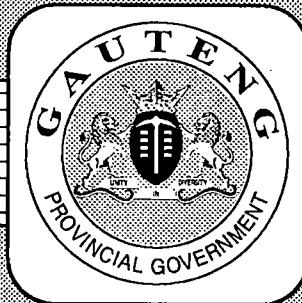


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

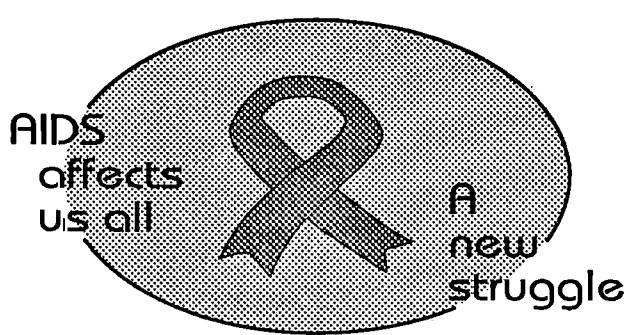
Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

Vol. 8

PRETORIA, 10 OCTOBER
OKTOBER 2002

No. 339

We all have the power to prevent AIDS



AIDS

HELPLINE

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure



02339

CONTENTS • INHOUD*No.**Page
No.* *Gazette
No.***GENERAL NOTICE**

2789 Gauteng Planning and Development Bill, 2002: For comments.....	3	339
---	---	-----

GENERAL NOTICE

NOTICE 2789 OF 2002

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF THE GAUTENG PLANNING AND DEVELOPMENT BILL 2002

Notice is hereby given that the Member of the Executive Council for Development Planning and Local Government intends to introduce the Gauteng Planning and Development Bill 2002 in the Legislature as published in this Extraordinary Gazette.

Any person or organization wishing to comment on this proposed Legislation may lodge written comments or representations on or before **Thursday, 31 October 2002** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinators (Ms. Lynn Mckay)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5474
Fax No: (011) 498-5719

B I L L

To provide for a single system of development, planning and land management in the Province; to set out principles for planning and development in the Province; to establish planning bodies and to provide for appeals to the Appeal Tribunal; to create a framework for the preparation of development plans and frameworks; to provide for the creation of land use management plans; to create unified procedures for development applications; to provide for the repeal of legislation and transitional measures; to provide for general matters such as enforcement procedures; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows: -

ARRANGEMENT OF ACT

Section		Page
	<i>B I L L</i>	
	CHAPTER I	
	DEFINITIONS	
1	DEFINITIONS	4
	CHAPTER II	
	PRINCIPLES FOR DEVELOPMENT	
2	APPLICATION OF PRINCIPLES FOR PLANNING AND DEVELOPMENT	11
3	PROVINCIAL PLANNING AND DEVELOPMENT POLICY	11
4	PRINCIPLES TO PROMOTE SPATIAL RESTRUCTURING AND DEVELOPMENT	11
5	PRINCIPLES TO PROMOTE SUSTAINABLE DEVELOPMENT	12
6	PRINCIPLES RELATING TO DEVELOPMENT IN GENERAL	12
7	PRINCIPLES RELATING TO LAND USE MANAGEMENT SYSTEMS.....	13
8	PRINCIPLES THAT ENHANCE PLANNING AND DEVELOPMENT	13
9	PRINCIPLES ON PARTICIPATION AND HUMAN RESOURCE DEVELOPMENT	14
10	PRINCIPLES ON ADMINISTRATIVE FAIRNESS, DECISION MAKING AND DISPUTE RESOLUTION	14
	CHAPTER III	

LAND DEVELOPMENT DECISION-MAKING BODIES

11	PLANNING BODIES	15
12	COMMITTEES OR TRIBUNALS	15
13	MEETINGS	17
14	PERSONAL INTERESTS OF PLANNING BODY MEMBERS	17
16	Consequence of participation where a member has an interest	
16	POWERS OF PLANNING COMMITTEES AND MUNICIPAL PLANNING TRIBUNALS	17
17	MINUTES	17
18	DETERMINATION OF APPLICATIONS TO BE HEARD BY GAUTENG DEVELOPMENT TRIBUNAL	18
19	ESTABLISHMENT OF A DEVELOPMENT APPEAL TRIBUNAL	18
20	APPEALS	20
21	REGULATIONS	20

CHAPTER IV**DEVELOPMENT PLANS**

22	FORMULATION AND IMPLEMENTATION OF THE GAUTENG INTEGRATED DEVELOPMENT PLAN	20
23	GENERAL PURPOSE OF GAUTENG INTEGRATED DEVELOPMENT PLAN	21
24	SUBJECT MATTER OF GAUTENG INTEGRATED DEVELOPMENT PLAN	21
25	CO-ORDINATION OF GAUTENG INTEGRATED DEVELOPMENT PLAN	21
26	PROCEDURES FOR PREPARING THE GAUTENG INTEGRATED DEVELOPMENT PLAN	22
27	FORMULATION AND IMPLEMENTATION OF GAUTENG SPATIAL DEVELOPMENT FRAMEWORK	22
28	GENERAL PURPOSE OF GAUTENG SPATIAL DEVELOPMENT FRAMEWORK	22
29	SUBJECT MATTER OF GAUTENG SPATIAL DEVELOPMENT FRAMEWORK	23
30	CO-ORDINATION OF GAUTENG SPATIAL DEVELOPMENT FRAMEWORK WITH OTHER SPHERES	23
31	PROCEDURES FOR SETTING THE GAUTENG SPATIAL DEVELOPMENT FRAMEWORK	23
32	EFFECT OF GAUTENG INTEGRATED DEVELOPMENT PLAN AND GAUTENG SPATIAL DEVELOPMENT FRAMEWORK	24
33	Spatial development frameworks	24
34	General purpose of spatial development frameworks	24
35	Subject matter of spatial development frameworks	24
36	Co-ordination of spatial development frameworks with other plans	25
37	Procedures for setting spatial development frameworks	25
38	Failure to set spatial development frameworks	26
39	Submission of spatial development framework to MEC and amendments thereof	26
40	Effect of spatial development frameworks	27
41	Regulations following the procedures laid down in this chapter	27

CHAPTER V**LAND USE MANAGEMENT PLANS**

42	LAND USE MANAGEMENT PLANS	29
43	DISTRICT AND LOCAL MUNICIPALITIES	30
44	LAND USE MANAGEMENT PLANS SHALL BE PREPARED AND REVISED BY MUNICIPALITIES	30
45	PURPOSE OF LAND USE MANAGEMENT PLANS	31
46	PROVISIONS THAT SHALL BE CONTAINED IN LAND USE MANAGEMENT PLANS	31
47	PROCEDURES IN RESPECT OF CONSENTS	32
48	PROVISION OF LAND USE MANAGEMENT PLAN IN CONFLICT WITH BY-LAW	32
49	MINIMUM PRESCRIBED REQUIREMENTS	33
50	PROCEDURES FOR DRAWING UP AND REVISING LAND USE MANAGEMENT PLANS	33
51	COMMENCEMENT OF ADOPTED PLAN	33
52	PROHIBITION OF FURTHER AMENDMENT PLAN IN CERTAIN CIRCUMSTANCES	34
53	NON-CONFORMING LAND USES	34
54	EFFECT OF ALTERATION OF BOUNDARIES	35
55	APPLICABILITY	35

56	POWER OF LOCAL AUTHORITY TO PROMOTE THE FULFILMENT OF PURPOSE OF A LAND USE MANAGEMENT PLAN	35
57	LAND USE RECORD	35
58	PURPOSE OF A LAND USE RECORD.....	36
59	CONTENT OF LAND USE RECORD	36
60	PROCEDURES FOR DRAWING UP AND REVISING A LAND USE RECORD.....	36
61	LAND USE PLAN INCONSISTENT WITH NATIONAL AND PROVINCIAL LEGISLATION.....	37
62	LAND USE MANAGEMENT DECISIONS INCONSISTENT WITH NATIONAL AND PROVINCIAL LEGISLATION OR POLICIES.....	37
63	TRANSITIONAL MEASURES.....	37
64	REGULATIONS	37
CHAPTER VI		
DEVELOPMENT PROCEDURES		
65	APPLICANTS.....	38
66	TYPES OF APPLICATIONS	38
67	APPLICATION PROCEDURE.....	39
68	EXEMPTIONS	39
69	CONDONATION	40
70	PUBLIC NOTIFICATION	40
71	SUBMISSION OF APPLICATION TO PLANNING BODY	41
72	HEARING PROCEDURE.....	41
73	APPROVAL OF APPLICATION	41
74	NOTICE OF APPROVAL.....	42
75	LODGING OF DOCUMENTS WITH THE REGISTRAR AND SURVEYOR GENERAL.....	42
76	AMENDMENT OF APPLICATION AND CONDITIONS OF ESTABLISHMENT.....	43
77	CONTINUATION OF APPLICATION BY ANOTHER APPLICANT.....	43
78	PROHIBITION OF CERTAIN CONTRACTS	43
79	SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS OR SERVITUDES	44
80	COMMENCEMENT OF REGISTRATION OF OWNERSHIP IN RESPECT OF CERTAIN APPLICATIONS	45
81	VESTING AND REVERSION OF OWNERSHIP OF PUBLIC ROADS AND PUBLIC PLACES.....	45
82	CONTRIBUTION TO ENGINEERING SERVICES	46
83	SUBSTITUTION OF AUTHORITY.....	46
84	LAPSE OF APPLICATION	47
85	PROOF OF CERTAIN FACTS IN CONNECTION WITH APPLICATIONS.....	47
86	DEVELOPMENT CONTRIBUTION	47
87	TRANSFER OF DEVELOPMENT RIGHTS	47
88	REGULATIONS	48
GENERAL PROVISIONS		
89	FEES AND CONTRIBUTIONS	49
90	COMPENSATION	49
91	DELEGATION OF POWERS.....	49
92	INVESTIGATION OF COMPLAINTS	50
93	CONTRAVENING USE	50
94	OFFENCES, IMPOSITION OF FINES AND PENALTIES	51
95	DOCUMENTATION TO BE AVAILABLE TO THE PUBLIC.....	51
96	CORRECTION OF ERRORS OR OMISSIONS	51
97	TRANSITIONAL MEASURES	51
98	KEY PERFORMANCE INDICATORS	52
99	LAPSE OF APPLICATION.....	52
100	REGULATIONS.....	53
101	REPEAL OF LAWS	53
102	SHORT TITLE AND COMMENCEMENT	53

CHAPTER I

DEFINITIONS

Definitions

1. (1) In this Act, unless the context otherwise indicates -

"Appeal Tribunal" means a development appeal tribunal established in terms of section 24 of the Development Facilitation Act, 1995;

"applicant" means any person or body who makes an application, as set out in this Act, to undertake an activity pertaining to the manner in which land is used and shall also include a person that lodges a complaint regarding an unlawful use of land;

"application" means an application made in terms of Chapter VI of this Act to change the manner in which land is used, or a complaint made in terms of Chapter VII regarding an unlawful use of land;

"body" means any organisation or structure, whether a juristic person or not and may include a neighbourhood association or community body;

"by-law" means legislation passed by the council of a municipality binding in the municipality to whom it applies;

"building" means a structure of any nature whether of a temporary or permanent nature and irrespective of the materials used in the erection or construction thereof;

"community body" means a body, organization, company or institution of whatever nature that represents the interests of a community, or segment of a community;

"community development planning" means a participatory process of integrating economic, spatial, social, institutional, infrastructural, environmental, fiscal and other plans and strategies in order to support the optimal allocation of scarce resources to different sectors and geographical areas within communities, villages and wards in the Province, in a manner that promotes empowerment of the poor and marginalized, sustainable growth and equity;

"Constitution" means Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"Contravention Notice" means the notice referred to in Chapter VII section 87 of this Act;

"Department" means the department in the provincial administration responsible for development planning, or its successor in title;

"development" means development as defined in section 1 of the Municipal Systems Act, 2000 (Act No 32 of 2000);

"Development Facilitation Act" means the Development Facilitation Act, 1995 (Act No. 67 of 1995);

"development planning" means a participatory process of integrating economic, spatial, social, institutional, infrastructural, environmental, fiscal and other plans and strategies in order to support the optimal allocation of scarce resources to different sectors and geographical areas across the Province, in a manner that promotes empowerment of the poor and marginalized, sustainable growth and equity;

"diagram" means a diagram as defined in Section 1 of the Land Survey Act, 1997 (Act. No. 8 of 1997);

"district municipality" means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality, and which is described in section 155(1) of the Constitution as a category C municipality;

"engineering service" means any service installed in the process of developing infrastructure for the provision of water, electricity and sewage and the building of streets, roads and storm water drainage systems, including all related services and equipment;

"environment" means the environment as defined in section 1 of the National Environmental Management Act, 1998 (Act No.107 of 1998);

"environmental evaluation" means an evaluation of the environmental impact of a proposed development, conducted in accordance with regulations published from time to time by the Minister of Environmental Affairs and Tourism or his or her successor in title in terms of the provisions of the National Environmental Conservation Act, 1989 (Act 73 of 1989);

"environmental implementation plan" means an implementation plan as defined in section 1 of the Environmental Management Act, 1998 (Act No.107 of 1998);

"environmental management plan" means a management plan as defined in section 1 of the Environmental Management Act, 1998 (Act No.107 of 1998);

"Executive Council" means the Executive Council of the Province established under section 132 of the Constitution;

"existing scheme" means any zoning scheme, town planning scheme or similar instrument drawn up in terms of legislation that governs and controls the use of land and such related instruments prior to the passing of this Act;

"Gauteng Development Tribunal" means the tribunal set up in Gauteng in terms of section 15 of the Development Facilitation Act;

"Gauteng integrated development plan " means an integrated economic growth and development plan for the Province, as more fully described in Chapter IV of this Act;

"Gauteng spatial development framework" means a spatial interpretation of the goals and objectives of the Gauteng integrated development plan, as more fully described in Chapter IV of this Act;

"general plan" means a general plan of a township or of a portion thereof that has been approved in terms of the Land Survey Act, 1997 (Act No. 8 of 1997);

"Head of Department" means the official in the provincial administration who is the administrative head of the Department that is responsible for development planning, or its successor in title;

"integrated development plan" means a plan defined in Section 1 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended;

"integrated transport plan" means a plan as defined in terms of Section 1 of the Gauteng Transport Framework Act 1998 (Act No. 8 of 1998) as amended;

"interested and affected persons" means a person or body, who has an interest in or could be affected by an application;

"land" includes any buildings or improvements thereon;

"land adjoining the proposed development" means any land which abuts or shares a common boundary with, or which is only separated by a road from, the land that is the subject matter of the application;

"land-use" means the utilisation of space for a particular purpose, including but not limited to residential, industrial , environmental conservation, agriculture, transport and mixed uses;

"land use management plan" means a record of desired land uses in a municipal area, prepared by a municipality in accordance with the provisions of Chapter V of this Act;

"land use record" is a record of land uses decided in terms of land use management plans and is prepared by a municipality in accordance with the provisions of Chapter V;

"layout plan" means a plan indicating the relative situation, whether existing or proposed, of land or portions of land which is subject to an application or which is required in terms of this Act , in relation to the surrounding area, and which indicates the use or proposed uses of the land or portions of land;

"leasehold" means a form of title to land that permits the holder of a right to use land for an agreed extended period;

"limited real right" means a registrable right over the immovable property of another person;

"local community or community" means a local community or community as defined in section 1 of the Local Government: Municipal Systems Act, 2000(Act No 32 of 2000);

"local municipality" means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155 (1) of the Constitution as a category B municipality;

"MEC" means the member of the Executive Council of the Province responsible for development planning;

"metropolitan municipality" means a municipality that has exclusive executive and legislative authority in its area, and which is described in section 155(1) of the Constitution as a category A municipality;

"municipality" means a Category A, B or C¹ municipality as contemplated in section 155(1) of the Constitution;

"municipal manager" means a person appointed in terms of section 82 of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

"occupier" means a person who does not necessarily own the land he or she occupies, but who occupies such land with the express or tacit permission of the owner of the land;

"organ of state" means –

- (a) any department of state or administration in the national, provincial or local sphere of government; or
- (b) any other functionary or institution –
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer;

"organised municipalities in the Province" means a provincial organisation recognised in terms of section 2(1) (b) of the Organised Local Government Act, 1997 (Act 52 of 1997);

"owner" means the person registered as the owner of property in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937);

"person" means any natural or juristic person and includes all organs of state;

"planning committees" means a municipal planning tribunal or planning body established in terms of section 12 of the Act;

"policy, administrative practice and law" means planning policy, administrative practice and law;

"Premier" means the head of the Executive Council of the Province;

"prescribe" means prescribed by the MEC unless the Premier is specifically stated, by regulation in the *Provincial Gazette*;

"Province" means the Province of Gauteng;

"Province Legislature" means the Provincial Legislature of Gauteng established under section 104 of the Constitution;

"provincial line departments" means the departments in the provincial administration that fall under members of the Executive Council responsible for specified provincial functions;

"provincial government" means the government of the Province of

Gauteng that is recognized as a Province of the Republic of South Africa in terms of section 103 of the Constitution;

"provincial transport co-ordination plan" means a plan as defined in section 1 of the Gauteng Transport Framework Act, 1998 (Act No. 8 of 1998);

"provincial transport framework" means a framework as defined in section 1 of the Gauteng Transport Framework Act, 1998 (Act No. 8 of 1998);

"public place" means any square or open or enclosed place, garden or park, a street, road or thoroughfare vested in the municipal council or any organ of state for use by the general public;

"Registrar" means a registrar as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

"regulation" means a regulation issued in terms of this Act;

"restrictive condition" means any condition registered against the title deed of land or leasehold title, restricting the use to which the land is put and any other statutory restrictions on the planning, development or utilisation of land;

"secretary" means a member of staff of the Department, designated by the Head of Department to act as the secretary of the Appeal Tribunal established by this Act;

"spatial development framework" means a visual representation of the desirable spatial form of the municipality, as more fully described in Chapter IV of this Act;

"Standing Committee" means the Committee responsible for development planning or its successor in title, instituted in terms of the Standing Rules of the Provincial Legislature of Gauteng made in terms of section 116 read with Item 10(4) of Schedule 6 of the Constitution;

"subdivision plan" means a draft or approved plan which reflects the prescribed information, including but without being limited to, the relative location of subdivided land units;

"Surveyor-General" means the Surveyor-General as defined in section 8 of the Land Survey Act, 1997 (Act No. 8 of 1997);

"this Act" means this Act together with the regulations issued thereunder;

"town and regional planner" means a person registered as a town and regional planner in terms of the Town and Regional Planners Act, 1984 (Act No.19 of 1984), and whose name has been entered and has not been removed in the register referred to in that Act;

"township" means subdivided portions of a piece of land which may or may not be combined by means of public places and roads and used for different purposes, such as residential, industrial or commercial, or intended to be so used, which are indicated on a general plan and for which a township register has been opened;

"township register" means a register referred to in section 46(1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

"tribunal" means the Gauteng Development Tribunal and the Appeal Tribunal, established in terms of Chapter III of the Development Facilitation Act or its successors in title;

"urban edge" means the area of a municipality beyond which development should not take place;

"urban sprawl" means the growth and development of an area to such an extent that the rendering of services have become uneconomical due to the spatial pattern that has developed; and

"ward" means a ward as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

(2) Marginal notes have been included for convenience and shall not be used in the interpretation of this Act.

CHAPTER II

PRINCIPLES FOR DEVELOPMENT¹

¹ *The purpose of this Chapter is to set out the principles that will be the reference point for informing the preparation of all plans and planning decisions in line with a normative planning system. They represent the vision and desired development values that need to be promoted to achieve the transformation in living environments into integrated, balanced, equitable and sustainable environments. They include the values to be upheld in planning processes and decision-making.*

Application of principles for planning and development

2. The general principles set out in this Chapter shall apply throughout the Province and shall -

- (a) bind all organs of state;
- (b) be applied to the preparation and administration of plans including integrated development plans, spatial development frameworks and land use management plans;
- (c) apply when regulations, guidelines, policies and by-laws relating to planning and development are drafted and implemented by provincial and local government;
- (d) apply whenever any person exercises any discretion or takes any decision in terms of this Act or any other law in force in the Province dealing with planning and development;
- (e) for the purposes of -
 - (i) Chapter III, apply to decisions of planning bodies;
 - (ii) Chapter IV, apply to the preparation, amendment and implementation of plans made under this Chapter;
 - (iii) Chapter V, apply to the preparation, amendment and implementation of land use management plans, land use records and any other zoning schemes and decisions made under this Chapter ; and
 - (iv) Chapter VI, apply to the responsibilities of all persons involved in the consideration of and decisions regarding development applications.

Provincial planning and development policy

3. The MEC may, from time to time, as prescribed, issue and amend policy or guidelines on matters relating to planning and development in the Province, whereupon he or she shall -

- (a) publish the policy or guidelines by notice in the *Provincial Gazette*;
- (b) after consultation with other provincial MECs; and
- (c) after conferring with municipalities,

afford interested parties an opportunity to make representations, before publication of a notice contemplated in paragraph (a).

Principles to promote spatial restructuring and development

4. Policy, administrative practice and law in the Province shall result in settlement patterns and spatial forms that -

- (a) promote the compaction of towns and cities through discouraging urban sprawl and protecting the agricultural resource base to mechanisms which may be regulated from time to time such as the urban edge;
- (b) support the correction of historically distorted spatial

-
-
-
-
-
- (c) patterns of settlement in Gauteng;
- (d) promote integrated land development in rural and urban areas in support of each other;
- (e) result in the use and development of land that optimises existing resources such as bulk infrastructure, roads, transportation and social facilities;
- (f) promote positive settlement qualities, particularly with regard to public environments; and
- (g) promote the identification and allocation of a range of land uses, including mixed land uses.

