

PROVINCIAL GAZETTE, 14 DECEMBER 2015

No. 1979 **3**

4	No.	1979
---	-----	------

ADVERTISEMENT

		Gazette No.	Page No.	
GENERAL NOTICES • ALGEMENE KENNISGEWINGS				
189	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Siyathemba Local Municipality	1979	6	
190	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Umsobomvu Municipality	1979	51	
191	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Hantam Local Municipality	1979	90	
192	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Emthanjeni Municipality	1979	133	
193	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Umsobomvu Municipality	1979	174	
194	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Richtersveld Local Municipality	1979	213	
195	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Umsobomvu Municipality	1979	258	
196	Spatial Planning And Land Use Management Act (16/2013): Arrangement of sections and schedules: Ubuntu Local Municipality	1979	297	
197	National Road Traffic Act (3/1996): Schedule of fees in respect of registration and licencing of motor vehicles 1979	41		
198	Local Government: Municipal Systems Act, 32/2000: Consolidated Report on the Performance of the Municipalities in the Northern Cape for the 2013/14 financial year	1979	349	
199	Spatial Planning And Land Use Management Act (16/2013): Commencement of the Joint Municipal Planning Tribunal for the ZF Mgcawu District	1979	350	
200 200	Spatial Planning And Land Use Management Act (16/2013): Erf 292, Kakamas South Settlement Ruimtelike Beplanning En Grondgebruik Bestuur Wet (16/2013): Erf 292, Kakamas Suid Nedersetting	1979 1979	351 351	

No. 1979 5

PROVINCIAL GAZETTE, 14 DECEMBER 2015

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 189 OF 2015

SIYATHEMBA LOCAL MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW

NORTHERRN CAPE PROVINCE

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Siyathemba Municipality as follows:-

No. 1979 7

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II – DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- 29. Content of notice
- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval
- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV - ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V – MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Repeal of existing by-laws
- 54. Short tile and commencement
- SCHEDULE 1 Schedule of y-laws repealed
- SCHEDULE 2 Comprehensive application form
- SCHEDULE 3 Applications form

No. 1979 **9**

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law

"**Act**" or "**the Act**" means the Spatial Planning and Land Use Management Act, 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question.

"development charge" means a development charge levied by the Municipality as contemplated in section 71;

"**Municipality**" means the Siyathemba Municipality established by Establishment Notice issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Siyathemba Municipality.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (*i*) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (*k*) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (*I*) the subdivision of land, including the registration of a servitude;

No. 1979 11

(m) the consolidation of land;

- (n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
- (o) the permission required in terms of the zoning scheme;
- (p) the amendment, deletion or imposition of conditions in respect of an existing approval;
- (q) the extension of the validity period of an approval;
- (r) the approval of an overlay zone as provided for in the zoning scheme;
- (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
- (t) permission required in terms of a condition of approval;
- (u) a determination of a zoning;
- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.

(8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).

(2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of five years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.

(4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to is not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - (c) the registration of a servitude or lease agreement for the provision or installation of—
 - 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;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.

(2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.

- (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

(1) The Municipality may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to

No. 1979 17

land or those conditions contained in a land use management scheme administered by it.

- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must—
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

(1) The Municipality must inform the Registrar of Deeds and the Surveyor-General of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.

(4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the main office of the Siyathemba Municipality.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the Designated employee in terms of section 3, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this By-law is submitted to the Municipality.
- (8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;

- (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
- (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
- (d) the relevant bondholder's consent, if required by the Municipality;
- (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
- (f) proof of payment of application fees;
- (g) a full, certified copy of the existing title deed indicating all existing title conditions;
- *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
- *(j)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
- (*k*) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);
 - (e) a basic layout map as described in subsection (9); and

- (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;
 - (c) a land use map;
 - (d) a detailed layout map;
 - (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which must reflect an extract of the municipality's official zoning map with the following detail:
 - (a) the scale, true north, key and heading "Zoning Map";

No. 1979 **21**

- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

the relative zonings of the application area, or if it is requested by the municipality.

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;
 - (i) the proposed subdivisions;
 - (j) the size of the proposed subdivisions;
 - (k) the erven included in the subdivision with erven numbered consecutively;
 - (I) the name of the person that prepared the map;
 - (m) the contours;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (n) co-ordinates with grid references;
- (o) the proposed street name and name for the development or neighbourhood, if applicable; and
- (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if-
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

No. 1979 23

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

(1) The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

- (1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- (2) Notice of the application in the media must be given by—
 - (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - (b) 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
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.

- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section-
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - (c) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;

- (*h*) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- *(i)* state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. ADDITIONAL METHODS OF PUBLIC NOTICE

- (1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
 - (b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - *(e)* publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
 - (f) obtaining letters of consent or objection to the application.

No. 1979 27

- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - (e) when it was delivered to that person personally, is the date of delivery to that person;
 - (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this By-law and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit

a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.

- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

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

No. 1979 **31**

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

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the Designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;
 - (*I*) the provision of land needed by other organs of state;
 - (*m*) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - (n) the registration of public places in the name of the municipality;
 - (o) the transfer of ownership to the municipality of land needed for other public purposes;
 - (*p*) the implementation of a subdivision in phases;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (q) requirements of other organs of state;
- (r) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- (s) agreements to be entered into in respect of certain conditions;
- (*t*) the phasing of a development, including lapsing clauses relating to such phasing;
- (u) the delimitation of development parameters or land uses that are set for a particular zoning;
- (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (w) the setting of a period within which a particular condition must be met;
- (x) requirements relating to engineering services as contemplated in section 79;
- (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the Designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal Tribunal shall consist of at leats three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering services for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

No. 1979 35

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
 - (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
 - (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or

No. 1979 **37**

- (*j*) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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 occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

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

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

- (1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—
 - (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (b) cease with the unlawful utilisation of land..

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.

No. 1979 **39**

(4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. REPEAL

The by-laws listed in Schedule 1 are repealed.

54. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Siyathemba By-law on Municipal Land Use Planning.
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 53

Siyathemba Municipality to insert relevant information here

SCHEDULE 2

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

	SECTION 1 Details of Applicant						
Name: Postal address:		Contact person: Physical address:					
	Code:						
Tel no:		Cell no:					
Fax no:		E-mail address:					
SACPLAN Reg No:							

COMPREHENSIVE APPLICATION FORM

Gazettes are Reproduced under Government Printer's Copyright Authority No. 11386 dated 07 May 2007 www.GICS.co.za

PROVINSIALE KOERANT, 14 DESEMBER 2015

No.	1979	41

٦

SECTION 2						
	Details of Land Owne	r (If different from Appli	cant)			
Name: Postal address:		Contact person: Physical address:				
	Code:					
Tel no:		Cell no:				
Fax no:		E-mail address:				

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

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

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

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

Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Consent use as determined in these regulations:	
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	
Please give a short description of the scope of the project:	

SECTION 5

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

Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?	
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	

No. 1979 43

Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
	Water supply:		
What arrangements will be made	Electr supply		
regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable)	Sewerage and waste- water		
	Storm- Water:		
	Road Network:		

SECTION 6

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

Checklist (for the completion by the Applicant only)			Checklist (for the use of Responsible Authority only)			
YES	NO	ANNEXURE OR PAGE REFERENCE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information – diagram/General Plan including			

PROVINCIAL GAZETTE, 14 DECEMBER 2015

servitudes, lease areas, etc.			
Status report from Surveyor General – street closure or state owned land			
Topographic map/ aerial map			
Locality Map			
Site Plan			
Zoning Map			
Zoning Certificate			
Land Use Map			
Conveyancer's certificate			
Special endorsement/proxy			
Home Owners' Association consent			
Proposed design/layout plan			
Proposed subdivision plan			
Proposed consolidation plan			
Proposed development plan			
Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract			
Mineral impact assessment (MIA)			
Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal)			
Traffic impact study			
Geo-technical report (including geology) report (NHRB Standards)			
Social impact assessment			
Flood line assessment (1:50 and 1:100 years)			
Coastal setback report (consent from Dept of Environmental Affairs)			
Agriculture)			
List of sections in Title Deed conditions to be removed /amended			
Adherence to planning legislation including the Planning Profession Act 36 of 2002			
At least three (3) sets of full colour documentation copies			
	state owned land Topographic map/ aerial map Locality Map Site Plan Zoning Map Zoning Certificate Land Use Map Conveyancer's certificate Special endorsement/proxy Home Owners' Association consent Proposed design/layout plan Proposed design/layout plan Proposed consolidation plan Proposed consolidation plan Proposed development plan Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral impact assessment (BIA) Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal) Traffic impact study Geo-technical report (including geology) report (NHRB Standards) Social impact assessment Flood line assessment (1:50 and 1:100 years) Coastal setback report (consent from Dept of Environmental Affairs) Subdivision of agricultural land (consent of the Dept of Agriculture) List of sections in Title Deed conditions to be removed /amended	Status report from Surveyor General – street closure or state owned land Topographic map/ aerial map Locality Map Site Plan Zoning Map Zoning Certificate Land Use Map Conveyancer's certificate Special endorsement/proxy Home Owners' Association consent Proposed design/layout plan Proposed development plan Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral impact Assessment (AIA) Environmental Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal) Traffic impact study Geo-technical report (including geology) report (NHRB Standards) Social impact assessment Flood line assessment (1:50 and 1:100 years) Coastal setback report (consent from Dept of Environmental Affairs) Subdivision of agricultural land (consent of the Dept of Agriculture) List of sections in Title Deed conditions to be removed / Amended Adherence to planning legislation including the Planning Profession Act 36 of 2002	Status report from Surveyor General – street closure or state owned land Topographic map/ aerial map Locality Map Site Plan Zoning Map Zoning Certificate Land Use Map Conveyancer's certificate Special endorsement/proxy Home Owners' Association consent Proposed design/layout plan Proposed design/layout plan Proposed consolidation plan Proposed development plan Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract Mineral impact assessment (AIIA) Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (Approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal) Traffic impact assessment Flood line assessment (1:50 and 1:100 years) <

SECTION 7 Declaration														
Note: If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory														
	certify the information su authorised to make this a		applica	ation form	to be cor	npl	ete a	and c	corre	ct an	d tha	at I ai	m	
Applicant	's/ Owner's Signature:				_ Date	:								
Full name	Full name (print):													
Professio	Professional capacity:													
Applicant	's ref:													

No. 1979 45

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

SCHEDULE 3

APPLICATION FORM

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

SECTION 1 Details of Applicant

Name:
Postal
address:

Contact person: Physical address:

46	No.	1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner (If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

SECTION 3

Details of Property (In accordance with Title deed)

Erf/ Farm No and portion description:		Area (m ² or ha):		
Physical address of erf/farm:		Existing zoning:		
Location from nearest town:		Existing land use:		
Town/suburb:		Area applicable to application:		
Registration Division:				
SECTION 4				
Type of Application being Submitted (Mark with an X and give detail)				

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

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Secondary Use, excluding Funeral Parlour, and Scrap Yard.	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the guidelines of the SDF.	

No. 1979 47

SECTION 5

Detail of applic	ation (Mark with	an X and give detail where applical	ble)
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
Water		supply:		
What arrangements will be made regarding the following services for the development? (where	Electricity supply:			
applicable)	Sewera waste-v	•		

48	No.	1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Storm-Water	
Road Network	

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Status report from Surveyor General – street closure or state owned land			
			Flood line certificate / coastal setback report - certificate from relevant Dept			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Other (specify):			
			Two (2) sets of full colour documentation copies			

No. 1979 **49**

			ION 8		
Pr	rescri	bed Notice and advertisement pr Responsible /			
			latio		
	Checklist for required advertisement procedure		Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the siteNote: The notice provided must beplaced on the site in a laminated A3format (two language formats separateon A3) on or before the date of thenotice.Public Meeting			Proof of Notice in siteTwo colour photos of the notice on sitemust be provided of which one is closeup and the other one is taken from adistance in order to see the placing onthe site itself.Proof of Public Meeting
		Note: The holding of a public meeting in order to inform the general public of the application.			The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

EXAMPLE OF NOTICE:

_

```
50 No. 1979
```

PROVINCIAL GAZETTE, 14 DECEMBER 2015

EXAMPLE OF NOTICE:

SIYATHEMBA MUNICIPALITY

MUNICIPAL LAND USE PLANNING BY-LAWS

Published under Local Government Notice (number) in Northern Cape Provincial Gazette (number) of (date) 2015

Notice is hereby given in terms of the provisions of <u>Section 13</u> of the Local Government: Municipal Systems Act 32 of 2000 that the Council of the Siyathemba Local Municipality adopted the set of Municipal Land Use Planning By-laws.

The By-laws are published for the purpose of general public notification. Copies of the Bylaws are available at (address).

[Name of Municipal Manager]

Municipal Manager

No. 1979 **51**

NOTICE 190 OF 2015

UMSOBOMVU MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW NORTHERN CAPE

By-law No. 27, 2015 SPATIAL PLANNING AND LAND USE BY-LAW, 2015

BY-LAW

To provide for the control and management of the use of premises and violation of land use

allocations in the Umsobomvu Municipality and for matters connected therewith.

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Umsobomvu Municipality as follows:-

PROVINCIAL GAZETTE, 14 DECEMBER 2015

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II - DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices
- 29. Content of notice
- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval

No. 1979 53

- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development Charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV - ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General Powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V – MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Short tile and commencement

SCHEDULE 1 – Comprehensive application form

SCHEDULE 2 – Applications form

CHAPTER I – INTERPRETATION AND APPLICATION

1. **DEFINITIONS AND INTERPRETATIONS**

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law -

"Act" or "the Act" means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

"**development charge**" means a development charge levied by the Municipality as contemplated in section 44;

"**Municipality**" means the Municipality established by in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"**Municipal Planning Tribunal**" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Municipality.

No. 1979 55

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof ;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (i) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (k) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (*I*) the subdivision of land, including the registration of a servitude;
 - (m) the consolidation of land;
 - (n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - (o) the permission required in terms of the zoning scheme;
 - (*p*) the amendment, deletion or imposition of conditions in respect of an existing approval;
 - (q) the extension of the validity period of an approval;
 - (r) the approval of an overlay zone as provided for in the zoning scheme;
 - (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (t) permission required in terms of a condition of approval;
 - (u) a determination of a zoning;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of two years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- (4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to be not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - (c) 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;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- (2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of

engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.
 - (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must-
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on-
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

(1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the Umsobomvu Municipality at 21A Church Street, Colesberg, 9795 and marked for attention of the Land Use Officer.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the designated employee in terms of section 3, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this Bylaw is submitted to the Municipality.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

(8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
 - (f) proof of payment of application fees;
 - (g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
 - *(j)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - (*k*) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);

No. 1979 63

- (e) a basic layout map as described in subsection (9); and
- (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;
 - (c) a land use map;
 - (d) a detailed layout map;
 - (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

(a) the scale, true north, key and heading "Zoning Map";

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

the relative zonings of the application area, or if it is requested by the municipality.

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;
 - (i) the proposed subdivisions;
 - (j) the size of the proposed subdivisions;
 - (k) the erven included in the subdivision with erven numbered consecutively;
 - (I) the name of the person that prepared the map;
 - (m) the contours;
 - (n) co-ordinates with grid references;
 - (o) the proposed street name and name for the development or neighbourhood, if applicable; and

No. 1979 65

- (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if—
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

(1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.

- (2) Notice of the application in the media must be given by—
 - (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - *(b)* 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
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

(d)

No. 1979 67

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - (C) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.
 - (d)

29. CONTENT OF NOTICE

(1) When notice of an application must be given in terms of sections 27 or 28, the notice must—

- (a) provide the full names of the applicant and that of its authorised representative;
- (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
- (c) state the intent and purpose of the application;

- (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
- (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (*h*) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- *(i)* state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

- (1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
 - (b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or

No. 1979 69

- (f) obtaining letters of consent or objection to the application.
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.

- (e) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
- (f) when it was delivered to that person personally, is the date of delivery to that person;
- (g) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this Bylaw and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

(1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a

reasonable period of time.

(2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;
 - (*I*) the provision of land needed by other organs of state;

No. 1979 73

- (*m*) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
- (*n*) the registration of public places in the name of the municipality;
- (o) the transfer of ownership to the municipality of land needed for other public purposes;
- (*p*) the implementation of a subdivision in phases;
- (q) requirements of other organs of state;
- (*r*) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- (s) agreements to be entered into in respect of certain conditions;
- (t) the phasing of a development, including lapsing clauses relating to such phasing;
- (u) the delimitation of development parameters or land uses that are set for a particular zoning;
- (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (w) the setting of a period within which a particular condition must be met;
- (x) requirements relating to engineering services as contemplated in section 79;
- (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.

- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who-
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may-
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;

No. 1979 77

- (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
- (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
- (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
- *(f)* examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
- (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
- (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

(1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned; or
- (b) cease with the unlawful utilisation of land...

No. 1979 **79**

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Umsobomvu Spatial Planning and Land Use Planning By-Law.
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette.

Gazettes are Reproduced under Government Printer's Copyright Authority No. 11386 dated 07 May 2007 www.GICS.co.za

80 No. 1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SCHEDULE 1

COMPREHENSIVE APPLICATION FORM

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

SECTION 1 Details of Applicant				
Name: Postal address:		Contact person: Physical address:		
	Code:			
Tel no:		Cell no:		
Fax no:		E-mail address:		
SACPLAN Reg No:				
	SECT Details of Land Owne		pplicant)	
Name: Postal address:		Contact person: Physical address:		
	Code:			
Tel no:		Cell no:		
Fax no:		E-mail address:		

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

No. 1979 **81**

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

Application for: (Please mark applicable block with a cross)				
Rezoning from one zone to another:				
Consolidation of land:				
Subdivision of land:				
Township establishment (Human settlement planning and design)				
Removal, suspension or amendment of Title Deed Restrictions:				
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:				
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:				
Secondary use as determined in these regulations:				
Consent use as determined in these regulations:				
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:				
General Plan Cancellation:				
Closure of Park or Public Road:				
The extension of the approval period:				
Any other application in terms of provincial legislation or municipal by-law:				
Please give a short description of the scope of the project:				

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SECTION 5

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

Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
What arrangements will be made	Water supply		
regarding the following services for the development? (Full Engineering Reports must be	Electr supply		
supplied, where applicable)	Sewe and w water	aste-	

Storm- Water:	
Road Network:	

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Cheo	hecklist (for the completion by the Applicant only)		Checklist (for the use of Responsib Authority only)			
YES	NO	ANNEXURE OR	DOCUMENT ATTACHED	YES	NO	IY) N/A
. 20		PAGE REFERENCE				
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of			
			advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			+
			Cadastral information – diagram/General Plan including			
			servitudes, lease areas, etc.			
			Status report from Surveyor General – street closure or state owned land			
			Topographic map/ aerial map			
			Locality Map			+
			Site Plan			+
			Zoning Map			+
			Zoning Certificate			1
			Land Use Map			1
			Conveyancer's certificate			
			Special endorsement/proxy			
			Home Owners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's			
			consent) and/or prospecting contract Mineral impact assessment (MIA)			
			,			
			Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport,			
			Arts and Culture) and Archaeological Impact Assessment			
			(AIA) (approval from relevant Department - SAHRA)			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) report (NHRB			
			Standards) Social impact assessment			+
			Flood line assessment (1:50 and 1:100 years)	1	<u> </u>	+
			Coastal setback report (consent from Dept of			

PROVINCIAL GAZETTE, 14 DECEMBER 2015

	Environmental Affairs)		
	Subdivision of agricultural land (consent of the Dept of Agriculture)		
	List of sections in Title Deed conditions to be removed /amended		
	Adherence to planning legislation including the Planning Profession Act 36 of 2002		
	At least three (3) sets of full colour documentation copies		

SECTION 7 Declaration Note: If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory. I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application. Applicant's/Owner's Signature: Date: I

SECTION 8

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

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

No. 1979 85

on A3) on or before the date of the notice.	distance in order to see the placing on the site itself.
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Any Additional components	Proof of additional components

SCHEDULE 2

APPLICATION FORM

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

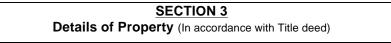
<u>SECTION 1</u> Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner (If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.



