

(5) Where any land use provisions are contained in any title deed, deed of grant or 99 year leasehold, which did not form part of a town planning scheme, such land use provisions apply as contemplated in subsection (2).

(6) If the geographic area of the Municipality is demarcated to incorporate land from another municipality then the land use scheme or town planning scheme applicable to that land remains in force until the Municipality amends, repeals or replaces it.

#### **174 Determination of zoning**

(1) Notwithstanding the provisions of section 173(2) and (3), the owner of land or a person authorised by the owner may apply to the Municipality for the determination of a zoning for land referred to in section 26(3) of the Act

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

- (a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of this By-law if it can be determined;
- (b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;
- (c) any departure or consent use that may be required in conjunction with that zoning;
- (d) in the case of land that was vacant immediately before the commencement of this By-law, the utilisation 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 utilisation of the land and the purpose for which it could be lawfully utilised 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 give notice of its intention to do so in terms of section 95.

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

## **CHAPTER 11 GENERAL PROVISIONS**

### **175 Delegations**

Any power conferred in this By-law on the Municipality may be delegated by the municipality subject to section 56 of the Act and section 59 of the Local Government: Municipal Systems Act.

### **176 Repeal of by-laws**

The *(insert the name of the applicable by-laws)* are hereby repealed.

### **177 Fees payable**

Any fee payable to the Municipality in terms of this By-Law is determined annually in terms of section 24(2) of the Municipal Finance Management Act, 2003 read with sections 74 and 75A of the Municipal Systems Act and forms part of the By-Law to constitute the Tariff Structure of the Municipality.

### **178 Short title and commencement**

(1) This By-law is called the Naledi Local Municipality Spatial Planning and Land Use Management By-Law, 2015.

(2) This By-law comes into operation on the date of publication in the *Provincial Gazette*.

**SCHEDULE 1**

**INVITATION TO NOMINATE A PERSON TO BE APPOINTED AS A MEMBER TO THE -  
\_\_\_\_\_ MUNICIPAL PLANNING TRIBUNAL**

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the \_\_\_\_\_ Municipality hereby invites nominations for officials or employees of the (*insert name of organ of state or non-governmental organisation contemplated in regulation (3)(2)(a) of the Regulations*) to be appointed to the \_\_\_\_\_ Municipal Planning Tribunal for its first term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the \_\_\_\_\_ Municipality.

Nominees must be persons qualified in terms of section 33(1)(b) – (f) of the Naledi Local Municipality’s Spatial Planning and Land Use Management By-law, 2015, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) The name, address and identity number of the nominee;
- (b) The designation or rank of the nominee in the organ of state or non-governmental organisation;
- (c) A short curriculum vitae of the nominee;
- (d) Certified copies of qualifications.

Nominations must be sent to:

The Municipal Manager

\_\_\_\_\_ Municipality

P.O. Box \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For Attention: \_\_\_\_\_

For Enquiries: \_\_\_\_\_

Tel \_\_\_\_\_

\_\_\_\_\_  
\* I, .....(full names of nominee),

ID No (of nominee) .....,

hereby declare that –

- 
- (a) I am available to serve on \_\_\_\_\_ Municipal Planning Tribunal and I am willing to serve as chairperson or deputy chairperson should the Council designate me OR I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);
- (b) there is no conflict of interest OR I have the following interests which may conflict with the \_\_\_\_\_ Municipal Planning Tribunal which I have completed on the declaration of interest form (*delete the option not applicable*);
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the \_\_\_\_\_ Municipal Planning Tribunal and I authorise the \_\_\_\_\_ Municipality to verify any record in relation to such disqualification or requirement.
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the \_\_\_\_\_ Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

**CLOSING DATE: (INSERT DATE)**

\_\_\_\_\_  
Signature of Nominee

\_\_\_\_\_  
Full Names of Nominee

\_\_\_\_\_  
Signature of Person signing on behalf of the Organ of State or Non-Governmental Organisation

\_\_\_\_\_  
Full Names of Person signing on behalf of the Organ of State or Non-Governmental Organisation

**SCHEDULE 2**

**CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE -  
\_\_\_\_\_ MUNICIPAL PLANNING TRIBUNAL**

**CLOSING DATE: (INSERT DATE)**

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the \_\_\_\_\_ Municipality hereby call for nominations for members of the public to be appointed to the \_\_\_\_\_ Municipal Planning Tribunal for its first term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the \_\_\_\_\_ Municipality.