Principles to promote sustainable development

5. Policy, administrative practice and law in the Province shall promote sustainable development that -

- (a) is within the fiscal, institutional and administrative means of the Province;
- (b) meets the basic needs of all citizens in an affordable way;
- (c) establishes viable communities with convenient access to economic opportunities, infrastructure and social services;
- (d) optimises the use of existing resources, including such resources relating to agriculture, land, water, minerals, bulk infrastructure, roads, transportation and social facilities;
- (e) encourages environmentally sustainable and optimal land development practices and processes; and
- (f) ensures the safe utilisation of land by taking into consideration factors such as geological formations and hazardous undermined areas.

Principles relating to development in general

- 6.** Policy, administrative practice and law in the Province, shall -
- (a) promote the integration of social, economic, environmental, institutional, infrastructural and spatial aspects of land development;
 - (b) facilitate the development of formal, informal, existing and new settlements in urban and rural areas;
 - (c) discourage illegal occupation of land, yet recognise informal development practices;
 - (d) encourage the participation of all sectors of the economy and promote partnerships so as to maximise land development;
 - (e) ensure that organs of state co-ordinate the interests of the various sectors involved in or affected by land development so as to minimise conflicting demands on scarce resources; and
 - (f) promote speedy land development.

Principles relating to land use management systems

7. Every municipality shall have a land use management system applicable in respect of all land in its area of jurisdiction which -

- (a) comprises the mechanisms to manage the implementation of the land use and development aspects of local integrated development plans and spatial development frameworks to ensure-
 - (i) a more compact urban form by encouraging higher densities and discouraging urban sprawl;
 - (ii) the location of residential and employment opportunities in close proximity to or integrated with each other; and
 - (iii) the correction of the historically distorted spatial patterns of settlement in the Province and the optimum use of existing infrastructure in excess of current needs;
- (b) provides legal protection of land use rights, regardless of whether or not areas were previously excluded from town planning or zoning schemes or other land use management systems;
- (c) gives the same protection in law to all land owners and occupiers within an area of jurisdiction of the municipality to object, comment on and actively participate in decisions affecting them in relation to changes with regard to the use of land, including, but not limited to the right of appeal;
- (d) promotes decision making processes that balances the promotion of the public good and the protection of the reasonable rights of interested and affected parties; and
- (e) encourages all applications for land use change to identify potential impacts whether positive or negative.

Principles that enhance planning and development

- 8 (1)** Policy, administrative practice and law in the Province shall -
- (a) be consistent with the provisions of this Act;
 - (b) support and promote the Gauteng integrated development plan and the Gauteng spatial development framework and related policies;
 - (c) facilitate the rapid implementation of programmes designed to meet the goals and objectives that are set by the Gauteng integrated development plan , the Gauteng spatial development framework and other applicable sectoral plans;
 - (d) ensure co-operation and co-ordination between municipalities *inter se*;

- (e) ensure co-operation and co-ordination between municipalities and the Province; and
- (f) ensure co-operation and co-ordination between provincial departments.

(2) Planning and development in the Province shall be implemented in such a manner that it ensures -

- (a) an efficient system of planning in the context of limited resources;
- (b) that plans inform programmes and projects;
- (c) that plans are linked to programmes, budgets, performance management and human resource capacity; and
- (d) co-operation with regard to planning between all spheres of government to ensure co-ordination of laws and regulations affecting planning.

Principles on participation and human resource development

9. Policy, administrative practice and law in the Province shall encourage participation in planning processes through the -

- (a) facilitation of the active involvement of persons or bodies affected by planning and development processes and decisions on an ongoing basis; and
- (b) promotion of the development of the skills and capacities of all persons involved in planning and development, particularly, people who were previously disadvantaged through legislative and other means from the main stream economy and socially.

Principles on administrative fairness, decision making and dispute resolution

10 (1) Policy, administrative practice and law shall ensure that administrative procedures are lawful, reasonable and fair, by:

- (a) providing clear laws and procedures and access to information for those who are likely to be affected by it;
- (b) promoting trust and acceptance among those likely to be affected by it; and
- (c) giving further content to the fundamental rights as set out in the Constitution.

(2) Planning and development procedures and decisions made by an organ of state shall be consistent with the general principles of this Act and adhere to the provisions of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

(3) A planning body may, prior to a hearing or reaching a decision, refer any dispute between one or more parties in relation to any matter arising from the provisions of the Act, to mediation.

CHAPTER III

LAND DEVELOPMENT DECISION-MAKING BODIES²

Planning Bodies

11. Every municipality may establish a municipal planning tribunal or planning committee in terms of section 12 of this Act.

Committees or tribunals

12. (1) A municipality may designate a committee established in terms of section 79 of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998), which -

- (a) shall hear and make recommendations to the municipal council on applications made to the municipality in terms of Chapter VI of this Act; and
- (b) may make recommendations to the municipal council relating to the adoption or review of:
 - (i) a spatial development framework; and
 - (ii) land use management plans:

Provided that the municipality has not established a municipal planning tribunal in terms of subsection(2).

(2) A municipality established with an executive mayoral system or collective executive system may establish a tribunal which-

- (a) shall hear and make recommendations to the Executive Committee or Executive Mayor on applications made to the municipality in terms of Chapter VI of this Act; and
- (b) may make recommendations to the Executive Committee or Executive Mayor relating to the adoption of:
 - (i) a spatial development framework; and
 - (ii) land use management plans.

(3) The Executive Committee or the Executive Mayor as the case may be, -

- (a) shall make decisions based on the recommendations forwarded by the municipal planning tribunal in terms of subsection (2), provided that -
 - (i) the municipal council has delegated such powers to the Executive Committee or Executive Mayor;
 - (ii) reasons are given for a decision other than the

² The purpose of this Chapter is to establish which bodies will be responsible for decision making on matters relating to land development.

- recommendations it is considering; and
- (iii) a report is submitted to municipal council at least annually for information of all such decisions taken; or

(b) shall recommend to municipal council after considering the recommendations of the municipal planning tribunal-

- (i) the adoption, revision or amendment of a spatial development framework as core component of the integrated development plan of the municipality; and
- (ii) the adoption of a land-use management plan for the whole of the municipality or a part thereof.

(4) Any such tribunal established in terms of subsection (2)

shall-

- (a) be known as a municipal planning tribunal;
- (b) make recommendations to the Executive Committee or Executive Mayor as the case may be;
- (c) consist of at least 5(five) members which must have knowledge of or experience in either law, land development ,community or development planning of which at least-
 - (i) one member shall have knowledge of the law;
 - (ii) one member shall be a member of a planning body as prescribed by the MEC;
 - (iii) one member shall be a member of the municipal council;
 - (iv) two thirds of the committee must not be members of the municipal council; and
 - (v) one member shall have knowledge of community planning and development.

(5) If a Municipality establishes a planning committee in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) instead of establishing a municipal planning tribunal, and co-opts members to a planning committee who are not members of the municipal council, such members shall be persons appropriately skilled and experienced in land development and the law and shall not be members of Parliament or the Provincial Legislature.

(6) The municipal council shall determine the terms and conditions under which advisory members will participate in the operation of planning committees.

(7) Every municipal council shall decide on each recommendation made by a planning committee established in terms of subsection (1).

Meetings

13. Meetings of the planning committee or a municipal planning tribunal shall be held at such times and places and in accordance with procedures determined by the municipality.

Personal interests of planning body members

14. No member or advisory member of a planning committee or a municipal planning tribunal shall take part in a discussion or the making of a decision about any matter before the planning committee or municipal planning tribunal, as the case may be in which he or she or his or her spouse, immediate family, partner or employer, or the partner or employer of his or her spouse has, directly or indirectly, any interest.

Consequence of participation where a member has an interest

15. Any member who, in contravention of section 14, takes part in a discussion concerning the making of a decision about any matter before the planning committee or municipal planning tribunal, such member's conduct shall constitute a ground for summary disqualification from being a member.

Powers of planning committees and municipal planning tribunals

- 16.** A planning committee and municipal planning tribunal may:
- (a) hear an application referred to in Chapter VI of this Act and may recommend approval in whole or in part, postponement or refusal of an application or make any such recommendations it may deem necessary at its discretion;
 - (b) hear complaints relating to the implementation of its decisions and to the contravention of the provisions of land use management plans, and by so doing, it may make any appropriate recommendation to accept or to reject any such complaints;
 - (c) may make recommendations in respect of the municipality's spatial development framework including adoption, rejection or partial adoption of the municipal council's spatial development framework; and
 - (d) perform such other functions as may be prescribed.

Minutes

17. The recommendations of the planning committee or municipal planning tribunal shall be recorded in writing by the municipality in a register which shall be made publicly available by the municipality during normal business hours, as prescribed.

Determination of applications to be heard by Gauteng Development Tribunal

18. (1) All applications for land use change, subdivision, consolidation, township establishment and land development approval shall be made to municipalities and be heard by planning bodies: Provided that the application must be lodged with the Gauteng Development Tribunal if -

- (a) the municipality is the applicant;
- (b) the planning body of a municipality cannot reach a decision due to undue delay by such a municipality;
- (c) the municipality is not able to process and take a decision in respect of the application due to capacity problems; and
- (d) the MEC has determined a category and type of application as contemplated in subsection (2) below.

(2) The MEC may determine by notice in the Provincial Gazette, which categories and types of applications shall be made to and be heard by the Gauteng Development tribunal.

Establishment of a Development Appeal Tribunal

19. (1) The MEC shall establish a development appeal tribunal for the Province or recognise any body of persons, tribunal or board established by or under any other law as a development appeal tribunal: Provided that where the MEC recognises a body established under another law and that law is inconsistent with the provisions of this Act, this Act shall prevail.

(2) The development appeal tribunal shall consist of at least 5 (five) members: Provided that all members shall have knowledge of or experience in either the law or land development and that at least one shall have knowledge of the law.

(3) The MEC shall designate the chairperson and deputy chairperson of the development appeal tribunal.

(4) As far as may be practical in the circumstances, one half of the members of a development appeal tribunal shall be appointed from appropriate officers in the service of the provincial administration and officers in the service of municipalities in the Province, and the other half from persons outside either service.

(5) Prior to appointing a person to the development appeal tribunal, the MEC shall:

- (a) make known his intention to appoint such a person by notice in the *Provincial Gazette* and invite comments or objections;
- (b) take into account any comment or objection, in respect to such appointment, which might be received by him or her from any person or body; and
- (c) submit his or her intentions to appoint such a person

together with any such comment or objection to the Standing Committee for its consideration for the appointment of such person as a development appeal tribunal member: Provided that if the Provincial Legislature is not in session at the time when the MEC wishes to make an appointment, and if in the opinion of the MEC it is desirable to make an appointment, the MEC may make such an appointment. During its ensuing session the MEC will inform the Standing Committee of such appointment.

(6) The MEC shall determine the period of office of development appeal tribunal members and shall determine appropriate terms and conditions for members outside of the public service, in consultation with the MEC responsible for the treasury function.

(7) All appointments to the development appeal tribunal shall be published in the *Provincial Gazette*.

(8) A person shall cease to be a member of the development appeal tribunal where:

- (a) he or she resigns;
- (b) his or her estate is sequestrated or he or she applies for the assistance referred to in section 10(1)(c) of the Agricultural Credit Act, 1996;
- (c) he or she is incapacitated to render the required services anticipated in terms of this Act by physical or mental illness;
- (d) he or she is convicted of an offence involving dishonesty or corruption or sentenced to imprisonment without the option of a fine; or
- (e) he or she is nominated as a candidate for election as member of parliament, a member of Provincial Legislature, or a municipal council.

(9) An appeal may not be heard by less than 3 (three) members.

(10) The development appeal tribunal must submit its recommendations to the MEC for a decision: Provided that if the MEC decides other than that which is recommended reasons shall be provided for his or her decision.

(11) All decisions of the MEC shall be recorded in writing by a specified member of the MEC's administration and be entered in a register and such member shall make the register available to the public during normal business hours, as prescribed.

(12) No member of the development appeal tribunal shall take part in a discussion of the making of a decision about any matter before the development appeal tribunal in which he or she or his or her spouse, immediate family, partner or employer, or the partner or employer of his or her spouse has, directly or indirectly, any interest.

Appeals

20. Any applicant or person who has made written or verbal representations to a planning body in relation to a matter before it, may appeal the decision of a planning body to the development appeal tribunal: Provided that where a planning body fails to hear an application within 180 days of submission of the application the planning body is deemed to have rejected the application and the application may be taken on appeal to the development appeal tribunal.

Regulations

21. The MEC may make regulations on:

- (a) the order of preference to be given to matters serving before a planning body in order to ensure that priority is given to matters where delays are likely to adversely affect a substantial number of persons or persons with particularly pressing needs;
- (b) the determination of which categories and types of application shall be heard by the Development Appeal Tribunal;
- (c) the determination of further powers of a planning bodies; and
- (d) the recording and publication of reasons and minutes of decision-making bodies.

CHAPTER IV

DEVELOPMENT PLANS³

Formulation and implementation of the Gauteng integrated development plan

22. (1) The Premier shall be responsible for the formulation and implementation of the Gauteng integrated development plan.

(2) The Premier may delegate to the MEC the function of formulating the Gauteng integrated development plan.

³ *The purpose of this Chapter is to regulate the formulation of the Gauteng integrated development plan, the Gauteng spatial development framework and local spatial development frameworks. The Chapter sets out the purpose and subject matter of these frameworks, the manner in which co-ordination of these frameworks with other relevant plans, policies, frameworks and programmes should take place and the procedures for the preparation of these frameworks. The status of the Gauteng spatial development framework and spatial development frameworks is also covered.*

(3) Each member of the Executive Council responsible for a specific provincial department shall, on the basis of agreements reached with the Premier, including agreements regarding time frames, submit relevant policies, programmes, strategies or plans, to be included in the Gauteng integrated development plan in relation to the function of that department.

General purpose of Gauteng integrated development plan

23. The purpose of the Gauteng integrated development plan shall be to:

- (a) provide a strategic framework and implementation strategy, for the Province;
- (b) co-ordinate the relevant policies, programmes, strategies and plans of the different provincial departments and municipalities into a broad provincial integrated development framework;
- (c) guide resource allocation in the Province; and
- (d) provide information that will guide the making of strategic choices.

Subject matter of Gauteng integrated development plan

24. (1) The subject matter of the Gauteng integrated development plan shall be as set out hereunder and as prescribed.

(2) It shall include -

- (a) a vision for the Province;
- (b) broad provincial goals and objectives;
- (c) strategic focus areas for the Province;
- (d) priority programmes and projects; and
- (e) targets for delivery.

(3) The Gauteng integrated development plan shall include such supporting information as considered necessary, which may include a status quo report, an evaluation of existing policies, programmes, projects and plans and an evaluation of available resources.

Co-ordination of Gauteng integrated development plan

25. (1) In the assessment of the Gauteng integrated development plan the Premier shall ensure that the Gauteng integrated development plan takes into consideration -

- (a) the needs and priorities determined by municipalities that are set out in their integrated development plans;
- (b) relevant policies, programmes, strategies and plans of neighbouring Provinces; and
- (c) the inputs of the different provincial line departments.

(2) The Premier shall ensure that the Gauteng integrated development plan is, as far as possible, aligned with national government

programmes and policies in respect of spatial planning and development that impact on and affect the Province.

(3) The manner in which the co-ordination and alignment referred to in subsections (1) and (2) may be prescribed.

Procedures for preparing the Gauteng integrated development plan

26. (1) The Gauteng integrated development plan shall be prepared in the manner and, within the time limits and in accordance with the procedures prescribed by the Premier in the *Provincial Gazette*, subject to subsections (2), (3), (4), (5) and (6).

(2) A draft Gauteng integrated development plan shall be drawn up and thereafter a notice shall be published by the Premier in the *Provincial Gazette* and any other prescribed publications stating where the draft Gauteng integrated development plan may be inspected and the times when such inspection may take place.

(3) The manner in which members of the public and interested persons or bodies shall be consulted in the preparation of the draft Gauteng integrated development plan shall be prescribed.

(4) The Executive Council shall approve the draft Gauteng integrated development plan and thereafter the Premier shall publish notification of the final Gauteng integrated development plan in the *Provincial Gazette*, on which date it shall come into effect.

(5) The notice referred to in subsection (4) shall state the place where the final Gauteng integrated development plan may be inspected and the times when such inspection may take place.

(6) The Gauteng integrated development plan shall be revised periodically, but at least every five years.

Formulation and implementation of Gauteng spatial development framework

27. The MEC shall be responsible for the formulation and implementation of the Gauteng spatial development framework.

General purpose of Gauteng spatial development framework

28. (1) The purpose of the Gauteng spatial development framework is to -

- (a) guide decisions relating to the location and nature of physical development in the Province;
- (b) indicate the most desirable settlement patterns for the Province; and
- (c) contribute towards redressing past spatial imbalances.

(2) The purpose is to be achieved by indicating -
(a) where growth and development should occur, and where it should be discouraged, including where

- planning mechanisms such as the delineation of an urban edge and as prescribed should be located;
- (b) the most desirable form and nature of future growth and development; and
 - (c) the areas requiring public or private intervention to direct actions towards altering historically problematic settlement patterns.

Subject matter of Gauteng spatial development framework

29. (1) The Gauteng spatial development framework shall comprise a spatial interpretation of the goals and objectives of the Gauteng integrated development plan.

(2) It shall include -

- (a) a vision that sets out the desirable spatial form of the Province; and
- (b) strategies and mechanisms for implementing the objectives and goals which are based on prioritisation of the goals and objectives and an assessment of available resources.

(3) It may include -

- (a) priority programmes and projects; and
- (b) targets for delivery.

(4) The minimum content of what should be contained in the Gauteng spatial development framework shall be prescribed.

Co-ordination of Gauteng spatial development framework with other spheres

30. (1) The MEC shall ensure that the Gauteng spatial development framework takes into consideration -

- (a) integrated development plans and spatial development frameworks prepared by municipalities;
- (b) relevant spatial plans, frameworks or any other documents with similar aims of neighbouring Provinces; and
- (c) the inputs of the different provincial line departments.

(2) The MEC shall ensure that the Gauteng spatial development framework is, as far as possible, aligned with national government programmes and policies in respect of spatial planning and development that impact on and affect the Province.

(3) The manner in which the co-ordination and alignment referred to in subsections (1) and (2) may be prescribed.

Procedures for setting the Gauteng spatial development framework

31. (1) The Gauteng spatial development framework shall be prepared in the manner and, within the time limits and in accordance with the procedures determined by the Premier.

(2) The MEC shall approve the Gauteng spatial development framework with the concurrence of the Executive Council.

(3) The Gauteng spatial development framework shall be revised periodically, but at least every 5 (five) years.

Effect of Gauteng integrated development plan and Gauteng spatial development framework

32. Gauteng integrated development plan and the Gauteng spatial development framework shall be consistent with the land development undertaken by the local and district municipalities.

Spatial development frameworks

33. (1) Metropolitan and local municipalities shall prepare spatial development frameworks which shall consist of the subject matter which is set out in section 34 and as prescribed.

(2) District municipalities shall formulate a broad spatial framework for the district as a whole, being a district spatial development framework, within which local municipalities in the area of the district municipality shall formulate more detailed and specific spatial development frameworks as referred to in subsection (1).

(3) A spatial development framework shall form part of an integrated development plan prepared by a municipality.

General purpose of spatial development frameworks

34. The purpose of spatial development frameworks shall be to -

- (a) provide a visual representation of the desirable spatial form of the municipality, and in so doing -
 - (i) indicate where public and private land development and infrastructure investment should take place;
 - (ii) indicate desired land uses that should take place in different areas;
 - (iii) delineate mechanisms as prescribed such as an urban edge; and
 - (iv) apply the principles set out in Chapter II;
- (b) broadly indicate the areas where priority spending should take place; and
- (c) provide guidelines that inform the land use management plan of the municipality.

Subject matter of spatial development frameworks

35. (1) A spatial development framework shall contain -

- (a) a vision that sets out what the desirable spatial form of the municipality should be, with particular emphasis on the need to promote the integration of formerly disadvantaged areas into the municipal area as a whole;
- (b) goals and objectives regarding the manner in which to achieve the vision;
- (c) strategies for achieving the goals and objectives that are based on prioritisation of objectives and goals and an assessment of available resources;
- (d) programmes and projects for the development of land within the municipal area; and
- (e) targets for delivery.

(2) The minimum content of spatial development frameworks shall be prescribed.

Co-ordination of spatial development frameworks with other plans

36. (1) Municipalities shall endeavour to ensure that their spatial development frameworks are co-ordinated and aligned with -

- (a) spatial development frameworks that are drawn up by neighbouring municipalities and shall as far as possible draw up their spatial development frameworks in cooperation and consultation with neighbouring municipalities;
- (b) the spatial component of the Gauteng integrated development plan; and
- (c) national and provincial plans, policies, strategies and programmes in respect of spatial planning and development.

(2) The manner in which the co-ordination referred to in subsection (1) shall take place may be prescribed.

(3) The MEC may facilitate the co-ordination and alignment of spatial development frameworks -

- (a) of different municipalities, including those of district municipalities and the local municipalities within their areas; and
- (b) with the spatial plans, policies, strategies and programmes of national and provincial organs of state.

Procedures for setting spatial development frameworks

37. (1) Spatial development frameworks must be prepared in the manner, within the time limits and in accordance with the procedures prescribed by the MEC in the *Provincial Gazette*: Provided that such procedures shall be aligned with the procedures that must be followed by municipalities

when they formulate integrated development plans.

(2) The alignment referred to in subsection (1) shall be such that the preparation of spatial development frameworks shall as far as possible, follow the same procedures, including procedures dealing with public participation, as the preparation of integrated development plans.

(3) Municipalities shall adopt spatial development frameworks, after which they shall publish notification of such adoption of final spatial development frameworks in the *Provincial Gazette*, on which dates they shall become effective.

(4) The notice referred to in subsection (3) shall state the place where the adopted spatial development framework may be inspected and the times when such inspection may take place.

Failure to set spatial development frameworks

38. (1) A district municipality may at the request of a local municipality within its area of jurisdiction, prepare a spatial development framework for that local municipality to the extent that that district municipality has the capacity to do so.