PROVINCIAL GAZETTE, 14 DECEMBER 2015

Erf/ Farm No and portion description:	Area (m ² or ha):				
Physical address of erf/farm:	Existing zoning:				
Location from	Existing land use:				
Town/suburb:	Area applicable to application:				
Registration Division:	Title deed no:				
SECTION 4					

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

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

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

SECTION 5

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

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers	

No. 1979 87

considered?			and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES NO		If answered YES, please provide detail description:
	Water s	supply:	
What arrangements will be made	Electricity supply:		
regarding the following services for the development? (where	Sewerage and waste-water:		
applicable)	Storm-Water		
	Road Network		

SECTION 6

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

Checklist (for the completion by the Applicant only)					Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A	
			Completed Abridged Application form				
			Board of Directors' / Trustees' resolution / consent				
			Power of Attorney				
			Copy of Title Deed(s)				
			Orientating Locality Map				
			Basic Layout Map				
			Bondholder's consent				
			Home Owners' Association consent / stamp of approval				
			Special endorsement/proxy				
			Registered servitudes (deed and map/plan)				
			Surveyor general diagrams (cadastral information)				

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Status report from Surveyor General – street closure or state owned land	
Flood line certificate / coastal setback report - certificate from relevant Dept	
Subdivision of Agricultural land - permission from relevant Department Agriculture	
List of sections in Title Deed conditions to be removed /amended	
Other (specify):	
Two (2) sets of full colour documentation copies	

SECTION 7 Declaration

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

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

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

SECTION 8

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

Che	Checklist for required advertisement			Checklist for required proof of		
proc	edur	e	advertisement			
YES	NO	DOCUMENTATION AND STEPS TO	YES	DOCUMENTATION TO BE		
		BE TAKEN			PROVIDED AS PROOF	
		Notice to be placed in the Local			Proof of Notice in Local Newspaper	
		Newspaper			Note: The original newspaper	
					advertisement or full colour copy,	
-		Nation to be placed in the Dravingial			indicating page number and date.	
		Notice to be placed in the Provincial			Proof of Notice in the Provincial Gazette	
		Gazette (for 2 consecutive weeks)				
					Note: The original newspaper advertisement or full colour copy,	
					indicating page number and date.	
		Notices to neighbours			Proof of Notice to neighbours	
		Note: The map indicating the			Note: Option 1: The signed notices of	
		neighbouring erven and list of			all surrounding neighbours, as	
		neighbours will be provided. If the			identified by the Responsible Authority,	
		applicant chooses to deliver the notices			must be provided. Note: Option 2: The	
		per hand (Option 1), two copies of the			proof of the registered mail must be	
		notice must be provided on or before			provided to the Responsible Authority	
		the date of the notice to each				
		neighbour. One copy of the notice				
		must be signed by the respective party				
		(neighbour) to be handed back to the				
		Responsible Authority. Alternatively				
		(Option 2), the notices can be sent via registered post.				
		Notice to be placed on the site			Proof of Notice in site	
L	I					

No.	1979	89
-----	------	----

Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.	Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Any Additional components	Proof of additional components

PROVINCIAL GAZETTE, 14 DECEMBER 2015

NOTICE 191 OF 2015

HANTAM LOCAL MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW NORTHERN CAPE PROVINCE

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of Hantam Municipality as follows:-

No. 1979 **91**

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II – DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices
- 29. Content of notice

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval
- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV - ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V – MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Repeal of existing by-laws
- 54. Short tile and commencement
- SCHEDULE 1 Schedule of by-laws repealed
- SCHEDULE 2 Comprehensive application form
- SCHEDULE 3 Applications form

No. 1979 93

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law -

"Act" or "the Act" means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

"development charge" means a development charge levied by the Municipality as contemplated in section 44;

"**Municipality**" means the Municipality established by Establishment Notice NC064 of 5 December 2001 issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Hantam Municipality.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - *(e)* the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof ;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - *(h)* 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.
 - (*i*) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (*k*) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (*I*) the subdivision of land, including the registration of a servitude;
 - (m) the consolidation of land;
 - (*n*) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;

No. 1979 95

- (o) the permission required in terms of the zoning scheme;
- (p) the amendment, deletion or imposition of conditions in respect of an existing approval;
- (q) the extension of the validity period of an approval;
- (r) the approval of an overlay zone as provided for in the zoning scheme;
- (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
- (t) permission required in terms of a condition of approval;
- (u) a determination of a zoning;
- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

No. 1979 97

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of two years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- (4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to be not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

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

- (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
- (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
- (c) the registration of a servitude or lease agreement for the provision or installation of—
 - 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;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- (2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.

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

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.
 - (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must-
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

No. 1979 101

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

(1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the Municipality at Hoop Street, Calvinia and marked for attention of Mr. Noel I van Stade
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the designated employee in terms of section 3, the Application Form set out in Schedule Three to

this By-law should be used and all the information requested therein should be submitted with the application form itself.

- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this By-law is submitted to the Municipality.
- (8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section 3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
 - (f) proof of payment of application fees;
 - (g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
 - *(j)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - (*k*) any of the maps made provision for in section 20.

No. 1979 103

20. APPLICATION STANDARDS

- (1) An application that do not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);
 - (e) a basic layout map as described in subsection (9); and
 - (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;
 - (c) a land use map;
 - (d) a detailed layout map;
 - (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;

104	No.	1979
104	140.	1070

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
- (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

- (a) the scale, true north, key and heading "Zoning Map";
- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

the relative zonings of the application area, or if it is requested by the municipality.

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of at least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;

No. 1979 105

- (i) the proposed subdivisions;
- (j) the size of the proposed subdivisions;
- (k) the erven included in the subdivision with erven numbered consecutively;
- (I) the name of the person that prepared the map;
- (m) the contours;
- (n) co-ordinates with grid references;
- (o) the proposed street name and name for the development or neighbourhood, if applicable; and
- (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- (9) A basic layout map shall be a printed document of at least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if-
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

(1) The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

No. 1979 107

27. NOTIFICATION OF APPLICATION IN MEDIA

- (1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- (2) Notice of the application in the media must be given by—
 - (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - (b) 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
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—

- (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
- (b) when it was delivered to that person personally, it is the date on delivery actually took place;
- (c) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;
 - (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
 - (i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

(1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:

- (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
- (b) convening a meeting for the purpose of informing the affected members of the public of the application;
- (c) broadcasting information regarding the application on a local radio station in a specified language;
- (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
- (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
- (f) obtaining letters of consent or objection to the application.
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

(1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.

- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - *(e)* when it was delivered to that person personally, is the date of delivery to that person;
 - (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this By-law and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;
 - (*I*) the provision of land needed by other organs of state;
 - (*m*) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - (n) the registration of public places in the name of the municipality;
 - (o) the transfer of ownership to the municipality of land needed for other public purposes;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (p) the implementation of a subdivision in phases;
- (q) requirements of other organs of state;
- (r) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- (s) agreements to be entered into in respect of certain conditions;
- (*t*) the phasing of a development, including lapsing clauses relating to such phasing;
- (u) the delimitation of development parameters or land uses that are set for a particular zoning;
- (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (w) the setting of a period within which a particular condition must be met;
- (x) requirements relating to engineering services as contemplated in section 79;
- (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. DEVELOPMENT CHARGES

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.

- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who-
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

No. 1979 117

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

- (1) An authorised employee of the Municipality may, without the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law and Scheme Regulations.
- An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (1).
- (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.

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;

- (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
- (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
- (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
- (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
- (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
- (*j*) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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 occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

- (1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—
 - (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or

(b) cease with the unlawful utilisation of land...

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. REPEAL

The by-laws listed in Schedule 1 are repealed.

54. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Hantam By-law on Municipal Land Use Planning.
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette

No. 1979 121

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 53

Each Municipality to insert relevant information here

SCHEDULE 2 COMPREHENSIVE APPLICATION FORM

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

SECTION 1 Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2

Details of Land Owner (If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

Gazettes are Reproduced under Government Printer's Copyright Authority No. 11386 dated 07 May 2007 www.GICS.co.za

122 No. 1979

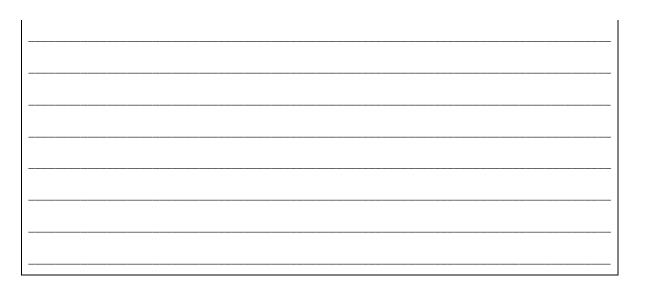
PROVINCIAL GAZETTE, 14 DECEMBER 2015

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

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

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

Rezoning from one zone to another:				
Consolidation of land:				
Subdivision of land:				
Township establishment (Human settlement planning and design)				
Removal, suspension or amendment of Title Deed Restrictions:				
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:				
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:				
Secondary use as determined in these regulations:				
Consent use as determined in these regulations:				
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:				
General Plan Cancellation:				
Closure of Park or Public Road:				
The extension of the approval period:				
Any other application in terms of provincial legislation or municipal by-law:				
Please give a short description of the scope of the project:				



SECTION 5

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

Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?	
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
	Water supply			
What arrangements will be made	Electricity supply:			
regarding the following services for the development? (Full Engineering Reports must be	Sewerage and waste- water			
supplied, where applicable)	Storm- Water:			
	Road Netwo	ork:		

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Cheo	Checklist (for the use of Responsible Authority only)					
YES	PAGE REFERENCE		DOCUMENT ATTACHED	YES	ŇO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information – diagram/General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General – street closure or state owned land			
			Topographic map/ aerial map			
			Locality Map			
			Site Plan			
			Zoning Map			
			Zoning Certificate			
			Land Use Map			
			Conveyancer's certificate			
			Special endorsement/proxy			
			Home Owners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's			

No. 1979 125

	· · ·	
consent) and/or prospecting contract		
Mineral impact assessment (MIA)		
Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment		
(AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal)		
Traffic impact study		
Geo-technical report (including geology) report (NHRB Standards)		
Social impact assessment		
Flood line assessment (1:50 and 1:100 years)		
Coastal setback report (consent from Dept of Environmental Affairs)		
Subdivision of agricultural land (consent of the Dept of Agriculture)		
List of sections in Title Deed conditions to be removed /amended		
Adherence to planning legislation including the Planning Profession Act 36 of 2002		
At least three (3) sets of full colour documentation copies		

	SECTION 7 Declaration												
	Declaration												
Note:	If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory												
	I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.												
Applicant	's/ Owner's Signature:				Date:								
Full name (print):													
Professional capacity:													
Applicant	's ref:												

SECTION 8

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

	cklist cedur	for required advertisement e	Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as

PROVINCIAL GAZETTE, 14 DECEMBER 2015

neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.	identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.	Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Any Additional components	Proof of additional components

SCHEDULE 3

APPLICATION FORM

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

SECTION 1 Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner (If different from Applicant)

Name:	 Contact person:	
Postal	Physical	
address:	 address:	

	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

SECTION 3

Details of Property (In accordance with Title deed)

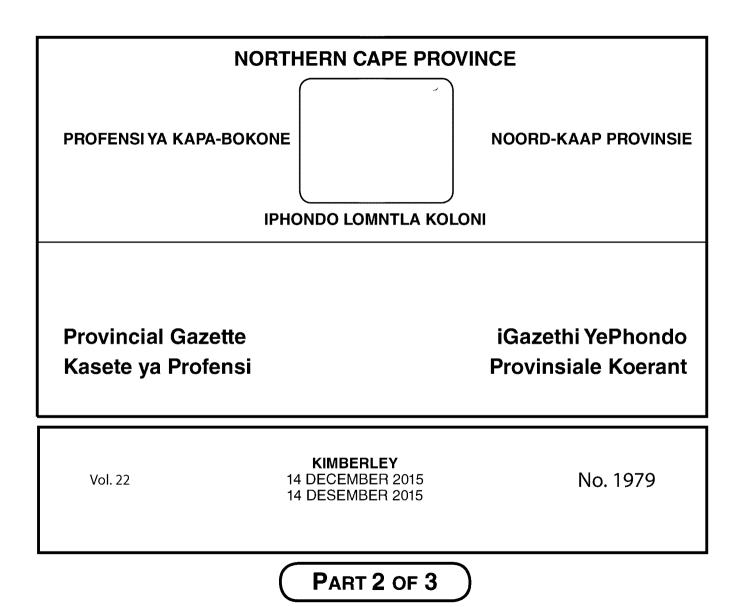
SECTION 4 Type of Application being Submitted (Mark with an X and give detail)						
Registration Division:						
Town/suburb:		Area applicable to application:				
Location from nearest town:		Existing land use:				
Physical address of erf/farm:		Existing zoning:				
Erf/ Farm No and portion description:		Area (m ² or ha):				

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

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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

CONTINUES ON PAGE 130 - PART 2



PROVINCIAL GAZETTE, 14 DECEMBER 2015

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

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
	Water s	supply:	
What arrangements will be made	Electricity supply:		
regarding the following services for the development? (where	Sewerage and waste-water:		
applicable)	Storm-Water		
	Road N	letwork	

SECTION 6

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

Chec	klist (1	or the comple	tion by the Applicant only)	Chec the us Resp Autho	se of onsibl	е
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			

No. 1979 131

Board of Directors' / Trustees' resolution / consent	
Power of Attorney	
Copy of Title Deed(s)	
Orientating Locality Map	
Basic Layout Map	
Bondholder's consent	
Home Owners' Association consent / stamp of approval	
Special endorsement/proxy	
Registered servitudes (deed and map/plan)	
Surveyor general diagrams (cadastral information)	
Status report from Surveyor General – street closure or state owned land	
Flood line certificate / coastal setback report - certificate from relevant Dept	
Subdivision of Agricultural land - permission from relevant Department Agriculture	
List of sections in Title Deed conditions to be removed /amended	
Other (specify):	
Two (2) sets of full colour documentation copies	

SECTION 7 Declaration

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

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

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

SECTION 8

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

Checklist for required advertisement procedure				cklist ertise	
YES	NO DOCUMENTATION AND STEPS TO BE TAKEN		YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.	Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.	Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application. Any Additional components	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority. Proof of additional components

No. 1979 133

NOTICE 192 OF 2015

EMTHANJENI MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW NORTHERN CAPE PROVINCE

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Emthanjeni Local Municipality as follows:-

PROVINCIAL GAZETTE, 14 DECEMBER 2015

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II - DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application

- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices
- 29. Content of notice
- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval
- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV – ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order

No. 1979 135

136 No. 1979PROVINCIAL GAZETTE, 14 DECEMBER 2015

51. Enforcement litigation

CHAPTER V – MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Repeal of existing by-laws
- 54. Short tile and commencement
- SCHEDULE 1 Comprehensive application form

SCHEDULE 2 – Applications form

No. 1979 137

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law -

"Act" or "the Act" means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"**authorised employee**" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

"development charge" means a development charge levied by the Municipality as contemplated in section 44;

"**Municipality**" means the Emthanjeni Local Municipality established issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"**Municipal Planning Tribunal**" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping, building lines, parking, Loading bays and servitudes;

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Emthanjeni Municipality.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (i) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (k) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (I) the subdivision of land, including the registration of a servitude;
 - (m) the consolidation of land;
 - (n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - (o) the permission required in terms of the zoning scheme;
 - (p) the amendment, deletion or imposition of conditions in respect of an existing approval;

No. 1979 139

- (q) the extension of the validity period of an approval;
- (r) the approval of an overlay zone as provided for in the zoning scheme;
- (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
- (t) permission required in terms of a condition of approval;
- (u) a determination of a zoning;
- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (*x*) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (8) If a Municipality wishes to apply for any development rights made provision for in this Bylaw, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval thereof; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph(i).
- (2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.

No. 1979 141

- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of two years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- (4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to be not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;

- (c) the registration of a servitude or lease agreement for the provision or installation of—
 - 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;
 - telecommunication lines by or on behalf of a licensed telecommunications operator;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- (2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

No. 1979 143

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying datain any format whatsoever.
 - (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; transformers
 - (ii) meter kiosks; and
 - (iii) service pillars;
 - (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, maintenance, operating, upgrading, removing or inspecting any works referred to in paragraphs (a) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must-
 - (a) submit a certified copy of the title deed to the Municipality; and
 - (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

(1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

No. 1979 145

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and(2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the Municipality at 45 Dr Pixley ka Seme Street, De Aar and marked for attention of the Municipal Manager.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule One to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the designated employee in terms of section 3, the Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this By-law is submitted to the Municipality.
- (8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section 3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
 - (f) proof of payment of application fees;
 - (g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
 - *(j)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - (*k*) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);
 - (e) a basic layout map as described in subsection (9); and

No. 1979 147

- (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;
 - (c) a land use map;
 - (d) a detailed layout map;
 - (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

- (a) the scale, true north, key and heading "Zoning Map";
- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

the relative zonings of the application area, or if it is requested by the municipality.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of at least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;
 - (i) the proposed subdivisions;
 - (j) the size of the proposed subdivisions;
 - (k) the erven included in the subdivision with erven numbered consecutively;
 - (I) the name of the person that prepared the map;
 - (m) the contours;
 - (n) co-ordinates with grid references;
 - (o) the proposed street name and name for the development or neighbourhood, if applicable; and
 - (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";

No. 1979 149

- (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
- (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
- (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
- (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if—
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

(1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.

- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

(1) The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted; withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

- (1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- (2) Notice of the application in the media must be given by—
 - (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - (b) 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
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

28. SERVING OF NOTICES

- (1) Notice of an application must be served on each person whose rights may be adversely be affected by the approval of the application.
- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
 - (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
 - (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
 - (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
 - (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - (*c*) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (c) state the intent and purpose of the application;

- (*d*) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- *(e)* state the name and contact details of the person to whom comments, objections or representations must be addressed;
- (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (*h*) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- *(i)* state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

- (1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
 - (b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;

No. 1979 153

- *(e)* publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
- (f) obtaining letters of consent or objection to the application.
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - (e) when it was delivered to that person personally, is the date of delivery to that person;
 - (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that placenotice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this By-law and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection
 (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to

have no comment on the objections, comments or representations submitted to the Municipality.

- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 Bylaw and to prepare a written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;

No. 1979 157

- (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;
- (*I*) the provision of land needed by other organs of state;
- (*m*) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
- (n) the registration of public places in the name of the municipality;
- (o) the transfer of ownership to the municipality of land needed for other public purposes;
- (*p*) the implementation of a subdivision in phases;
- (q) requirements of other organs of state;
- (r) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- (s) agreements to be entered into in respect of certain conditions;
- (*t*) the phasing of a development, including lapsing clauses relating to such phasing;
- (u) the delimitation of development parameters or land uses that are set for a particular zoning;
- (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (w) the setting of a period within which a particular condition must be met;
- (x) requirements relating to engineering services as contemplated in section 79;
- (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the

```
158 No. 1979
```

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 therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

No. 1979 159

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of

its members as determined in terms of section 40(1) of the Act. majority of its members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.