Nominees must be persons qualified in terms of section 33(1)(b) – (f) of the Naledi Local Municipality’s Spatial Planning and Land Use Management By-Law, 2015, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

- (a) The name and address of the nominator, who must be a natural person and a person may nominate himself or herself;
- (b) The name, address and identity number of the nominee;
- (d) Motivation by the nominator for the appointment of the nominee to the \_\_\_\_\_ Municipal Planning Tribunal (no more than 250 words);
- (e) A short curriculum vitae of the nominee;
- (f) Certified copies of formal qualifications.

Please note that failure to comply with the above requirements will result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager

\_\_\_\_\_ Municipality

P.O. Box \_\_\_\_\_

\_\_\_\_\_

For Attention: \_\_\_\_\_

For Enquiries: \_\_\_\_\_

Tel \_\_\_\_\_

\_\_\_\_\_  
\* I, .....(full names of nominee),

ID No (of nominee) .....

hereby declare that –

- (a) I am available to serve on \_\_\_\_\_ Municipal Planning Tribunal and I am willing to serve as chairperson or deputy chairperson should the Council designate me / I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);
- (b) there is no conflict of interest OR I have the following interests which may conflict with the \_\_\_\_\_ Municipal Planning Tribunal and which I have completed on the declaration of interest form (*delete the option not applicable*);
- (c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the \_\_\_\_\_ Municipal Planning Tribunal and I authorise the \_\_\_\_\_ Municipality to verify any record in relation to such disqualification or requirement;
- (d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the \_\_\_\_\_ Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

\_\_\_\_\_  
Signature of Nominee

\_\_\_\_\_  
Full Names of Nominee

**CONTINUES ON PAGE 130 - PART 2**



**NORTH WEST  
NOORDWES**

**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

Vol. 259

**MAHIKENG**  
26 JANUARY 2016  
26 JANUARIE 2016

No. 7599

**SCHEDULE 3  
DISCLOSURE OF INTERESTS FORM**

I, the undersigned,

Full names: \_\_\_\_\_  
 Identity Number: \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

do hereby declare that -

- (a) the information contained herein fall within my personal knowledge and are to the best of my knowledge complete, true and correct, and
- (b) that there is no conflict of interest between myself and the \_\_\_\_\_ Municipal Planning Tribunal; or
- (c) I have the following interests which may conflict or potentially conflict with the interests of the \_\_\_\_\_ Municipal Planning Tribunal;

CONFLICTING INTERESTS

- (d) thenon-executive directorships previously or currently held and remunerative work, consultancy and retainership positions held as follows:

1. NON-EXECUTIVE DIRECTORSHIP	
Name of Company	Period
1.	
2.	
3.	
4.	
5.	

<b>2. REMUNERATIVE WORK, CONSULTANCY &amp; RETAINERSHIPS</b>			
<b>Name of Company &amp; Occupation</b>	<b>Type of Business</b>	<b>Rand amount per month</b>	<b>Period</b>
1.			
2.			
3.			
4.			
5.			

<b>3. CRIMINAL RECORD</b>	
<b>Type of Offence</b>	<b>Dates/Term of Sentence</b>
1.	