(2) A local municipality may, at the request of a district municipality in whose area that local municipality falls, prepare a spatial development framework for that district municipality to the extent that that local municipality has the capacity to do so.

(3) A local municipality may, at the request of another local municipality within the area of the same district municipality, prepare a spatial development framework for that local municipality to the extent that it has the capacity to do so.

(4) In the event that a municipality fails to set its spatial development framework as required, or fails to request another municipality to prepare its spatial development framework for it as provided in subsections (1)(2) and (3), the MEC shall take the necessary steps to cause a spatial development framework to be prepared in terms of this Act for that municipality, and any costs incurred in so doing shall be recoverable by the MEC from that municipality.

Submission of spatial development framework to MEC and amendments thereof

39. (1) In order to promote co-ordination of planning in the Province, municipalities shall submit their spatial development frameworks or amendments thereof to the MEC as part of their integrated development plans in terms of section 32 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000).

(2) The MEC may require a municipality to amend its spatial development frameworks or amendments thereof so submitted if such spatial development frameworks or amendments -

(a) do not deal adequately with the subject matter set out

in section 35;

- (b) are in conflict with or not aligned with spatial development frameworks of other relevant municipalities, or the applicable spatial plans, policies, strategies and programmes of relevant national and provincial organs of state; or
- (c) have not complied with the procedures set out in this Chapter or prescribed.

(3) In the event that the MEC has required a municipality to amend its integrated development spatial development framework or amendments thereof for any of the reasons set out in subsection (2), the MEC may request a municipality to -

- (a) amend the framework in order to comply with the subject matter set out in section 36; or
- (b) remove any conflict or non-alignment with spatial development frameworks of other relevant municipalities, provincial or national organs of state; or
- (c) comply with the procedures set out in this Chapter or as prescribed; as the case may be.

(4) In the event that a municipality fails to amend its spatial development framework as required, or fails to request another municipality to amend its spatial development framework for it as provided in sections 38 (1), (2) and (3) applied with the necessary amendments, the MEC shall take the necessary steps to cause a spatial development framework to be prepared in terms of this Act for that municipality, and any costs incurred in so doing shall be recoverable by the MEC from that municipality.

Effect of spatial development frameworks

40. (1) Decisions in respect of land development applications shall be consistent with the express provisions of a spatial development framework contemplated in this Chapter.

(2) In the event that a land development application is inconsistent with the express provisions of a spatial development framework it may be approved if it is consistent with the principles set out in Chapter I of this Act and is in the interests of the public good: Provided that the applicant shall motivate fully the grounds for the deviation from the spatial development framework, as prescribed.

(3) The provisions of any spatial development framework prepared in terms of this Act must not be so construed as to confer on any person the right to develop or use any land or to subdivide any land in accordance with such provisions, without following the procedures laid down in Chapter V of this Act.

Regulations following the procedures laid down in this Chapter

41. (1) The Premier may prescribe -

- (a) any additional subject matter in respect of the Gauteng integrated development plan to that which is set out in section 24 of this Chapter;
 - (b) the manner in which the co-ordination and alignment referred to in section 25 shall take place;
 - (c) the manner, time limits and procedures in respect of which the Gauteng integrated development plan shall be prepared;
 - (d) the publications, other than the *Provincial Gazette*, in which the draft Gauteng integrated development plan shall be published; and
 - (e) the manner in which members of the public and interested persons or bodies shall be consulted with regard to the preparation of the draft Gauteng integrated development plan.
- (2) The MEC may prescribe -
- (a) any additional subject matter in respect of the Gauteng spatial development framework to that which is set out in section 29 of this Chapter;
 - (b) the manner in which the co-ordination and alignment referred to in section 30 shall take place;
 - (c) the manner, time limits and procedures in respect of which the Gauteng spatial development framework shall be prepared;
 - (d) any additional subject matter in respect of spatial development frameworks to that which is set out in section 35 of this Chapter;
 - (e) the manner in which the co-ordination and alignment referred to in section 35 shall take place;
 - (f) the manner, time limits and procedures in respect of which spatial development frameworks shall be prepared;
 - (g) the manner of submission of spatial development frameworks to the MEC; and
 - (h) the requirements to be followed in the event that the applicant shall motivate the grounds for the deviation from the spatial development framework, as referred to in section 40 (2) of this Act.

CHAPTER V

LAND USE MANAGEMENT PLANS⁴

Land use management Plans

42. (1) Within a period prescribed by the MEC after the commencement of this Act, every municipality shall ensure that a land use management plan that covers all the land within its area of jurisdiction is prepared in terms of this Chapter.

(2) In the event that a municipality fails to prepare a land use management plan as set out in subsection (1) in the required period, the MEC shall take the necessary steps to cause a land use management plan to be prepared in terms of this Act for that municipality, and any costs incurred in so doing shall be recoverable by the MEC from that municipality: Provided that the municipality concerned may request either a district municipality or a local municipality, as the case may be and, as envisaged in section 43, to prepare a land use management plan on its behalf.

(3) A land use management plan shall be administered and enforced by the municipality as follows:

- (a) A desired land use shall be implemented provided that a deviation is permissible, if the accepted deviation is for reasons that:
 - (i) enhance or avoid undermining development; and
 - (ii) reasonably advance the attainment of the desired use.
- (b) The reasons as contemplated in paragraph (a) must satisfy criteria prescribed by the MEC or specified by the Mayor of a municipality: Provided that the set of criteria specified by Mayor is not inconsistent with those prescribed by the MEC.
- (c) The acceptance of reasons for the deviation as referred in paragraph (a) may be delegated by the Council to the Executive Committee or Executive Mayor in whole or in part or sub-delegated by the Executive Committee

⁴ This chapter sets out the purpose of land use management plans, the provisions to be contained in land use management plans and the manner in which land use management plans should be prepared and revised. The chapter provides from the time that this Act comes into operation, that any change made to a land use management must ensure that the proposed change is consistent with the principles laid out in chapter II of the Act, and that such changes are consistent with the spatial development frameworks and integrated development plans in the area concerned and consistent with any other requirement that the MEC may prescribe. Any new land use management plan must also comply with these requirements.

or Executive Mayor to a planning body or an official of Council.

District and local municipalities

43. Local municipalities shall prepare, administer and enforce land use management plans in respect of the areas over which they have jurisdiction: Provided that a district municipality at the request of a local municipality within its area of jurisdiction may prepare, administer and enforce a land use management plan for that local municipality to the extent that that district municipality has the capacity to do so: And provided further that a local municipality at the request of another local municipality within the area of the same district municipality may prepare a land use management plan for that local municipality to the extent that it has the capacity to do so.

Land use management plans shall be prepared and revised by municipalities

44. (1) Municipalities shall prepare land use management plans at any time, subject to section 42, in accordance with the provisions of sections 49 and 50 of this Chapter.

(2) Municipalities shall replace existing schemes, by preparing new land use management plans in accordance with the provisions of sections 49 and 50 of this chapter.

(3) A municipality may revise its land use management plan at any time, and if it deems it necessary may, as a result of such revision, prepare a revised land use management plan.

(4) Where a municipality wishes to revise a land use management plan as envisaged in subsection (3), it shall follow the procedures set out in sections 49 and 50 of this Chapter.

(5) When a municipality prepares a land use management plan as provided for in subsection (1), replaces an existing scheme as provided for in subsection (2), or revises an existing land use management plan as provided for in subsection (3) and (4), it shall ensure that the land use management plan that is prepared, replaced or revised is -

- (a) consistent with the principles laid out in Chapter II of this Act;
- (b) consistent with the spatial development framework and integrated development plan in the area concerned; and
- (c) consistent with any other requirement that the MEC may prescribe.

(6) The municipalities shall revise their land use management plans to conform with the integrated development plans periodically: Provided that the period between revisions is not more than the period specified by the MEC from time to time by notice in the Provincial Gazette.

(7) The municipality shall periodically assess and record the following, subject to the timeframes and procedures specified in section 60:

- (a) the developmental gap between the floor referred to in 60(a) and the vision contained in the integrated development plan and the land use management plan;
- (b) the advances made and obstacles to closing the developmental gap referred to in paragraph (a); and
- (c) the possible timeframes to close the gap if it is reasonable and prudent to do so.

(8) When a land use management plan is revised, after such revision is adopted, the municipality shall undertake all necessary changes to the plan that are required to effect the revision.

Purpose of land use management plans

45. The purpose of a land use management plan is -

- (a) to define operational direction of land development;
- (b) to define, manage and regulate the use of land, including uses suitable for rural areas that creates the progressive advance in the direction mentioned in paragraph (a);
- (c) to manage the type, extent and scale of buildings erected or to be erected on any portion of land;
- (d) to discourage the use of land for purposes or activities which is not desired;
- (e) or is inconsistent with the direction in paragraph (a);
- (f) to set out conditions and criteria for development, including conditions and criteria relating to amenity, integration, efficiency, viability, economy, environmental sustainability and co-ordination of land use and development;
- (g) to define the development between the status of land use and the developmental vision contained in the integrated development plans or desired land use; and
- (h) to provide an updated assessment of the progress to achieving the developmental vision.

Provisions that shall be contained in land use management plans

46. (1) A land use management plan shall manage and regulate such matters as may be prescribed, which shall include, but not limited to, matters such as:

- (a) densities and intensities of land use;
- (b) the height of buildings and structures;
- (c) the layout of buildings and structures on sites, including the extent to which buildings cover sites and where they stand in relation to site boundaries;

- (d) access;
 - (e) alignment with the urban fabric where the development is urban; and
 - (f) conformity with the provisions of Chapter 1 and 5 of the National Environmental Management Act, 1998 (Act 107 of 1998) as well as the Regulations promulgated in terms of Chapter 5 thereof.
- (2) A land use management plan shall -
- (a) contain consent to use of any land for a particular purpose, if the municipality has given such consent; or
 - (b) contain such other provisions as may be prescribed or that relate to land use management in general.

Procedures in respect of consents

47. (1) Any procedures contained in a land use management plan that deal with consents, as envisaged in subsection (2)(a), shall be at the discretion of the municipality concerned: Provided that such procedures are consistent with principles of transparency and public participation and any prescribed conditions relating to such procedures.

(2) Where a consent is granted, the conditions under which the consent is granted may include a condition that -

- (a) the consent shall lapse -
 - (i) if the use of the land is not commenced within the period stated in the condition;
 - (ii) if the use of the land is discontinued for a period stated in the condition; and
 - (iii) on the expiry of a period or on the occurrence of an event stated in the condition.
- (b) the municipality may require payment for the consent that is granted on such terms and conditions as the municipality may determine, including payment of an amount to enable the municipality to cover any such necessary costs as it may incur in granting the consent envisaged in subsection (2)(a).

(3) A municipality which intends using its land for a purpose for which consent is required in terms of the land use management plan, shall apply for such consent in the manner as set out in the land use management plan or as prescribed.

Provision of land use management plan in conflict with by-law

48. Where a provision of a land use management, as the case may be, is in conflict with the provisions of a by-law of a municipality, the provisions of the plan shall have precedence.

Minimum prescribed requirements

49. The MEC may prescribe certain minimum requirements that shall be included in new land use management plans being drawn up.

Procedures for drawing up and revising land use management plans

50. (1) A land use management plan shall be drawn up by the municipality in the manner and within the time limits and in accordance with the procedures prescribed by the MEC, subject to subsections (2), (3), (4), (5), (6), (7) and (8).

(2) A draft land use management plan shall be prepared or revised after considering the developmental gap between Land Use Record and the developmental vision contained in the integrated development plan or existing land use management plan for that area with a view to closing the gap.

(3) A draft land use management plan, or a revision to a land use management plan, shall be drawn up in terms of subsection (1) and notification of such draft or revision, including information regarding where it may be inspected, shall be published in the *Provincial Gazette* and any other prescribed publications for comment.

(4) The draft or revision referred to in subsection (2) shall be forwarded to the planning body for comment.

(5) Members of the public and interested persons or bodies may, in writing, object or make representations to the municipality concerned, in respect of the draft or revision referred to in subsection (2) within a prescribed period.

(6) The municipality shall hear such objections or representations, at a hearing, as prescribed.

(7) After a municipality has heard all objections and representations as set out in subsection (5), it shall consider the draft or revised plan with due regard to every objection lodged and all representations made, and adopt the plan, subject to any amendment it may deem fit, by means of a resolution of the municipal council, or reject it in part or in full: Provided that the Council may delegate such authority to an Executive Committee or Executive Mayor.

(8) Once a municipality has adopted a plan, as set out in subsection (7), it shall give notice thereof, within a prescribed period, in the *Provincial Gazette*, and in such notice, it shall be stated that a copy of the adopted plan will lie for inspection at all reasonable times at the office of the municipality which prepared it.

Commencement of adopted plan

51. A plan that has been adopted, as set out in section 50(7) shall come into operation on the date of publication of the notice contemplated in section 50(8), and from that date the municipality shall observe and enforce its

provisions: Provided that if there is an appeal regarding the draft plan that is pending, such plan shall only come into operation once the appeal has been finalised and notice to that effect has been published in the *Provincial Gazette*.

Prohibition of further amendment plan in certain circumstances

52. (1) Where a municipality has adopted a draft plan in terms of section 50(7), no person shall, in respect of the land to which it relates, apply for an amendment or further amendment of the land use management plan within a period of two years from the date of the adoption of the plan.

(2) Notwithstanding the provisions of subsection (1), the municipality may, if it is of the opinion that circumstances warrant the consideration of a further amendment on written application and as prescribed, authorise an application for further amendment.

Non-conforming land uses

53. (1) If on the date of the coming into operation of a new land use management plan, any land or part thereof is being used for a purpose which is not a purpose for which the land concerned has been reserved or zoned in terms of the provisions of the land use management plan, but which is otherwise lawful and not subject to any prohibition in terms of this Act, then the provisions of section 53(3) shall apply.

(2) If on the date of the coming into operation of a new land use management plan any building exists on land that has been erected in accordance with an approved building plan, or the erection of a building on land has commenced, in accordance with an approved building plan and the buildings do not comply with the provisions of the land use management plan, such buildings shall be deemed to be in compliance with the land use management plan and the provision of section 53(3) shall apply.

(3) The use of land may be continued after the date of the coming into operation of a new land use management plan for five years or the buildings shall be deemed to comply with the plan for five years, as the case may be: Provided that the owner may apply to the municipality to extend the five year period for a further period, not exceeding five years, on such conditions as the municipality may determine.

(4) The application referred to in subsection (3) shall be as prescribed, but shall be made prior to or within three months from the date of expiry of any period referred to in subsection (3).

(5) Pending the outcome of an application referred to in subsection (3) a right to use the land shall not lapse, and a building shall continue to be deemed to comply with the plan, as the case may be.

(6) The right to continue using any land as set out in subsection (3) shall, if the right is not exercised for a continuous period of two years after the coming into operation of a new land use management plan, lapse at the end of the two year period.

(7) If a new land use management plan is adopted while any period contemplated in subsection (3) is running, it shall not apply for the remaining part of that period.

Effect of alteration of boundaries

54. (1) If the Demarcation Board contemplated in the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998), re-determines a municipal boundary, each municipality affected by the boundary re-determination must revise and adjust its land use management plan accordingly.

(2) Where the boundaries of a Province are altered so that any land within another Province thereafter falls within the boundaries of Gauteng, this Act shall apply to the affected land, subject to any other legislation passed that specifically deals with this issue.

Applicability

55. A land use management plan shall apply to all owners and occupiers of land including all organs of state in the Province.

Power of local authority to promote the fulfilment of purpose of a land use management plan

56. A municipality, may, in order to promote the fulfilment of the purpose of a land use management plan, which is in operation within its area of jurisdiction -

- (a) acquire land;
- (b) erect any building;
- (c) let, alienate or dispose of any land or building;
- (d) specify a period for which rights contained in a land use management plan are valid in accordance with criteria and procedures prescribed by the MEC; and
- (e) take such other steps as it may deem expedient.

Land Use Record

57. Land use management plans and the land use management records shall guide land use management decisions of a municipality.

Purpose of a Land Use Record

58. The purpose of a land use record is:

- (a) to maintain a record of the purposes for which land may be used and the conditions applicable to such uses in the area it covers; and

- (b) to prevent the use of land for purposes and activities below the floor of uses and conditions in paragraph (a).

Content of Land Use Record

59. A land use record contains the provisions referred to in section 46

Procedures for drawing up and revising a Land Use Record

60. A Land Use Record shall be drawn up or revised by the municipality in the manner and within the time limits and in accordance with the procedures prescribed by the MEC, subject to paragraphs (a) and (b):

- (a) The land use management decisions by a municipality shall be regularly recorded.
- (b) The municipality shall periodically assess and record the norm and developmental floor based on the quantum of its decisions over the specified period.

Land Use Plan inconsistent with National and Provincial legislation

61 (1) Where it has come to the attention of the MEC that a land use plan or provision thereof may be inconsistent with national or provincial legislation or policies, the MEC may request the Gauteng Development Appeal Tribunal to review the offending Land Use Management Plan or provision thereof and report and recommend on:

- (a) the areas of inconsistencies;
 - (b) the possible changes that may be implemented to correct the inconsistencies; and
 - (c) a process by which the necessary changes can be determined and implemented.
- (2) The MEC may direct the municipality to:
- (a) implement the changes to correct the inconsistencies; or
 - (b) implement a process that will result in the correction of the inconsistencies.

Land Use Management decisions inconsistent with National and Provincial Legislation or Policies

62 (1) Where it has come to the attention of the MEC that a Land Use Management decision, action or inaction may be inconsistent with National or Provincial legislation or policies, the MEC may request the Gauteng Development Appeal Tribunal to review the offending decision, action or inaction to report and recommend:

- (a) the areas of inconsistencies;
- (b) the possible changes that may be decided on or implemented to correct the inconsistencies; and

- (c) a process by which the necessary changes can be determined and implemented.
- (2) The MEC may direct the municipality to:
 - (a) implement the changes to correct the inconsistencies; or
 - (b) implement a process that will result in the correction of the inconsistencies.

Transitional Measures

63 (1) Schemes existing at the commencement of section 42 remain in effect until the Land Use Management Plan referred to in section 42 comes into effect.

(2) Town planning or zoning schemes existing at the commencement of section 42 shall form the initial basis of the Land Use Record when the Land Use Management Plan referred to in section 42 when the Land Use Management Plan comes into effect.

(3) Notwithstanding the provisions of section 101, the sections of the legislation referred to in section 101 to give effect to the specific existing schemes remain in effect until replaced by the Land Use Management Plan referred to in section 42, comes into effect.

Regulations

64. The MEC may make regulations on the following matters that relate to land use management plans :

- (a) any requirements that a land use management plan that is prepared, replaced or revised should be consistent with;
- (b) provisions that may be contained in land use management plans;
- (c) the manner in which a municipality that intends using its land for a purpose for which consent is required, shall apply for such consent;
- (d) certain minimum requirements that shall be included in new land use management plans being drawn up;
- (e) the manner, time limits and procedures in accordance with which a land use management plan shall be drawn up or a land use management plan or existing scheme shall be revised, by municipalities;
- (f) the time periods within which members of the public and interested persons or bodies may make representations to municipalities regarding draft plans or revised schemes;
- (g) the manner in which municipalities shall hear objections or representations at hearings and the nature of such hearings;
- (h) the time period within which a municipality shall give notice that it has adopted a scheme; and

- (i) the procedure to be followed by an owner that wishes to extend the five-year period referred to in section 52 above.

CHAPTER VI

DEVELOPMENT PROCEDURES⁵

Applicants

65. The following persons may make an application in terms of this Chapter:

- (a) an owner of land;
- (b) a person making application in his or her name acting with the written consent of the owner of land;
- (c) a person to whom land has been made available by an organ of state in terms of a land availability agreement;
- (d) a person acting as agent or as independent contractor with the necessary lawful authority of the owner of land;
- (e) a holder of a registered right of leasehold; or
- (f) any other person or body as prescribed.

Types of applications

66 The following applications shall, subject to section 6 (Chapter II), be made in accordance with the procedures set out in this Chapter:

- (a) to establish a township, which may include -
 - (i) to divide a township;
 - (ii) to extend the boundaries of a township;
 - (iii) to alter, amend or cancel a general plan; and
 - (iv) to formalise an existing settlement;
- (b) to establish a settlement;
- (c) to subdivide land;
- (d) to consolidate land;
- (e) to exempt any portion of land from a provision of a by-law relating to land use;
- (f) to amend, suspend or remove a provision of a scheme or land use management plan;

⁵ The purpose of this chapter is to regulate all the processes and procedures in terms of which applicants submit applications for different categories of development. The manner, procedures, documentation and the time frames to which such applications are subject as well as notification and subsequent decision-making procedures that comprise the steps in the development application process are set out.

- (g) to amend, suspend or remove a restrictive condition, servitude or reservation registered against the title deed or leasehold title of any land;
- (h) in the event that a scheme does not prescribe a procedure, to obtain consent to change the use to which land is put in terms of a scheme;
- (i) to obtain permission to use land for a specified purpose;
- (j) to close public places, including roads;
- (k) to cancel an agricultural-holding certificate; and
- (l) to undertake any other application as prescribed.

Application procedure

67 (1) An applicant shall lodge an application in writing, accompanied by the prescribed documents and fees, with the Municipal Manager of the municipality in which the land that is the subject matter of the application is situated: Provided that a district municipality may request a local municipality within its jurisdiction, or a local municipality may request either the district municipality or another local municipality within the area of the same district municipality to perform any of its functions with regard to applications.

(2) The Municipal Manager shall acknowledge receipt of an application in writing within the prescribed period.

(3) If an application is incomplete, the Municipal Manager shall refer the application back to the applicant for compliance of the provisions of this Act and as prescribed for re-submission in which event the applicant must comply with such request within the period as prescribed.

Exemptions

68 (1) An applicant may, in the prescribed manner, make application to a municipal council for exemption from certain prescribed provisions of this Chapter. The municipal council shall, in considering the application, apply prescribed criteria, which may include, but are not limited to

- (a) details as to whether persons are already settled on the land in question;
- (b) the urgency of the application; and
- (c) whether it is in the interests of rapid development.