(4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections (1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

No. 1979 161

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this Bylaw;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - *(c)* question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic informationreferred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
 - (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
 - (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
 - (*j*) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his

PROVINCIAL GAZETTE, 14 DECEMBER 2015

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

- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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 occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

No. 1979 163

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

- (1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—
 - (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (b) cease with the unlawful utilisation of land...

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. SHORT TITLE AND COMMENCEMENT

- This By-law is called the Emthanjeni Municipality By Law on Municipal Land Use Planning, 2015
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette

Gazettes are Reproduced under Government Printer's Copyright Authority No. 11386 dated 07 May 2007 www.GICS.co.za

PROVINSIALE KOERANT, 14 DESEMBER 2015

No. 1979 165

SCHEDULE 1

COMPREHENSIVE APPLICATION FORM

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

SECTION 1 Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner(If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

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

Application for: (Please mark applicable block with a cross)	
Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	
Please give a short description of the scope of the project:	
2	

No. 1979 167	No.	1979	167
--------------	-----	------	-----

SECTION 5 Detail of application(Mark with an X and give detail where applicable)						
	ation		nin an X and give detail where ap	plicable)		
Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?			
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?			
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:			
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:			
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:			
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:			
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:			
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:			
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:			
	Water supply					
What arrangements will be made	Electr supply					
regarding the following services for the development? (Full Engineering Reports must be	Sewe and w water	aste-				
supplied, where applicable)	Storm Water)-				
-		ork:				

```
168 No. 1979
```

						Checklist (for the use of Responsible Authority only)			
YES	NO	ANNEXURE OR PAGE REFERENCE	DOCUMENT ATTACHED	YES	ŇŎ	N/A			
			Completed Comprehensive Application form						
			Complete Motivation Report						
			Public participation report (minutes of meetings, copies of advertisement, etc.) Power of Attorney (Board of Directors' / Trustees'						
			resolution / consent)						
			Certify Copy of Title Deed(s)						
			Mortgage holder's consent						
			Cadastral information – diagram/General Plan including servitudes, lease areas, etc.						
			Status report from Surveyor General – street closure or						
			state owned land Topographic map/ aerial map			_			
			Locality Map			-			
			Site Plan						
			Zoning Map						
			Zoning Certificate						
			Land Use Map						
			Conveyancer's certificate						
			Special endorsement/proxy						
			Home Owners' Association consent						
			Proposed design/layout plan						
			Proposed subdivision plan						
			Proposed consolidation plan						
			Proposed development plan						
			Mineral rights certificate (together with mineral holder's						
			consent) and/or prospecting contract Mineral impact assessment (MIA)			-			
			Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA)						
			Detail Engineering Services report (Bulk and internal)						
			Traffic impact study						
			Geo-technical report (including geology) report (NHRB Standards) Social impact assessment						
			Flood line assessment (1:50 and 1:100 years)						
			Coastal setback report (consent from Dept of			+			
			Environmental Affairs) Subdivision of agricultural land (consent of the Dept of Agriculture)			+			
			List of sections in Title Deed conditions to be removed /amended						
			Adherence to planning legislation including the Planning Profession Act 36 of 2002						
			At least four (4) sets of full colour documentation copies			╋			

	SECTION 7 Declaration												
Note:	Note: If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory												
	certify the information su authorised to make this a		application	form to be	e compl	ete a	and c	orre	ct an	d tha	at I ar	n	
Applican	t's/ Owner's Signature:			I	Date:								
Full nam	e (print):												
Professional capacity:													
Applican	ťs ref:												

SECTION 8

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

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

Registration

Division:

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SCHEDULE 2

APPLICATION FORM

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

SECTION 1 Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner(If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

SECTION 3 Details of Property(In accordance with Title deed) Erf/ Farm No and Area (m² or portion description: ha): Physical address of Existing erf/farm: zoning: Location from Existing land nearest town: use: Area applicable Town/suburb: to application:

Title deed no:

No. 1979 171

SECTION 4

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

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

SECTION	5
---------	---

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

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might	YES	NO	If answered YES, name full particulars and state how the problem will be solved and	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

influence the intended development?			submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES NO		If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES NO		If answered YES, please provide detail description:
	Water supply:		
What arrangements will be made	Electricity supply:		
regarding the following services for the development? (where	Sewerage and waste-water:		
applicable)	Storm-Water		
	Road Network		

SECTION 6

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

Chec	Checklist (for the use of Responsible Authority only)					
YES	NO	ANNEXURE	YES	NO	N/A	
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Certify Copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
		Home Owners' Association consent / stamp of approval				
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Status report from Surveyor General – street closure or state owned land			
from relevant Dept						
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Other (specify):			
			Four (4) sets of full colour documentation copies			

No.	1979	173

SECTION 7											
Declaration											
Note:	Note: If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory								ry.		
I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.											
Applicant	's/ Owner's Signature:			Date:							
Full name (print):											
Professional capacity:											
Applicant's ref:											
Professional capacity:											

SECTION 8

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

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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

NOTICE 193 OF 2015

UMSOBOMVU MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW NORTHERN CAPE

By-law No. 27, 2015 SPATIAL PLANNING AND LAND USE BY-LAW, 2015

BY-LAW

To provide for the control and management of the use of premises and violation of land use

allocations in the Umsobomvu Municipality and for matters connected therewith.

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Umsobomvu Municipality as follows:-

No. 1979 175

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II – DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices
- 29. Content of notice
- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development Charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV - ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General Powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V - MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Short tile and commencement
- SCHEDULE 1 Comprehensive application form
- SCHEDULE 2 Applications form

No. 1979 177

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law -

"Act" or "the Act" means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

"**development charge**" means a development charge levied by the Municipality as contemplated in section 44;

"**Municipality**" means the Municipality established by in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Municipality.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof ;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (i) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (k) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (*I*) the subdivision of land, including the registration of a servitude;
 - (m) the consolidation of land;
 - (n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - (o) the permission required in terms of the zoning scheme;
 - (p) the amendment, deletion or imposition of conditions in respect of an existing approval;
 - (q) the extension of the validity period of an approval;
 - (r) the approval of an overlay zone as provided for in the zoning scheme;

No. 1979 179

- (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
- (t) permission required in terms of a condition of approval;
- (u) a determination of a zoning;
- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

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

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

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of two years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- (4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to be not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - (c) 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;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.

(2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.
 - (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must-
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on-
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

(1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the Umsobomvu Municipality at 21A Church Street, Colesberg, 9795 and marked for attention of the Land Use Officer.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the designated employee in terms of section 3, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.

- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this Bylaw is submitted to the Municipality.
- (8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
 - (f) proof of payment of application fees;
 - (g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
 - *(j)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - (*k*) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (d) a detailed layout map as described in subsection (8);
- (e) a basic layout map as described in subsection (9); and
- (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;
 - (c) a land use map;
 - (d) a detailed layout map;
 - (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

No. 1979 187

- (a) the scale, true north, key and heading "Zoning Map";
- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

the relative zonings of the application area, or if it is requested by the municipality.

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;
 - (i) the proposed subdivisions;
 - (j) the size of the proposed subdivisions;
 - (k) the erven included in the subdivision with erven numbered consecutively;
 - (I) the name of the person that prepared the map;
 - (m) the contours;
 - (n) co-ordinates with grid references;
 - (o) the proposed street name and name for the development or neighbourhood, if applicable; and

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if-
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

No. 1979 189

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

(1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.

- (2) Notice of the application in the media must be given by—
 - (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - (b) 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
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

190 No. 1979 PROVINC

PROVINCIAL GAZETTE, 14 DECEMBER 2015

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - (c) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (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;

No. 1979 191

- (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
- (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (*h*) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- (*i*) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

- (1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
 - (b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
 - (f) obtaining letters of consent or objection to the application.

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.

- (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
- (e) when it was delivered to that person personally, is the date of delivery to that person;
- (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this Bylaw and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

(1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.

(2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

No. 1979 195

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;
 - (*I*) the provision of land needed by other organs of state;
 - (*m*) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - (*n*) the registration of public places in the name of the municipality;
 - (o) the transfer of ownership to the municipality of land needed for other public purposes;
 - (*p*) the implementation of a subdivision in phases;
 - (q) requirements of other organs of state;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (*r*) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- (s) agreements to be entered into in respect of certain conditions;
- (*t*) the phasing of a development, including lapsing clauses relating to such phasing;
- (u) the delimitation of development parameters or land uses that are set for a particular zoning;
- (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (w) the setting of a period within which a particular condition must be met;
- (x) requirements relating to engineering services as contemplated in section 79;
- (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

No. 1979 197

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.

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

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power

No. 1979 199

with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (*c*) for inspection;
 - *(f)* examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;

- (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
- (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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 occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or

No. 1979 201

- (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

(1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned; or
- (b) cease with the unlawful utilisation of land...

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

PROVINCIAL GAZETTE, 14 DECEMBER 2015

53. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Umsobomvu Spatial Planning and Land Use Planning By-Law.
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette.

No. 1979 203

SCHEDULE 1

COMPREHENSIVE APPLICATION FORM

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

<u>SECTION 1</u> Details of Applicant						
Name: Postal address:		Contact person: Physical address:				
	Code:					
Tel no:		Cell no:				
Fax no:		E-mail address:				
SACPLAN Reg No:						
	SECT Details of Land Owne	TION 2 If (If different from Ap	oplicant)			
Name: Postal address:		Contact person: Physical address:				
	Code					
1	Code:					
Tel no:	Code:	Cell no:				

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

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

Application for: (Please mark applicable block with a cross)	
Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	
Please give a short description of the scope of the project:	

SECTION 5

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

	.		
Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
What arrangements will be made	Water supply		
regarding the following services for the development? (Full Engineering Reports must be	Electr supply		
supplied, where applicable)	Sewe and w water	aste-	

206	No.	1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Storm- Water:	
Road Network:	

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Cheo	cklist	(for the completion	by the Applicant only)	use o	dist (fo f Respo	onsible
YES NO			DOCUMENT ATTACHED	YES	NO	N/A
		PAGE REFERENCE	Completed Comprehensive Application form			
			Complete Motivation Report			-
			Public participation report (minutes of meetings, copies of			
			advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information – diagram/General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General – street closure or state owned land			
			Topographic map/ aerial map			-
			Locality Map			-
			Site Plan			
			Zoning Map			
			Zoning Certificate			
			Land Use Map			
			Conveyancer's certificate			
			Special endorsement/proxy			
			Home Owners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract			
			Mineral impact assessment (MIA)			
			Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA)			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
_			Geo-technical report (including geology) report (NHRB Standards)			
			Social impact assessment			
			Flood line assessment (1:50 and 1:100 years)		1	
			Coastal setback report (consent from Dept of	1		1

No. 1979 207

	Environmental Affairs)		
	Subdivision of agricultural land (consent of the Dept of Agriculture)		
	List of sections in Title Deed conditions to be removed /amended		
	Adherence to planning legislation including the Planning Profession Act 36 of 2002		
	At least three (3) sets of full colour documentation copies		

		SECTION 7 Declaration									
Note:	If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory										
	certify the information su authorised to make this a	pplied in this application form to application.	be comp	lete a	and o	corre	ct an	d tha	at I a	m	
Applicant	's/ Owner's Signature:		Date:								
Full name	Full name (print):										
Professional capacity:											
Applicant	's ref:										

SECTION 8

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

Che	cklist	for required advertisement	Checklist for required proof of			
proc	edur	e	advertisement			
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES NO DOCUMENTATION TO BE PROVIDED AS PROOF			
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.	
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.	
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority	
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

on A3) on or before the date of the notice.	distance in order to see the placing on the site itself.
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Any Additional components	Proof of additional components

SCHEDULE 2

APPLICATION FORM

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

SECTION 1	
Details of Applicant	

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner (If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

Erf/ Farm No and portion description:		Area (m ² or ha):				
Physical address of erf/farm:		Existing zoning:				
Location from nearest town:		Existing land use:				
Town/suburb:		Area applicable to application:				
Registration Division:						
SECTION 4						
Type of Application being Submitted (Mark with an X and give detail)						

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

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

SECTION 5

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

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been		NO	If answered YES, when and provide particulars, including all authority reference numbers	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

considered?			and decisions:	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
	Water supply:			
What arrangements will be made	Electricity supply:			
regarding the following services for the development? (where	Sewerage and waste-water:			
applicable)	Storm-V	Vater		
	Road N	etwork		

SECTION 6

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

Chec	Checklist (for the completion by the Applicant only)						
YES	NO	NO ANNEXURE DOCUMENT ATTACHED		YES	NO	N/A	
			Completed Abridged Application form				
			Board of Directors' / Trustees' resolution / consent				
			Power of Attorney				
			Copy of Title Deed(s)				
			Orientating Locality Map				
			Basic Layout Map				
			Bondholder's consent				
			Home Owners' Association consent / stamp of approval				
			Special endorsement/proxy				
			Registered servitudes (deed and map/plan)				
			Surveyor general diagrams (cadastral information)				

No. 1979 **211**

Status report from Surveyor General – street closure or state owned land		
Flood line certificate / coastal setback report - certificate from relevant Dept		
Subdivision of Agricultural land - permission from relevant Department Agriculture		
List of sections in Title Deed conditions to be removed /amended		
Other (specify):		
Two (2) sets of full colour documentation copies		

SECTION 7 Declaration

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

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

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

SECTION 8

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

Che	cklist	for required advertisement	Checklist for required proof of			
proc	edure	9	advertisement			
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF	
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.	
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.	
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority	
		Notice to be placed on the site			Proof of Notice in site	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Any Additional components	Proof of additional components
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.	Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.

No. 1979 213

NOTICE 194 OF 2015

RICHTERSVELD LOCAL MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW

NORTHERN CAPE PROVINCE

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Richtersveld Municipality as follows:-

PROVINCIAL GAZETTE, 14 DECEMBER 2015

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II – DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices

No. 1979 215

- 29. Content of notice
- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval
- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV - ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V – MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Repeal of existing by-laws
- 54. Short tile and commencement
- SCHEDULE 1 Schedule of by-laws repealed
- SCHEDULE 2 Comprehensive application form

SCHEDULE 3 – Applications form

```
216 No. 1979
```

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law

"Act" or "the Act" means the Spatial Planning and Land Use Management Act, 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"**authorised employee**" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question.

"development charge" means a development charge levied by the Municipality as contemplated in section 71;

"Municipality" means the Richtersveld Municipality established by Establishment Notice issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

No. 1979 217

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Richtersveld Municipality.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (*i*) the rezoning of land;
 - *(j)* the departure from the development parameters of the zoning scheme;
 - (*k*) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (*I*) the subdivision of land, including the registration of a servitude;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

(m) the consolidation of land;

- (n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
- (o) the permission required in terms of the zoning scheme;
- (p) the amendment, deletion or imposition of conditions in respect of an existing approval;
- (q) the extension of the validity period of an approval;
- (r) the approval of an overlay zone as provided for in the zoning scheme;
- (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
- (t) permission required in terms of a condition of approval;
- (u) a determination of a zoning;
- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.

No. 1979 219

(8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).

(2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of five years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.

No. 1979 221

(4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to is not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - (c) the registration of a servitude or lease agreement for the provision or installation of—
 - 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;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- (2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to

the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.
 - (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;

No. 1979 223

- (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipality may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must—

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (a) submit the original title deed to the Municipality or a certified copy thereof; and
- (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

(1) The Municipality must inform the Registrar of Deeds and the Surveyor-General of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

No. 1979 225

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the main office of the Richtersveld Municipality.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the Designated employee in terms of section 3, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this By-law is submitted to the Municipality.
- (8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;

- (d) the relevant bondholder's consent, if required by the Municipality;
- (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
- (f) proof of payment of application fees;
- (g) a full, certified copy of the existing title deed indicating all existing title conditions;
- *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
- (*j*) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
- (k) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);
 - (e) a basic layout map as described in subsection (9); and
 - (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;

No. 1979 227

- (b) a zoning map;
- (c) a land use map;
- (d) a detailed layout map;
- (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - *(c)* boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

- (a) the scale, true north, key and heading "Zoning Map";
- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- *(c)* All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

228 No. 1979	PROVINCIAL GAZETTE, 14 DECEMBER 2015
	the relative zonings of the application area, or if it is requested by the municipality.
	A land use map must include the following:
	(a) The scale, true north, key and heading "Land Use Map";
	(b) All existing land uses found within a radius of 300m from the outside boundary the application area, as well as all undeveloped land units for applications within Urban Areas and;
	(c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
(8)	A detail layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
	(a) the scale, true north, key and heading "Detail Layout Map";
	(b) the Detail Layout plan must indicate the map number and all amendments sh have consecutive numbers;
	 (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
	(d) all areas steeper than 1:5;
	(e) fifty year and hundred year flood lines, if applicable;
	(f) other physical features that may influence the layout such as cliffs, marshes and dunes;
	(g) all existing services within and surrounding the application area;
	(h) roads present on adjacent land;
	(i) the proposed subdivisions;
	(j) the size of the proposed subdivisions;
	(k) the erven included in the subdivision with erven numbered consecutively;
	(I) the name of the person that prepared the map;
	(m) the contours;
	(n) co-ordinates with grid references;
	(o) the proposed street name and name for the development or neighbourhood, applicable; and
	(p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed square meters or hectares.

No. 1979 229

- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if-
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and

(b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

(1) The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

- (1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- (2) Notice of the application in the media must be given by—

- (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
- (b) 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
- (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section-
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;

(c) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;
 - (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
 - (*i*) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

(1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:

No. 1979 233

- (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
- (b) convening a meeting for the purpose of informing the affected members of the public of the application;
- (c) broadcasting information regarding the application on a local radio station in a specified language;
- (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
- (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
- (f) obtaining letters of consent or objection to the application.
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - (e) when it was delivered to that person personally, is the date of delivery to that person;

- (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this By-law and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. Powers to conduct routine inspections

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).

- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the Designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the Designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the Designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;

238	No. 1979		PROVINCIAL GAZETTE, 14 DECEMBER 2015
		(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;
		(1)	the provision of land needed by other organs of state;
		(m)	the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
		(n)	the registration of public places in the name of the municipality;
		(0)	the transfer of ownership to the municipality of land needed for other public purposes;
		(p)	the implementation of a subdivision in phases;
		(q)	requirements of other organs of state;
		(r)	the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
		(s)	agreements to be entered into in respect of certain conditions;
		(t)	the phasing of a development, including lapsing clauses relating to such phasing;
		(u)	the delimitation of development parameters or land uses that are set for a particular zoning;
		(v)	the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
		(w)	the setting of a period within which a particular condition must be met;
		(x)	requirements relating to engineering services as contemplated in section 79;
		<i>(y)</i>	requirements for an occasional use, which must include—
			(i) parking and the number of ablution facilities required;
			(ii) the maximum duration or occurrence of the occasional use; and
			(iii) parameters relating to a consent use in terms of the zoning scheme.
	(3)	engi	e Municipality imposes a condition contemplated in subsection $(2)(a)$ or (x) , an neering services agreement must be concluded between the Municipality and the er of the land concerned before the construction of infrastructure commences on and.

- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the Designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal Tribunal shall consist of at leats three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering services for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

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

- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;

- *(f)* examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
- (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
- (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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 occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
- (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

- (1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—
 - (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (b) cease with the unlawful utilisation of land...

No. 1979 245

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. REPEAL

The by-laws listed in Schedule 1 are repealed.

54. SHORT TITLE AND COMMENCEMENT

(1) This By-law is called the Richtersveld By-law on Municipal Land Use Planning.

(2) This By-law comes into operation on the date on which it is published in the Provincial Gazette

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 53

Richetrsveld Municipality to insert relevant information here

SCHEDULE 2 COMPREHENSIVE APPLICATION FORM

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

SECTION 1 Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

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

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

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

SECTION 4

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

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

Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	

248	No.	1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

	r
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	

SECTION 5

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

Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?	
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	

No. 1979 249

Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
	Water supply		
What arrangements will be made	Electr supply		
regarding the following services for the development? (Full Engineering Reports must be	Sewerage and waste- water		
supplied, where applicable)	Storm Water		
	Road Netwo		

SECTION 6

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

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO ANNEXURE OR DOCUMENT ATTACHED PAGE REFERENCE		DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information - diagram/General Plan including			

PROVINCIAL GAZETTE, 14 DECEMBER 2015

· · · · · ·			
	servitudes, lease areas, etc.		
	Status report from Surveyor General – street closure or state owned land		
	Topographic map/ aerial map		
	Locality Map		
	Site Plan		
	Zoning Map		
	Zoning Certificate		
	Land Use Map		
	Conveyancer's certificate		
	Special endorsement/proxy		
	Home Owners' Association consent		
	Proposed design/layout plan		
	Proposed subdivision plan	· · · · ·	
	Proposed consolidation plan		
	Proposed development plan		
	Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract		
	Mineral impact assessment (MIA)		
	Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal)		
	Traffic impact study		
	Geo-technical report (including geology) report (NHRB Standards)		
	Social impact assessment		
	Flood line assessment (1:50 and 1:100 years)		
	Coastal setback report (consent from Dept of Environmental Affairs)		
	Subdivision of agricultural land (consent of the Dept of Agriculture)		
	List of sections in Title Deed conditions to be removed /amended		
	Adherence to planning legislation including the Planning Profession Act 36 of 2002		
	At least three (3) sets of full colour documentation copies		

SECTION 7 Declaration											
	Declaration										
Note:	If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory										
-	I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.										
Applican	t's/ Owner's Signature:		Date:								
Full nam	Full name (print):										
Professio	Professional capacity:										
Applican	Applicant's ref:										

No. 1979 251

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

SCHEDULE 3

APPLICATION FORM

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

SECTION 1 Details of Applicant			
Name: Postal address:		Contact person: Physical address:	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2

Details of Land	Owner	(If different from	Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

SECTION 3 Details of Property (In accordance with Title deed)				
Erf/ Farm No and portion description:	Area (m ² or			
Physical address of erf/farm:	Existing zoning:			
Location from	Existing land			

nearest town:		use:			
Town/suburb:		Area applicable to application:			
Registration Division:		Title deed no:			
SECTION 4					

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

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

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Secondary Use, excluding Funeral Parlour, and Scrap Yard.	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the guidelines of the SDF.	

No. 1979 253

The emendment of concellation of a general plan of a tournahin	
The amendment of cancellation of a general plan of a township.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	
Please give a short description of the scope of the project:	
Please give a short description of the scope of the project:	
Please give a short description of the scope of the project:	

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

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made	Water supply:			
What arrangements will be made regarding the following services for the development? (where	Electric supply:	ity		
applicable)	Sewerage and waste-water:			

254	No.	1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Storm-Water	
Road Network	

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Chec	necklist (for the completion by the Applicant only)			Checklist (for the use of Responsible Authority only)				
YES	NO	ANNEXURE	YES	NO	N/A			
			Completed Abridged Application form					
			Board of Directors' / Trustees' resolution / consent					
			Power of Attorney					
			Copy of Title Deed(s)					
			Orientating Locality Map					
			Basic Layout Map					
			Bondholder's consent					
			Home Owners' Association consent / stamp of approval					
			Special endorsement/proxy					
			Registered servitudes (deed and map/plan)					
			Surveyor general diagrams (cadastral information)					
			Status report from Surveyor General – street closure or state owned land					
			Flood line certificate / coastal setback report - certificate from relevant Dept					
			Subdivision of Agricultural land - permission from relevant Department Agriculture					
			List of sections in Title Deed conditions to be removed /amended					
			Other (specify):					
			Two (2) sets of full colour documentation copies					

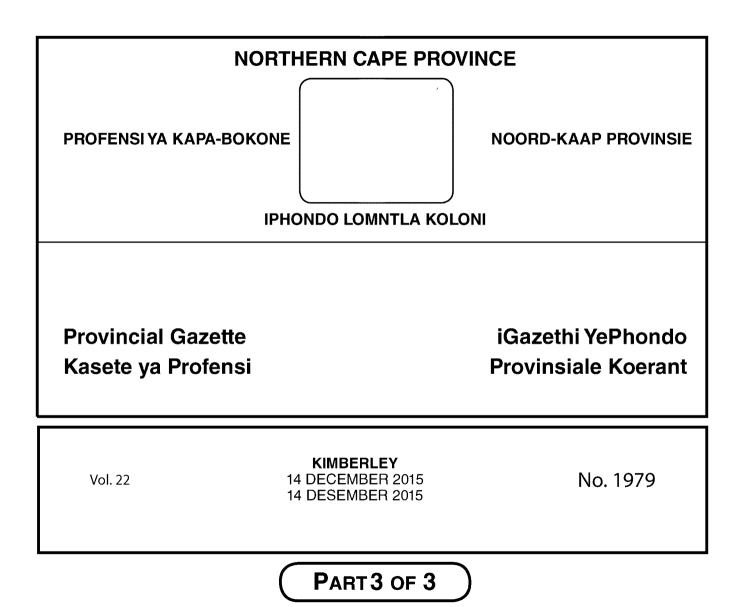
	SECTION 7													
	Declaration													
Note:	If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory													
	certify the information su authorised to make this a			ication	form to	be compl	lete a	and c	orre	ct an	d tha	atla	m	
Applican	t's/ Owner's Signature:					Date:								
Full nam	Full name (print):													
Professio	Professional capacity:													
Applican	Applicant's ref:													

No. 1979 **255**

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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

CONTINUES ON PAGE 258 - PART 3



PROVINCIAL GAZETTE, 14 DECEMBER 2015

NOTICE 195 OF 2015

UMSOBOMVU MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW NORTHERN CAPE

By-law No. 27, 2015 SPATIAL PLANNING AND LAND USE BY-LAW, 2015

BY-LAW

To provide for the control and management of the use of premises and violation of land use

allocations in the Umsobomvu Municipality and for matters connected therewith.

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Umsobomvu Municipality as follows:-

No. 1979 259

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II – DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III – APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices
- 29. Content of notice
- 30. Additional methods of public notice
- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development Charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV – ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General Powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V - MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Short tile and commencement
- SCHEDULE 1 Comprehensive application form
- SCHEDULE 2 Applications form

No. 1979 261

CHAPTER I – INTERPRETATION AND APPLICATION

1. **DEFINITIONS AND INTERPRETATIONS**

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

All references to sections in this By-law refers to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law -

"**Act**" or "**the Act**" means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"**application**" means an application to submitted to the Municipality in terms of which a development right is sought;

"authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

"**development charge**" means a development charge levied by the Municipality as contemplated in section 44;

"**Municipality**" means the Municipality established by in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"**Municipal Planning Tribunal**" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Municipality.

```
262 No. 1979
```

PROVINCIAL GAZETTE, 14 DECEMBER 2015

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof ;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (i) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (k) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (I) the subdivision of land, including the registration of a servitude;
 - (m) the consolidation of land;
 - (n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - (o) the permission required in terms of the zoning scheme;
 - (p) the amendment, deletion or imposition of conditions in respect of an existing approval;
 - (q) the extension of the validity period of an approval;
 - (r) the approval of an overlay zone as provided for in the zoning scheme;
 - (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (t) permission required in terms of a condition of approval;
 - (u) a determination of a zoning;

No. 1979 263

- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. **CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP**

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of two years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

No. 1979 265

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- (4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to be not absolved from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - (c) 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;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- (2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of

PROVINCIAL GAZETTE, 14 DECEMBER 2015

engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.
 - (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must-
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application
- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

(1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the Umsobomvu Municipality at 21A Church Street, Colesberg, 9795 and marked for attention of the Land Use Officer.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the designated employee in terms of section 3, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this Bylaw is submitted to the Municipality.

No. 1979 269

(8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
 - (f) proof of payment of application fees;
 - (g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
 - *(j)* should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - (k) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (e) a basic layout map as described in subsection (9); and
- (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;
 - (c) a land use map;
 - (d) a detailed layout map;
 - (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

(a) the scale, true north, key and heading "Zoning Map";

No. 1979 271

- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

the relative zonings of the application area, or if it is requested by the municipality.

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;
 - (i) the proposed subdivisions;
 - (j) the size of the proposed subdivisions;
 - (k) the erven included in the subdivision with erven numbered consecutively;
 - (I) the name of the person that prepared the map;
 - (m) the contours;
 - (n) co-ordinates with grid references;
 - (o) the proposed street name and name for the development or neighbourhood, if applicable; and

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if-
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

No. 1979 273

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

(1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.

- (2) Notice of the application in the media must be given by-
 - (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - (b) 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
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

274 No. 1979 PROVINCIAL

PROVINCIAL GAZETTE, 14 DECEMBER 2015

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - (C) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (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;

No. 1979 275

- (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
- (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (*h*) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- *(i)* state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

- (1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
 - (b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (f) obtaining letters of consent or objection to the application.
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.

No. 1979 277

- (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
- (e) when it was delivered to that person personally, is the date of delivery to that person;
- (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this Bylaw and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

278 No. 1979 PROVINCIAL GAZETTE, 14 DECEMBER 2015

36. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

No. 1979 279

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;
 - (*I*) the provision of land needed by other organs of state;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

- (*m*) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
- (*n*) the registration of public places in the name of the municipality;
- (o) the transfer of ownership to the municipality of land needed for other public purposes;
- (*p*) the implementation of a subdivision in phases;
- (q) requirements of other organs of state;
- (*r*) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- (s) agreements to be entered into in respect of certain conditions;
- (t) the phasing of a development, including lapsing clauses relating to such phasing;
- (u) the delimitation of development parameters or land uses that are set for a particular zoning;
- (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
- (w) the setting of a period within which a particular condition must be met;
- (x) requirements relating to engineering services as contemplated in section 79;
- (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.

- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

No. 1979 283

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;

- (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
- (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
- (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
- *(f)* examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
- (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
- (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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

No. 1979 285

- (b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

(1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned; or
- (b) cease with the unlawful utilisation of land...

PROVINCIAL GAZETTE, 14 DECEMBER 2015

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Umsobomvu Spatial Planning and Land Use Planning By-Law.
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette.

No. 1979 287

SCHEDULE 1

COMPREHENSIVE APPLICATION FORM

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

SECTION 1 Details of Applicant Name: Contact person: Postal Physical address: address: _Code:__ Tel no: Cell no: Fax no: E-mail address: SACPLAN Reg No: **SECTION 2** Details of Land Owner (If different from Applicant) Name: Contact person: Postal Physical address: address: _Code:__ Tel no: Cell no: Fax no: E-mail address:

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

SECTION 3 Details of Property (In accordance with Title deed) Erf/ Farm No and Area (m² or

Erf/ Farm No and portion description:	Area (m ² or
Physical address of erf/farm:	Existing zoning:
Location from	Existing land use:
Town/suburb:	Area applicable
Registration	Title deed no:

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SECTION 4

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

Application for: (Please mark applicable block with a cross)	
Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	
Please give a short description of the scope of the project:	

No. 1979 289

SECTION 5

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

	-			
Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?	
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made	Water supply			
regarding the following services for the development? (Full Engineering Reports must be	Electr supply			
supplied, where applicable)	Sewe and w water			

290	No.	1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Storm- Water:	
Road Network:	

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Cheo	ecklist (for the completion by the Applicant only)		Checklist (for the use of Responsib			
YES	NO	ANNEXURE OR	DOCUMENT ATTACHED	Autho	nity on	ly) N/A
IE3	NO	PAGE REFERENCE	DOCOMENT ATTACHED	TES	NO	IN/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of			
			advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees'			
			resolution / consent) Copy of Title Deed(s)			+
			Mortgage holder's consent			-
			Cadastral information – diagram/General Plan including			
			servitudes, lease areas, etc.			
			Status report from Surveyor General – street closure or state owned land			
			Topographic map/ aerial map			
			Locality Map			1
			Site Plan			1
			Zoning Map			
			Zoning Certificate			+
			Land Use Map			
			Conveyancer's certificate			1
			Special endorsement/proxy			
			Home Owners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's			
			consent) and/or prospecting contract Mineral impact assessment (MIA)			
	1		Environmental Impact Assessment (EIA – EA) including		1	
			Heritage Impact Assessment (approval from Dept Sport,			
			Arts and Culture) and Archaeological Impact Assessment			
			(AIA) (approval from relevant Department - SAHRA)			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) report (NHRB Standards)			
			Social impact assessment			+
			Flood line assessment (1:50 and 1:100 years)			+
			Coastal setback report (consent from Dept of	+		+

No. 1979 **291**

	Environmental Affairs)		
	Subdivision of agricultural land (consent of the Dept of Agriculture)		
	List of sections in Title Deed conditions to be removed /amended		
	Adherence to planning legislation including the Planning Profession Act 36 of 2002		
	At least three (3) sets of full colour documentation copies		

SECTION 8

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

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

PROVINCIAL GAZETTE, 14 DECEMBER 2015

on A3) on or before the date of the notice.	distance in order to see the placing on the site itself.
Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Any Additional components	Proof of additional components

SCHEDULE 2

APPLICATION FORM

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

	SECTION 1 Details of Applicant Contact person:			
Name: Postal address:		Contact person: Physical address:		

address:		address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner (If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

Erf/ Farm No and portion description:		Area (m ² or ha):		
Physical address of erf/farm:		Existing zoning:		
Location from nearest town:		Existing land use:		
Town/suburb:		Area applicable to application:		
Registration Division:		Title deed no:		
SECTION 4				

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

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

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

SECTION 5 Detail of application (Mark with an X and give detail where applicable)					
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:		
Has an application for subdivision / rezoning / consent use / departure on the property previously been	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers		

PROVINCIAL GAZETTE, 14 DECEMBER 2015

considered?			and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
	Water s	supply:	
What arrangements will be made	Electricity supply:		
regarding the following services for the development? (where	Sewerage and waste-water:		
applicable)	Storm-\	Nater	
	Road N	letwork	

SECTION 6

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

Checklist (for the completion by the Applicant only)					Checklist (for the use of Responsible Authority only)			
YES	YES NO ANNEXURE		DOCUMENT ATTACHED	YES	NO	N/A		
			Completed Abridged Application form					
			Board of Directors' / Trustees' resolution / consent					
			Power of Attorney					
			Copy of Title Deed(s)					
			Orientating Locality Map					
			Basic Layout Map					
			Bondholder's consent					
			Home Owners' Association consent / stamp of approval					
			Special endorsement/proxy					
			Registered servitudes (deed and map/plan)					
			Surveyor general diagrams (cadastral information)					

No. 1979 295

Status report from Surveyor General – street closure or state owned land		
Flood line certificate / coastal setback report - certificate from relevant Dept		
Subdivision of Agricultural land - permission from relevant Department Agriculture		
List of sections in Title Deed conditions to be removed /amended		
Other (specify):		
Two (2) sets of full colour documentation copies		

SECTION 7 Declaration

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

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

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

SECTION 8

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

Che	Checklist for required advertisement				Checklist for required proof of				
proc	edure	9	advertisement						
YES	NO	DOCUMENTATION AND STEPS TO	YES	NO	DOCUMENTATION TO BE				
		BETAKEN			PROVIDED AS PROOF				
		Notice to be placed in the Local			Proof of Notice in Local Newspaper				
		Newspaper			Note: The original newspaper				
					advertisement or full colour copy,				
		Notice to be also a lin the David state			indicating page number and date.				
		Notice to be placed in the Provincial			Proof of Notice in the Provincial				
		Gazette (for 2 consecutive weeks)			Gazette				
					Note: The original newspaper				
					advertisement or full colour copy,				
		Notices to neighbours			indicating page number and date. Proof of Notice to neighbours				
		Note: The map indicating the			Note: Option 1: The signed notices of				
		neighbouring erven and list of			all surrounding neighbours, as				
		neighbours will be provided. If the			identified by the Responsible Authority,				
		applicant chooses to deliver the notices			must be provided. Note: Option 2: The				
		per hand (Option 1), two copies of the			proof of the registered mail must be				
		notice must be provided on or before			provided to the Responsible Authority				
		the date of the notice to each			,				
		neighbour. One copy of the notice							
		must be signed by the respective party							
		(neighbour) to be handed back to the							
1		Responsible Authority. Alternatively							
		(Option 2), the notices can be sent via							
		registered post.							
		Notice to be placed on the site			Proof of Notice in site				

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Any	Additional components	Proof of additional components
Note in or	lic Meeting : The holding of a public meeting der to inform the general public of application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
plac form	 The notice provided must be ed on the site in a laminated A3 at (two language formats separate 3) on or before the date of the e. 	Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.

No. 1979 297

NOTICE 196 OF 2015

UBUNTU LOCAL MUNICIPALITY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW

NORTHERN CAPE PROVINCE

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

AND WHEREAS a Municipality has distinctive responsibilities in terms of the Constitution and other legislation regarding Spatial Planning and Land Use Management within its area of jurisdiction; and

AND WHEREAS the commencement of the Spatial Planning and Land Use Management Act, 16 of 2013 on 1 July 2015 has necessitated the promulgation of a By-Law to ensure that the Municipality can give effect to its obligations

BE IT THEREFORE ENACTED by the Municipal Council of the Ubuntu Municipality as follows:-

PROVINCIAL GAZETTE, 14 DECEMBER 2015

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER I – INTERPRETATION AND APPLICATION

Sections

- 1. Definitions and interpretation
- 2. Application of By-law

CHAPTER II - DEVELOPMENT MANAGEMENT

Sections

- 3. Land development applications requiring approval
- 4. Continuation of application after change of ownership
- 5. Rezoning of land
- 6. Lapsing of rezoning and extension of validity periods
- 7. Consent Use
- 8. Subdivision
- 9. Exemption of subdivisions and consolidations
- 10. Ownership of public places and land required for municipal engineering services and social facilities
- 11. Closure of public spaces
- 12. Services arising from subdivision
- 13. Consolidation of land
- 14. Lapsing of consolidation and extension of validity periods
- 15. Requirements for amendment, suspension or removal or restrictive conditions
- 16. Endorsements in connection with amendment, suspension or removal of restrictive conditions
- 17. Lapsing and extension of other development rights

CHAPTER III - APPLICATION PROCEDURES

Sections

- 18. Procedures for applications
- 19. Information required
- 20. Application standards
- 21. Application fees
- 22. Grounds for refusing to accept application
- 23. Receipt of application and request for additional information and additional fees
- 24. Provision of additional information and payment of fees
- 25. Confirmation of complete application
- 26. Withdrawal of application or authorisation
- 27. Notification of application in media
- 28. Serving of notices
- 29. Content of notice
- 30. Additional methods of public notice

- 31. Requirements for objections, comments and representations
- 32. Furnishing of comment and information
- 33. Amendments prior to approval
- 34. Liability for cost of notice
- 35. Right of an applicant to reply
- 36. Written assessment of application
- 37. Decision-making period
- 38. Powers to conduct routine inspections
- 39. Notification of decision
- 40. Errors and omissions
- 41. Conditions of approval
- 42. Applications for extension of validity periods
- 43. Meetings of the Municipal Planning Tribunal
- 44. Development Charges
- 45. Land for parks, open spaces and other uses

CHAPTER IV - ENFORCEMENT

Sections

- 46. Offences and penalties
- 47. General Powers and functions of authorised employees
- 48. Powers of entry, search and seizure
- 49. Warrant of entry for enforcement purposes
- 50. Regard to decency and order
- 51. Enforcement litigation

CHAPTER V – MISCELLANEOUS

Sections

- 52. Name and numbering of streets
- 53. Repeal of existing by-laws
- 54. Short tile and commencement
- SCHEDULE 1 Schedule of by-laws repealed
- SCHEDULE 2 Comprehensive application form
- SCHEDULE 3 Applications form

```
300 No. 1979
```

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

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

All references to sections in this By-law refer to the By-law unless clearly indicated otherwise.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law

"Act" or "the Act" means the Spatial Planning and Land Use Management Act, 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"application" means an application to submitted to the Municipality in terms of which a development right is sought;

"authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"**consent use**" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question.