- (e) I am South African citizen or a permanent resident in the Republic
- (f) I am not a member of Parliament, a provincial legislature, a Municipal Council or a House of Traditional Leaders;
- (g) I am not an un-rehabilitated insolvent;
- (h) I have not been declared by a court of law to be mentally incompetent and have not been detained under the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (i) I have not at any time been convicted of an offence involving dishonesty;
- (j) I have not at any time been removed from an office of trust on account of misconduct;
- (k) I have not previously been removed from a tribunal for a breach of any provision of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Spatial Planning and Land Use Management By-Law, 2015 enacted by the Naledi Local Municipality;
- (l) I have not been found guilty of misconduct, incapacity or incompetence; or
- (m) I have not failed to comply with the provisions of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Spatial Planning and Land Use Management By-Law, 2015 enacted by the Naledi Local Municipality.

**Signature** **of** **Nominee:**

\_\_\_\_\_

**Full**

**Names:**

\_\_\_\_\_

**SWORN** to and **SIGNED** before me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_.

The deponent having acknowledged that he knows and understands the contents of this affidavit, that the contents are true, and that he or she has no objection to taking this oath and that he or she considers the oath to be binding on his other conscience.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

FULL NAMES: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**SCHEDULE 4**

**CODE OF CONDUCT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

I, the undersigned,

Full names: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Residing at: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

do hereby declare that I will uphold the Code of Conduct of the Naledi Municipal Planning Tribunal contained hereunder:

---

**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 or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve;
  - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she 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 municipality has given written approval and has expressly authorised his or her participation.
  
2. A member of the Municipal Planning Tribunal must not—
  - (a) use the position or privileges of a member of the Municipal Planning Tribunal or confidential information obtained as a member of the Municipal Planning Tribunal for personal gain or to improperly benefit another person; and
  - (b) participate in a decision concerning a matter in which that member or that members' spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

**Gifts**

- 3. A member of the Municipal Planning Tribunal must 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 are intended or expected to influence a person's objectivity as an advisor or decision-maker in the planning process.

**Undue influence**

- 4. A member of the Municipal Planning Tribunal must 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 or her duties to further a personal interest;
  - (c) disclose confidential information acquired in the course of his or her 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 or she is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

**Signature** **of** **Nominee:**

\_\_\_\_\_

**Full** **Names:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

## SCHEDULE 5 OWNERS' ASSOCIATIONS

### General

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 subitem 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 unit 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 private open spaces, private roads and other services arising out of the subdivision;
  - (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. The constitution of an owners' association may be amended when necessary provided that an amendment that affects the Municipality or a provision referred to in subitem 3 is approved by the Municipality.
6. An owners' association which comes into being by virtue of subitem 1 -
  - (a) has as its members all the owners of land units 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 unit, automatically constituted.
7. The design guidelines contemplated in subitem 3(d) may introduce more restrictive development rules than the rules provided for in the zoning scheme.

8. If an owners' association fails to meet any of its obligations contemplated in subitem 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 subitem 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 subitem 8, considered to be expenditure incurred by the owners' association.

#### **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 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 which the owners' association is responsible for, if at all; and
  - (c) the impact of the dissolution or the owners' association on the members and the community concerned.

**LOCAL AUTHORITY NOTICE 9 OF 2016**

**NOTICE**

**OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980, IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), READ TOGETHER WITH SPLUMA, ACT 16 OF 2013**

**POTCHEFSTROOM AMENDMENT SCHEME 2146**

I, **J.J. Botha of H & W Town Planners CC [Reg Nr. 2006/148547/23]**, being the authorized agent of the owner of Erf 1448, Potchefstroom Extension 3, Registration Division I.Q., North West Province, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read together with SPLUMA, Act 16 of 2013, that we have applied to the Tlokwe City Council for the amendment of the town planning scheme known as the the Potchefstroom Town Planning Scheme, 1980, as amended, by the rezoning of the above mentioned property situated at 94 Klerk Street, **from** "Residential 1" **to** "Residential 2" with Annexure 1692 to make provision for a density of 25 dwelling units per hectare, a coverage of 50% and a Guest House (limited to a maximum of 12 rooms).

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Tlokwe City Council Offices, Wolmarans Street, Potchefstroom, for a period of 28 days from **26 January 2016**.