(2) Subject to prescribed procedures and time periods, the municipal council shall –

- (a) approve the application in whole or in part and subject to such conditions as it may deem fit;
- (b) refuse the application;
- (c) dismiss the application;
- (d) postpone its decision thereon; or

- (e) direct the applicant to undertake any actions it may require.

Condonation

69. A planning body may, upon request and upon good cause shown, recommend condonation of any failure by any party to comply with any of the requirements of this Chapter if it is of the opinion that such failure has not unduly prejudiced any other person.

Public notification

70 (1) An applicant shall give notice as prescribed, of the application to-

- (a) interested and affected parties as prescribed; and
- (b) organisations prescribed by the municipality.

(2) An applicant shall, in accordance with prescribed procedures give notice of the application to prescribed organs of state.

(3) The Municipal Manager may, in addition to those parties prescribed, require the applicant to give written notice of the application to additional persons or community bodies that he or she may specify to the applicant: Provided that the Municipal Manager shall take cognisance of the different types of applications when he or she stipulates which persons or community bodies shall be notified, and he or she shall ensure that the persons or community bodies that shall be notified are appropriate to such different types of applications.

(4) An applicant shall give further notice of an application as prescribed.

(5) The Municipal Manager shall ensure that relevant departments of the municipality are notified of the application and they may comment, object and/or make representation in respect of such application.

(6) A notification made in terms of subsections (1), (2), (3), (4) or (5) shall, in the prescribed form, call for comments, objections or representations to be made, in writing to the Municipal Manager regarding the proposed application, within the period prescribed in the notice: Provided that the Municipal Manager may grant an extension of time to submit comments, objections or representations –

- (a) where requested thereto in writing during such initial period; and
- (b) where he or she is of the opinion that such comment, objection or representation will be material to the application.

(7) Proof of notification by the applicant shall be as prescribed.

(8) The Municipal Manager shall, within the prescribed period, furnish the applicant with all comments, objections or representations received in terms of subsection (6), to which the applicant may reply to the Municipal Manager within the prescribed period.

(9) The application shall be available for inspection by the public at times and places as prescribed.

Submission of application to planning body

71. After the period for submitting comments, representations and objections has expired, the Municipal Manager shall, within the prescribed period, and after considering -

- (a) the application;
- (b) all comments, objections or representations; and
- (c) any replies to the objections,

submit the application, such comments, objections, representations and replies, together with his or her report and recommendations on the application, to the planning body.

Hearing procedure

72 (1) Unless otherwise prescribed, the Municipal Manager shall, within the prescribed period, allocate a date for the hearing of the application.

(2) The Municipal Manager shall inform, in the prescribed manner and within the prescribed time periods -

- (a) the applicant;
- (b) objectors or their representatives who submitted written objections;
- (c) all interested and affected parties or their representatives who submitted written comments, representations, or objections to an application in terms of section 71; and
- (d) any relevant organ of state,

of the date, place and time of the hearing.

(3) The planning body may consider any application: provided that where there is an objection to an application, the planning body shall hear the submissions of all the parties mentioned in subsection (2) prior to making a decision on the application.

(4) The planning body may undertake any investigation regarding an application.

Approval of application

73 (1) The planning body shall, with due regard to but not limited to

- (a) the principles contained in Chapter II of this Act;
- (b) the Gauteng integrated development plan ;
- (c) the Gauteng spatial development framework;
- (d) local spatial development frameworks;

- (e) the relevant land use management plan, land use record and closing the developmental gap between the plan and record;
- (f) environmental considerations;
- (g) the requirements of relevant organs of state;
- (h) comments, objections and representations received and replies thereto;
- (i) any investigation it has directed;
- (j) the interests of the public good; and
- (k) the special merits of the application,

consider and may recommend approval, with or without amendments, or recommend refusal of the application in whole or in part or postpone its recommendation thereon: Provided that the provisions of section 40 are complied with.

(2) In recommending approval of an application the planning body may recommend -

- (a) any registrable conditions, as prescribed;
- (b) any conditions of establishment, as prescribed; or
- (c) any other conditions.

(3) The planning body shall give written reasons for its recommendations as prescribed.

Notice of approval

74 (1) After a planning body has recommended either approval, with amendments or subject to conditions, or refusal of an application, the Municipal Manager shall, within the period prescribed, inform -

- (a) the applicant;
- (b) those persons originally given notice in terms of section 72 above;
- (c) any holders of limited real rights or mineral rights; and
- (d) any other organ of state that had requirements for approval of the decision.

(2) The Municipal Manager shall, in respect of prescribed applications, inform the persons contemplated in subsection (1) of the outcome of an application and publish a notice in the *Provincial Gazette* where the application has been approved and conditions have been met.

(3) The date of such publication or such later date as stated in the notice, shall be the date upon which the approval takes effect.

Lodging of documents with the Registrar and Surveyor General

75. In prescribed circumstances, an applicant who has been notified that his or her application has been approved shall, within the prescribed period, lodge -

- (a) with the Surveyor General the plans, diagrams, documents and other information which the Surveyor General requires

- to approve the general plan in accordance with the approved application; and
- (b) with the Registrar of Deeds the approved plans and diagrams, together with the title deeds and other documents that are required by the Registrar in accordance with the approved application.

Amendment of application and conditions of establishment

76 (1) An applicant may apply to a planning body, before approval of an application, to amend such application.

(2) A planning body may approve, in whole or in part or postpone its decision thereon if it is of the opinion that the extent of the amendment is of such a nature that it will result in a lesser right being granted than that contained in the original application if approved, and such amendment is not so material as to constitute a new application.

(3) An application that does not comply with the provisions of subsection (2) must be resubmitted.

Continuation of application by another applicant

77. Subject to prescribed conditions and procedures a new applicant may continue with an application in the place of an original or subsequent applicant.

Prohibition of certain contracts

78 (1) Unless otherwise prescribed, no person shall-

- (a) enter into any contract of sale, exchange, alienation or disposal in any other manner of an erf in the township or on a portion of land;
- (b) erect a building on such erf;
- (c) grant an option to purchase or sell such erf or grant a right of first refusal in respect of such erf; or
- (d) otherwise acquire such erf, unless-

the application has been approved and engineering services have been provided to the satisfaction of the municipality or satisfactory guarantees have been provided.

(2) The provisions of subsection (1) shall not be construed as prohibiting any person from purchasing land on which he or she wishes to develop a township, subject to a condition that upon the approval of the township, one or more of the erven therein may be transferred to the seller.

(3) Any contract entered into contrary to subsections (1) and (2) shall be void.

Suspension or removal of restrictive conditions or servitudes

79. (1) A planning body may, of its own accord or on application from an applicant, where it is of the opinion that a servitude or restrictive condition is inconsistent with or undesirable in relation to the use, occupation, development or subdivision of the land, and that the removal or suspension will unnecessarily delay the development concerned, subject to the consent of the holder or beneficiary of the servitude or restrictive condition, recommend imposition of a condition of establishment in respect of -

- (a) any servitude registered against the title deed of land that is the subject matter of the application; or
- (b) any other restrictive condition thus registered or otherwise operative in respect of such land.

(2) A planning body must -

- (a) where the owner of the dominant tenement in relation to a servitude or restrictive condition referred to in subsection (1) (a) or any beneficiary of a restrictive condition referred to in subsection (1) (b) is not prepared to grant his or her consent for the suspension of the servitude or condition for a consideration or under conditions which the committee regards as fair consideration or fair conditions; or
- (b) where it is not practicable to obtain such consent within a reasonable time on account of the nature of the rights concerned, or the number of persons involved or because the whereabouts of any person contemplated in paragraph (a) is not ascertainable,

follow the procedure prescribed in section 67.

(3) A servitude or restrictive condition suspended by a condition of establishment of which notice has been given, shall be removed when the relevant register is opened.

(4) The Registrar concerned shall, as soon as possible after a removal contemplated in subsection (3), make entries in and endorsements on any register or title deed in his or her office or submitted to him or her which he or she deems necessary to reflect such removal: Provided that if such removal affects a diagram or general plan filed in the office of the Surveyor-General, the Registrar shall notify the Surveyor-General accordingly.

(5) A person who has suffered damage or whose land or real right in land has been detrimentally affected as a result of a removal or suspension in terms of subsection (3) may, within a period of one year after the removal or suspension and to the extent to which he or she has not already received other compensation, claim compensation from the person who was, at the time of such removal or suspension, the person applying for the condition or servitude to be removed or suspended.

(6) The amount of compensation referred to in subsection (5) must be an amount agreed upon between the claimant and the person referred to in that subsection or, failing such agreement within one month of a claim

having been made under that subsection, must be an amount determined by an Appeal Tribunal.

(7) This section does not authorise the removal or suspension of any registered right to minerals, and nothing in this Act detracts from the remedies of the holder of a right to minerals under the common law.

Commencement of registration of ownership in respect of certain applications

80. A Registrar shall commence registration of ownership of land in an area, which is the subject matter of a prescribed application, when -

- (a) a general plan or subdivisional diagram of the area has been approved;
- (b) an applicant has lodged the plans and diagrams as approved by the Surveyor General, together with the required title deeds for endorsement or registration with the Registrar;
- (c) the relevant register has been opened;
- (d) the township or settlement, as the case may be, has been declared an approved township or settlement;
- (e) the Municipal Manager has informed the Registrar that the respective obligations of the applicant and the relevant municipality to provide the engineering services have been fulfilled or satisfactory guarantees have been provided; and
- (f) the Municipal Manager has informed the Registrar in writing that the conditions of establishment have been complied with.

Vesting and reversion of ownership of public roads and public places

81 (1) The ownership of all public roads and public places indicated as such on a general plan of a township shall, without compensation, vest in the municipality in whose area of jurisdiction the land is situated at the time when transfer of land in ownership becomes registrable.

(2) If the general plan of a township is -

- (a) cancelled in whole or in part the ownership of the public roads and public places in the township shown on the cancelled plan or part thereof, shall, upon such cancellation, revert to the person or body who or which was the owner of the land concerned at the time of the application; and
- (b) amended in terms of any law which authorises the closing of such public road or public place or portion thereof, the ownership of such road, place or portion shall revert to the person or body who or which was the owner of the land concerned at the time of the application.

Contribution to engineering services

82. (1) Engineering services shall be provided in respect of prescribed applications as agreed upon by the relevant municipality and the applicant in terms of a services agreement complying with the prescribed guidelines and approved by the planning body.

(2) The services agreement referred to in subsection (1), shall be completed prior to an application being submitted to the planning body for approval: Provided that application for condonation may be made as prescribed in the event that a services agreement is not yet complete.

(3) Every engineering service to be provided shall be classified as an internal or external engineering service in accordance with such guidelines as are prescribed.

(4) The -

- (a) applicant shall be responsible for the installation and provision of internal engineering services; and
- (b) municipality concerned shall be responsible for the installation and provision of external engineering services.

(5) Notwithstanding the provisions of subsection (4) -

- (a) the municipality concerned may, at the request of and at the expense of the applicant, install and provide any internal engineering service or cause such service to be installed or provided;
- (b) the applicant shall, at his or her expense, install and provide, any external engineering service of which the municipality concerned is not the supplier; or
- (c) the municipality and the applicant may agree on any other arrangement regarding the installation of engineering services.

(6) The internal engineering services and the external engineering services contemplated in this section shall be installed and provided to the satisfaction of the municipality, and for that purpose, the applicant shall lodge with the municipality, such reports, diagrams and specifications as the municipality may require.

(7) For the purposes of subsection (6), the municipality concerned shall have regard to such standards and levels appropriate to the particular development as are applicable for streets and storm water drainage, water, electricity and sewage disposal services.

Substitution of authority

83 (1) As from the date of commencement of this Act any reference to "Minister" in the context of any land use conditions imposed under the repealed Black Communities Development Act, 1984 (Act 4 of 1984), "Administrator", "Townships Board", "Competent authority", "Controlling authority" or any other authority, in any condition registered against the title

deed or leasehold title relating to the land which is situated within the Province, and which is imposed under any town planning scheme or land use control mechanism having the effect of a town planning scheme in respect of land situated within the Province, and which determines that land may only be utilised for certain purposes or in a certain manner with the consent or the permission of such functionary acting on its own, or, alternatively, in consultation with the Townships Board, shall be construed as a reference to the said municipality, which has jurisdiction in the area in which the land is situated.

(2) Any obligation on the Premier or controlling authority to act in consultation with the Townships Board, set out in any provision as set out in subsection (1), shall lapse on the commencement of this Act.

Lapse of application

84. Any approved application to change the use of land shall lapse if such changed use is not commenced within the prescribed period: Provided that a municipal manager may, upon good cause shown, condone the failure and may extend the approval for such further period as prescribed.

Proof of certain facts in connection with applications

85. A professional land surveyor, professional town and regional planner, professional engineer, attorney, notary, conveyancer as defined in terms of an applicable law or an engineering geology consultant, an environmental consultant or any other professionally qualified person who prepares a document required in terms of this Chapter, and who signs the prescribed certificate on such document, thereby accepts responsibility and any liability for the accuracy of the prescribed facts contained in such document.

Development contribution

86. Where an applicant is required to pay a contribution, whether in the form of land or cash, to the municipality for a prescribed purpose he or she shall, as prescribed –

- (a) transfer such land; or
- (b) pay such amount,

within the prescribed period and subject to prescribed procedures, to the municipality for a purpose as determined by the municipality or as agreed to between the applicant and the municipality.

Transfer of development rights

87. An applicant or any other party may, after obtaining permission from the planning body, and after agreement has been reached with any other party, transfer the development rights he or she holds to the other party.

Regulations

88. The MEC may, by notice in the *Provincial Gazette*, make regulations, not inconsistent with the provisions of this Act or any other law regulating planning, which he or she considers necessary or expedient to prescribe for the effective execution of the objects and provisions of this Chapter, including -

- (a) which persons may submit certain applications;
- (b) procedures with regard to the submission of applications;
- (c) documents that are required to accompany an application;
- (d) time periods that are applicable to different applications;
- (e) procedures with regard to exemptions;
- (f) procedures with regard to condonations;
- (g) notification requirements for all applications;
- (h) fees payable for applications;
- (i) procedures with regard to the hearing of applications;
- (j) any conditions which may be imposed;
- (k) conditions of establishment that may be imposed;
- (l) procedures to be followed for a municipality in providing written reasons for its decisions;
- (m) procedures to be followed in providing a record of decisions;
- (n) engineering services;
- (o) procedures to amend applications;
- (p) criteria applicable to make a decision on certain applications;
- (q) procedures for appeal;
- (r) continuation of application by a new applicant;
- (s) procedures to be followed where a development contribution is payable; and
- (t) procedures to be followed in the transfer of development rights.

CHAPTER VII

GENERAL PROVISIONS⁶

⁶ *The purpose of this chapter is to authorise the payment of fees and contributions and the investigation of complaints together with the subsequent issue of prohibition and rectification notices, to provide for offences and the imposition of fines and penalties, to provide for the delegation of powers, the payment of compensation, the correction of errors or omissions and the documentation which must be made available and transitional provisions.*

Fees and contributions

89. (1) A municipality may, subject to any applicable law, determine fees or contributions in respect of -

- (a) any application in terms of this Act; and
- (b) anything required or authorised to be done in terms of this Act:

Provided that the fees or contributions do not exceed fees or contributions prescribed by the MEC in terms of this Act.

(2) Any fees or contributions prescribed in terms of subsection (1) shall be payable in advance or as prescribed.

(3) A municipality may, upon request and as prescribed, exempt any person or body from the payment of fees or contributions prescribed in terms of subsection (1).

Compensation

90 (1) The municipality may expropriate land or limited real rights in land for the purposes of this Act if such expropriation is for a public purpose and in the public interest.

(2) Any person whose land or limited real right in land has been expropriated shall be compensated in an amount as envisaged in terms of section 25(3) of the Constitution.

Delegation of powers

91 (1) The Premier may, by notice in the *Provincial Gazette* delegate any power conferred upon him or her by this Act to the MEC.

(2) The MEC may, by notice in the *Provincial Gazette* delegate any power conferred upon him or her by this Act to an officer in the employ of the provincial government, except the power to -

- (a) make regulations; and
- (b) add to or amend the policies, referred to in Chapter 2 of this Act.

(3) Subject to legislation regulating the powers and functions of municipalities, a planning body may delegate any power or duty conferred or imposed upon it by or under this Act, to an officer in the employ of the municipality: Provided that it shall not delegate -

- (a) any power it has with regard to the approval of spatial development frameworks and the adoption of land use management plans; or
- (b) any application in respect of which an objection has been made.

(4) Subject to legislation regulating the powers and functions of municipalities, the Municipal Manager may delegate any power or duty conferred or imposed upon him or her under this Act, to any officer in the employ of the municipality for which he or she is the Municipal Manager.

(5) Subject to legislation regulating the powers and functions of municipalities, powers or duties delegated in terms of this section shall be in writing and may be withdrawn in writing by the person or body that granted them.

Investigation of complaints

92 (1) Any person who has reasonable grounds for believing that a person or body is using land contrary to the provisions of this Act may, in accordance with prescribed procedures, make a complaint to the relevant municipality.

(2) The municipality shall, within the prescribed period and in accordance with prescribed procedures, investigate such complaint.

(3) Where the municipality finds that no contravention has occurred it shall, within the prescribed period and in terms of prescribed procedures, give written notice to the person who made the complaint, setting out the reasons for its finding.

(4) A municipality may, on its own accord, if it has reasonable grounds for believing that a person or body is using land contrary to the provisions of this Act, investigate such activity.

(5) If, in consequence of subsection (2) or (4), the municipality finds that a contravention of a provision of this Act has occurred, it shall take action as set out in section 93.

Contravening use

93 (1) A municipality shall, where it finds that a person is using land contrary to the provisions of this Act in terms of section 92, serve a notice of contravention on the owner or occupier of the land.

(2) The notice of contravention referred to in subsection (1) shall

- (a) describe the unauthorised activity concerned; and
- (b) invite the owner or occupier of land concerned to make representations to the municipality, within the prescribed period and subject to prescribed procedures, why it should not issue an order contemplated in subsection (3).

(3) The municipality shall, after the prescribed period -

- (a) and after considering any representations made to it; or
- (b) where no representations have been made, after considering the notice of contravention as set out in subsection (1),

perform any act, as may be prescribed, which may include a directive that the contravention be rectified or ceased within the prescribed period.

(4) Should any person fail to comply with the directive provided for in subsection (3) he or she shall be guilty of an offence, and the municipality may-

- (a) rectify the contravention of its own accord and recover any costs from the offending owner or occupier of land;
- (b) apply to a court for an order restraining the person concerned from continuing the contravening activity, or
- (c) use any other remedy it has in terms of this Act or any other law to remedy contravening use of land.

(5) Where the municipality does not act in accordance with prescribed procedures or prescribed time limits, as the case may be, the MEC shall, within the prescribed period and in terms of prescribed procedures, act in the prescribed manner.

Offences, imposition of fines and penalties

94 (1) Any person who contravenes or fails to comply with any provision of this Act and any by-law made in terms of this Act, or any order, directive, prohibition, condition, requirement made or notice made or given in terms of this Act, shall be guilty of an offence and liable on conviction to an appropriate fine not exceeding R 500 000.00 or to imprisonment as prescribed or to both such fine and imprisonment.

(2) A person convicted of an offence under this Act who, after conviction, continues with the conduct in respect of which he or she was so convicted shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R 10 000.00 in respect of each day on which he or she continued with it.

(3) The provisions of section 341 of the Criminal Procedure Act, 1977 (Act No 51 of 1977), relating to the compounding of certain minor offences by means of fines shall apply, with the necessary changes, to a contravention of any provision of this Act.

Documentation to be available to the public

95. Any documentation produced in terms of the provisions of this Act, shall be available to the public at the municipal offices during normal office hours as prescribed.

Correction of errors or omissions

96. The MEC or municipality may, in the prescribed manner and by notice in the *Provincial Gazette*, correct any error or omission in any notice or document published in terms of this Act.

Transitional measures

97 (1) Any regulation made, any proclamation, notice, certificate or other document issued, any instruction or directive, consent or authorisation issued or granted, any exemption or permit issued, or any appointment or determination made or other step taken or thing done in terms of the

provisions of any law repealed by this Act shall be deemed to have been issued, granted, made, taken or done in terms of the provisions of this Act, and shall remain in force until repealed or withdrawn in terms of this Act.

(2) Notwithstanding the provisions of subsection (1), a matter in connection with which, before the commencement of this Act, action was taken in terms of a law listed in the Schedule and which has not been disposed of at the commencement of this Act shall, from the date of commencement of this Act, be finalised in terms of the provisions of this Act.

(3) Any zoning scheme, land-use regulation or land-use control mechanism, provisions in a title deed or lease hold condition and any other measure under any law governing land use in a particular area shall remain in force until the date when a land use management plan comes in force in which case the rights and obligations in the land-use management plan shall prevail.

Key performance indicators

98. The MEC must after a review of the compliance with key performance indicators-

- (a) table a report to the legislature and the relevant municipality as well as the district municipality, if the municipality is a local municipality-
 - (i) which must indicate compliance by the municipality with the key performance indicators and the steps taken to meet the key performance indicators; and
 - (ii) which may indicate measures that the municipality should undertake to achieve compliance; and
- (b) stipulate actions developed with the municipality to which it must comply.

Lapse of Applications

99. Any application submitted and approved in terms of this Act by a planning body any which is not proceeded with within five (5) years of the date of such approval shall lapse: Provided that the municipality may grant extension of time.