"**development charge**" means a development charge levied by the Municipality as contemplated in section 71;

"**Municipality**" means the Ubuntu Municipality established by Establishment Notice [insert number] of [insert date] issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"**site development plan**" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

No. 1979 301

2. APPLICATION OF BY-LAW

This By-law applies to the area of jurisdiction of the Ubuntu Municipality.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (2).
- (2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment of cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 3(2)(x) and 3(2)(y) hereof;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (*i*) the rezoning of land;
 - (j) the departure from the development parameters of the zoning scheme;
 - (*k*) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (*I*) the subdivision of land, including the registration of a servitude;

PROVINCIAL GAZETTE, 14 DECEMBER 2015

(m) the consolidation of land;

- (*n*) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
- (o) the permission required in terms of the zoning scheme;
- (*p*) the amendment, deletion or imposition of conditions in respect of an existing approval;
- (q) the extension of the validity period of an approval;
- (r) the approval of an overlay zone as provided for in the zoning scheme;
- (s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
- (t) permission required in terms of a condition of approval;
- (u) a determination of a zoning;
- (v) a closure of a public place or part thereof;
- (w) a consent use provided for in an existing zoning or land use management scheme; and
- (x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;
- (y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
- (z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- (3) All applications for land development rights listed in sections 3(2)(a) to 3(2)(w) will be decided upon by the Municipal Planning Tribunal of the Municipality.
- (4) All applications for land development rights listed in sections 3(2)(x) to 3(2)(z) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
- (5) If an application listed in sections 3(2)(x) to 3(2)(z) directly relates to or impact upon any of the land development rights referred to in sections 3(2)(a) to 3(2)(w), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 3(4) will have to adjudicate the application in question.
- (6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- (7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.

No. 1979 303

(8) If a Municipality wishes to apply for any development rights made provision for in this By-law, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

4. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

5. REZONING OF LAND

(1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

6. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine, as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined —
 - (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).

(2) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

7. CONSENT USE

- (1) An applicant may apply to the Municipality for a consent use.
- (2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- (3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- (4) A consent use contemplated in subsection (1) lapses after a period of five years calculated from date of approval or a shorter period as the Municipality may determine, unless the applicable land use management scheme makes provision for a shorter period, in which event the provisions of the applicable land use management scheme will apply.
- (5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years, provided that if such an extension is not made provision for in the applicable land use management scheme, such an extension may not be granted.

8. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- (2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- (4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to is not absolved

No. 1979 305

from complying with the obligations imposed in terms of the development right granted.

9. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality if:
 - (a) the subdivision or consolidation arises from the prescripts contained in a Court order;
 - (b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - (c) the registration of a servitude or lease agreement for the provision or installation of—
 - 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;
 - telecommunication lines by or on behalf of a licensed telecommunications operator;
- (2) The Municipality must if so requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of section 9 that such a subdivision or consolidation has been approved by the Municipality.

10. 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 shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- (2) Subject to the provisions of section 41 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

11. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- (3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

12. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- (1) Subsequent to the approval of an application for subdivision or any other development right 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 its land in respect of other land units originating from the subdivision:
 - (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;
 - (ix) ditches and channels; and
 - (x) any cable conveying data in any format whatsoever.
 - (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) or (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 to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

13. CONSOLIDATION OF LAND

(1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 9.

14. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.
- (2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (1) prior of the lapsing of the right.
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

15. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipality may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- (2) In addition to the documents required and procedures set out in Chapter IV, the owner must—
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application

- (3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will 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.

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

 The Municipality must inform the Registrar of Deeds and the Surveyor-General of any suspension or removal of a restrictive condition.

17. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- (1) Any development right listed in section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 shall lapse if the contained imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- (2) If a development right listed section 3 that an applicant applies for that is not specifically regulated in sections 5, 6, 7, 8, 9, 11, 13, 14, 15, and 16 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- (3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- (4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may not exceed an additional five years calculated from date on which the development right would have lapsed.

No. 1979 309

CHAPTER III – APPLICATION PROCEDURES

18. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- (2) Any application in terms of this By-law must be submitted in printed format to the the main office of the Ubuntu Municipality.
- (3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- (4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 3, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (5) If an application in terms of this By-law must be decided upon by the Designated employee in terms of section 3, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- (6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- (7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this By-law is submitted to the Municipality.
- (8) The Municipality may publish guidelines to assist applicants in the submission of applications.

19. INFORMATION REQUIRED

- (1) An application for a development right listed in section3 must be accompanied by the following documents:
 - (a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;

- (d) the relevant bondholder's consent, if required by the Municipality;
- (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
- (f) proof of payment of application fees;
- (g) a ful, certified copy of the existing title deed indicating all existing title conditions;
- *(i)* if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
- (*j*) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
- (k) any of the maps made provision for in section 20.

20. APPLICATION STANDARDS

- (1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 24.
- (2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - (a) an orientation locality map as described in subsection (5);
 - (b) a zoning map as described in subsection (6);
 - (c) a land use map as described in subsection (7);
 - (d) a detailed layout map as described in subsection (8);
 - (e) a basic layout map as described in subsection (9); and
 - (f) a site development plan as described in subsection (10).
- (3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - (a) an orientating locality map;
 - (b) a zoning map;

No. 1979 311

- (c) a land use map;
- (d) a detailed layout map;
- (e) a site development plan.
- (4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - (a) an orientating locality map; and
 - (b) a basic layout plan.
- (5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural of farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - *(c)* boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- (6) A zoning map shall be a printed document extract of at least A3 size which

must reflect an extract of the municipality's official zoning map with the

following detail:

- (a) the scale, true north, key and heading "Zoning Map";
- (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
- *(c)* All land units and existing zonings of adjacent farms for applications within Rural Areas.
- (7) A land use map shall be a printed document where the existing land uses differ from

PROVINCIAL GAZETTE, 14 DECEMBER 2015

the relative zonings of the application area, or if it is requested by the municipality.

A land use map must include the following:

- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
- (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- (8) A detail layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred year flood lines, if applicable;
 - (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - (g) all existing services within and surrounding the application area;
 - (h) roads present on adjacent land;
 - (i) the proposed subdivisions;
 - (j) the size of the proposed subdivisions;
 - (k) the erven included in the subdivision with erven numbered consecutively;
 - (I) the name of the person that prepared the map;
 - (m) the contours;
 - (n) co-ordinates with grid references;
 - the proposed street name and name for the development or neighbourhood, if applicable; and
 - (p) a list of the proposes zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.

No. 1979 313

- (9) A basic layout map shall be a printed document of ate least A3 size which shall reflect the following detail:
 - (a) the scale, true north, key and heading "Basic Layout Map";
 - (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if-
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;

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

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and

(b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

24. **PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES**

- (1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

(1) The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

(1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted; withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

- (1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- (2) Notice of the application in the media must be given by—

- (a) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
- (b) 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
- (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

28. SERVING OF NOTICES

(1) Notice of an application must be served on each person whose rights may

be adversely be affected by the approval of the application.

- (2) For the purpose of service of notices on person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 27 and by of service in the following manner:
 - (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person.
- (3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- (4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 30.
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;

(*c*) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

29. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of sections 27 or 28, the notice must—
 - (a) provide the full names of the applicant and that of its authorised representative;
 - (b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;
 - (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
 - (*i*) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. Additional methods of public notice

(1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:

No. 1979 317

- (a) displaying a notice contemplated in section 28(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that—
 - (i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 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 close up and one where the notice and full extent of a boundary can be seen, where possible;
- (b) convening a meeting for the purpose of informing the affected members of the public of the application;
- (c) broadcasting information regarding the application on a local radio station in a specified language;
- (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
- (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
- (f) obtaining letters of consent or objection to the application.
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 27or 28 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 27 or 28 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

31. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

32. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

33. 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 an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - (e) when it was delivered to that person personally, is the date of delivery to that person;

- (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

34. LIABILITY FOR COST OF NOTICE

(1) The applicant is liable for the costs of giving and serving notice of an application in terms of this By-law and the costs of such notices do not form part of the fees payable in terms of this By-law.

35. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen 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 twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection(2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- (4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

36. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

37. DECISION-MAKING PERIOD

- (1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- (2) The Municipality must provide the written request contemplated in subsection (1) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

38. Powers to conduct routine inspections

- (1) Members of the Municipal Planning Tribunal, the designated employee or 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 written assessment contemplated in section 36.
- (2) When conducting an inspection, the persons referred to in subsection (1) 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.
- (4) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).

- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) 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.

39. NOTIFICATION OF DECISION

(1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

40. ERRORS AND OMISSIONS

- (1) The Municipal Planning Tribunal or the Designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipal Planning Tribunal or the Designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. CONDITIONS OF APPROVAL

- (1) The Municipal Planning Tribunal or the Designated employee, as the case may be, may approve an application subject to reasonable conditions that 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;

322	No. 1979		PROVINCIAL GAZETTE, 14 DECEMBER 2015
		(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;
		(1)	the provision of land needed by other organs of state;
		(m)	the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
		(n)	the registration of public places in the name of the municipality;
		(0)	the transfer of ownership to the municipality of land needed for other public purposes;
		(p)	the implementation of a subdivision in phases;
		(q)	requirements of other organs of state;
		(r)	the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
		(s)	agreements to be entered into in respect of certain conditions;
		(<i>t</i>)	the phasing of a development, including lapsing clauses relating to such phasing;
		(u)	the delimitation of development parameters or land uses that are set for a particular zoning;
		(v)	the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
		(w)	the setting of a period within which a particular condition must be met;
		(x)	requirements relating to engineering services as contemplated in section 79;
		(y)	requirements for an occasional use, which must include—
			(i) parking and the number of ablution facilities required;
			(ii) the maximum duration or occurrence of the occasional use; and
			(iii) parameters relating to a consent use in terms of the zoning scheme.
	(3)	engi	e Municipality imposes a condition contemplated in subsection $(2)(a)$ or (x) , an neering services agreement must be concluded between the Municipality and the er of the land concerned before the construction of infrastructure commences on and.

- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (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) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

42. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the Designated employee who granted such rights.
- (4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

43. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of

its members as determined in terms of section 40(1) of the Act. majority of its

members.

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

44. **DEVELOPMENT CHARGES**

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering services for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

45. LAND FOR PARKS, OPEN SPACES AND OTHER USES

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

- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space..

CHAPTER IV - ENFORCEMENT

46. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with section 3(1); or
 - (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - (C) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

- (2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- (3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 48 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 48, is guilty of an offence and liable upon

326 No. 1979 P

conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

47. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

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

48. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law, an authorised employee of the Municipality may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;

No. 1979 327

- (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (*c*) for inspection;
- (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
- (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- *(i)* take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
- (*j*) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- (3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

49. 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 occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the 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 an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
- (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures 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.

50. 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—

- (1) a person's right to respect for and protection of his or her dignity;
- (2) the right to freedom and security of the person; and
- (3) the right to a person's personal privacy.

51. ENFORCEMENT LITIGATION

- (1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain and order to compel the owner and/or the occupies of land in question to—
 - (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (b) cease with the unlawful utilisation of land..

No. 1979 329

CHAPTER V - MISCELLANEOUS

52. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

53. REPEAL

The by-laws listed in Schedule 1 are repealed.

54. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Ubuntu By-law on Municipal Land Use Planning.
- (2) This By-law comes into operation on the date on which it is published in the Provincial Gazette

Gazettes are Reproduced under Government Printer's Copyright Authority No. 11386 dated 07 May 2007 www.GICS.co.za

330 No. 1979

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 53

Each Municipality to insert relevant information here

SCHEDULE 2 COMPREHENSIVE APPLICATION FORM

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

SECTION 1 Details of Applicant

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2

Details of Land Owner (If different from Applicant)

Name: Postal address:		Contact person: Physical address:	
	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

No. 1979 331

SECTION 3

Details of Property (In accordance with Title deed)

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

SECTION 4

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

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

Rezoning from one zone to another:			
Consolidation of land:			
Subdivision of land:			
Township establishment (Human settlement planning and design)			
Removal, suspension or amendment of Title Deed Restrictions:			
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:			
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:			
Secondary use as determined in these regulations:			
Consent use as determined in these regulations:			
The annulment, suspension of amendment of the original approval conditions as provided by the Responsible Authority:			
General Plan Cancellation:			
Closure of Park or Public Road:			
The extension of the approval period:			
Any other application in terms of provincial legislation or municipal by-law:			
Please give a short description of the scope of the project:			

PROVINCIAL GAZETTE, 14 DECEMBER 2015

SECTION 5

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

Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extent:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:

No. 1979 333

Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
	Water supply:			
What arrangements will be made	Electricity supply: Sewerage and waste- water			
regarding the following services for the development? (Full Engineering Reports must be				
supplied, where applicable)	Storm- Water:			
Road Network:				

SECTION 6 List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Chee	Checklist (for the use of Responsible Authority only)					
YES	NO	ANNEXURE OR PAGE REFERENCE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information – diagram/General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General – street closure or state owned land			
			Topographic map/ aerial map			
			Locality Map			
			Site Plan			
			Zoning Map			
			Zoning Certificate			
			Land Use Map			
			Conveyancer's certificate			
			Special endorsement/proxy			
			Home Owners' Association consent			1
			Proposed design/layout plan			
	1		Proposed subdivision plan			1
			Proposed consolidation plan			1
			Proposed development plan			1
	1		Mineral rights certificate (together with mineral holder's			1

PROVINCIAL GAZETTE, 14 DECEMBER 2015

consent) and/or prospecting contract			
Mineral impact assessment (MIA)			
Environmental Impact Assessment (EIA – EA) including			
(AIA) (approval from relevant Department - SAHRA)			
Detail Engineering Services report (Bulk and internal)			
Traffic impact study			
Geo-technical report (including geology) report (NHRB			
Standards)			
Social impact assessment			
Flood line assessment (1:50 and 1:100 years)			
Coastal setback report (consent from Dept of			
Environmental Affairs)			
Subdivision of agricultural land (consent of the Dept of			
Agriculture)			
List of sections in Title Deed conditions to be removed			
/amended			
Adherence to planning legislation including the Planning			
Profession Act 36 of 2002			
At least three (3) sets of full colour documentation copies			
	Mineral impact assessment (MIA) Environmental Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal) Traffic impact study Geo-technical report (including geology) report (NHRB Standards) Social impact assessment Flood line assessment (1:50 and 1:100 years) Coastal setback report (consent from Dept of Environmental Affairs) Subdivision of agricultural land (consent of the Dept of Agriculture) List of sections in Title Deed conditions to be removed /amended Adherence to planning legislation including the Planning Profession Act 36 of 2002	Mineral impact assessment (MIA) Environmental Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal) Traffic impact study Geo-technical report (including geology) report (NHRB Standards) Social impact assessment Flood line assessment (1:50 and 1:100 years) Coastal setback report (consent from Dept of Environmental Affairs) Subdivision of agricultural land (consent of the Dept of Agriculture) List of sections in Title Deed conditions to be removed /amended Adherence to planning legislation including the Planning Profession Act 36 of 2002	Mineral impact Assessment (MIA) Environmental Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) Detail Engineering Services report (Bulk and internal) Traffic impact study Geo-technical report (including geology) report (NHRB Standards) Social impact assessment Flood line assessment (1:50 and 1:100 years) Coastal setback report (consent from Dept of Environmental Affairs) Subdivision of agricultural land (consent of the Dept of Agriculture) List of sections in Title Deed conditions to be removed /amended Adherence to planning legislation including the Planning Profession Act 36 of 2002

SECTION 8

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

	cklist cedur	for required advertisement	Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as

No. 1979 335

Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.	Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.	Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.	identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority

SCHEDULE 3

APPLICATION FORM

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

		<u>ION 1</u> Applicant	
Name: Postal address:		Contact person: Physical address:	
Tel no:	Code:	Cell no:	
Fax no:		E-mail address:	
SACPLAN Reg No:			

SECTION 2 Details of Land Owner (If different from Applicant)

Name:	 Contact person:	
Postal	 Physical	
address:	 address:	

PROVINCIAL GAZETTE, 14 DECEMBER 2015

	Code:		
Tel no:		Cell no:	
Fax no:		E-mail address:	

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

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

Erf/ Farm No and portion description: -		Area (m ² or ha):	
Physical address of erf/farm: -		Existing zoning:	
Location from nearest town: -		Existing land use:	
Town/suburb: _		Area applicable to application:	
Registration Division: –		Title deed no:	
	SECT	ION 4	
Туре	of Application being Sub	mitted (Mark with	an X and give detail)

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

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

SECTION 5

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

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
	Water s	supply:	
What arrangements will be made	Electric supply:		
regarding the following services for the development? (where	Sewera waste-v	0	
applicable)	Storm-\	Nater	
	Road N	letwork	

SECTION 6

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

Chec	klist (1	for the comple	tion by the Applicant only)	the us Resp	klist (f se of onsibl ority o	е
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Board of Directors' / Trustees' resolution / consent	
Power of Attorney	
Copy of Title Deed(s)	
Orientating Locality Map	
Basic Layout Map	
Bondholder's consent	
Home Owners' Association consent / stamp of approval	
Special endorsement/proxy	
Registered servitudes (deed and map/plan)	
Surveyor general diagrams (cadastral information)	
Status report from Surveyor General – street closure or state owned land	
Flood line certificate / coastal setback report - certificate from relevant Dept	
Subdivision of Agricultural land - permission from relevant Department Agriculture	
List of sections in Title Deed conditions to be removed /amended	
Other (specify):	
Two (2) sets of full colour documentation copies	

SECTION 7 Declaration

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

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

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

SECTION 8

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

	cklist edure	for required advertisement			for required proof of ment
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.

No. 1979 339

Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority. Proof of additional components

PROVINCIAL GAZETTE, 14 DECEMBER 2015

EXAMPLE OF NOTICE:

(INSERT NAME) MUNICIPALITY MUNICIPAL LAND USE PLANNING BY-LAWS

Published under Local Government Notice (number) in Northern Cape Provincial Gazette (number) of (date) 2014

Notice is hereby given in terms of the provisions of <u>Section 13</u> of the Local Government: Municipal Systems Act 32 of 2000 that the Council of the (insert name) Local / District Municipality adopted the set of Municipal Land Use Planning By-laws.