Objection to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or posted to him at P.O. Box 113, Potchefstroom, 2520, within a period of 28 days from **26 January 2016**.

Address of authorised agent: **H & W TOWN PLANNERS**, PO Box 1635, Potchefstroom, 2520,  
Tel: 018 297 7077 [JJ Botha], **Ref:** HB 201544

26-2

**PLAASLIKE OWERHEID KENNISGEWING 9 VAN 2016**

**KENNISGEWING**

**VAN AANSOEK OM WYSIGING VAN POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980, INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), SAAMGELEES MET SPLUMA, WET 16 VAN 2013**

**POTCHEFSTROOM WYSIGINGSKEMA 2146**

**Ek, J.J. Botha van H & W Town Planners BK [Reg No. 2006/148547/23]**, synde die gemagtigde agent van die eienaar van Erf 1448, Potchefstroom Uitbreiding 3, Registrasie Afdeling I.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA, Wet 16 van 2013, kennis dat ons by die Tlokwe Stadsraad aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Potchefstroom Dorpsbeplanningskema, 1980, soos gewysig, deur die hersonering van bogenoemde eiendom geleë te Klerkstraat 94, **vanaf** "Residensieel 1" **na** "Residensieel 2" met Bylae 1692 om voorsiening te maak vir 'n digtheid van 25 wooneenhede per hektaar, 'n dekking van 50% en 'n Gastehuis (beperk tot 'n maksimum van 12 kamers).

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Tlokwe Stadsraad Kantore, Wolmaransstraat, Potchefstroom, vir 'n tydperk van 28 dae vanaf **26 Januarie 2016**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **26 Januarie 2016** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520, ingedien of gerig word.

Adres van gemagtigde agent: **H & W TOWN PLANNERS**, Posbus 1635, Potchefstroom, 2520,  
Tel : 018 297 7077 [JJ Botha], **Verw:** HB 201544

26-2



**LOCAL AUTHORITY NOTICE 10 OF 2016**

**NOTICE  
OF APPLICATION FOR AMENDMENT OF THE POTCHEFSTROOM TOWN PLANNING SCHEME 1980 IN  
TERMS OF SECTION 56 (1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986  
(ORDINANCE 15 OF 1986), READ TOGETHER WITH SPLUMA, ACT 16 OF 2013**

**POTCHEFSTROOM AMENDMENT SCHEME 2147**

I, **J.J. Botha of H & W Town Planners CC [Reg Nr. 2006/148547/23]**, being the authorized agent of the owner of Erf 1149, Baillie Park Extension 25, Registration Division I.Q., North West Province, hereby give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read together with SPLUMA, Act 16 of 2013, that we have applied to the Tlokwe City Council for the amendment of the town planning scheme known as the the Potchefstroom Town Planning Scheme, 1980, as amended, by the rezoning of the above mentioned property situated at 19 Thandi Street, **from "Residential 1" to "Residential 2"** with Annexure 1693 to make provision for a coverage of 50%.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Tlokwe City Council Offices, Wolmarans Street, Potchefstroom, for a period of 28 days from **26 January 2016**.

Objection to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or posted to him at P.O. Box 113, Potchefstroom, 2520, within a period of 28 days from **26 January 2016**.

Address of authorised agent: **H & W TOWN PLANNERS**, PO Box 1635, Potchefstroom, 2520,  
Tel: 018 297 7077 [JJ Botha], **Ref:** HB 20161

26-2

**PLAASLIKE OWERHEID KENNISGEWING 10 VAN 2016**

**KENNISGEWING  
VAN AANSOEK OM WYSIGING VAN POTCHEFSTROOM DORPSBEPLANNINGSKEMA 1980  
INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986  
(ORDONNANSIE 15 VAN 1986), SAAMGELEES MET SPLUMA, WET 16 VAN 2013**