Regulations

100. The MEC may, by notice in the *Provincial Gazette*, make regulations, not inconsistent with the provisions of this Act or any other law regulating planning, which he or she considers necessary or expedient to prescribe for the effective execution of the objects and provisions of this chapter, including -

- (a) any additional principles, consistent with those in Chapter II of this Act;
- (b) any principle in more detail, consistent therewith;
- (c) the payment of any fees or contributions;

- (d) exemptions from the payment of fees or contributions;
- (e) procedures in respect of the investigation of complaints;
- (f) procedures in terms of which a municipality deals with unauthorised uses of land;
- (g) procedures relating to the correction of errors or omissions;
- (h) procedures to lodge appeals;
- (i) the manner in which documentation is to be made available to the public;
- (j) the key performance indicators and performance targets municipalities must meet with the resources available to them;
- (k) the information that must be provided by municipalities and other development participants to assist in the development and monitoring as well as achievement of key performance indicators; and
- (l) the procedure for involvement of developmental participants in the development of key performance indicators.

Repeal of laws

101. The laws set out in columns one and two are hereby repealed to the extent set out in column three of the Schedule.

Short title and commencement

102 (1) This Act is called the Gauteng Planning and Development Act, 2002 and shall commence on the date fixed by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates of commencement may be so fixed in respect of different provisions of the Act or different areas within the Province.

SCHEDULE**Laws repealed**

No. and year of law	Short title	Extent of repeal
Ordinance No. 17 of 1939	Local Government Ordinance 17 of 1939	Section 66, 67 and 68
Ordinance 15 of 1986	Town Planning and Townships Ordinance, 1986	The whole
Ordinance 20 of 1986	Division of Land Ordinance, 1986	The whole
Act No. 3 of 1996	Gauteng Removal of Restrictions Act, 1996	The whole
Ordinance No. 20 of 1943	Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943	The whole

EXPLANATORY MEMORANDUM ON THE OBJECTS OF THE GAUTENG PLANNING AND DEVELOPMENT BILL, 2002

1. PURPOSE OF THE BILL

The ending of apartheid in South Africa resulted in the fundamental changes to the planning and development environment. New democratic imperatives changed the fundamentals on which planning were based, rendering traditional planning approaches and legislation inappropriate. The Department of Development Planning and Local Government has undertaken a major policy and legislative restructuring by introducing the Gauteng Development Planning Bill to provide for a comprehensive system of development planning and land use management in the Province.

2. OBJECTIVES OF THE BILL

The Bill is intended to provide for a single system of development, planning and land use management in the Province; to set out principles for planning and development in the Province; to establish planning bodies and to provide for appeals to the Appeal Tribunal. Furthermore, the Bill is intended to create a framework for the preparation of development plans and frameworks; to provide for the creation of land use management plans; to create unified procedures for development applications and to provide for general matters such as enforcement of the procedures.

It should be noted that, while the powers and duties in the Bill are largely entrusted to the Member of the Executive Council responsible for provincial planning ('the MEC'), the Premier of the Province is also entrusted with certain powers while he may also delegate such powers to the MEC (Section 91(1)). Section 91 also provides for those functions that may be delegated by the MEC to an officer in employ of the provincial government and the planning body to delegate powers to the officer in the employ of the municipality.

The intention of the Bill is not to empower the MEC to encroach upon the municipalities' executive authority to administer municipal planning. However, the Bill does provide provincial government executive and legislative authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedule 4 and 5 of the Constitution.

3. IMPLICATIONS OF THE BILL

3.1 Communication implications

No implications other than the customary communications on the adoption of new legislation.

3.2 Environmental implications

No direct environmental implications on the Province as the Bill is mainly directed at municipalities. Environmental impact assessments as required in accordance with environmental legislation will have to be undertaken where land development or use may impact on the environment.

3.3 Financial implications

No material additional financial implications on the Province other than what has been budgeted under the normal budget of the Department.

4. OTHER BODIES OR DEPARTMENTS CONSULTED

The draft Bill was submitted to organised local government within the Province with a request to municipalities to comment on the Bill. Affected departments within the Province were consulted on the contents of the Bill. Through attempts to align the Bill with the draft national Land Use Bill the relevant national Department was consulted.

5. CLAUSE-BY-CLAUSE EXPLANATION OF THE BILL

The Bill is divided into seven Chapters, as follows:

Chapter I :	Definitions
Chapter II :	Principles for Development
Chapter III :	Land Development
Chapter IV :	Developments Plans
Chapter V :	Land Use Management Plans and Schemes
Chapter VI :	Development Procedures
Chapter VII:	General Provisions

Chapter I: Definitions

Clause 1 provides for definitions.

Chapter II: Principles for Development

Clauses 2 to 10 provide a set of developmental principles that will be the reference point for informing the preparation of the Gauteng Integrated Development Plan, Local Integrated Development Plans and Provincial and Local Spatial Development Frameworks in line with the normative planning system. They represent the vision and desired development values that need to be promoted to achieve the transformation in living environments into integrated, balanced, equitable and sustainable environments. They include the values to be upheld in planning processes and decision-making by the development planning bodies.

Chapter III: Land Development Decision-making Bodies

Clause 11 provides that every municipality may establish a land development decision-making body in the form of either a municipal planning tribunal or planning committee.

Clause 12 deals with the procedure for establishing a land development decision-making body within a municipality. The clause provides that a municipality may designate a committee that has been established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998). The committee shall be known as the planning committee. The committee will hear and make recommendations to the municipal council on applications to establish a township, to establish settlement, to sub-divide land, to obtain permission to use land for a specific purpose, etc.

The committee will also make recommendations to the municipal council relating to the adoption or review of the spatial development framework and land use management plans.

The clause also provides that a municipality with an Executive Committee or Executive Mayoral system may opt to establish a municipal planning tribunal instead of a planning committee. The tribunal will make recommendations to the Executive Committee or Executive Mayor for final decisions on the adoption of the spatial development framework and the land use management plans.

The clause provides that the tribunal and the planning committee shall incorporate members with knowledge of or experience in law, land development, community or development planning.

Clause 13 provides that the municipality shall determine meetings of the municipal planning tribunal or planning committee.

Clause 14 provides that a member of the tribunal or planning committee shall not take part in hearing where he or she has a personal interest in the matter before the planning body.

Clause 15 provides that any member who contravenes the stipulations of section 14 shall be liable for summary disqualification from being a member of the committee.

Clause 16 explains the powers of the planning committee and municipal planning tribunal. Both planning bodies may hear land applications submitted to the municipality and hear complaints relating to the implementation of its decisions. The planning body may also make recommendations in respect of the municipality's spatial development framework and the land use management plans. The planning body may sub-delegate powers to any appropriate member or members of the municipality if it deems necessary to ensure administrative efficiency.

Clause 17 provides for the recording in writing of all the recommendations of planning bodies and made available to the public during normal business hours.

Clause 18 provides that the municipality cannot hear its own land application. In cases where a municipality is the applicant, the application shall be referred to the Provincial Development Tribunal. The Provincial Tribunal will also deal with applications that the municipal planning body cannot take a decision on or a municipality cannot take a decision on due to capacity problems.

The clause also gives powers to the MEC to determine a category or type of applications that shall be heard by the Provincial Tribunal.

Clause 19 provides for the establishment of the development appeal tribunal by the MEC. The MEC has the powers to designate the chairperson and the deputy chairperson of the appeal tribunal and to determine the period of office of the development appeal tribunal members. The members of the tribunal shall have at least knowledge and experience in law and land development. Half of the members appointed from the ranks of employees of the Provincial Government and officers of municipalities and the other half from outside. The MEC has the final decision making powers to appoint the appeal tribunal members. He shall however, make his or her intention to appoint known in the Provincial Gazette for comments and objections. Before making the final decision, the MEC shall take comments and objections to the Standing Committee for its consideration on the MEC's intentions to appoint.

Section 20 provides that the development appeal tribunal shall hear appeals of the decisions of the municipal planning bodies and make recommendations to the MEC for final decision.

Section 21 provides that the MEC may make regulations regarding matters contained in Chapter III.

Chapter IV: Development Plans

Clause 22 provides that the Premier is responsible for the formulation of the provincial Gauteng Integrated Development Plan, however, the Premier may delegate this responsibility to the MEC for Development Planning in the Province. The process of formulation and implementation of the spatial development framework should involve other line departments within the province, whereby their relevant policies, programmes, strategies or plans are to be included in the Gauteng Integrated Development Plan.

Clause 23 explains the purpose of the Gauteng Integrated Development Plan that is mainly to provide strategic framework and implementation strategy for the province. The Gauteng Integrated Development Plan also integrates all the plans, strategies and programmes within the province so that the provincial resources could be allocated efficiently.

Clause 24 explains what should be the subject matter of the Gauteng Integrated Development Plan that is largely to provide the vision and strategic direction for the province and the broad objectives and goals of the province.

Clause 25 provides that the Premier is responsible for ensuring that the Gauteng Integrated Development Plan takes into consideration all the necessary aspects such as inputs of all the departments, needs and priorities of municipalities, the policies, programmes, plans and strategies of neighbouring provinces to ensure that development in the province is well integrated.

Clause 26 explains the procedures to be followed in preparing the Gauteng Integrated Development Plan. The plan shall be published in the Provincial Gazette to ensure that consultation and participation of the stakeholders in the Province.

Clause 27 provides for the formulation and implementation of the spatial development framework of Gauteng by the MEC.

Clause 28 explains the purpose of the spatial development framework, which is mainly to guide the decisions relating to the location and nature of physical development in the Province.

Clause 29 provides for the subject matter of the spatial development framework.

Clause 30 provides that the MEC is responsible for the co-ordination of the provincial spatial development framework. The co-ordination includes inputs of all provincial departments and taking into consideration the spatial frameworks of municipalities and neighbouring provinces and alignment with programmes of the national Government.

Clause 31 provides that the MEC shall approve the spatial development framework and submit it to the Executive Council of the province for information.

Clause 32 provides that the Gauteng Integrated Development Plan and the Gauteng Spatial Development Framework should be aligned with the land development undertaken by local and district municipalities.

Clause 33 provides for the preparation of the spatial development plans by the metropolitan and local municipalities.

Clause 34 explains the general purpose of spatial development frameworks

Clause 35 deals with the contents of spatial development framework and the prescription of the minimum requirements.

Clause 36 deals with the co ordination and alignment of the spatial development frameworks of all municipalities. It also empowers the MEC to facilitate the co-ordination and the alignment of such plans.

Clause 37 provides the procedure for the preparation of spatial development frameworks.

Clause 38 makes provision for a district municipality to prepare a spatial development framework for the local municipality that falls within its area of jurisdiction and visa versa. It also allows one local municipality to prepare a spatial development framework for another local municipality provided that the two municipalities fall within the area of jurisdiction of one district municipality. It also empowers the MEC to cause a special development framework to be prepared in the event that a municipality fails to do so.

Clause 39 provides for the submission of spatial development frameworks to the MEC to ensure the promotion of co-ordinated planning in the Province. It also empowers the MEC to request a municipality to amend its spatial development framework if the MEC has reason to believe that such framework does not comply with the provisions of this Bill. The MEC has powers to cause the spatial development framework to be prepared or amended.

Clause 40 provides for the effect of the spatial development frameworks in relation to the land development applications.

Clause 41 grants the Premier and the MEC the authority to regulate on matters pertaining to the Gauteng integrated development plans and the Gauteng development frameworks respectively.

Chapter V: Land Use Management Plans

Clause 42 provides for the preparation of land use management plans by every municipality. It empowers the MEC to cause a land use management plan to be prepared in the event that a municipality fails to do so within the timeframes specified by the MEC. Clause 42 also provides for the manner in which the land use management plans shall be administered and enforced by the municipalities for land development purposes.

Clause 43 makes provision for a district municipality to prepare, administer and enforce a land use management plan for the local municipality that falls within its area of jurisdiction if requested to do so by such local municipality and provided that the district municipality has the necessary capacity. It also allows one local municipality to prepare, administer and enforce a land use management plan for another local municipality provided the two municipalities fall within the area of jurisdiction of one district municipality.

Clause 44 places an obligation on municipalities to replace the existing schemes, as defined in clause 1, by preparing new land use management plans. It also provides for the municipalities to periodically revise the land use management plans to conform to the integrated development plans.

Clause 45 explains the purpose of land use management plans.

Clause 46 deals with the provisions that may be contained in land use management plans and the prescription of the minimum requirements.

Clause 47 empowers the municipality to formulate any procedure to deal with applications for consent to land uses.

Clause 48 provides that the land use management plans shall take precedence over the municipal by-laws in cases where there is a dispute.

Clause 49 empowers the MEC to prescribe minimum requirements that may be included in the land use management plans.

Clause 50 outlines the procedure to be followed by municipalities in preparing, revising and adopting their land use management plans.

Clause 51 provides for the coming into operation of the adopted land use management plans.

Clause 52 provides that an adopted land use management plan may not be amended within two years from the date of its adoption unless the municipality has satisfied itself that the circumstances warrants an amendment.

Clause 53 deals with the manner in which previous land uses that do not

conform to the provisions of the land use management plan should be handled.

Clause 54 makes provision for the land use management plans to be revised if the municipal boundaries have been re-determined in terms of the Local Government: Municipal Demarcation Act, 198 (Act 27 of 1998).

Clause 55 provides that land use management plans shall apply to all owners and occupiers of land including organs of state in the Province.

Clause 56 provides mechanisms which municipalities may employ in order to promote the fulfilment of the purpose of a land use management plan.

Clause 57 provides for municipalities to keep and administer a land use record.

Clause 58 explains the purpose of land use records.

Clause 59 deals with the contents of a land use record.

Clause 60 outlines the procedure for drawing up and revising land use records

Clause 61 empowers the MEC to request the Gauteng Development Appeal Tribunal to review land use management plans that are inconsistent with national and provincial legislation.

Clause 62 empowers the MEC to refer land use management decisions that are inconsistent with the national and provincial legislation or policies to the Gauteng Development Appeal Tribunal.

Clause 63 deals with the transitional phase. It gives a period within which land development in respect of the existing schemes shall cease to exist upon the coming into operation of Section 42. In other words upon the coming into effect at Section 42, all land development shall be in accordance with the land use management plan as contemplated in Section 42.

Clause 64 provides that the MEC may make regulations that relate to land use management plans.

Chapter VI: Development Procedures

Clause 65 this section lists and identifies groups or persons or bodies that qualify or are eligible to make application in respect of land development. Only persons listed in the section will qualify to make such an application.

Clause 66 provides for the kinds of applications that could be made in respect of land development.

Clause 67 provides for the procedure to be followed when application referred to in section 66 is made. In making such an application the applicant has to apply in writing and shall be made on prescribed documents to the Municipal Manager in a Municipality where the land is situated. A fee is payable in respect of the application. If the land in question is situated within boundaries of more than one Municipality, the applicant must lodge the applications to the said Municipalities.

Clause 68 empowers a municipal manager to exempt applicants from certain provision of this Chapter and prescribes criteria for exemption.

Clause 69 empowers the planning body to recommend condonation of any failure by any party to comply with any of the requirements of this Chapter.

Clause 70 deals with notification of the public by the applicant. The applicant is required to give a notice of the application to the interested and affected parties. The municipal manager may require the applicant to give written notice to additional persons or communities.

Clause 71 deals with the procedure after receipt of comments or objections and provides for the municipal manager to submit applications together with comments, reports or recommendations to the planning body.

Clause 72 deals with the hearing procedure, the municipal manager is entrusted with the responsibility of allocating a date for the hearing of the applications. In issuing out the date the municipal manager must do so in the prescribed manner and within the prescribed timeframes.

Clause 73 provides for the planning body to make recommendations regarding an application and stipulates the kind of recommendations it may make.

Clause 74 prescribes procedures for notification by the municipal manager of recommendations by the planning body and outcome of decisions.

Clause 75 provides that approved applications must be lodged with the Surveyor General.

Clause 76 deals with the amendments of applications and conditions of establishment. In terms of the provisions of this clause, it is permissible for an applicant to apply to a planning body before approval of an application for an amendment of the application.

Clause 77 in terms of the provision of this clause it is possible for a new applicant to continue with an application made by someone else.

Clause 78 prohibits certain contracts in respect of township or portion of land, unless the application has been approved by the engineering services.

Clause 79 deals with suspension or removal of restrictive conditions or servitudes in respect of certain application. It empowers a planning body to recommend imposition of a condition of establishment and prescribes the procedure therefore.

Clause 80 deals with the commencement of registration of ownership in respect of certain applications. In terms of this clause, registration by the Registrar will only be affected after the approval of a general plan or subdivisional diagram of the area.

Clause 81 provides for the vesting and reversion of ownership of public roads and public places. When transfer of land in ownership becomes registerable, public roads and public places, shall without compensation vest in the municipality in whose area of jurisdiction the land is situated. Upon the cancellation of the general plan of a township, ownership in respect of public roads and public places shall revert to person who was the owner of land at the time of application.

Clause 82 deals with contribution to engineering services. The municipality and the applicant must agree in respect of the provision of engineering services in terms of a service agreement. The agreement must be completed before the application is submitted to the planning committee. Such an engineering service will be classified as an internal or external engineering service.

Clause 83 deals with the substitution of references to authorities under the repealed Black Communities Development Act No 4 of 1984.

Clause 84 provides for the lapsing of any approved application relating to the change of use of land if such changed use is not commenced within the prescribed period.

Clause 85 deals with proof of certain fact in connection with application for land development. It provides that any professionally qualified person who prepares a document required in terms of this chapter and signs the prescribed certificate accepts responsibility for the accuracy of the facts contained in such documents.

Clause 86 provides for the development contribution by the applicant where required, in the form of land or cash to the municipality. Such contribution shall be done within the prescribed period and through the prescribed procedure.

Clause 87 deals with the transfer of development rights by an applicant to a third party subject to permission from the planning body.

Clause 88 empowers the MEC to make regulations that relate to development procedures.

Chapter VII: General Provisions

Clause 89 deals with fees and contributions. It gives the municipality the right to determine fees or contributions in respect of application in terms of this Act and anything authorised to be done in terms of this Act, but not in excess of fees and contributions prescribed by the MEC.

Clause 90 deals with compensation in instances where the municipality has expropriated land or limited real rights for public purpose and in the public interest.

Clause 91 provides for instance whereby the Premier may delegate his or her powers to the MEC or the MEC may delegate his or her powers to an official in the employ at the Provincial Government, except the powers to make regulations and add to or amend the Principles in chapter 2 of this Act.

Clause 92 deals with the investigation of complaints by the Municipality. The investigation shall be conducted within the prescribed period and in accordance with the prescribed procedure.

Clause 93 deals with the steps to be taken by a municipality in the event of contravention of land use.

Clause 94 deals with offences, imposition of fines and penalties. It provides that any person who contravenes any provision of this Act shall be guilty of an offence. In further provides the nature of fine that could be imposed on the offender.

Clause 95 provides for time and place where any document produced in terms of this Act shall be made available.

Clause 96 deals with the correction of errors by the MEC or Municipality. And the correction should be made by publication of a notice in the Provincial Gazette.

Clause 97 relates to transitional measures.

Clause 98 provides steps to be taken by the MEC after review of compliance with key performance indicators.

Clause 99 deals with lapse of applications.

Clause 100 vests the MEC with the power to make regulations regarding general provisions of the Act.

Clause 101 deals with the laws that have been repealed. Those laws are set out in column one, two and three of the schedules.

Clause 102 contains the short title and commencement of the Act.

The Schedule contains legislation to be repealed by the promulgation of this Act.

EXPLANATORY MEMORANDUM ON THE OBJECTS OF THE GAUTENG PLANNING AND DEVELOPMENT BILL, 2002

1. PURPOSE OF THE BILL

The ending of apartheid in South Africa resulted in the fundamental changes to the planning and development environment. New democratic imperatives changed the fundamentals on which planning were based, rendering traditional planning approaches and legislation inappropriate. The Department of Development Planning and Local Government has undertaken a major policy and legislative restructuring by introducing the Gauteng Development Planning Bill to provide for a comprehensive system of development planning and land use management in the Province.

2. OBJECTIVES OF THE BILL

The Bill is intended to provide for a single system of development, planning and land use management in the Province; to set out principles for planning and development in the Province; to establish planning bodies and to provide for appeals to the Appeal Tribunal. Furthermore, the Bill is intended to create a framework for the preparation of development plans and frameworks; to provide for the creation of land use management plans; to create unified procedures for development applications and to provide for general matters such as enforcement of the procedures.

It should be noted that, while the powers and duties in the Bill are largely entrusted to the Member of the Executive Council responsible for provincial planning ('the MEC'), the Premier of the Province is also entrusted with certain powers while he may also delegate such powers to the MEC (Section 91(1)). Section 91 also provides for those functions that may be delegated by the MEC to an officer in employ of the provincial government and the planning body to delegate powers to the officer in the employ of the municipality.

The intention of the Bill is not to empower the MEC to encroach upon the municipalities' executive authority to administer municipal planning. However, the Bill does provide provincial government executive and legislative authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedule 4 and 5 of the Constitution.

3. IMPLICATIONS OF THE BILL

3.1 Communication implications

No implications other than the customary communications on the adoption of new legislation.

3.2 Environmental implications

No direct environmental implications on the Province as the Bill is mainly directed at municipalities. Environmental impact assessments as required in accordance with environmental legislation will have to be undertaken where land development or use may impact on the environment.

3.3 Financial implications

No material additional financial implications on the Province other than what has been budgeted under the normal budget of the Department.

4. OTHER BODIES OR DEPARTMENTS CONSULTED

The draft Bill was submitted to organised local government within the Province with a request to municipalities to comment on the Bill. Affected departments within the Province were consulted on the contents of the Bill. Through attempts to align the Bill with the draft national Land Use Bill the relevant national Department was consulted.

5. CLAUSE-BY-CLAUSE EXPLANATION OF THE BILL

The Bill is divided into seven Chapters, as follows:

Chapter I :	Definitions
Chapter II :	Principles for Development
Chapter III :	Land Development
Chapter IV :	Developments Plans
Chapter V :	Land Use Management Plans and Schemes
Chapter VI :	Development Procedures
Chapter VII:	General Provisions

Chapter I: Definitions

Clause 1 provides for definitions.

Chapter II: Principles for Development

Clauses 2 to 10 provide a set of developmental principles that will be the reference point for informing the preparation of the Gauteng Integrated Development Plan, Local Integrated Development Plans and Provincial and Local Spatial Development Frameworks in line with the normative planning system. They represent the vision and desired development values that need to be promoted to achieve the transformation in living environments into integrated, balanced, equitable and sustainable environments. They include

the values to be upheld in planning processes and decision-making by the development planning bodies.