The By-laws are published for the purpose of general public notification. Copies of the Bylaws are available at (address).

[Name of Municipal Manager]

Municipal Manager

No. 1979 341

NOTICE 197 OF 2015

DEPARTMENT OF TRANSPORT, SAFETY AND LIAISON

NATIONAL ROAD TRAFFIC ACT, 1996 (ACT 93 OF 1996)

SCHEDULE OF FEES IN RESPECT OF REGISTRATION AND LICENCING OF MOTOR VEHICLES

Under the powers vested in me by Regulation 25 of the National Road Traffic Act, 1996 (Act 93 of 1996), I hereby publish the fees in respect of the registration and licencing of motor vehicles as set forth in the Schedules annexed hereto.

Dated and signed at Kimberley on this 30 day of November 2015.

Montlett

M BARTLETT

Member of the Executive Council for Transport, Safety and Liaison

Amendmend of the Regulations

Schedule 2 (Table 2: Motor vehicle Registration and Licence Fees) is substituted by the following schedule:

Schedule 2: Motor vehicle Registration and Licence Fees

ltem	Description	Tare	Fee
-	Motor Vehicle		R 120
	Registration		
2	Motor Vehicle Licence		
	Fees		
2.1	A motor cycle, motor		R 111
	tricycle and motor		
	quadrucycle, other than		
	a motor vehicle		
	referred to in item 3 of		
	this schedule		

										-	0.0000					-		00000000		1010.000	Cardon and											Copyers a		i					
Fee	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00	R 108.00		R 108.00	R 108.00		R 108.00		R 108.00		R 108.00																			
	250	500	750	1000	1250	1500	1750	2000	2250	2500	2750	3000	3250	3500	3750	4000	4250	4500	4750	5000	5250	5500	5750	6000	6250	6500	6750	7000	7250	7500	8000	8500	0006	9500	10000	10500	11000	11500	12000
Tare	1	ı	1	1	,				1	1			1	•	•		1	1			,		,			;	•		,	,		•	,	1	,		,		,
F	0	251	501	751	1001	1251	1501	1751	2001	2251	2501	2751	3001	3251	3501	3751	4001	4251	4501	4751	5001	5251	5501	5751	6001	6251	6501	6751	7001	7251	7501	8001	8501	9001	9501	10001	10501	11001	11501
Description	A trailer, other than a	semi-trailer which is			with the owner's own	farming activities, other	than a motor vehicle	referred to in item 2.8,			scileanie										·														1	1			
ltem	2.3																																						

Item	Description	Tare		fee
2.2	A motor vehicle other	- 0	250	R 234.00
	than a motor vehicle	251 -	500	R 258.00
	~	501 -	750	R 258.00
		751 -	1000	R 288.00
	2.4, 2.5, 2.6	1001 -	1250	R 348.00
	2.8, 2.9, 2.10 or 3 of	1251 -	1500	R 450.00
	this schedule with a	1501 -	1750	R 540.00
	tare of:	1751 -	2000	R 600.00
		2001 -	2250	R 774.00
		2251 -	2500	R 924.00
		2501 -	2750	R 1,050.00
		2751 -	3000	R 1,086.00
		3001 -	3250	R 1,350.00
		3251 -	3500	R 1,542.00
		3501 -	3750	
		3751 -	4000	R 1,920.00
		4001 -	4250	2
		4251 -	4500	R 2,334.00
		4501 -	4750	R 2,490.00
		4751 -	5000	R 2,718.00
		5001 -	5250	R 4,242.00
		5251 -	5500	R 4,566.00
		5501 -	5750	R 5,022.00
		5751 -	6000	R 5,454.00
		6001 -	6250	R 5,982.00
		6251 -	6500	R 6,396.00
		6501 -	6750	R 6,864.00
		6751 -	7000	R 7,602.00
		7001 -	7250	R 7,830.00
		7251 -	7500	R 8,328.00
		7501 -	8000	
		8001 -	8500	9
		8501 -	0006	R 11,424.00
		9001 -	9500	R 12,576.00
		9501 -	10000	
		10001 -	10500	
		10501 -	11000	R 16,710.00
		11001 -	11500	
		11501 -	12000	R 19,746.00
	For each additional 500 l above 12 000 kilograms:	kilograms or	part thereo	eof R 1.989
	777			

No. 1979 343

	A truck-tractor, other $0 - 250$ than a truck-tractor $501 - 750$ referred to in item 2.6, $751 - 1000$ used by the owner $1001 - 1250$ thereof solely in $1751 - 2000$ connection with $1751 - 2000$ farming operations, $2001 - 2250$ other than for the $2001 - 2250$ conveyance of goods $2501 - 2750$ for reward on a public $2751 - 2000$ cond, other than a $3001 - 3250$ motor vehicle referred $3251 - 2750$ for reward on a public $2751 - 2750$ for reward on a public $2751 - 2750$ for reward on a public $2751 - 2750$ for reward on a public $2551 - 2500$ for reward on a public $2551 - 2500$ for reward on a public $3751 - 4500$ for in item 3 of this $3751 - 4500$ schedule $3751 - 7500$ for in item 3 of this $3751 - 7500$ for in $170 - 7250$ 7500 for $1001 - 6251 - 5700$ for $1001 - 7250$ for $10001 - 7250$ for for for $10001 - 7250$ <	Item	nescription	lare		222
$ \begin{array}{c} 251 - 500 \\ 501 - 750 \\ 751 - 1000 \\ 1001 - 1250 \\ 1501 - 1750 \\ 1501 - 1750 \\ 1751 - 2000 \\ 1751 - 2000 \\ 1751 - 2000 \\ 8 \\ 2201 - 2750 \\ 8 \\ 3001 - 3250 \\ 8 \\ 3751 - 4000 \\ 8 \\ 3751 - 4000 \\ 8 \\ 4751 - 4750 \\ 8 \\ 7001 - 4250 \\ 8 \\ 7501 - 5750 \\ 8 \\ 7001 - 7250 \\ 8 \\ 7501 - 7000 \\ 8 \\ 7501 - 7000 \\ 8 \\ 7501 - 7000 \\ 8 \\ 7501 - 7000 \\ 8 \\ 7701 - 7250 \\ 8 \\ 7001 - 7250 \\ 8 \\ 7001 - 7250 \\ 8 \\ 7001 - 10000 \\ 8 \\ 7 \\ 10001 - 10000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 1 \\ 11501 - 12000 \\ 8 \\ 8 \\ 11501 - 12000 \\ 8 \\ 8 \\ 11000 \\ 8 \\ 11501 - 12000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 8 \\ 11000 \\ 1 \\ 11500 \\ 8 \\ 11000 \\ 1 \\ 11500 \\ 8 \\ 11000 \\ 1 \\ 11000 \\ 1 \\ 11500 \\ 1 \\ 11000 \\ 1 \\ 11000 \\ 1 \\ 11500 \\ 1 \\ 11000 \\ 1 \\ 11000 \\ 1 \\ 11000 \\ 1 \\ 1$	$ \begin{array}{c} 251 - 500 \\ 501 - 750 \\ 751 - 1000 \\ 1001 - 1250 \\ 1251 - 1750 \\ 1251 - 2000 \\ 1751 - 2000 \\ 1751 - 2000 \\ 1751 - 2500 \\ 8 \\ 2251 - 2500 \\ 1751 - 2750 \\ 8 \\ 3001 - 3250 \\ 8 \\ 3001 - 3250 \\ 1751 - 4000 \\ 8 \\ 3251 - 4000 \\ 8 \\ 4751 - 4000 \\ 8 \\ 7501 - 4750 \\ 8 \\ 7501 - 5750 \\ 8 \\ 7501 - 5500 \\ 8 \\ 7501 - 5750 \\ 8 \\ 7001 - 7250 \\ 8 \\ 7001 - 7250 \\ 8 \\ 7001 - 10000 \\ 8 \\ 7501 - 10000 \\ 8 \\ 11001 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 8 \\ 11501 - 11000 \\ 1 \\ 11501 - 11000 \\ 1 \\ 11501 - 11000 \\ 1 \\ 11501 - 11000 \\ 1 \\ 11501 - 11000 \\ 1 \\ 11501 - 11000 \\ 1 \\ 11501 - 11000 \\ 1 \\ 1 \\ 11501 - 11000 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\$	2.5	A truck-tractor, other	- 0	250	R 234.00
$\begin{array}{c} 1.6, \\ 1.6, \\ 751 - 750 \\ 751 - 1000 \\ 1001 - 1250 \\ 1501 - 1750 \\ 1501 - 1750 \\ 1751 - 2000 \\ R \\ 2251 - 2500 \\ R \\ 2251 - 2750 \\ R \\ 3001 - 3750 \\ R \\ 3001 - 3750 \\ R \\ 3751 - 4000 \\ R \\ 3751 - 4000 \\ R \\ 3751 - 4000 \\ R \\ 4751 - 4750 \\ R \\ 4751 - 5700 \\ R \\ 4751 - 5700 \\ R \\ 7501 - 5750 \\ R \\ 7501 - 7700 \\ R \\ 7501 - 7250 \\ R \\ 7501 - 7250 \\ R \\ 7501 - 7250 \\ R \\ 7701 - 7250 \\ R \\ 7701 - 7250 \\ R \\ 7701 - 10000 \\ R \\ 71251 - 7000 \\ R \\ 71251 - 7000 \\ R \\ 71001 - 10000 \\ R \\ 11000 \\ R \\ 11000 \\ R \\ 11000 \\ R \\ 11501 - 12000 \\ R \\ \end{array}$	$ \begin{array}{c} 1.6, & 501 & -750 & R\\ 751 & -1000 & R\\ 1001 & -1250 & R\\ 1501 & -1750 & R\\ 1501 & -1750 & R\\ 1751 & -2000 & R\\ 2001 & -2750 & R1\\ 2001 & -2750 & R1\\ 2001 & -2750 & R1\\ 3011 & -3750 & R1\\ 3751 & -4000 & R1\\ 3751 & -4750 & R2\\ 4751 & -4750 & R2\\ 5751 & -5750 & R4\\ 5751 & -5750 & R4\\ 5751 & -6700 & R1\\ 5751 & -6700 & R1\\ 7501 & -7500 & R1\\ 7701 & -7500 & R1\\ 7701 & -7500 & R1\\ 9001 & -9500 & R1\\ 9001 & -9500 & R1\\ 9001 & -10500 & R1\\ 11001 & -11000 & R16\\ 11501 & -11000 & R16\\ 11501 & -11000 & R16\\ 11501 & -11000 & R16\\ \end{array}$		than a truck-tractor	251 -	500	R 258.00
751 751 1000 R 1251 1251 1250 R 1501 1750 R 1750 R 1501 1751 22500 R 1751 1750 R 1751 22501 22500 R 1751 22500 R 2501 2750 2750 R 1751 2750 R 3001 3251 2350 710 812 812 3751 4751 52500 $R12$ 8200 $R12$ 3751 4751 5500 $R12$ 8200 $R12$ 5751 5500 7250 $R12$ 8200 $R12$ 5751 5500 7500 $R12$ 8200 $R12$ 7001 7250 $R12$ 7250 $R12$ 8200 $R12$ 7501 8200 7250 $R12$ 9200 $R12$ 8200 <td>751 751 1000 R 1251 1250 R 1501 1250 R 1501 1750 R 1501 1751 22500 R 1251 22500 R 2251 22500 R 2251 22500 R 33751 3300 R 3751 3350 R 3751 3750 R 3751 4750 R 3751 4750 R 2501 5500 R 6001 6500 R 6501 6500 R 7001 7250 R 7001 7250 R 7001 7250 R 8001 8500 R 7001 7250 R 7251 7000 R 7000 8000</td> <td></td> <td></td> <td></td> <td>750</td> <td>R 258.00</td>	751 751 1000 R 1251 1250 R 1501 1250 R 1501 1750 R 1501 1751 22500 R 1251 22500 R 2251 22500 R 2251 22500 R 33751 3300 R 3751 3350 R 3751 3750 R 3751 4750 R 3751 4750 R 2501 5500 R 6001 6500 R 6501 6500 R 7001 7250 R 7001 7250 R 7001 7250 R 8001 8500 R 7001 7250 R 7251 7000 R 7000 8000				750	R 258.00
s, 1251 1250 R 1501 1750 R 1501 1751 2000 R 1501 2501 2500 R 1501 2501 2500 R 2501 2550 R R 3001 3551 2550 R 3751 3750 R R 3751 3750 R R 3751 4750 R R 3751 4750 R R 4751 5500 R R 5551 5500 R R 5751 5500 R R 5551 5500 R R 5551 5500 R R 5551 5500 R R 6501 6501 R R 7001 7250 R R 7001 7250 R R 7001 725	k, $\frac{1001 - 1250 - R}{1501 - 1750 - R}$ is, $\frac{1251 - 1500 - R}{2250 - 1750 - R}$ blic, $\frac{1251 - 22500 - R}{2251 - 2250 - R}$ is, $\frac{1251 - 22500 - R}{2251 - 2250 - R}$ is, $\frac{2251 - 22500 - R}{3250 - R}$ is, $\frac{3251 - 3250 - R}{3250 - R}$ is, $\frac{3251 - 3250 - R}{2250 - R}$ is, $\frac{2251 - 5250 - R}{2250 - R}$ is, $\frac{4751 - 5750 - R}{2251 - 5500 - R}$ is, $\frac{4751 - 5750 - R}{2251 - 5750 - R}$ is, $\frac{1001 - 7250 - R}{2251 - 5750 - R}$ is, $\frac{7001 - 7250 - R}{2251 - 6500 - R}$ is, $\frac{7001 - 7250 - R}{2500 - R}$ is, $\frac{10001 - 10500 - R}{2500 - R}$ is, $\frac{110001 - 11500 - R}{11500 - R}$ is, $\frac{11501 - 112000 - R}{11500 - R}$ is, $\frac{11501 - 112000 - R}{11500 - R}$			751 -	1000	R 288.00
s, 1501 1251 - 1500 R is, 1501 1751 - 2000 R is, 1501 2001 - 2750 R iblic 2251 - 2750 R 2501 - 2750 R 1 3001 - 3250 R 1 3751 - 3750 R 1 4001 - 4750 R 2 5501 - 5500 R 1 5501 - 5500 R	k, $\frac{1251}{1501} - \frac{1750}{1750} - \frac{R}{R}$ ds $\frac{1751}{2251} - \frac{2000}{2250} - \frac{R}{R}$ hlic $\frac{1501}{2251} - \frac{2500}{2250} - \frac{R}{R}$ $\frac{1501}{2251} - \frac{2750}{2250} - \frac{R}{R}$ $\frac{3001}{3251} - \frac{3750}{3250} - \frac{R}{R}$ $\frac{3751}{3251} - \frac{3750}{3250} - \frac{R}{R}$ $\frac{3751}{4751} - \frac{4750}{5250} - \frac{R}{R}$ $\frac{4751}{5251} - \frac{4750}{5500} - \frac{R}{R}$ $\frac{4751}{5501} - \frac{4750}{5500} - \frac{R}{R}$ $\frac{6501}{5551} - \frac{5750}{5500} - \frac{R}{R}$ $\frac{6501}{5551} - \frac{5750}{5500} - \frac{R}{R}$ $\frac{7001}{5551} - \frac{7500}{5500} - \frac{R}{R}$ $\frac{7251}{5501} - \frac{9000}{700} - \frac{R}{R}$ $\frac{10001}{10001} - \frac{9500}{10500} - \frac{R}{R}$ $\frac{11001}{10001} - \frac{11000}{11500} - \frac{R}{R}$ $\frac{11501}{11501} - \frac{12000}{11500} - \frac{R}{R}$		used by the owner	Ľ.	1250	R 348.00
s, 1501 1750 R ads 1751 $ 2000$ R 2251 $ 2750$ R 2501 $ 2750$ R 2501 $ 2750$ R 2501 $ 2750$ R 2751 $ 3000$ R 3750 $ 3750$ R 3751 $ 4750$ R 4001 $ 4750$ R 4751 $ 5750$ R 5751 $ 5750$ R 5751 $ 5750$ R 6501 $ 5750$ R 7001 $ 7750$ R	s, 1501 1750 R ads 1751 $ 2000$ R 2001 $ 2250$ R 1751 $ 2001$ $ 2250$ R 1751 $ 2000$ R 2501 $ 2750$ R 1175 $ 2750$ R 3501 $ 3750$ $ 3750$ R 11750 3751 $ 3750$ $ 3750$ R 11750 3751 $ 3750$ $ 4750$ R 12750 4751 $ 5750$ R 10750 R 10750 5751 $-$ <td></td> <td>thereof solely in</td> <td></td> <td>1500</td> <td>R 450.00</td>		thereof solely in		1500	R 450.00
s, 1751 - 2000 R dds 2251 - 2550 R 2251 - 2750 R1 2251 - 2750 R1 3001 - 3250 R1 3001 - 3250 R1 3751 - 3750 R1 3751 - 4750 R2 4001 - 4250 R4 4001 - 4250 R4 4001 - 4250 R4 5501 - 5750 R4 5501 - 5750 R4 5501 - 5750 R4 5501 - 5750 R4 6501 - 6500 R1 7001 - 7250 R1 9001 - 9500 R1 9001 - 9500 R1 10000 R1 100000 R1 10000 R1 100000 R1 10000 R1 10000 R1 10000	s, 1751 - 2000 R 2251 - 2500 R 2251 - 2550 R 2251 - 2750 R1 3001 - 3250 R1 3501 - 3250 R1 3751 - 3750 R1 3751 - 4750 R2 4751 - 4750 R2 4751 - 4750 R4 5751 - 4750 R4 5751 - 4750 R4 7251 - 5750 R4 6001 - 5750 R4 5751 - 7750 R6 6501 - 6750 R1 77001 - 7250 R1 8001 - 9500 R1 2751 - 10000 R1 10001 - 10500 R1 10001 - 11500 R16 11501 - 11500 R16 11501 - 11500 R16		connection with		1750	R 540.00
201 2250 R bds 2251 2250 R1 2501 2750 R1 3501 3250 R1 3501 3250 R1 3501 3250 R1 3751 3250 R1 3751 3250 R1 3751 4750 R2 3751 4750 R1 3751 4750 R2 4751 4750 R4 5751 5750 R4 5751 5500 R4 5751 5750 R1 7001 7250 R1 7001 7250 R1 7501 8000 R1 9001	201 2250 R iblic 2251 - 2500 R 1 2501 - 2750 R 1 3501 - 3500 R 1 3501 - 3500 R 1 3501 - 3500 R 1 3501 - 3750 R 1 3751 - 3750 R 1 3751 - 3750 R 1 3751 - 4750 R 2 4001 - 4750 R 4 4751 - 5750 R 4 5751 - 5750 R 4 5751 - 5750 R 10 6501 - 7000 R 10 7001 - 7500 R 10 8001 - 5500		farming operations,		2000	R 600.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	ods 2251 - 2500 R1 iblic 2751 - 2750 R1 3001 - 3250 R1 3001 - 3250 R1 3001 - 3750 R1 3751 - 4750 R2 4751 - 4750 R4 5751 - 5750 R4 5751 - 5750 R4 5751 - 5750 R10 6501 - 5750 R10 6501 - 5750 R10 7001 - 7500 R10 8001 8001 8500 R10 9501 - 10000 R10 10001 10500 <td></td> <td>other than for the</td> <td></td> <td>2250</td> <td>R 774.00</td>		other than for the		2250	R 774.00
$ \begin{array}{ c c c c c c c c c c c c c c c c c c c$	2501 2750 R1 iblic 2751 - 3000 R1 3001 - 3250 R1 3751 - 3500 R1 3751 - 3750 R1 3751 - 3750 R1 3751 - 3750 R1 3751 - 4750 R2 4751 - 4750 R3 4751 - 4750 R4 4751 - 5700 R4 5751 - 5750 R4 5751 - 5750 R1 5551 - 5750 R1 5551 - 5750 R1 5551 - 5750 R1 5551 - 5750 R1 6501 - 7500 R1 7501 8001 8001 810 8001 - 7500 R1 </td <td></td> <td></td> <td></td> <td>2500</td> <td>R 924.00</td>				2500	R 924.00
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	Intred 2751 - 3000 R1 301 - 3250 R1 3501 - 3250 R1 3751 - 4000 R1 3751 - 4750 R2 4501 - 4750 R2 4501 - 4750 R2 4501 - 5750 R4 5501 - 5750 R4 5501 - 5750 R6 5501 - 5750 R6 6501 - 6750 R1 7001 - 7250 R1 7251 - 7000 R1 7251 - 7000 R1 7251 - 7000 R1 7251 - 7000 R1 7251 - 10500 R1 8501 - 10500 R1 10001 - 11500 R16 11501 - 11500 R16				2750	
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	rred 3251 - 3250 R1 3501 - 3750 R1 3551 - 4000 R1 3751 - 4750 R2 4251 - 4750 R2 4751 - 4750 R2 4751 - 4750 R2 4751 - 5750 R4 5501 - 5750 R6 5501 - 5750 R6 6001 - 6750 R6 6501 - 6750 R1 7001 - 7250 R1 7251 - 7000 R1 7251 - 7250 R1 7251 - 7250 R1 7251 - 7250 R1 7251 - 7250 R1 7		ror reward on a public		3000	
rred $3251 - 3500$ R $3251 - 3750$ R $3501 - 3750$ R $3751 - 4000$ R $4001 - 4250$ R $4751 - 5000$ R $4751 - 5700$ R $5011 - 5250$ R $5011 - 5250$ R $5011 - 5250$ R $5751 - 5000$ R $5751 - 5750$ R $6751 - 5750$ R $7001 - 7250$ R $7001 - 7250$ R $7001 - 7250$ R 10001 R $7501 - 8500$ R 10000 R $7501 - 8500$ R 10000 R $7501 - 8500$ R 10000 R 10000 R $110001 - 11000$ R 110001 R 11000 R 110000 R 11000 R 110000 R 11000 R 1000 R 10000 R 1000 R 10000 R 100000 R 10000 R 100000 R 100000 R 100000 R 100000000 R 1000000 R $100000000000000000000000000000000000$	rred 3251 - 3500 R1 3501 - 3750 R1 3751 - 4000 R1 4251 - 4750 R2 4251 - 4750 R2 4751 - 7000 R2 5501 - 5750 R4 5501 - 5750 R6 5501 - 5750 R6 6001 - 6750 R6 6501 - 6750 R1 7001 - 7250 R1 7251 - 7000 R1 7251 - 7000 R1 7251 - 7000 R1 7251 - 7000 R1 7251 - 7500 R1 7251 - 7500 R1 7251 - 7500 R1 7251 - 7500 R1 10001 - 11500 R16 11501 - 11500 R16		road, other than a	3001 -	3250	
3501 - 3750 R 3751 - 4000 R 4751 - 4750 R 4751 - 4750 R 5001 - 4750 R 5501 - 5500 R 5551 - 5500 R 5551 - 5500 R 5551 - 5500 R 5551 - 5750 R 6571 - 5750 R 7501 - 6500 R 7001 - 7250 R 7501 - 8000 R 88001 - 8000 R 9001 - 9000 R 10501 - 10500 R 11501 11500 R 11500	3501 - 3750 R1 3751 - 4700 R1 4001 - 4250 R2 4501 - 4750 R2 4501 - 4750 R2 5501 - 5500 R4 5501 - 5500 R4 5501 - 5500 R4 5551 - 5500 R4 6501 - 6500 R6 6501 - 6500 R4 7001 - 7250 R1 7501 8001 - 8000 R1 9001 - 9500 R16 10500 10501 - 10500 R16 11500 11501 - 115000 R16 11500 11501 - 115000		motor vehicle referred		3500	
 4000 R 4750 R 4750 R 4750 R 5500 R 5500 R 5500 R 5500 R 5750 R 5750 R 5750 R 7000 R 7000 R 7000 R 7000 R 10500 R 11500 R 11500 R 11500 R 	 4000 R1 4000 R1 4150 R2 4500 R2 5500 R2 5500 R4 5500 R4 5500 R1 6500 R1 6500 R1 7500 R1 7500 R1 7500 R1 7500 R1 10500 R1 11500 R1 		to in item 3 of this		3750	-
- 4250 R - 4500 R - 5750 R - 7000 R - 7000 R - 7500 R - 9000 R - 9000 R - 10500 R - 11500 R - 11500 R	 4250 R2 4750 R2 4500 R2 5500 R2 5550 R4 5550 R4 5550 R4 5550 R4 6500 R5 6500 R6 7500 R10 7500 R10 7500 R11 7500 R11 9500 R11 9500 R11 9500 R11 11500 R13 11500 R16 		schedule		4000	R 1,920.00
- 4500 R - 4750 R - 5250 R - 5750 R - 5750 R - 5750 R - 6000 R - 6750 R - 6750 R - 7000 R - 7000 R - 7500 R - 7500 R - 9000 R - 9000 R - 9000 R - 10500 R - 10500 R - 11500 R - 11500 R	 4500 R2 4750 R2 52500 R2 55500 R4 55500 R4 55500 R4 65500 R6 65500 R10 7500 R10 7500 R10 7500 R10 7500 R10 7500 R10 10500 R11 9500 R11 10500 R11 11500 R16 				4250	R 2,130.00
- 4750 R - 5000 R - 5500 R - 6500 R - 7000 R - 7500 R - 7500 R - 7500 R - 9000 R - 9000 R - 9000 R - 10500 R - 110000 R - 11000 R - 11000 R	 4750 R2 5000 R2 5500 R4 5550 R4 5550 R4 5550 R4 5550 R4 5550 R4 6550 R6 6550 R1 7500 R1 7500 R1 7500 R1 7500 R1 10500 R1 11500 R1 <li< td=""><td></td><td></td><td></td><td>4500</td><td>R 2,334.00</td></li<>				4500	R 2,334.00
 5000 R 5250 R 5500 R 5500 R 5500 R 6500 R 6500 R 7500 R 7500 R 7500 R 10500 R 10500 R 11500 R 11500 R 11500 R 	 5000 R2 5500 R4 55500 R4 55500 R5 6000 R5 6500 R6 6500 R10 7500 R10 7500 R10 7500 R11 7500 R11 9000 R11 9000 R11 10500 R13 11500 R16 				4750	R 2,490.00
- 5250 R - 5500 R - 5500 R - 6000 R - 6750 R - 6750 R - 6750 R - 6750 R - 7000 R - 7500 R - 7500 R - 9000 R - 9000 R - 9000 R - 10500 R - 10500 R - 10500 R	 5250 R4 5500 R4 5500 R4 5500 R5 6500 R6 6500 R6 7500 R10 7500 R10 7500 R10 7500 R11 9000 R11 9000 R11 10500 R13 11000 R13 11000 R13 11000 R16 				5000	R 2,718.00
- 5500 R - 5750 R - 6000 R - 6250 R - 6750 R - 6750 R - 6750 R - 7000 R - 7500 R - 7500 R - 7500 R - 9000 R - 9000 R - 9000 R - 10500 R - 10500 R - 11500 R	 5500 R4 5750 R5 6000 R5 6500 R6 6500 R6 7500 R10 7500 R10 7500 R10 7500 R11 9000 R11 9000 R11 10500 R13 11000 R13 11500 R16 11500 R16 11500 R16 0 11500 R16 11500 R16 				5250	R 4,242.00
 5750 6000 6500 6500 6750 7500 71000 71000	 5750 R5 6000 R5 6500 R5 6500 R6 6750 R6 7500 R1 7500 R1 7500 R1 8500 R1 8500 R1 10500 R1 11500 R1		L		5500	R 4,566.00
 6000 R 6250 R 6500 R 6750 R 77000 R 7500 R 7500 R 1250 R 10000 R 10500 R 11500 R 11500 R 11500 R 	 6000 R5 6250 R5 6500 R5 6500 R6 7500 R1 7500 R1 7500 R1 8500 R1 9500 R1 11000 R1<td></td><td></td><td></td><td>5750</td><td>R 5,022.00</td>				5750	R 5,022.00
- 6250 R - 6500 R - 77000 R - 7250 R - 7500 R - 7500 R - 7500 R - 7500 R - 9000 R - 9000 R - 9000 R - 9000 R - 10500 R - 11000 R - 11500 R	 6250 R5 6500 R5 6500 R6 77000 R1 7500 R10 7500 R10 8500 R11 9500 R11 9500 R11 11000 R13 11000 R15 11500 R15 				6000	R 5,454.00
- 6500 R - 6750 R - 7000 R - 7250 R - 7500 R - 9000 R - 9500 R - 9500 R - 10000 R - 10500 R - 11500 R - 11500 R	- 6500 R 6 - 6750 R 6 - 7000 R 7 - 7250 R 7 - 7500 R 17 - 7500 R 11 - 8000 R 11 - 9000 R 11 - 9000 R 11 - 9000 R 11 - 9000 R 11 - 10000 R 12 - 110000 R 13 - 11500 R 16 - 11500 R 18 - 12000 R 19 - 12000 R 19 - 11500 R 18 - 11500 R 19 - 11500 R 19 - 11500 R 19				6250	R 5,982.00
- 6750 R - 7000 R - 7500 R - 7500 R - 85000 R - 9000 R - 9500 R - 10500 R - 110000 R - 11500 R - 11500 R	 6750 R6 7000 R7 7500 R7 7500 R10 8500 R10 9500 R11 9500 R11 9500 R13 10500 R13 11000 R13 11000 R13 11500 R13 				6500	R 6,396.00
 7000 7250 7500 7500 7500 8500 8500 8500 8500 8700 10500 71000 710000 710000 710000 710000<	 7000 R7 7250 R7 7500 R10 8500 R10 9500 R11 9500 R11 9500 R13 10500 R13 11000 R13 11500 R15 11500 R16 11500 R16 11500 R16 11500 R16 				6750	R 6,864.00
- 7250 F - 7500 F - 8000 F - 8000 F - 9000 F - 9000 F - 9000 F - 10000 F - 11500 F - 11500 F	 7250 R 7 7500 R 8 8000 R 9 8500 R 10 9000 R 11 9000 R 11 9500 R 13 10000 R 13 11000 R 13 11000 R 13 11500 R 14 11500 R 14 11500 R 15 11500 R 16 11500 R 16 11500 R 16 			6751 -	7000	
- 7500 F - 8000 F - 8500 R - 9000 R - 10000 R - 11000 R - 11500 R - 11500 R - 11500 R	- 7500 R 8 - 8000 R 9 - 8500 R 10 - 9000 R 11 - 9500 R 13 - 10000 R 13 - 10500 R 16 - 11000 R 16 - 11500 R 16				7250	R 7,830.00
- 8000 R - 8500 R - 9000 R - 9500 R - 10500 R - 11500 R - 11500 R - 11500 R - 11500 R	 8000 R 9 8500 R 10 8500 R 11 9500 R 11 9500 R 13 10000 R 13 10000 R 15 11000 R 15 11500 R 16 11500 R 16 11500 R 16 0 11500 R 19 			7251 -	7500	R 8,328.00
 8500 R 9000 R 9500 R 10000 R 11000 R 11500 R 11500 R 11500 R 	 8500 R 10 9000 R 11 9500 R 12 9500 R 13 10000 R 13 10500 R 16 11500 R 16 11500 R 16 11500 R 16 11500 R 16 or part thereof 				8000	R 9,150.00
- 9000 R - 9500 R - 10000 R - 11500 R - 11500 R - 11500 R - 11500 R	- 9000 R11 - 9500 R12 - 10000 R13 - 10500 R15 - 11000 R16 - 11500 R16 - 12000 R19 or part thereof				8500	
 - 9500 - 10000 - 10500 - 11500 R - 11500 R - 11500 R 	- 9500 R 12 - 10000 R 13 - 10500 R 15 - 11000 R 16 - 11500 R 16 - 11500 R 18 - 12000 R 19 or part thereof - 12000				9000	R 11,424.00
- 10000 R13 - 10500 R15 - 11000 R16 - 11500 R18 - 12000 R19	- 10000 R13 - 10500 R15 - 11000 R16 - 11500 R18 - 12000 R19 or part thereof		1		9500	
- 10500 R15 - 11000 R16 - 11500 R18 - 12000 R19	- 10500 R15 - 11000 R16 - 11500 R18 - 12000 R19 or part thereof			9501 -	10000	13,
- 11000 R16 - 11500 R19 - 12000 R19	- 11000 R16 - 11500 R18 - 12000 R19 or part thereof			10001 -	10500	
- 11500 R18 - 12000 R19	- 11500 R18 - 12000 R19 or part thereof		I	10501 -	11000	16
- 12000 R	- 12000 R 19 or part thereof		1		11500	100
	or part thereof			11501 -	12000	