**POTCHEFSTROOM WYSIGINGSKEMA 2147**

**Ek, J.J. Botha van H & W Town Planners BK [Reg No. 2006/148547/23]**, synde die gemagtigde agent van die eienaar van Erf 1149, Baillie Park Uitbreiding 25, Registrasie Afdeling I.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA, Wet 16 van 2013, kennis dat ons by die Tlokwe Stadsraad aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Potchefstroom Dorpsbeplanningskema, 1980, soos gewysig, deur die hersonering van bogenoemde eiendom geleë te Thandistraat 19, **vanaf "Residensieel 1" na "Residensieel 2"** met Bylae 1693 om voorsiening te maak vir 'n dekking van 50%.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Tlokwe Stadsraad Kantore, Wolmaransstraat, Potchefstroom, vir 'n tydperk van 28 dae vanaf **26 Januarie 2016**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **26 Januarie 2016** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 113, Potchefstroom, 2520, ingedien of gerig word.

Adres van gemagtigde agent: **H & W TOWN PLANNERS**, Posbus 1635, Potchefstroom, 2520,  
Tel : 018 297 7077 [JJ Botha], **Verw:** HB 20161

26-2

**LOCAL AUTHORITY NOTICE 11 OF 2016**

**MADIBENG LOCAL MUNICIPALITY**

**BRITS AMENDMENT SCHEME 1/529**

Notice is hereby given in terms of Section 57 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 Of 1986), that the Madibeng Local Municipality has approved an amendment scheme being an amendment of the Brits Town Planning Scheme, 1/1958, by the rezoning of Erven 222 and 223, Primindia Extension 24, from "Special Residential" to "Special" for dwelling units, attached or detached, subject to conditions as per Annexure to the Scheme.

Map 3 and the scheme clauses of the amendment scheme are filed at the offices of the Madibeng Local Municipality and are available for inspection at normal office hours.

This amendment is known as Brits Amendment Scheme 1/529 and shall come into operation on the date of publication of this notice.

**M E MANAKA, ACTING MUNICIPAL MANAGER**

Municipal Offices, Van Velden Street, Brits, P.O.Box 106, Brits, 0250

(Notice No. 1/2016)

(Reference Number: 16/4/6/2/529)

**LOCAL AUTHORITY NOTICE 12 OF 2016****CITY OF MATLOSANA  
DECLARATION AS APPROVED TOWNSHIP**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with SPLUMA (Act 16 of 2013), the City of Matlosana hereby declares Wilkoppies Extension 111 Township (District Klerksdorp) to be an approved township subject to the conditions set out in the schedule hereto.

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF CHAPTER III (PART C) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) ON PORTION 971 (A PORTION OF PORTION 869) OF THE FARM ELANDSHEUVEL NO. 402-IP, NORTH WEST PROVINCE BY CENTRAL BRIDGE TRADING 420 CC (2006/080110/23) (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT) AND BEING THE REGISTERED OWNER OF THE LAND, HAS BEEN APPROVED.

**1. CONDITIONS OF ESTABLISHMENT****(1) NAME**

The name of the township shall be Wilkoppies Extension 111.

**(2) LAYOUT / DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No. 2723/2015.

**(3) REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING POST OFFICE- / TELKOM PLANT**

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing Post Office- / Telkom plant, the cost thereof shall be borne by the township applicant.

**(4) REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING MUNICIPAL SERVICES**

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing municipal services, the cost thereof shall be borne by the township applicant.

**(5) HOME OWNERS ASSOCIATION**

The Prozitrix NPC (2011/007109/08) Home Owners Association shall bear full responsibility for the functioning and proper maintenance of the private internal street (Erf 4111) which erf shall be transferred to the Prozitrix NPC (2011/007109/08) Home Owners Association.

**2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE INSTALLATION AND PROVISION OF SERVICES**

The township applicant shall install and provide all internal and external engineering services in or for the township, as provided for in the services agreement.