Chapter III: Land Development Decision-making Bodies

Clause 11 provides that every municipality may establish a land development decision-making body in the form of either a municipal planning tribunal or planning committee.

Clause 12 deals with the procedure for establishing a land development decision-making body within a municipality. The clause provides that a municipality may designate a committee that has been established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998). The committee shall be known as the planning committee. The committee will hear and make recommendations to the municipal council on applications to establish a township, to establish settlement, to sub-divide land, to obtain permission to use land for a specific purpose, etc.

The committee will also make recommendations to the municipal council relating to the adoption or review of the spatial development framework and land use management plans.

The clause also provides that a municipality with an Executive Committee or Executive Mayoral system may opt to establish a municipal planning tribunal instead of a planning committee. The tribunal will make recommendations to the Executive Committee or Executive Mayor for final decisions on the adoption of the spatial development framework and the land use management plans.

The clause provides that the tribunal and the planning committee shall incorporate members with knowledge of or experience in law, land development, community or development planning.

Clause 13 provides that the municipality shall determine meetings of the municipal planning tribunal or planning committee.

Clause 14 provides that a member of the tribunal or planning committee shall not take part in hearing where he or she has a personal interest in the matter before the planning body.

Clause 15 provides that any member who contravenes the stipulations of section 14 shall be liable for summary disqualification from being a member of the committee.

Clause 16 explains the powers of the planning committee and municipal planning tribunal. Both planning bodies may hear land applications submitted to the municipality and hear complaints relating to the implementation of its decisions. The planning body may also make recommendations in respect of the municipality's spatial development framework and the land use

management plans. The planning body may sub-delegate powers to any appropriate member or members of the municipality if it deems necessary to ensure administrative efficiency.

Clause 17 provides for the recording in writing of all the recommendations of planning bodies and made available to the public during normal business hours.

Clause 18 provides that the municipality cannot hear its own land application. In cases where a municipality is the applicant, the application shall be referred to the Provincial Development Tribunal. The Provincial Tribunal will also deal with applications that the municipal planning body cannot take a decision on or a municipality cannot take a decision on due to capacity problems.

The clause also gives powers to the MEC to determine a category or type of applications that shall be heard by the Provincial Tribunal.

Clause 19 provides for the establishment of the development appeal tribunal by the MEC. The MEC has the powers to designate the chairperson and the deputy chairperson of the appeal tribunal and to determine the period of office of the development appeal tribunal members. The members of the tribunal shall have at least knowledge and experience in law and land development. Half of the members appointed from the ranks of employees of the Provincial Government and officers of municipalities and the other half from outside. The MEC has the final decision making powers to appoint the appeal tribunal members. He shall however, make his or her intention to appoint known in the Provincial Gazette for comments and objections. Before making the final decision, the MEC shall take comments and objections to the Standing Committee for its consideration on the MEC's intentions to appoint.

Section 20 provides that the development appeal tribunal shall hear appeals of the decisions of the municipal planning bodies and make recommendations to the MEC for final decision.

Section 21 provides that the MEC may make regulations regarding matters contained in Chapter III.

Chapter IV: Development Plans

Clause 22 provides that the Premier is responsible for the formulation of the provincial Gauteng Integrated Development Plan, however, the Premier may delegate this responsibility to the MEC for Development Planning in the Province. The process of formulation and implementation of the spatial development framework should involve other line departments within the province, whereby their relevant policies, programmes, strategies or plans are to be included in the Gauteng Integrated Development Plan.

Clause 23 explains the purpose of the Gauteng Integrated Development Plan

that is mainly to provide strategic framework and implementation strategy for the province. The Gauteng Integrated Development Plan also integrates all the plans, strategies and programmes within the province so that the provincial resources could be allocated efficiently.

Clause 24 explains what should be the subject matter of the Gauteng Integrated Development Plan that is largely to provide the vision and strategic direction for the province and the broad objectives and goals of the province.

Clause 25 provides that the Premier is responsible for ensuring that the Gauteng Integrated Development Plan takes into consideration all the necessary aspects such as inputs of all the departments, needs and priorities of municipalities, the policies, programmes, plans and strategies of neighbouring provinces to ensure that development in the province is well integrated.

Clause 26 explains the procedures to be followed in preparing the Gauteng Integrated Development Plan. The plan shall be published in the Provincial Gazette to ensure that consultation and participation of the stakeholders in the Province.

Clause 27 provides for the formulation and implementation of the spatial development framework of Gauteng by the MEC.

Clause 28 explains the purpose of the spatial development framework, which is mainly to guide the decisions relating to the location and nature of physical development in the Province.

Clause 29 provides for the subject matter of the spatial development framework.

Clause 30 provides that the MEC is responsible for the co-ordination of the provincial spatial development framework. The co-ordination includes inputs of all provincial departments and taking into consideration the spatial frameworks of municipalities and neighbouring provinces and alignment with programmes of the national Government.

Clause 31 provides that the MEC shall approve the spatial development framework and submit it to the Executive Council of the province for information.

Clause 32 provides that the Gauteng Integrated Development Plan and the Gauteng Spatial Development Framework should be aligned with the land development undertaken by local and district municipalities.

Clause 33 provides for the preparation of the spatial development plans by the metropolitan and local municipalities.

Clause 34 explains the general purpose of spatial development frameworks

Clause 35 deals with the contents of spatial development framework and the prescription of the minimum requirements.

Clause 36 deals with the co ordination and alignment of the spatial development frameworks of all municipalities. It also empowers the MEC to facilitate the co-ordination and the alignment of such plans.

Clause 37 provides the procedure for the preparation of spatial development frameworks.

Clause 38 makes provision for a district municipality to prepare a spatial development framework for the local municipality that falls within its area of jurisdiction and visa versa. It also allows one local municipality to prepare a spatial development framework for another local municipality provided that the two municipalities fall within the area of jurisdiction of one district municipality. It also empowers the MEC to cause a special development framework to be prepared in the event that a municipality fails to do so.

Clause 39 provides for the submission of spatial development frameworks to the MEC to ensure the promotion of co-ordinated planning in the Province. It also empowers the MEC to request a municipality to amend its spatial development framework if the MEC has reason to believe that such framework does not comply with the provisions of this Bill. The MEC has powers to cause the spatial development framework to be prepared or amended.

Clause 40 provides for the effect of the spatial development frameworks in relation to the land development applications.

Clause 41 grants the Premier and the MEC the authority to regulate on matters pertaining to the Gauteng integrated development plans and the Gauteng development frameworks respectively.

Chapter V: Land Use Management Plans

Clause 42 provides for the preparation of land use management plans by every municipality. It empowers the MEC to cause a land use management plan to be prepared in the event that a municipality fails to do so within the timeframes specified by the MEC. Clause 42 also provides for the manner in which the land use management plans shall be administered and enforced by the municipalities for land development purposes.

Clause 43 makes provision for a district municipality to prepare, administer and enforce a land use management plan for the local municipality that falls within its area of jurisdiction if requested to do so by such local municipality and provided that the district municipality has the necessary capacity. It also allows one local municipality to prepare, administer and enforce a land use

management plan for another local municipality provided the two municipalities fall within the area of jurisdiction of one district municipality.

Clause 44 places an obligation on municipalities to replace the existing schemes, as defined in clause 1, by preparing new land use management plans. It also provides for the municipalities to periodically revise the land use management plans to conform to the integrated development plans.

Clause 45 explains the purpose of land use management plans.

Clause 46 deals with the provisions that may be contained in land use management plans and the prescription of the minimum requirements.

Clause 47 empowers the municipality to formulate any procedure to deal with applications for consent to land uses.

Clause 48 provides that the land use management plans shall take precedence over the municipal by-laws in cases where there is a dispute.

Clause 49 empowers the MEC to prescribe minimum requirements that may be included in the land use management plans.

Clause 50 outlines the procedure to be followed by municipalities in preparing, revising and adopting their land use management plans.

Clause 51 provides for the coming into operation of the adopted land use management plans.

Clause 52 provides that an adopted land use management plan may not be amended within two years from the date of its adoption unless the municipality has satisfied itself that the circumstances warrants an amendment.

Clause 53 deals with the manner in which previous land uses that do not conform to the provisions of the land use management plan should be handled.

Clause 54 makes provision for the land use management plans to be revised if the municipal boundaries have been re-determined in terms of the Local Government: Municipal Demarcation Act, 198 (Act 27 of 1998).

Clause 55 provides that land use management plans shall apply to all owners and occupiers of land including organs of state in the Province.

Clause 56 provides mechanisms which municipalities may employ in order to promote the fulfilment of the purpose of a land use management plan.

Clause 57 provides for municipalities to keep and administer a land use record.

Clause 58 explains the purpose of land use records.

Clause 59 deals with the contents of a land use record.

Clause 60 outlines the procedure for drawing up and revising land use records

Clause 61 empowers the MEC to request the Gauteng Development Appeal Tribunal to review land use management plans that are inconsistent with national and provincial legislation.

Clause 62 empowers the MEC to refer land use management decisions that are inconsistent with the national and provincial legislation or policies to the Gauteng Development Appeal Tribunal.

Clause 63 deals with the transitional phase. It gives a period within which land development in respect of the existing schemes shall cease to exist upon the coming into operation of Section 42. In other words upon the coming into effect at Section 42, all land development shall be in accordance with the land use management plan as contemplated in Section 42.

Clause 64 provides that the MEC may make regulations that relate to land use management plans.

Chapter VI: Development Procedures

Clause 65 this section list and identifies groups or persons or bodies that qualify or are eligible to make application in respect of land development. Only persons listed in the section will qualify to make such an application.

Clause 66 provides for the kinds of applications that could be made in respect of land development.

Clause 67 provides for the procedure to be followed when application referred to in section 66 is made. In making such an application the applicant has to apply in writing and shall be made on prescribed documents to the Municipal Manager in a Municipality where the land is situated. A fee is payable in respect of the application. If the land in question is situated within boundaries of more than one Municipality, the applicant must lodge the applications to the said Municipalities.

Clause 68 empowers a municipal manager to exempt applicants from certain provision of this Chapter and prescribes criteria for exemption.

Clause 69 empowers the planning body to recommend condonation of any failure by any party to comply with any of the requirements of this Chapter.

Clause 70 deals with notification of the public by the applicant. The applicant is required to give a notice of the application to the interested and affected

parties. The municipal manager may require the applicant to give written notice to additional persons or communities.

Clause 71 deals with the procedure after receipt of comments or objections and provides for the municipal manager to submit applications together with comments, reports or recommendations to the planning body.

Clause 72 deals with the hearing procedure, the municipal manager is entrusted with the responsibility of allocating a date for the hearing of the applications. In issuing out the date the municipal manager must do so in the prescribed manner and within the prescribed timeframes.

Clause 73 provides for the planning body to make recommendations regarding an application and stipulates the kind of recommendations it may make.

Clause 74 prescribes procedures for notification by the municipal manager of recommendations by the planning body and outcome of decisions.

Clause 75 provides that approved applications must be lodged with the Surveyor General.

Clause 76 deals with the amendments of applications and conditions of establishment. In terms of the provisions of this clause, it is permissible for an applicant to apply to a planning body before approval of an application for an amendment of the application.

Clause 77 in terms of the provision of this clause it is possible for a new applicant to continue with an application made by someone else.

Clause 78 prohibits certain contracts in respect of township or portion of land, unless the application has been approved by the engineering services.

Clause 79 deals with suspension or removal of restrictive conditions or servitudes in respect of certain application. It empowers a planning body to recommend imposition of a condition of establishment and prescribes the procedure therefore.

Clause 80 deals with the commencement of registration of ownership in respect of certain applications. In terms of this clause, registration by the Registrar will only be affected after the approval of a general plan or subdivisional diagram of the area.

Clause 81 provides for the vesting and reversion of ownership of public roads and public places. When transfer of land in ownership becomes registerable, public roads and public places, shall without compensation vest in the municipality in whose area of jurisdiction the land is situated. Upon the cancellation of the general plan of a township, ownership in respect of public

roads and public places shall revert to person who was the owner of land at the time of application.

Clause 82 deals with contribution to engineering services. The municipality and the applicant must agree in respect of the provision of engineering services in terms of a service agreement. The agreement must be completed before the application is submitted to the planning committee. Such an engineering service will be classified as an internal or external engineering service.

Clause 83 deals with the substitution of references to authorities under the repealed Black Communities Development Act No 4 of 1984.

Clause 84 provides for the lapsing of any approved application relating to the change of use of land if such changed use is not commenced within the prescribed period.

Clause 85 deals with proof of certain fact in connection with application for land development. It provides that any professionally qualified person who prepares a document required in terms of this chapter and signs the prescribed certificate accepts responsibility for the accuracy of the facts contained in such documents.

Clause 86 provides for the development contribution by the applicant where required, in the form of land or cash to the municipality. Such contribution shall be done within the prescribed period and through the prescribed procedure.

Clause 87 deals with the transfer of development rights by an applicant to a third party subject to permission from the planning body.

Clause 88 empowers the MEC to make regulations that relate to development procedures.

Chapter VII: General Provisions

Clause 89 deals with fees and contributions. It gives the municipality the right to determine fees or contributions in respect of application in terms of this Act and anything authorised to be done in terms of this Act, but not in excess of fees and contributions prescribed by the MEC.

Clause 90 deals with compensation in instances where the municipality has expropriated land or limited real rights for public purpose and in the public interest.

Clause 91 provides for instance whereby the Premier may delegate his or her powers to the MEC or the MEC may delegate his or her powers to an official in

the employ at the Provincial Government, except the powers to make regulations and add to or amend the Principles in chapter 2 of this Act.

Clause 92 deals with the investigation of complaints by the Municipality. The investigation shall be conducted within the prescribed period and in accordance with the prescribed procedure.

Clause 93 deals with the steps to be taken by a municipality in the event of contravention of land use.

Clause 94 deals with offences, imposition of fines and penalties. It provides that any person who contravenes any provision of this Act shall be guilty of an offence. In further provides the nature of fine that could be imposed on the offender.

Clause 95 provides for time and place where any document produced in terms of this Act shall be made available.

Clause 96 deals with the correction of errors by the MEC or Municipality. And the correction should be made by publication of a notice in the Provincial Gazette.

Clause 97 relates to transitional measures.

Clause 98 provides steps to be taken by the MEC after review of compliance with key performance indicators.

Clause 99 deals with lapse of applications.

Clause 100 vests the MEC with the power to make regulations regarding general provisions of the Act.

Clause 101 deals with the laws that have been repealed. Those laws are set out in column one, two and three of the schedules.

Clause 102 contains the short title and commencement of the Act.

The Schedule contains legislation to be repealed by the promulgation of this Act.

W E T S O N T W E R P

Om 'n enkele stelsel vir ontwikkeling, beplanning en grond bestuur in die Provincie te verskaf; om beginsels vir beplanning en ontwikkeling in die Provincie uit een te sit; om liggame van beplanning te skep en om appelle te voorsien vir die Appèl Gereghof; om 'n raamwerk te skep vir die voorbereiding van ontwikkelingsplanne en raamwerke; om te voorsien vir die skepping van planne vir die bestuur van grondgebruik; om verenigde procedures vir die toepassing van ontwikkeling te skep; om te voorsien vir die herroeping van wetgewing; om te voorsien vir algemene sake soos uitvoering van procedures; en om te voorsien vir sake daaraan verbonde.

SOOS BEKRGAGTIG deur die Provinciale Wetgewing van Gauteng, soos volg: -

INDELING VAN WET

Afdelings	Bladsy
WETSONTWERP _____	i
HOOFSTUK 1 _____	1
BEPALING EN TOEPASSING VAN DIE WET EN ALGEMENE BEGINSELS VIR BEPLANNING EN ONTWIKKELING _____	1
Bepalings_____	1
HOOFSTUK II _____	9
BEGINSELS VIR ONTWIKKELING _____	9
Toepassing van beginsels vir beplanning en ontwikkeling _____	9
Provinsiale beleid vir beplanning en ontwikkeling _____	10

Beginsels om ruimtelike herstrukturering en ontwikkeling te bevorder	10
Beginsels om volhoubare ontwikkeling te bevorder	10
Beginsels in verband met ontwikkeling in die algemeen	11
Beginsels in verband met stelsels vir die bestuur van grondgebruik	11
Beginsels wat beplanning en ontwikkeling versterk	12
Beginsels aangaande deelname en ontwikkeling van menslike hulpbronne	13
Beginsels in verband met administratiewe regverdigheid, besluitneming en dispuut beslissing	13
HOOFSTUK III	14
LIGGAME VAN BESLUITNEMING VIR DIE ONTWIKKELING	
VAN GROND	14
Liggeme vir beplanning	14
Komitees of Geregshowe	14
Vergaderings	17
Persoonlike belang van lede van beplanningsliggame	17
Magte van beplanningskomitees en geregshowe vir munisipale beplanning	17
Notules	18
Vasstelling van aansoeke wat deur die Gauteng Gereghof vir Ontwikkeling aangehoor sal word	18
Die stigting van 'n Appèl Gereghof vir ontwikkeling	19
Appèlle	20
Regulasies	21
HOOFSTUK IV	21
ONTWIKKELINGSPLANNE	
Formulerung en implementering van die Gauteng geïntegreerde ontwikkelingsplan	21
Algemene doel van die Gauteng geïntegreerde ontwikkelingsplan	22

Onderwerp van die Gauteng geïntegreerde ontwikkelingsplan	22
Koördinasie van die Gauteng geïntegreerde ontwikkelingsplan	22
Prosedures vir die voorbereiding van die Gauteng geïntegreerde ontwikkelingsplan	23
Formulering en implementering van die Gauteng ruimtelike ontwikkelingsraamwerk	23
Algemene doel van die Gauteng ruimtelike ontwikkelingsraamwerk	24
Onderwerp van die Gauteng ruimtelike ontwikkelingsraamwerk	24
Koördinering van die Gauteng ruimtelike ontwikkelingsraamwerk met ander terreine	25
Prosedures vir die stelling van die Gauteng ruimtelike ontwikkelingsraamwerk	25
Die uitwerking van die Gauteng geïntegreerde ontwikkelingsplan en die Gauteng ruimtelike ontwikkelingsraamwerk	25
Ruimtelike ontwikkelingsraamwerke	25
Algemene doel van ruimtelike ontwikkelingsraamwerke	26
Onderwerp van ruimtelike ontwikkelingsraamwerke	26
Koördinering van ruimtelike ontwikkelingsraamwerke met ander planne	27
Prosedures vir die stelling van ruimtelike ontwikkelingsraamwerke	27
Gebrek aan stelling van ruimtelike ontwikkelingsraamwerke	28
Indiening van ruimtelike ontwikkelingsraamwerke en wysigings daarvan aan die LUR	28
Uitwerking van ruimtelike ontwikkelingsraamwerke	29

Regulasies gevvolg deur die procedures soos neergelê	
in Hoofstuk V van hierdie Wet	30
HOOFSTUK V	31
PLANNE VIR DIE BESTUUR VAN GRONDGEBRUIK	31
Planne vir die bestuur van grondgebruik	31
Distrik en plaaslike munisipaliteite	32
Planne vir die bestuur van grondgebruik sal voorberei	
en hersien word deur munisipaliteite	33
Doel van planne vir die bestuur van grondgebruik	34
Voorsienings wat in planne vir die bestuur van	
grondgebruik vervat sal word	35
Prosedures in terme van goedkeurings	35
Voorsiening van die plan vir bestuur van grondgebruik	
in botsing met verordeninge	36
Minimum voorgeskrewe vereistes	36
Prosedures vir die optrek en hersiening van planne vir	
die bestuur van grondgebruik	36
Aanvang van die goedgekeurde plan	37
Afskaffing van verdere planne vir wysiging in sekere	
omstandighede	37
Afwykende grondgebruike	38
Effek van verandering van grense	38
Toepaslikheid	39
Bevoegdheid van plaaslike owerheid om die vervulling	
van die doel van 'n Plan vir die Bestuur van	
Grondgebruik te bevorder	39
Rekord van grondgebruik	39
Doel van rekords vir grondgebruik	39
Inhoud van rekords vir grondgebruik	40
Prosedures vir die optrek en hersiening van rekords vir	
grondgebruik	40

Plan vir grondgebruik wat nie konsekwent is met die nasionale en provinsiale wetgewing nie	40
Besluite vir die Bestuur van Grondgebruik wat nie konsekwent is met Nasionale en Provinciale Wetgewing of Beleid nie	41
Oorgangsmaatreëls	41
Regulasies	41
HOOFSTUK VI	42
PROSEDURES VAN ONTWIKKELING	42
Aansoekers	42
Tipe aansoeke	43
Aansoek Prosedures	43
Vrystellings	44
Kwytskelding	44
Openbare kennisgewing	44
Voorlegging van aansoeke aan beplanningsliggaam	46
Verhoor prosedure	46
Goedkeuring van aansoeke	46
Kennisgewing van goedkeuring	47
Indiening van dokumente by die Registrateur en Landmeter Generaal	48
Wysiging van aansoek en voorwaardes van stigting	48
Voortsetting van aansoek deur 'n ander aansoeker	48
Verbod op sekere kontrakte	48
Opskorting of verwijdering van beperkte voorwaardes of serwitute in verband met sekere aansoeke	49
Aanvang van registrasie van eienaarskap in verband met sekere aansoeke	50
Vestiging en omkering van eienaarskap van openbare paaie en openbare plekke	51
Bydrae tot ingenieursdienste	51
Vervanging van owerheid	52

Verval van aansoek	53
Bewys van sekere feite in verband met aansoeke	53
Bydrae tot ontwikkeling	53
Oorplasing van ontwikkelingsregte	53
Regulasies	54
HOOFSTUK VII	55
ALGEMENE BEPALINGS	55
Fooie en bydraes	55
Vergoeding	55
Verspreiding van bevoegdhede	55
Ondersoek van klages	56
Gebruik van oortreding	57
Oortreding, oplegging van boetes en strawwe	57
Dokumentasie beskikbaar aan die publiek	58
Regstelling van foute en uitlatings	58
Oorgangsmaatreëls	58
Sleutel aanwysers vir werkverrigting	59
Verval van aansoeke	59
Regulasies	59
Herroeping van wette	60
Kort titel en aanvang	60
SKEDULE	61