Item	Description	Tare	e	Fee
2.4	A breakdown vehicle,	- 0	250	R 234.00
	other than a motor	251 -	500	
	5 2	501 -	750	R 258.00
		751 -	1000	R 288.00
	item 3 of this schedule	1001 -	1250	R 348.00
		1251 -	1500	R 450.00
	1	1501 -	1750	R 540.00
		1751 -	2000	R 600.00
		2001 -	2250	R 774.00
		2251 -	2500	R 924.00
		2501 -	2750	R 1,050.00
		2751 -	3000	R 1,086.00
		3001 -	3250	
		3251 -	3500	R 1,542.00
		3501 -	3750	
		3751 -	4000	R 1,920.00
		4001 -	4250	
		4251 -	4500	
		4501 -	4750	
		4751 -	5000	R 2,718.00
		5001 -	5250	R 4,242.00
		5251 -	5500	R 4,566.00
		5501 -	5750	R 5,022.00
		5751 -	6000	R 5,454.00
		6001 -	6250	R 5,982.00
		6251 -	6500	R 6,396.00
		6501 -	6750	R 6,864.00
		6751 -	000/	7,602
		7001 -	7250	R 7,830.00
		7251 -	7500	R 8,328.00
			8000	R 9,150.00
	1		0000	26
		8501 -	9000	
		TOOA	0006	2
		- TOG6	nnnnt	2
		- T0001	10500	2
		- TOCOT	11500	D 18 240.00
			12000	
	For each additional 500 k	kilograms or	part thereof	
	ve 12 000 kilograms:	2	-	R 1,989

PROVINCIAL GAZETTE, 14 DECEMBER 2015

Item	Description	Tare		Fee
2.7	A trailer, other than a	- 0	250	R 132.00
	motor vehicle referred	251 -	500	R 180.00
		501 -	750	R 234.00
		751 -	1000	R 270.00
	or 3 of this schedule,	1001 -	1250	R 348.00
	with a tare of:	1251 -	1500	R 462.00
		1501 -	1750	R 540.00
		1751 -	2000	R 630.00
		2001 -	2250	R 774.00
		2251 -	2500	R 876.00
		2501 -	2750	R 1,032.00
		2751 -	3000	R 1,158.00
		3001 -	3250	R 2,400.00
		3251 -	3500	R 2,592.00
		3501 -	3750	R 2,856.00
	4	3751 -	4000	R 3,054.00
		4001 -	4250	R 3,696.00
		4251 -	4500	R 3,708.00
		4501 -	4750	R 3,996.00
		4751 -	5000	R 4,320.00
		5001 -	5250	R 4,764.00
		5251 -	5500	R 5,058.00
		5501 -	5750	R 5,424.00
		5751 -	6000	R 5,796.00
		6001 -	6250	R 6,222.00
		6251 -	6500	R 6,624.00
		6501 -	6750	R 7,026.00
		6751 -	7000	R 7,440.00
		7001 -	7250	R 7,830.00
		7251 -	7500	R 8,328.00
		7501 -	8000	R 9,150.00
		8001 -	8500	\approx
		8501 -	0006	
		9001 -	9500	R 12,576.00
		9501 -	10000	
		10001 -	10500	5
		10501 -	11000	
		11001 -	11500	
		11501 -	12000	R 19,746.00
	ch additional 500	kilograms or	part thereof	
	above 12 000 kilograms:			K 1,989

Item	Description	Tare		Fee
2.6	A truck-tractor, used by	- 0	250	R 234.00
	of.	251 -	500	R 258.00
	colohifor his own	501 -	750	R 270.00
		751 -	1000	R 288.00
	tarming activities, other	1001 -	1250	R 348.00
	than for the	1251 -	1500	R 450.00
	conveyance of goods	1501 -	1750	R 540.00
	for reward on a public	1751 -	2000	R 600.00
	road. other than a	2001 -	2250	R 774.00
		2251 -	2500	R 924.00
	to in item 2 of this	2501 -	2750	
		2751 -	3000	R 1,086.00
	schedule	3001 -	3250	
		3251 -	3500	R 1,542.00
		3501 -	3750	R 1,752.00
		3751 -	4000	R 1,920.00
		4001 -	4250	R 2,130.00
		4251 -	4500	R 2,334.00
		4501 -	4750	R 2,490.00
		4751 -	5000	R 2,718.00
		5001 -	5250	R 4,242.00
		5251 -	5500	R 4,566.00
		5501 -	5750	R 5,022.00
		5751 -	6000	R 5,454.00
		6001 -	6250	R 6,354.00
		6251 -	6500	R 6,396.00
		6501 -	6750	R 6,864.00
		6751 -	7000	R 7,602.00
		7001 -	7250	R 7,830.00
		7251 -	7500	R 8,328.00
		7501 -	8000	
		8001 -	8500	R 10,290.00
		8501 -	0006	R 11,424.00
		9001 -	9500	
		9501 -	10000	9
		10001 -	10500	
		10501 -	11000	
		11001 -	11500	
		,	12000	R 19,746.00
	For each additional 500 l above 12 000 kilograms:	kilograms or p	part thereo	eof R 1.989

No. 1979 345

ltem	Description	Tare	Fee
2.8	2.8 A caravan, other than a		
	self-propelled caravan		
	or a motor vehicle		R117
	referred to in item 2.3		
	or 3 of this schedule		

Fee	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00	R 90.00
	250	500	750	1000	1250	1500	1750	2000	2250	2500	2750	3000	3250	3500	3.750	4000	4250	4500	4750	5000	5250	5500	5750	6000	6250	6500	6750	7000	7250	7500	8000	8500	0006	9500	10000	10500	11000	11500	12000
Tare	ı	÷	1				-		1	i	ı		'	1	1	1	ı	ı	1	1		,	1		,	1	ı	'	I	٤	,		ı	1		ı	,	•	1
	0	251	501	751	1001	1251	1501	1751	2001	2251	2501	2751	3001	3251	3501	3751	4001	4251	4501	4751	5001	5251	5501	5751	6001	6251	6501	6751	7001	7251	7501	8001	8501	9001	9501	10001	10501	11001	11501
Description	A tractor, other than a	motor vehicle referred			schedule																														1				
Item	2.9																																		1				
																																			,				