**3. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any.

**4. CONDITIONS OF TITLE****(1) CONDITIONS OF TITLE IMPOSED IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****(a) ALL ERVEN**

- (i) The erf is subject to a servitude, 2 metres wide along any two boundaries in favour of the local authority for sewerage and other municipal purposes and, in the case of a panhandle erf, an additional servitude for municipal purposes 2 metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may relax or grant exemption from the required servitudes.
- (ii) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 1 metre thereof.

- (iii) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
  - (iv) The erf lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendations contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBRC classification for foundations is considered as C2.
- (b) ERVEN SUBJECT TO SPECIAL CONDITIONS
- (ii) ERF 4111
 

The erf is subject to a servitude for municipal purposes in favour of the local authority, as indicated on the general plan (On submission of a certificate from the local authority to the Registrar of Deeds stating that the servitude is no longer required, this condition shall lapse).
- (2) CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED /CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED
- (a) ERVEN 4082 TO 4110
- (i) The erven will be subject to the following conditions in favour of the Prozitrix NPC (2011/007109/08) Home Owners Association established in terms of the provisions of Section 14 of the Companies Act, 2008 (Act 71 of 2008) to be created on transfer of the erven to any purchaser:
 

Each and every owner of an erf in the township shall on transfer automatically become a member of the Prozitrix NPC (2011/007109/08) Home Owners Association established in terms of the provisions of Section 14 of the Companies Act, 2008 (Act 71 of 2008) (hereinafter referred to as the "Association") and the township applicant shall procure that each erf be made subject to the following conditions in favour of the Association:

    - (aa) Every owner of an erf within the township area or the subdivided portions or consolidation thereof, or any interest therein or any unit as defined in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Memorandum of Incorporation until he/she/it ceases to be an owner as aforesaid.
    - (bb) The owner of an erf within the township area or any subdivision or consolidation thereof, or any interest therein, or any unit as defined in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) shall not be entitled to transfer the erf or any subdivision or any interest therein or unit thereon, without a clearance certificate from the Association that all monies owing to it has been paid.

**PLAASLIKE OWERHEID KENNISGEWING 12 VAN 2016****STADSRAAD VAN MATLOSANA  
VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) saamgelees met SPLUMA (Wet 16 van 2013) verklaar die Stadsraad van Matlosana hierby die dorp Wilkoppies Uitbreiding 111 (Distrik Klerksdorp) tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande skedule.

**SKEDULE**

VOORWAARDES WAARONDER DIE AANSOEK OM DORPSTIGTING INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III (DEEL C) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986) OP GEDEELTE 971 ('N GEDEELTE VAN GEDEELTE 869) VAN DIE PLAAS ELANDSHEUVEL NO. 402-IP, PROVINSIE NOORDWES, DEUR CENTRAL BRIDGE TRADING 420 BK (2006/080110/23) (HIERNA DIE DORPSTIGTER GENOEM) EN SYNDE DIE GEREgistreerde EIENAAR VAN DIE GROND, GOEDGEKEUR IS.

**1. STIGTINGSVOORWAARDES****(1) NAAM**

Die naam van die dorp sal wees Wilkoppies Uitbreiding 111.

**(2) UITLEG / ONTWERP**

Die dorp sal bestaan uit erwe en strate soos aangedui op Algemene Plan LG No. 2723/2015.

**(3) VERWYDERING, VERPLASING, MODIFISERING OF DIE VERVANGING VAN BESTAANDE POSKANTOOR- / TELKOM UITRUSTING**

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande Poskantoor- / Telkom uitrusting te verwyder, te verplaas, te modifiseer of te vervang moet die koste daarvan deur die dorpsdigter gedra word.

**(4) VERWYDERING, VERPLASING, MODIFISERING OF DIE VERVANGING VAN BESTAANDE MUNISIPALE DIENSTE**

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verwyder, te verplaas, te modifiseer of te vervang moet die koste daarvan deur die dorpsdigter gedra word.