Beplanningsliggaam

Munisipale Raad

Paragraaf

HOOFSTUK 1

BEPALING EN TOEPASSING VAN DIE WET EN AL GEMENE BEGINSELS VIR BEPLANNING EN ONTWIKKELING

Bepalings

1. In hierdie Wet, tensy die inhoud anders aantoon –

“aansoek” beteken ‘n aansoek wat gemaak is in terme van Hoofstuk VI van hierdie Wet om die manier waarop grondgebruik word te verander, of ‘n klage gemaak in terme van Hoofstuk VII aangaan onwettige gebruik van grond;

“aansoeker” beteken enige persoon of liggaam wat aansoek doen, soos uiteengesit in die Wet, om ‘n aktiwiteit te onderneem wat betrekking het op die manier waarop grondgebruik word en sal ook insluit ‘n persoon wat ‘n klage indien aangaande die onwettige gebruik van grond;

“algemene plan” beteken ‘n algemene plan van ‘n dorpsgebied of ‘n gedeelte daarvan wat goedgekeur was in terme van die Grond Opmeting Wet, 1997 (Wet No. 8 van 1997);

“Appèl Geregshof” beteken ‘n Appèl Geregshof vir ontwikkeling gestig in terme van Afdeling 24 van die Wet op Bevordering van Ontwikkeling, 1995;

“belanghebbende en geaffekteerde persone” beteken ‘n persoon of liggaam wat ‘n belang het in of wat geaffekteer word deur ‘n aansoek;

“beleid, administratiewe praktyk en wetgewing” beteken beplanningsbeleid, administratiewe praktyk en wetgewing;

“beperkte effektiewe reg” beteken ‘n geregistreerde reg oor die onroerende eiendom van ‘n ander persoon;

“beperkte voorwaarde” beteken enige voorwaarde geregistreer teen die titel akte van grond of huurpag titel, wat die gebruik van die grond beperk en enige ander statutêre beperkings op die beplanning, ontwikkeling of gebruik van die grond;

“beplanning vir gemeenskap ontwikkeling” beteken ‘n deelnemende proses van geïntegreerde ekonomiese, ruimtelike, sosiale, institusionele, infrastrukturele, omgewing, fiskale en ander planne en strategieë om sodoende die optimale toewysing van skaars hulpbronne aan verskeie sektore en geografiese areas in

gemeenskappe, dorpe en wyke in die Provinse, op 'n manier wat bemagtiging van armes en gemarginaliseerde, volhoubare groei en gelykheid bevorder;

"beplanning van ontwikkeling" beteken 'n deelnemende proses van die integrasie van ekonomiese, ruimtelike, sosiale, institusionele, infrastrukturele, omgewing, fiskale en ander planne en strategieë om sodoende die optimale toewysing van skaars hulpbronne aan verskeie sektore en geografiese areas in gemeenskappe, dorpe en wyke in die Provinse, op 'n manier wat bemagtiging van armes en gemarginaliseerde, volhoubare groei en gelykheid bevorder;

"beplanningskomitees" beteken 'n munisipale geregshof vir beplanning of beplanningsliggaam gestig in terme van Afdeling 12 van die Wet;

"bestaande skema" beteken enige gebied skema, stadsbeplanning skema of dergelike instrument opgetrek in verband met wetgewing wat die gebruik van grond en enige verwante instrumente voor die aanneming van hierdie Wet beheer;

"bewoner" beteken 'n persoon wat nie noodwendig die grond besit wat hy of sy bewoon nie, maar wat op die grond woon met die uitdruklike of versweë toestemming van die eienaar van die grond;

"Departement" beteken die departement in die provinsiale administrasie verantwoordelik vir beplanning van ontwikkeling, of sy opvolger in titel;

"diagram" beteken 'n diagram soos omskryf in Afdeling 1 van die Grond Opmeting Wet, 1997 (Wet No. 8 van 1997);

"distrik munisipaliteit" beteken 'n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in 'n area het wat meer as een munisipaliteit insluit en wat beskryf word in Afdeling 155(1) van die Konstitusie as 'n kategorie C munisipaliteit;

"dorpsgebied" beteken onderverdeelde gedeeltes of stukke grond wat mag of nie mag saamgevoeg wees deur middel van openbare plekke en paaie en wat gebruik word vir verskillende doeleindes, soos vir residensieel, industrieel of kommersieel, of wat bedoel word om so gebruik te word, wat aangedui word op 'n algemene plan en waarvoor 'n dorpsgebied register geopen is;

"dorpsgebied register" beteken 'n register verwys na in Afdeling 46(1) van die Aktekantoor Wet, 1937 (Wet No. 47 van 1937);

"eienaar" beteken die persoon wat geregistreer is as die eienaar van eiendom in 'n Aktekantoor, in terme van die Akte Kantoor Wet, 1937 (Wet No. 47 van 1937);

"evaluasie van omgewing" beteken 'n evaluasie van die impak op die omgewing van 'n voorgestelde ontwikkeling, uitgevoer in ooreenstemming met die regulasies wat van tyd tot tyd gepubliseer word deur die Minister van Omgewingsake en Toerisme of sy of haar opvolger in titel in terme van die bepalings van die Nasionale Omgewingsbewaring Wet, 1989 (Wet 73 van 1989);

"Gauteng geïntegreerde ontwikkelingsplan" beteken 'n geïntegreerde ekonomiese groei en ontwikkelingsplan vir die Provinsie, soos meer volledig beskryf in Hoofstuk IV van hierdie Wet;

"Gauteng Gereghof vir Ontwikkeling" beteken die gereghof wat in Gauteng opgestel is in terme van Afdeling 15 van die Wet op Bevordering van Ontwikkeling;

"Gauteng ruimtelike ontwikkelingsraamwerk" beteken 'n ruimtelike voorstelling van die doelwitte en mikpunte van die Gauteng geïntegreerde ontwikkelingsplan, soos meer volledig beskryf in Hoofstuk IV van hierdie Wet;

"gebou" beteken 'n struktuur van enige aard, hetsy van 'n tydelike of permanente aard en ongeag die materiaal gebruik in die oprigting of konstruksie daarvan;

"geïntegreerde ontwikkelingsplan" beteken 'n plan soos omskryf in Afdeling 1 van die Plaaslike Regering: Munisipale Stelsels Wet, 2000 (Wet No. 32 van 2000), soos gewysig;

"geïntegreerde vervoer plan" beteken 'n plan soos omskryf in terme van Afdeling 1 van die Gauteng Vervoer Raamwerk Wet, 1998 (Wet 8 van 1998), soos gewysig;

"georganiseerde munisipaliteite in die Provinsie" beteken 'n provinsiale organisasie wat erken word in terme van Afdeling 2(1) van die Georganiseerde Plaaslike Regering Wet, 1997 (Wet No. 52 van 1997);

"gereghof" beteken die Gauteng Gereghof vir ontwikkeling en die Appèl Gereghof, gestig in terme van Hoofstuk III van die Wet op Bevordering van Ontwikkeling of opvolgers in titel;

"grond" sluit enige geboue of verbeterings daarop in;

"grond aangrensend die voorgestelde ontwikkeling" beteken enige grond wat aan 'n algemene grens raak of dit deel, of wat slegs deur 'n pad geskei word van die grond wat die onderwerp van die aansoek is;

"grondgebruik" beteken die benutting van spasie vir 'n sekere doel, ingesluit maar nie beperk tot residensiële, industriële, omgewing bewaring, landbou, vervoer en gemengde gebruik;

"grondgebruik verslag" is 'n verslag van grondgebruiken soos besluit in terme van planne vir die bestuur van grondgebruik en word voorberei deur 'n munisipaliteit in ooreenstemming met die bepalings van hierdie Hoofstuk V;

"Hoof van Departement" beteken die amptenaar in die provinsiale administrasie wat die administratiewe hoof van die Departement is wat verantwoordelik is vir beplanning van ontwikkeling, of sy opvolger in titel;

"huurpag" beteken 'n vorm van 'n titel vir grond wat die houer toelaat om die grond te gebruik vir 'n ooreengekome verlengde tydperk;

"ingenieursdienste" beteken enige diens geïnstalleer in die proses van infrastruktuur ontwikkeling vir die voorsiening van water, elektrisiteit en riool, en die bou van strate, paaie en stelsels vir storm water dreinering, insluitende alle verwante dienste en toerusting;

"Kennisgewing van Oortreding" beteken die kennisgewing waarna verwys word in Hoofstuk VII, Afdeling 87 van hierdie Wet;

"Konstitusie" beteken Konstitusie van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

"landelike grens" beteken die area van 'n munisipaliteit waarbuite daar nie ontwikkeling mag plaasvind nie;

"landelike verspreiding" beteken die groei en ontwikkeling van 'n gebied tot so 'n mate dat die lewering van dienste onekonome geword het te danke is aan die ruimtelike patroon wat ontwikkel; en

"Landmeter Generaal" beteken die Landmeter Generaal soos omskryf in Afdeling 8 van die Grond Opmeting Wet;

"liggaam" beteken enige organisasie of struktuur, hetsy 'n regsgelerde persoon of nie, en mag 'n buurt assosiasie of liggaam van die gemeenskap insluit;

"liggaam van die gemeenskap" beteken 'n liggaam, organisasie, firma of instituut van watter aard ook al wat die belang van 'n gemeenskap, of 'n deel van 'n gemeenskap verteenwoordig;

"LUR" beteken Lid van die Uitvoerende Raad van die Provinse wat verantwoordelik is vir die beplanning van ontwikkeling;

"metropolitaanse munisipaliteit" beteken 'n munisipaliteit wat eksklusiewe uitvoerende en wetgewende gesag in sy area het, en wat beskryf word in Afdeling 155(1) van die Konstitusie as 'n kategorie A munisipaliteit;

"munisipale bestuurder" beteken 'n persoon wat aangestel is in terme van Afdeling 82 van die Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998);

"munisipaliteit" beteken 'n kategorie A, B en C munisipaliteit soos oorweeg in Afdeling 155(1) van die Konstitusie van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

"omgewing" beteken die omgewing soos omskryf in Afdeling 1 van die Wet op Nasionale Omgewing Bestuur, 1998 (Wet No. 107 of 1998);

"ontwikkeling" beteken ontwikkeling soos uiteensit in Afdeling 1 van die Munisipale Stelsel Wet, 2000 (Wet No. 32 van 2000);

"openbare plek" beteken enige vierkant of oop of geslote plek, tuin of park, 'n straat, pad of deurpad geleë in die munisipale raad of staatsbeweging vir gebruik deur die algemene publiek;

"persoon" beteken enige natuurlike of regsgelerde persoon en dit sluit in alle mondstukke van die regering;

"plaaslike gemeenskap of gemeenskap" beteken 'n plaaslike gemeenskap of gemeenskap soos omskryf in Afdeling 1 van die Plaaslike Regering: Munisipale Stelsels Wet, 2000 (Wet No. 32 van 2000);

"plaaslike munisipaliteit" beteken 'n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy area deel met 'n distrik munisipaliteit in wie se area dit val, en wat beskryf word in Afdeling 155(1) van die Konstitusie as 'n kategorie B munisipaliteit;

"Plan vir die Bestuur van die Omgewing" beteken 'n bestuursplan soos omskryf in Afdeling 1 van die Wet op Omgewing Bestuur, 1998 (Wet No. 107 van 1998);

"Plan vir die Bestuur van Grondgebruik" beteken 'n verslag van verlangde grondgebruiken in 'n munisipale area, voorberei deur 'n munisipaliteit in ooreenstemming met die bepalings van Hoofstuk 5 van hierdie Wet;

"Plan vir die Implementering van die Omgewing" beteken 'n plan vir implementering soos omskryf in Afdeling 1 van die Wet op Omgewing Bestuur, 1998 (Wet No. 107 van 1998);

"plan vir onderverdeling" beteken 'n konsep of goedgekeurde plan wat die voorgeskrewe inligting weerspieël, ingesluit maar nie beperk tot die betrokke ligging van die onderverdeelde grond eenhede.

"Premier" beteken die hoof van die Uitvoerende Raad van die Provinsie;

"provinsiale lyn departemente" beteken die departemente in die provinsiale administrasie wat val onder lede van die Uitvoerende Raad verantwoordelik vir spesifieke provinsiale funksies;

"provinsiale regering" beteken die regering van die Provinsie van Gauteng wat erken word as 'n Provinsie in die Republiek van Suid-Afrika in terme van Afdeling 124(1) van die Konstitusie van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993), Afdeling 103 van die Konstitusie van Suid-Afrika Wet, 1996 (Wet No. 108 van 1996);

"provinsiale vervoer koördinasie plan" beteken 'n plan soos omskryf in Afdeling 1 van die Gauteng Vervoer Raamwerk Wet 1998 (Wet No. 8 van 1998);

"provinsiale vervoer raamwerk" beteken 'n raamwerk soos omskryf in Afdeling 1 van die Gauteng Vervoer Raamwerk Wet, 1998 (Wet No. 9 van 1998);

"Provinsie" beteken die Provinsie van Gauteng;

"Provinsie Wetgewing" beteken die Provinsiale Wetgewing van Gauteng gestig onder Afdeling 104 van die Konstitusie;

"Registrateur" beteken registrator soos omskryf in Afdeling 102 van die Aktekantoor Wet, 1937 (Wet No. 47 van 1937);

"regulasie" beteken 'n regulasie uitgereik in terme van hierdie Wet;

"sekretaris" beteken 'n lid van die personeel van die Departement wat deur die Hoof van die Departement aangestel is om as sekretaris van die Appèl Gereghof op te tree wat deur hierdie Wet gestig;

"Staande Komitee" beteken die Komitee verantwoordelik vir die ontwikkelingsbeplanning of sy opvolger in titel, ingestel in terme van Afdeling 116 gelees met Item (10(4) van Skedule 6 van die Konstitusie van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

"staatsbeweging" beteken –

- (a) enige departement van die staat of administrasie in die nasionale, provinsiale of plaaslike sfeer van die regering; of
- (b) enige ander amptenaar of institusie –
 - (i) wat 'n gesag uitoefen of 'n funksie uitvoer in terme van die Konstitusie of 'n provinsiale konstitusie; of
 - (ii) wat 'n gesag uitoefen of 'n funksie uitvoer in terme van enige wetgewing, maar sluit nie 'n hof of 'n geregtelike amptenaar in nie.

"stad en streeksbeplanner" beteken 'n persoon wat geregistreer is as 'n stad en streeksbeplanner in terme van Wet op Stad en Streeksbeplanners, 1984 (Wet No. 19 van 1984), en wie se naam opgegee is en nie verwyder is in die register waarna verwys word in die Wet nie;

"uitleg plan" beteken 'n plan wat die ooreenstemmende situasie aandui, hetsy bestaande of voorgestelde, van grond of stukke grond wat onderworpe is aan 'n aansoek of wat benodig word in terme van hierdie Wet, met betrekking tot die onmiddellike omgewing, en wat die voorgestelde gebruik van die grond of 'n gedeelte daarvan aandui;

"Uitvoerende Raad" beteken die Uitvoerende Raad van die Provinsie gestig onder Afdeling 132 van die Konstitusie van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

"verordening" beteken wetgewing goedgekeur deur die raad van 'n munisipaliteit wat bindend is op die munisipaliteit waarop dit van toepassing is;

"voorskryf" beteken voorgeskryf deur die LUR, tensy die Premier spesifiek genoem word, deur regulasie in die Provinciale Staatskoerant;

"Wet op Bevordering van Ontwikkeling" beteken die Wet op Bevordering van Ontwikkeling, 1995 (Wet No. 67 van 1995);

"wyk" beteken 'n wyk soos omskryf in Afdeling 1 van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998).

2. Marginale notas is ingesluit vir gerieflikheidshalwe en sal nie in die interpretasie van hierdie Wet gebruik word nie.

HOOFSTUK II

BEGINSELS VIR ONTWIKKELING¹

Toepassing van beginsels vir beplanning en ontwikkeling

2. Die algemene beginsels soos uiteengesit in hierdie Hoofstuk sal regdeur die Provinse van toepassing wees en sal –
- (a) alle staatsliggame bind;
 - (b) toegepas word op die voorbereiding en administrasie van planne, insluitend geïntegreerde ontwikkelingsplanne, ruimtelike ontwikkelingsraamwerke en planne vir die bestuur van grondgebruik;
 - (c) van toepassing wees wanneer regulasies, riglyne, beleid en verordeninge in verband met beplanning en ontwikkeling opgetrek en geïmplementeer word deur die provinsiale en plaaslike regering;
 - (d) van toepassing wees wanneer ook al enige persoon enige diskresie uitoeft of enige besluit neem in terme van hierdie Wet of enige ander wetgewing wat van krag is in die Provinse wat handel oor beplanning en ontwikkeling;
 - (e) vir die doeleindes van –
 - (i) Hoofstuk III, van toepassing wees op besluite en beplanningsliggame;
 - (ii) Hoofstuk IV, van toepassing wees op die voorbereiding, wysiging en implementering van planne wat onder hierdie Hoofstuk gemaak word;
 - (f) Hoofstuk V, van toepassing wees op die voorbereiding, wysiging en implementering van planne vir die bestuur van grondgebruik, verslae oor grondgebruik en enige ander gebied skemas en besluite wat onder hierdie Hoofstuk geneem is;
 - (g) Hoofstuk VI, van toepassing wees op die verantwoordelikhede van alle persone wat betrek is by die oorweging van en besluite aangaande toepassing van ontwikkeling.

¹Die doel van hierdie Hoofstuk is om die beginsels uiteen te sit wat die verwysingspunt sal wees om die voorbereiding van alle planne en besluite oor beplanning in te lig inlyn met 'n normatiewe beplanning stelsel. Dit stel die visie en verlangde waardes vir ontwikkeling voor wat bevorder moet word om die transformasie in lewensomgewings te behaal na geïntegreerde, gebalanseerde, gelyke en volhoubare omgewings. Dit sluit die waardes in wat gehandhaaf moet word in beplanningsprosesse en besluitneming.

Provinsiale beleid vir beplanning en ontwikkeling

3. Die LUR mag, van tyd tot tyd, soos voorgeskryf, beleid of riglyne uitrek of wysig aangaande sake met betrekking tot beplanning en ontwikkeling in die Provinsie, waarop hy of sy –

- (a) die beleid of riglyne per kennisgewing in die *Provinsiale Staatskoerant* sal publiseer;
- (b) na konsultasie met ander provinsiale LURs; en
- (c) na beraadslaging met munisipaliteite;

aan belanghebbende partye 'n geleentheid sal bied om vertoë te rig, voor publikasie van 'n kennisgewing oorweeg in paragraaf (a).

Beginsels om ruimtelike herstrukturering en ontwikkeling te bevorder

4. Beleid, administratiewe praktyk en wetgewing in die Provinsie wat nedersetting patronen en ruimtelike vorms tot gevolg sal hê dat –

- (a) verdigting van dorpe en stede bevorder sal word deur landelike verspreiding te ontmoedig en wat die landbou hulpbronne basis tot meganismes sal beskerm wat gereguleer mag word van tyd tot tyd, soos die landelike grens;
- (b) die herstel van histories verwrone ruimtelike patronen van nedersettings in Gauteng ondersteun sal word;
- (c) geïntegreerde grond ontwikkeling in landelike en stedelike areas bevorder sal word ter ondersteuning van mekaar;
- (d) dit sal lei tot die gebruik en ontwikkeling van grond wat bestaande hulpbronne optimaliseer soos grootmaat infrastruktuur, paaie, vervoer en sosiale fasiliteite;
- (e) positiewe nedersetting kwaliteit bevorder sal word, veral met betrekking tot openbare omgewings; en
- (f) die identifikasie en toewysing van 'n reeks grondgebruiken bevorder sal word, insluitende gemengde gebruik van grond.

Beginsels om volhoubare ontwikkeling te bevorder

5. Beleid, administratiewe praktyk en wetgewing in die Provinsie sal volhoubare ontwikkeling bevorder wat –

- (a) binne die fiskale, institusionele en administratiewe middele van die Provinsie is;

- (b) aan die basiese benodigdhede van alle burgers sal voldoen op 'n bekostigbare wyse;
- (c) lewensvatbare gemeenskappe sal stig met gerieflike toegang tot ekonomiese geleenthede, infrastrukture en sosiale dienste;
- (d) die gebruik van bestaande hulpbronne optimaliseer, insluitende sulke hulpbronne wat betrekking het op landbou, grond, water, minerale, grootmaat infrastrukture, paaie, vervoer en sosiale fasiliteite;
- (e) omgewing volhoubare en optimale grond ontwikkelingspraktyke en prosesse aan te moedig; en
- (f) die veilige gebruik van grond verseker deur faktore soos geologiese formasies en geværlike ondermynde areas in ag te neem.

Beginsels in verband met ontwikkeling in die algemeen

6. Beleid, administratiewe praktyk en wetgewing in die Provinsie sal –

- (a) die integrasie van sosiale, ekonomiese, omgewing, institusionele, infrastruktuur en ruimtelike aspekte van grond ontwikkeling bevorder;
- (b) die ontwikkeling van formele, informele, bestaande en nuwe nedersettings in landelike en stedelike gebiede fasiliteer;
- (c) onwettige besetting van grond ontmoedig, en nogtans informele ontwikkelingspraktyke erken;
- (d) die deelname van alle sektore van die ekonomie aanmoedig en sal vennootskappe bevorder om sodoende grond ontwikkeling te maksimaliseer;
- (e) verseker dat staatsliggame die belangte koördineer van die verskeie sektore wat betrokke is by of geaffekteer word deur grond ontwikkeling, om sodoende teenstrydige eise op skaars hulpbronne te minimaliseer; en
- (f) vinnige grond ontwikkeling bevorder.