PROVINCIAL GAZETTE, 14 DECEMBER 2015

A trailer, drawn by a 0 - 250 - 500 Itractor, other than a 501 - 750 - 750 motor vehicle referred 751 - 1000 - 1250 to in item 2.3, 2.8 or 3 1001 - 1250 - 1750 of this schedule 1501 - 1751 - 2500 R 2551 - 2501 - 2750 R 3750 R 3751 - 4000 R 3751 - 4000 R 3751 - 4501 - 4751 - 5500 R 3751 - 4501 - 4751 - 5500 R 3751 - 3750 R 3751 - 4750 R 3751 - 4751 - 4750 R 4751 - 4750 R 3751 - 5501 - 7500 R 5551 - 7500 R 5551 -	Item	Description		Tare		Fee
vehicle referred $\frac{251}{751} - \frac{500}{750}$ we hicle referred $\frac{501}{751} - \frac{750}{1000}$ em 2.3, 2.8 or 3 $\frac{501}{1001} - \frac{750}{1250}$ schedule $\frac{1501}{1551} - \frac{1750}{2000}$ $\frac{1751}{2501} - \frac{2750}{2000}$ $\frac{R}{R}$ $\frac{2751}{2501} - \frac{2750}{2000}$ $\frac{R}{R}$ $\frac{3001}{2551} - \frac{3750}{2500}$ $\frac{R}{R}$ $\frac{3751}{3501} - \frac{4750}{2500}$ $\frac{R}{R}$ $\frac{4751}{5501} - \frac{4750}{5500}$ $\frac{R}{R}$ $\frac{4751}{5501} - \frac{6500}{5500}$ $\frac{R}{R}$ $\frac{6501}{5501} - \frac{6750}{5500}$ $\frac{R}{R}$ $\frac{7001}{2000}$ $\frac{8500}{1000}$ $\frac{R}{R}$ $\frac{11501}{2000}$ $\frac{110000}{1100}$ $\frac{R}{R}$ $\frac{11501}{10000}$ $\frac{115000}{2000}$ $\frac{R}{R}$ $\frac{11501}{2000}$ $\frac{115000}{2000}$ $\frac{R}{R}$	2.10	trailer, drawn by	0	,	250	R 132.00
501 750 750 vehicle referred 751 1000 1250 schedule 1501 11750 11750 1751 22000 8 2001 2250 8 2001 22501 22500 2001 22501 22500 2001 22500 8 3001 23550 8 3001 23551 4000 8 3001 25501 3250 8 3751 4500 8 8700 8 3751 4500 8 8700 8 3751 6500 7000 8 7000 8 5501 5501 7000 8 7000 8 5501 7000 7000 7000 8 7000 8 7001 7251 7000 8000 7250 8 7001 <td></td> <td>than</td> <td>251</td> <td>1[°]</td> <td>500</td> <td>R 180.00</td>		than	251	1 [°]	500	R 180.00
751 - 1000 751 - 1000 8chedule 1250 - 1751 - 2000 1751 - 2000 2001 - 2250 2001 - 2250 2001 - 2750 2001 - 2750 2001 - 2750 2001 - 2750 2001 - 2750 2001 - 2750 2001 - 2750 201 - 3750 3001 - 3750 3001 - 3750 7000 R 4751 - 4750 4751 - 5700 5501 - 5750 5501 - 5750 5501 - 7000 7051 - 7000 8001 - 7000 8001 - 7550 8001 - 7000 8001 - 7500 8001 - 7000 8001 - 10000 70001 - 100000			501		750	R 234.00
schedule 1251 - 1250 - 1250 - 1750 - 1750 - 1750 - 1750 - 1750 - 1750 - 1751 - 2000 - 2251 - 2500 - 2250 - 22501 - 22500 - 22501 - 22500 - 22501 - 22500 - 22501 - 22500 - 22500 - 22501 - 22500 - 20000 - 22500 - 22			751	;	1000	R 270.00
Schedule 1251 - 1500 1751 - 2000 R 2251 - 2500 R 2251 - 2500 R 2501 - 2750 R 2501 - 2750 R 2751 - 2500 R 3001 - 3751 - 3750 3501 - 3751 - 4750 R 3751 - 4001 - 4250 R 4751 - 5501 - 5750 R 4751 - 5750 R 6000 R 5501 - 5751 - 5750 R 5501 - 7000 R 7000 R 6501 - 7500 R 7500 R 7501 - 7500 - 7500 R 6501 - 7500 - 7500 R 7501 - 7000 -		in item 2.3, 2.8 or	1001	1	1250	R 348.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$		of this schedule	1251	1	1500	R 462.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			1501		1750	R 540.00
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$			1751		2000	R 630.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			2001	,	2250	R 774.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			2251	1	2500	R 876.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			2501		2750	R 1,032.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			2751	ı	3000	R 1,158.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			3001	,	3250	R 2,400.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			3251	1	3500	R 2,592.00
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$			3501	1	3750	
4001 - 4250 R 4251 - 4750 R 4501 - 4750 R 5501 - 5500 R 5501 - 5500 R 5501 - 5500 R 5501 - 5500 R 5501 - 5550 R 5501 - 5500 R 5501 - 5500 R 6001 - 6500 R 6501 - 6751 - 7001 - 7500 R 7501 - 8000 - 7501 - 7500 R 7501 - 10000 R <t< td=""><td></td><td></td><td>3751</td><td>,</td><td>4000</td><td>R 3,054.00</td></t<>			3751	,	4000	R 3,054.00
4251 - 4500 R 4501 - 4750 R 5501 - 5500 R 6001 - 6501 - 6750 6501 - 6751 - 7000 7001 - 7250 R 7251 7501 - 8001 - 8000 R 7501 - 9001 - 9500 R 9001 - 10000 R 10000 R 11501 - 11000 - 11000 R 11501 - 11000 - 11000 R 11501 - 11000 - 11000 R			4001	1.	4250	R 3,696.00
4501 4750 R 5001 5251 5250 R 5501 5751 6000 R 5501 5751 6000 R 6501 6550 R 6750 6501 6550 R 6501 6750 R 6501 6750 R 6501 6750 R 7001 7000 7251 7501 7500 R 7501 8500 R 7501 8500 R 7501 9000 R 7001 12000 R 11501 11500 R 11501 11500 R			4251	1	4500	R 3,708.00
4751 - 5000 R 501 - 5250 R 5501 - 5750 R 5501 - 5750 R 5501 - 5750 R 6501 - 6750 R 7001 - 7000 R 7501 - 7000 R 7501 - 8000 R 8501 - 9000 R 9001 - 10000 R 9501 - 10000 R 10001 - 10500 R 11501 - 11500 R 11501 - 11500 R 11501 - 11500 R			4501	,	4750	R 3,996.00
5001 - 5250 R 5251 - 5750 R 5501 - 5750 R 5501 - 5750 R 5501 - 5750 R 6501 - 6250 R 6501 - 6250 R 6501 - 6750 R 6501 - 7000 R 7001 - 7250 R 7001 - 7250 R 7501 - 8500 R 7501 - 8500 R 8501 - 9000 R 9001 - 10500 R 9501 - 10000 R 10001 - 10500 R 11501 - 11500 R 11501 - 12000 R 11501 - 12000 R			4751	1	5000	R 4,320.00
5251 - 5500 R 5501 - 5750 R 5501 - 5750 R 6501 - 6250 R 6501 - 6250 R 6501 - 6750 R 7001 - 7251 - 7000 R 7001 - 7251 - 7500 R 7501 - 7500 R 8001 - 8500 R 7501 - 7500 R - 7500 R 8001 - 10000 R 9001 - 9001 - 9000 R - 10000 R 10501 R 11500 R			5001		5250	R 4,764.00
5501 - 5750 R 5751 - 6000 R 6001 - 6250 R 6751 - 6750 R 6751 - 6750 R 6751 - 7000 R 7001 - 7250 R 7001 - 7250 R 7001 - 7250 R 7001 - 7250 R 7501 - 8500 R 8001 - 8500 R 9001 - 9500 R 9001 - 10000 R 10001 - 10500 R 11501 - 11500 R 11501 - 12000 R 11501 - 12000 R 12 000 kilograms: - 12000 R			5251	,	5500	R 5,058.00
5751 - 6000 R 6001 - 6250 R 6501 - 6750 R 6501 - 6750 R 6751 - 7000 R 7001 - 7501 7500 R 7501 - 7500 R 7500 R 7501 - 7500 R 7500 R 7501 - 7500 - 7500 R 7501 - 7500 - 7500 R 8501 - 9500 - 10000 R 10000 R 10001 - 10501 - 11500 R 115000 R <td></td> <td></td> <td>5501</td> <td>,</td> <td>5750</td> <td>R 5,424.00</td>			5501	,	5750	R 5,424.00
6001 - 6250 6251 - 6500 6501 - 6750 6501 - 6750 6501 - 6750 6501 - 6750 7001 - 7000 7001 - 7500 7251 - 7500 7251 - 7500 7251 - 7500 8501 - 8500 8501 - 9500 8501 - 9500 9501 - 10000 10501 - 11000 11501 - 11500 11501 - 11500			5751	,	6000	R 5,796.00
6251 - 6500 6501 - 6750 6501 - 6750 6751 - 7000 7001 - 7250 7251 - 7000 7251 - 7500 7251 - 7500 7251 - 7500 8501 - 8500 8501 - 9000 8501 - 9000 9501 - 10000 10001 - 10500 10501 - 11500 11501 - 11500 11501 - 11500 11501 - 11000 11501 - 112000 12 000 kilograms - 12 - 12000 kilograms			6001	ı	6250	R 6,222.00
6501 - 6750 6751 - 7000 7001 - 7250 7251 - 7500 7501 - 8000 7501 - 8000 8501 - 9000 8501 - 9500 9501 - 10000 9501 - 10000 10001 - 11000 11500 - 11500 11501 - 11500			6251	,	6500	R 6,624.00
6751 - 7000 7001 - 7250 7251 - 7500 7501 - 7500 7501 - 7500 7501 - 7500 7501 - 7500 7501 - 7500 8001 - 8500 8001 - 9500 9501 - 10000 9501 - 10000 10001 - 11500 11501 - 11500 11501 - 12000 11501 - 12000 11501 - 12000 12 000 kilograms part thereof			6501	,	6750	R 7,026.00
7001 - 7250 7251 - 7500 7501 - 8500 8001 - 8500 8501 - 9500 9501 - 10000 9501 - 10000 10001 - 11500 11501 - 11500 11501 - 11500 11501 - 12000 11501 - 12000 11500 - 12000 11000 - 12000 - 110000 - 120000 - 120000 - 110000 - 120000 - 120000 - 110000 - 120000 - 120000 - 120000 - 1100000 - 120000 - 1200000 - 110000 - 1200000 - 120000000 - 110000 - 1200000000 - 1100000 - 1200000000000000000000000000			6751	Ł	2000	R 7,440.00
7251 - 7500 7501 - 8000 8001 - 8500 F 8501 - 9000 F 9501 - 10000 F 10001 - 11500 F 11501 - 11500 F 11501 - 12000 F 11500 F 11500 F 11500 F 11500 F 11500 F 11500 F 11500 F F 11500 F F 11500 F F F F F F F F F F F F F F F F F F F			7001	1	7250	R 7,830.00
7501 8000 8 8001 8500 8 8501 9000 8 9001 9500 8 9001 9501 9500 9501 10000 8 10001 10500 8 11501 11500 8 12000 11501 12000 12000 8 8			7251		7500	R 8,328.00
8001 - 8500 R 8501 - 9500 R 9501 - 9500 R 9501 - 10000 R 10011 - 11500 R 11501 - 11500 R 11501 - 12000 R 11500 R 115000 R 11500 R 11500 R 11500 R 11500 R 1150			7501	1	8000	R 9,150.00
8501 - 9000 R 9001 - 9500 R 9501 - 10000 R 10001 - 10500 R 11501 - 11500 R 11501 - 11500 R 11501 - 12000 R 12000 R 120			8001	,	8500	
- 9001 - 9500 R 9501 - 10000 R 10001 - 10500 R 10501 - 11500 R 11501 - 11500 R 11501 - 12000 R 11501 - 12000 R 12 000 kilograms or part thereof			8501		0006	R 11,424.00
9501 - 10000 R 10001 - 10500 R 10501 - 11000 R 11001 - 11500 R 11501 - 12000 R 11501 - 12000 R 12 000 kilograms or part thereof		1	1006	-	9500	R 12,576.00
10001 - 10500 R 10501 - 11000 R 11001 - 11500 R 11501 - 12000 R 12 000 kilograms or part thereof 12 000 kilograms: 12 000 kilograms:			9501	,	10000	R 13,776.00
10501 - 11000 R 11001 - 11500 R 11501 - 12000 R 12 000 kilograms or part thereof 12 000 kilograms			10001	,	10500	
11001 - 11500 R 11501 - 12000 R 12 000 kilograms: - 12 000 kilograms -			10501	ı	11000	R 16,710.00
the additional 500 kilograms or part thereof 200 kilograms: 2000 kilograms:			11001	,	11500	
ch additional 500 kilograms or part thereof 12 000 kilograms: R			11501	1	12000	R 19,746.00
		ch additional 500	kilograms	or	art there	<u> </u>
		77 000				

Item	Description	Tare	Fee
ŝ	Licence fees for		
	specially classified		R72
	vehicles		

2. Short title and commencement

These regulations shall come into operation on 1 April 2016.

PROVINSIALE KOERANT, 14 DESEMBER 2015

No. 1979 347

PROVINCIAL GAZETTE, 14 DECEMBER 2015

From:	MRossouw
To:	NSteyn
CC:	RBarlow
Date:	2015/12/01 03:18 PM
Subject:	Publication Request

Hi Niki

The Department hereby requests the publication of the reviewed fees of motor vehicle ligences, as approved by the MEC, which will come into effect on 01 April 2016.

Thanks.

Regards

Machtild

No. 1979 349

NOTICE 198 OF 2015

NOTICE TO PUBLISH THE CONSOLIDATED REPORT ON THE PERFORMANCE OF MUNICIPALITIES IN THE PROVINCE IN TERMS OF SECTION 47 (2) (c) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT NO. 32 OF 2000 AS AMENDED IN 2011

In terms of the provisions of Section 47 (2) (c) of the Local Government: Municipal Systems Act, 2000 as amended in 2011, I hereby notify the public that the Consolidated Report on the Performance of the Municipalities in the Northern Cape for the 2013/14 financial year is available on the website of the Department of Cooperative Governance, Human Settlements and Traditional Affairs. The website address is <u>www.coghsta.ncpg.gov.za</u>.

Requests for the reports can be made via e-mail or post to the Head of the Department at the following address:

Private Bag X5005 Kimberley 8300

Or send an e-mail to Ms. Berenice Muller at BMuller@ncpg.gov.za and

Ms. Nandi Mochesane at nmochesane@ncpg.gov.za

Given under my hand at Kimberley on this 30th day of November 2015

Mr. A. BOTES

Member of the Executive Council of the Northern Cape Province responsible for Cooperative Governance, Human Settlements and Traditional Affairs

NOTICE 199 OF 2015

ZF MGCAWU DISTRICT MUNICIPALITY

COMMENCEMENT OF THE JOINT MUNICIPAL PLANNING TRIBUNAL FOR THE ZF MGCAWU DISTRICT

Notice is hereby given in terms of Section 34(3) of the Spatial Planning and Land Use Management Act, 16 of 2013, that the Local Municipalities of Mier, Kai !Garib, !Kheis, Tsantsabane and Kgatelopele has entered into an agreement with ZF Mgcawu District Municipality on establishment of a Joint Municipal Planning Tribunal. The agreement has been published in terms of Section 34(3).

The ZF Mgcawu District Municipality and all the parties to the agreement hereby announce the commencement of the ZF Mgcawu Joint Municipal Planning Tribunal in terms of Section 37(4) of the Spatial Planning and Land Use Management Act, 16 of 2013.

The following members are hereby appointed as members of the ZF Mgcawu Joint MPT for a period as prescribed by the agreement entered into by all the parties to the agreement:

MEMBER	REPRESENTING
K van Zyl	ZF Mgcawu District Municipality
G Mganga	ZF Mgcawu District Municipality
T Galloway	ZF Mgcawu District Municipality
I van Wyk	Mier Local Municipality
J Mienies	Mier Local Municipality
M Links	Tsantsabane Local Municipality
A Bloem	Tsantsabane Local Municipality
F van Eck	!Kheis Local Municipality
D Dolopi	!Kheis Local Municipality
G Nthompe	Kgatelopele Local Municipality
J MacKay	Kai !Garib Local Municipality
V McPherson	Kai !Garib Local Municipality
J Du Plessis	External Member
O Riba	External Member

Enquiries may be directed to Mr MG Galloway at the District Municipality during normal office hours by telephone at 054 337 2813, or in writing at the address below, or by email at tgalloway@zfm-dm.gov.za.

MR E NTOBA

MUNICIPAL MANAGER

PO BOX X6039

UPINGTON

8800

No. 1979 351

NOTICE 200 OF 2015

KAI! GARIB MUNICIPALTY

Spatial Planning and Land Use Management Act [16 of 2013]

Applicant: Macroplan Nature of application:

Removal of restrictive title conditions as enumerated Title Deed T20414/1985, P. 3, Section B (I) & (2) in order to accommodate the proposed land use change (rezoning) with regard to Erf 292, Kakamas South Settlement.

Full particulars can be obtained from the Town Planner of the Council, Telephone 054-4616400, during normal office hours (Mondays to Fridays, 07:30 to 12:30 and 13:30 to 16:30) and objections against the application, if any, must be lodged in writing to the Town Planning Section of Council on or before Friday **22 January 2016.** Any person with objections against the application, who is unable to write, can report to Mr Vivian McPherson, during normal office hours, who will put such a person's objections in writing.

MUNICIPAL MANAGER

Kai !Garib Municipality PO Box 8 Keimoes 8860

KENNISGEWING 200 VAN 2015

MUNISIPALITEIT KAI! GARIB

Ruimtelike Beplanning en Grondgebruik Bestuur Wet [16 van 2013]

Aansoeker: Macroplan

Aard van aansoek:

Opheffing van beperkende titelvoorwaardes, soos vervat in Titelakte T20414/1985, Bl. 3, Afdeling B. (I) & (2) ten einde die voorgestelde grondgebruikverandering (hersonering) ten opsigte van Erf 292, Kakamas Suid Nedersetting te akkommodeer.

Nadere besonderhede is verkrygbaar vanaf die Raad se Stadsbeplanner, Telefoon 054-4616400, gedurende normale kantoorure (Maandag tot Vrydag, 07:30 tot 12:30 en 13:30 tot 16:30) en besware teen die aansoek, indien enige, moet skriftelik voor of op Vrydag, **22 Januarie 2016**, by die Raad se Stadsbeplanningsafdeling ingedien word. Indien enige persoon wat kommentaar wil lewer/vertoë wil rig, nie kan skryf nie, kan sodanige persoon gedurende normale kantoorure by Mnr Vivian McPherson aanmeld, waar sodanige persoon se kommentaar/vertoë op skrif gestel sal word.

MUNISIPALE BESTUURDER

Kai !Garib Munisipaliteit Posbus 8 Keimoes 8860