**(5) HUISEIENAARVERENIGING**

Die Prozitrix NWM (2011/007109/08) Huisseienaarsvereniging sal volle verantwoordelikheid dra vir die funksionering en behoorlike instandhouding van die private interne straat (Erf 4111) welke erf oorgedra sal word aan die Prozitrix NWM (2011/007109/08) Huisseienaarsvereniging.

**2. VOORWAARDES WAARAAN VOLDOEN MOET WORD VOOR DIE ERWE IN DIE DORP REGISTREERBAAR WORD****INSTALLASIE EN VOORSIENING VAN DIENSTE**

Die dorpsdigter moet alle interne en eksterne ingenieursdienste in of vir die dorp installeer en voorsien ooreenkomstig die diensteooreenkoms.

**3. BESKIKKING OOR BESTAANDE TITELVOORWAARDES**

Alle erwe sal onderworpe gestel word aan bestaande voorwaardes en serwitute, indien daar is.

**4. TITELVOORWAARDES****(1) TITELVOORWAARDES OP GELê KRAGTENS DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)****(a) ALLE ERWE**

- (i) Die erf is onderworpe aan 'n serwituut, 2 meter wyd langs enige twee grense ten gunste van die plaaslike owerheid vir riool- en ander munisipale doeleindes en, in die geval van 'n pypsteelerf, 'n addisionele serwituut van 2 meter wyd, vir munisipale doeleindes, oor die toegangsdeel van die erf, indien en wanneer deur die plaaslike owerheid benodig: Met dien verstande dat die plaaslike owerheid hierdie vereiste serwitute mag verslap of vrystelling daarvan verleen.

- (ii) Geen gebou of ander struktuur mag opgerig word binne die bogenoemde serwituutgebied nie en geen grootwortelbome mag in die gebied van sodanige serwituut of binne 1 meter daarvan geplant word nie.
  - (iii) Die plaaslike owerheid is daarop geregtig om tydelik op die grond aangrensend aan die voorgenoemde serwituutgebied, sodanige materiaal te stort as wat uitgegrawe mag word in die loop van die konstruksie, onderhoud of verwydering van sodanige hoofrioolleidings of ander werk as wat hy na sy oordeel nodig ag en is voorts geregtig op redelike toegang tot genoemde grond vir bogenoemde doel, onderworpe daaraan dat enige skade aangerig tydens die proses van konstruksie, instandhouding of verwydering van sodanige hoofrioolleidings en ander werk, goed te maak deur die plaaslike owerheid.
  - (iv) Die erf is geleë in 'n gebied met bodemeienskappe wat geboue en strukture nadelig kan beïnvloed en skade tot gevolg kan hê. Bouplanne wat by die plaaslike owerheid vir goedkeuring ingedien word moet maatreëls aantoon om moontlike skade aan die geboue en strukture as gevolg van die ongunstige funderingstoestande te beperk. Hierdie maatreëls moet in ooreenstemming wees met die aanbevelings vervat in die Geotegniese verslag tensy bewys gelewer word aan die plaaslike owerheid dat sodanige maatreëls onnodig is of dieselfde doel op 'n meer doeltreffende wyse bereik kan word. Die NHBRC klassifikasie vir fondasies word bestempel as C2.
- (b) ERWE ONDERWORPE AAN SPESIALE VOORWAARDES
- (i) ERF 4111  
Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes ten gunste van die plaaslike owerheid, soos op die algemene plan aangedui. (By die indiening van 'n sertifikaat deur die plaaslike owerheid aan die Registrateur van Aktes waarin vermeld word dat sodanige serwituut nie meer benodig word nie, verval die voorwaarde).
- (2) TITELVOORWAARDES OP GELê TEN GUNSTE VAN DERDE PARTYE WAT GEREGISTREER / GESKEP MOET WORD OP EERSTE REGISTRASIE VAN DIE BETROKKE ERWE
- (a) ERWE 4082 TOT 4110
- (i) Die erwe sal onderworpe wees aan die volgende voorwaardes ten gunste van die Prozitrix NWM (2011/007109/08) Huiseienaarsvereniging gestig ingevolge die bepalings van Artikel 14 van die Maatskappywet, 2008 (Wet 71 van 2008) wat geskep moet word op oordrag van die erwe aan enige koper:  
Elke eienaar van 'n erf in die dorp sal op oordrag outomaties lid word van die Prozitrix NWM (2011/007109/08) Huiseienaarsvereniging gestig ingevolge die bepalings van Artikel 14 van die Maatskappywet, 2008 (Wet 71 van 2008) (hierna verwys na as die "Vereniging") en die dorpsdigter sal toesien dat elke erf onderworpe gestel word aan die volgende voorwaardes ten gunste van die Vereniging:
    - (aa) Elke eienaar van 'n erf binne die dorpsgebied of die onderverdeelde gedeeltes of konsolidasie daarvan, of enige belang daarin, of enige eenheid soos omskryf in terme van die Deeltitelwet, 1986 (Wet 95 van 1986) sal op oordrag outomaties lid word en lid bly van die Vereniging en sal onderworpe wees aan sy Memorandum van Inkorporasie totdat hy/sy/dit ophou om 'n eienaar te wees soos voormeld.
    - (bb) Die eienaar van 'n erf binne die dorpsgebied of enige onderverdeling of konsolidasie daarvan, of enige belang daarin, of enige eenheid soos omskryf in terme van die Deeltitelwet, 1986 (Wet 95 van 1986) sal nie geregtig wees om die erf of enige onderverdeling of enige belang daarin of eenheid daarop oor te dra sonder 'n uitklaringertifikaat vanaf die Vereniging dat alle gelde daaraan verskuldig betaal is nie.

**LOCAL AUTHORITY NOTICE 13 OF 2016**

**CITY OF MATLOSANA  
KLERKSDORP AMENDMENT SCHEME 919**

The City of Matlosana hereby in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with SPLUMA (Act 16 of 2013) declares that it has approved an amendment scheme being an amendment of the Klerksdorp Land Use Management Scheme, 2005, comprising the same land as included in the township Wilkoppies Extension 111.

Map 3 and the scheme clauses of the amendment scheme are filed with the Acting Municipal Manager, City of Matlosana and the Chief Town and Regional Planner, Sub-Directorate: Spatial Planning and Land Use Management, Department of Local Government and Human Settlement, Mmabatho and are open for inspection during normal office hours.

This amendment is known as Amendment Scheme 919 and shall come into operation on the date of publication of this notice.

Civic Centre  
**KLERKSDORP**  
Notice No. 6/2016  
16/3/2/310

**S.G. MABUDA**  
**ACTING MUNICIPAL MANAGER**

**PLAASLIKE OWERHEID KENNISGEWING 13 VAN 2016**

**STADSRAAD VAN MATLOSANA  
KLERKSDORP WYSIGINGSKEMA 919**

Die Stadsraad van Matlosana verklaar hierby ingevolge die bepalings van Artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) saamgelees met SPLUMA (Wet 16 van 2013) dat dit 'n wysigingskema synde 'n wysiging van die Klerksdorp Grondgebruikbestuurskema, 2005, wat uit dieselfde grond as die dorp Wilkoppies Uitbreiding 111 bestaan, aanvaar het.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Waarnemende Munisipale Bestuurder, Stadsraad van Matlosana en die Hoof Stads- en Streekbeplanner, Sub-Direktoraat: Ruimtelike Beplanning en Grondgebruiksbeheer, Departement Plaaslike Regering en Menslike Vestiging, Mmabatho en lê terinsae gedurende normale kantoorure.

Hierdie wysiging staan bekend as Wysigingskema 919 en tree in werking op datum van publikasie van hierdie kennisgewing.

Burgersentrum  
**KLERKSDORP**  
Kennisgewing No. 6/2016  
16/3/2/310

**S.G. MABUDA**  
**WAARNEMENDE MUNISIPALE BESTUURDER**