Beginsels in verband met stelsels vir die bestuur van grondgebruik

7. Elke munisipaliteit sal 'n bestuurstelsel vir grondgebruik hê wat van toepassing is op alle grond in sy area van jurisdiksie wat –

- (a) die mekanismes blootstel vir die bestuur van die implementering van grondgebruik en ontwikkelingsaspekte van plaaslike geïntegreerde ontwikkelingsplanne en ruimtelike ontwikkelingsraamwerke om die volgende te verseker –
 - (i) 'n meer kompakte landelike vorm deur hoër digtheid aan te moedig en landelike verspreiding te ontmoedig;
 - (ii) die ligging van residensiële en werksgeleenthede naby aan of geïntegreer met mekaar; en
 - (iii) die regstelling van die histories verwronge ruimtelike patronen van nedersettings in die Provinsie en die optimale gebruik van bestaande infrastrukture meer as die huidige benodighede.
- (b) wetlike beskerming van regte vir grondgebruik verskaf, ongeag of areas voorheen uitgesluit was of nie van stadsbeplanning of gebied skemas of ander stelsels van bestuur vir grondgebruik;
- (c) dieselfde beskerming in wetgewing bied aan alle grond eienaars en bewoners binne 'n area van jurisdiksie van die munisipaliteit om beswaar te maak, kommentaar te lewer op en aktief deel te neem in besluite wat hulle affekteer in verband met verandering met betrekking tot die gebruik van grond, insluitend maar nie beperk tot die reg om appèl aan te teken nie;
- (d) prosesse oor besluitneming bevorder wat die bevordering van die openbare goedere balanseer en die beskerming van redelike regte van belanghebbende en geaffekteerde partye; en
- (e) alle aansoeke vir grondgebruik verandering aanmoedig om potensiële impak te identifiseer, hetso positief of negatief.

Beginsels wat beplanning en ontwikkeling versterk

8. (1) Beleid, administratiewe praktyk en wetgewing in die Provinsie sal –

- (a) konsekwent wees met die bepalings van die Wet;
- (b) die Gauteng geïntegreerde ontwikkelingsplan en die Gauteng ruimtelike ontwikkelingsraamwerk en verwante beleid ondersteun en bevorder;
- (c) die spoedige implementering van programme fasiliteer wat ontwerp is om aan die doelwitte en mikpunte te voldoen wat gestel word deur die

- Gauteng geïntegreerde ontwikkelingspan, die Gauteng ruimtelike ontwikkelingsraamwerk en ander betrokke sektor planne;
- (d) samewerking en koördinasie verseker tussen munisipaliteite *inter se*;
 - (e) samewerking en koördinasie verseker tussen munisipaliteite en die Provinse; en
 - (f) samewerking en koördinasie verseker tussen provinsiale departemente.
- (2) Beplanning en ontwikkeling in die Provinse sal geïmplementeer word op so 'n manier dat dit die volgende sal verseker –
- (a) 'n effektiewe stelsel van beplanning in die konteks van beperkte hulpbronne;
 - (b) dat programme en projekte ingelig word deur planne;
 - (c) dat planne verbind word met programme, begrotings, prestasie bestuur en menslike hulpbronne kapasiteit; en
 - (d) samewerking met betrekking tot beplanning tussen alle sfere van die regering om koördinasie te verseker van wetgewing en regulasies wat beplanning affekteer.

Beginsels aangaande deelname en ontwikkeling van menslike hulpbronne

9. Beleid, administratiewe praktyk en wetgewing in die Provinse sal deelname in beplanningsprosesse aanmoedig deur die–

- (a) vergemakliking van die aktiewe deelname van persone of liggende geaffekteer deur beplanning en ontwikkelingsprosesse en besluite op 'n deurlopende basis; en
- (b) bevordering van die ontwikkeling van vaardighede en bekwaamheid van alle persone wat betrokke is by beplanning en ontwikkeling, veral daardie persone wat histories benadeel was deur wetgewing en ander middele van die toonaangewende ekonomiese en sosiale.

Beginsels in verband met administratiewe regverdigheid, besluitneming en dispuut beslissing

10. (1) Beleid, administratiewe praktyk en wetgewing sal verseker dat administratiewe procedures wettig, redelik en regverdig is, deur:

- (a) duidelike wette en prosedures en toegang tot inligting te verskaf vir daardie persone wat geneig is om daardeur geaffekteer te word;
- (b) vertroue en aanvaarding te bevorder tussen daardie persone wat geneig is om daardeur geaffekteer te word;
- (c) verdere toestemming te verskaf tot die fundamentele regte soos uiteengesit in die Konstitusie.

(2) Beplanning en ontwikkelingsprosedures en besluite deur staatsliggame gemaak sal konsekwent wees met die bepalings van hierdie Wet en sal die bepalings aanhang van die Wet op Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000).

(3) 'n Beplanningsliggaam mag, alvorens 'n verhoor plaasvind of voor 'n besluit geneem word, enige dispuut tussen een of meer partye in verband met enige geval wat voortspruit uit die bepalings van die Wet, verwys na bemiddeling.

HOOFSTUK III

LIGGAME VAN BESLUITNEMING VIR DIE ONTWIKKELING VAN GROND²

Liggeme vir beplanning

11. Elke munisipaliteit sal 'n geregshof vir munisipale beplanning stig of 'n beplanningskomitee in terme van Afdeling 12 van hierdie Wet.

Komitees of Geregshowe

12. (1) 'n Munisipaliteit mag 'n komitee of komitees benoem wat gestig is in terme van Afdeling 79 van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998), wat –

- (a) aanbevelings sal aanhoor en maak aan die munisipale raad op aansoeke wat gemaak is aan die munisipaliteit in terme van Hoofstuk VI van hierdie Wet; en
- (b) aanbevelings aan die munisipale raad mag maak wat verband hou met aanneming of hersiening van:
 - (i) 'n ruimtelike ontwikkelingsraamwerk; en

² Die doel van hierdie Hoofstuk is om vas te stel watter liggeme verantwoordelik sal wees vir besluitneming aangaande sake wat verband hou met grond ontwikkeling.

(ii) planne vir die bestuur van grondgebruik met dien verstande dat die munisipaliteit nie 'n geregshof vir munisipale beplanning gestig het in terme van subafdeling 2 nie.

(2) 'n Munisipaliteit wat gestig is met 'n uitvoerende burgemeester stelsel of 'n saamgestelde uitvoerende stelsel mag 'n geregshof stig wat –

- (a) aanbevelings sal aanhoor en maak aan die Uitvoerende Burgemeester of Uitvoerende Komitee op aansoeke gemaak aan die munisipaliteit in terme van Hoofstuk VI van hierdie Wet; en
- (b) aanbevelings mag maak aan die Uitvoerende Burgemeester of Uitvoerende Komitee wat verband hou met die aanneming van –
 - (i) 'n ruimtelike ontwikkelingsraamwerk; en
 - (ii) planne vir die bestuur van grondgebruik.

(3) Enige geregshof gestig in terme van subafdeling (2) sal –

- (a) bekend staan as 'n geregshof vir munisipale beplanning;
- (b) aanbevelings maak aan die Uitvoerende Burgemeester of Uitvoerende Komitee, wat ook al die geval mag wees;
- (c) bestaan uit ten minste 5 (vyf) lede wat kennis moet dra van of ondervinding moet hê in enigeen van wetgewing, grond ontwikkeling, beplanning van gemeenskap of ontwikkeling, waarvan ten minste –
 - (i) een lid kennis sal dra van wetgewing;
 - (ii) een lid 'n lid sal wees van die beplanningsliggaam soos voorgeskryf deur die LUR;
 - (iii) een lid 'n lid sal wees van die munisipale raad;
 - (iv) twee derdes van die komitee nie lede van die munisipale raad mag wees nie; en
 - (v) een lid kennis sal dra van beplanning en ontwikkeling van die gemeenskap.

(4) Die Uitvoerende Komitee of die Uitvoerende Burgemeester, wat ook al die geval mag wees, –

- (a) sal besluite neem gebaseer op die aanbevelings wat deur die Geregshof vir munisipale beplanning aan die hand gedoen is in terme van subafdeling (2), op voorwaarde dat –
 - (i) die munisipale raad sulke magte gedelegeer het aan die uitvoerende komitee of die uitvoerende burgemeester;

- (ii) redes gegee word vir die besluit anders as die aanbevelings wat dit oorweeg; en
 - (iii) 'n verslag ten minste jaarliks voorgelê word aan die municipale raad met inligting van alle sulke besluite geneem.
- (b) sal 'n aanbeveling aan die municipale raad maak nadat oorweging geskenk is aan die aanbevelings van die geregshof vir municipale beplanning-
- (i) die aanneming, hersiening of wysiging van 'n ruimtelike ontwikkelingsraamwerk as kern komponent van die geïntegreerde ontwikkelingsplan van die munisipaliteit; en
 - (ii) die aanneming van 'n plan vir bestuur van grondgebruik vir die hele munisipaliteit of 'n deel daarvan.
- (c) mag samewerking versoek van 'n komitee gestig in terme van die volgende bepalings:
- (i) Afdeling 80 van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998), waarvan toepassing; of
 - (ii) Afdeling 79 van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998), op voorwaarde dat die municipale raad sulke magte gedelegeer het soos aangetoon in subartikel 4(1)(i) hierbo.

(5) As 'n munisipaliteit 'n beplanningskomitee stig in terme van Artikel 79 van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998) in plaas daarvan om 'n geregshof vir municipale beplanning te stig, en ko-opteer lede na 'n beplanningskomitee wat nie lede van die municipale raad is nie, sal sulke lede persone wees met toepaslike vaardighede en ondervinding in grond ontwikkeling en wetgewing en sal nie lede van die parlement of die Provinciale Wetgewing wees nie.

(6) Lede wat geko-opteer is in terme van subartikel 5 mag, op die diskresie van die voorsitter, stemreg uitoefen op die beplanningskomitee waarop hulle dien, op voorwaarde dat so 'n stemreg nie op 'n *ad hoc* basis toegestaan word nie en dit jaarliks toegestaan word vir 'n periode van 12 maande.

(7) Die municipale raad sal die bepalings en voorwaardes vasstel waaronder adviserende lede sal deelneem aan die werking van beplanningskomitees.

(8) Elke municipale raad sal besluit oor elke aanbeveling wat deur 'n beplanningskomitee gemaak is wat gestig is in terme van subartikel (1).

Vergaderings

13. Vergaderings van die beplanningskomitee of 'n geregshof vir munisipale beplanning sal gehou word op sulke tye en plekke en in ooreenkoms met die procedures vasgestel deur die munisipaliteit.

Persoonlike belang van lede van beplanningsliggame

14. Geen lid of adviserende lid van 'n beplanningskomitee of 'n geregshof vir munisipale beplanning sal deelneem aan 'n bespreking of die neem van 'n besluit aangaande enige saak voor 'n beplanningskomitee of geregshof vir munisipale beplanning, wat ook al die geval mag wees, waarin hy of sy of sy of haar eggenoot, naaste familie, vennoot of werkgewer, of die vennoot of werkgewer van sy of haar eggenoot, direk of indirek, enige belang het nie.

Gevolge van deelname waar 'n lid 'n belang het

15. Enige lid wat, in oortreding van afdeling 14 hierbo, deelneem aan 'n bespreking betreffende die neem van 'n besluit aangaande enige saak voor die beplanningskomitee of geregshof vir munisipale beplanning, sal so 'n lid se gedrag 'n grondige rede wees vir summiere diskwalifikasie om 'n lid te wees.

Magte van beplanningskomitees en geregshowe vir munisipale beplanning

16. 'n Beplanningskomitee en geregshowe vir munisipale beplanning mag –

- (a) 'n aansoek aanhoor soos verwys na in Hoofstuk VI van hierdie Wet en mag so 'n aansoek goedkeur in geheel of gedeeltelik, aanbeveel, uitstel of weier of mag enige aanbeveling maak soos hy dit nodig mag ag op sy diskresie.
- (b) klagtes aanhoor in verband met die implementering van sy besluite en vir die oortreding van die bepalings van planne vir die bestuur van grondgebruik, en deur dit te doen, mag dit enige aanbeveling wat van toepassing is awys of aanvaar om enige sulke klagtes af te wys of te aanvaar en, in die geval waar dit aanvaar word of waar daar 'n aanbeveling is om so 'n klagte te aanvaar, handel in terme van die bepalings van Afdelings 93, 94 en 95 van die Wet in verband met die party wie se gedrag aanleiding gegee het tot die klagte, deur middel van 'n kennisgewing van oortreding van die plan of besluit en mag 'n kennisgewing van sloping met betrekking tot enige struktuur of gebou wat in

oortreding van die bepalings van die plan of die komitee se besluit is: op voorwaarde dat die beplanningsliggaam sy kragte mag sub-delegeer in terme van hierdie subartikel aan enige toepaslike persoon of persone binne die munisipaliteit om sodoende administratiewe en operasionele effektiwiteit te maksimaliseer.

- (c) enige aanbevelings maak in verband met die munisipaliteit se ruimtelike ontwikkelings-raamwerk, insluitende aanneming, afwysing of gedeeltelike aanneming van die munisipale raad se ruimtelike ontwikkelingsraamwerk; en
- (d) enige ander funksies uitvoer soos voorgeskryf mag wees.

Notules

17. Alle besluite en aanbevelings van die beplannings-komitee of geregshof vir munisipale beplanning sal op skrif aangeteken word deur die munisipaliteit in 'n register wat aan die publiek beskikbaar gestel sal word deur die munisipaliteit gedurende normale werksure, soos voorgeskryf.

Vasstelling van aansoeke wat deur die Gauteng Geregshof vir Ontwikkeling aangehoor sal word

18. (1) Alle aansoeke vir die verandering van grondgebruik, onderverdeling, vaswording, dorpsgebied vestiging en goedkeuring van grond ontwikkeling sal aan munisipaliteite gemaak word en sal deur beplanningsliggame aangehoor word: op voorwaarde dat die aansoek ingedien moet word by die Gauteng Geregshof vir Ontwikkeling, as –

- (a) die munisipaliteit die aansoeker is;
- (b) die beplanningsliggaam van die munisipaliteit nie tot 'n besluit kan kom nie omdat daar 'n buitensporige vertraging is deur so 'n munisipaliteit;
- (c) die munisipaliteit nie in staat is om die aansoek te verwerk of 'n besluit te neem met betrekking tot die aansoek nie te wyte aan probleme van kapasiteit; en
- (d) die LUR 'n kategorie en tipe aansoek vasgestel het soos oorweeg in subafdeling (12) hieronder.

(2) Die LUR mag, deur 'n kennisgewing in die Provinciale Staatskoerant, vasstel watter kategorieë en tipe aansoeke gemaak kan word aan en aangehoor kan word deur die geregshof vir ontwikkeling wat gestig is in terme van Afdeling 15 van die Wet op Bevordering van Ontwikkeling, 67.

Die stigting van 'n Appèl Geregshof vir Ontwikkeling

19. (1) Die LUR sal 'n Appèl Geregshof vir Ontwikkeling vir die Provincie stig of enige liggaam van persone eien, geregshof of raad gestig deur of onder enige ander wetgewing as 'n appèl geregshof vir ontwikkeling: op voorwaarde dat waar die LUR 'n liggaam eien wat gestig is onder 'n ander wetgewing en daardie wetgewing is nie konsekwent met die bepalings van hierdie Wet nie, dan sal hierdie Wet van krag wees.

(2) Die appèl geregshof vir ontwikkeling sal bestaan uit ten minste 5 (vyf) lede: op voorwaarde dat alle lede kennis of ondervinding sal hê in wetgewing of grond ontwikkeling en dat ten minste een kennis sal hê van wetgewing.

(3) Die LUR sal die voorsitter en adjunk voorsitter van die Appèl Geregshof vir Ontwikkeling aanstel.

(4) Sover as wat dit onder die omstandighede prakties mag wees, sal helfte van die lede van 'n appèl geregshof vir ontwikkeling aangestel word van aangewese amptenare in diens van die provinciale administrasie en amptenare in diens van munisipaliteite in die Provincie, en die ander helfte van persone buite beide dienste.

(5) Voordat 'n persoon aangestel word in die appèl geregshof vir ontwikkeling, sal die LUR –

- (i) sy intensie bekend maak om so 'n persoon aan te stel deur 'n kennisgewing in die Provinciale Staatskoerant;
- (ii) enige kommentaar of beswaar in ag neem in verband met so 'n aanstelling wat deur hom of haar ontvang mag word vanaf enige persoon of liggaam; en
- (iii) sy of haar intensies om so 'n persoon aan te stel indien, saam met enige kommentaar of beswaar, aan die Staande Komitee vir sy oorweging vir die aanstelling van so 'n persoon as 'n lid van die appèl geregshof vir ontwikkeling: op voorwaarde dat as die Provinciale Wetgewing nie in sitting is by tye wanneer die LUR 'n aanstelling wil maak nie, dan mag die LUR so 'n aanstelling maak. Gedurende sy daaropvolgende sitting sal die LUR die Staande Komitee inlig oor so 'n aanstelling.

(6) Die LUR sal die periode van diens van lede van die appèl geregshof vir ontwikkeling vasstel en sal toepaslike voorwaardes en bepalings vasstel vir lede buite die staatsdiens, in samewerking met die LUR verantwoordelik vir die tesourie funksie.

(7) Alle aanstellings in die appèl geregshof vir ontwikkeling sal in die Provinciale Staatskoerant gepubliseer word.

(8) 'n Persoon se lidmaatskap van die appèl geregshof vir ontwikkeling sal tot 'n einde kom waar –

- (a) hy of sy bedank; of
- (b) sy of haar boedel gesekwestreer word of waar hy of sy aansoek doen vir die bystand verwys na in Afdeling 10(1)(c) van die Landbou Krediet Wet, 1996; of
- (c) hy of sy onbevoeg is as gevolg van fisiese of geestelike siekte om die verlangde diens te lewer soos verwag in terme van hierdie Wet; of
- (d) hy of sy aangekla word van 'n oortreding wat betrekking het op oneerlikheid of korruksie of waar hy of sy gevonnis word tot gevangenisstraf sonder die opsie van 'n boete; of
- (e) hy of sy genomineer word as 'n kandidaat vir verkiesing as 'n lid van die parlement, 'n lid van Provinciale Wetgewing, of 'n munisipale raad.

(9) 'n Appèl mag nie aangehoor word deur minder as 3 (drie) lede nie.

(10) Die appèl geregshof vir ontwikkeling moet sy aanbevelings by die LUR indien vir 'n besluit: op voorwaarde dat as die LUR anders besluit as wat aanbeveel is, redes verskaf sal word vir sy of haar besluit.

(11) Alle besluite van die LUR sal op skrif aangeteken word deur 'n spesifieke lid van die LUR se administrasie en sal in 'n register ingeskryf word, en so 'n lid sal die register beskikbaar stel aan die publiek gedurende normale besigheidsure, soos voorgeskryf.

(12) Geen lid van die appèl geregshof vir ontwikkeling sal deelneem aan 'n bespreking oor die neem van 'n besluit aangaande enige saak voor die appèl geregshof vir ontwikkeling waarin hy of sy of sy of haar eggenoot, naaste familie, vennoot of werkgewer, of die vennoot of werkgewer van sy of haar eggenoot, direk of indirek, enige finansiële belang het nie.

Appèlle

20. Enige aansoeker of persoon wat geskrewe of verbale vertoë gerig het aan 'n beplanningsliggaam met betrekking tot 'n saak voor dit, mag appèl aanteken teen die besluit van 'n beplanningsliggaam aan die appèl geregshof vir ontwikkeling: op voorwaarde dat waar 'n beplanningsliggaam nie daarin slaag om 'n aansoek binne 180 dae vanaf indiening van die aansoek aan te hoor nie, word dit geag dat die beplanningsliggaam die aansoek van die hand gewys het en die aansoek mag op appèl geneem word na die appèl geregshof vir ontwikkeling.

Regulasies

21. Die LUR mag regulasies maak op –

- (1) die orde van voorkeur wat aan sake gegee word wat voor 'n beplanningsliggaam dien om sodoende te verseker dat voorrang gegee word aan sake waar vertragings heel moontlik 'n negatiewe effek kan hê op 'n aansienlike aantal persone of persone met besonder dringende behoeftes;
- (2) die bepaling van watter kategorieë en tipe aansoek aan gehoor sal word deur die Appèl Gereghof vir Ontwikkeling;
- (3) die bepaling van verdere magte van 'n beplanningsliggaam; en
- (4) die opname en publikasie van redes en notules van besluitneming liggeme.

HOOFTUK IV

ONTWIKKELINGSPLANNE³

Formulering en implementering van die Gauteng geïntegreerde ontwikkelingsplan

22. (1) Die Premier sal verantwoordelik wees vir die formulering en implementering van die Gauteng geïntegreerde ontwikkelingsplan.

(2) Die Premier mag die funksie van formulering van die Gauteng geïntegreerde ontwikkelingsplan deleer aan die LUR.

(3) Elke lid van die Uitvoerende Raad wat verantwoordelik is vir 'n spesifieke provinsiale departement sal, op die basis van ooreenkoms wat bereik is met die LUR, insluitende ooreenkoms in verband met tydperke, toepaslike programme, beleid, strategieë of planne indien, wat ingesluit moet word in die Gauteng

³ Die doel van hierdie Hoofstuk is om die formulering van die Gauteng geïntegreerde ontwikkelingsplan, die Gauteng ruimtelike ontwikkelingsraamwerk en plaaslike ruimtelike ontwikkelingsraamwerke te reguleer. Hierdie Hoofstuk sit die doel en inhoud van hierdie raamwerk uiteen, die manier waarop koördinasie van hierdie raamwerke met ander relevante planne, beleid, raamwerk en programme plaas moet vind en die procedures vir die voorbereiding van hierdie raamwerk. Die status van die Gauteng ruimtelike ontwikkelingsraamwerk word ook behandel.

geïntegreerde ontwikkelingsplan in verband met die funksie van daardie departement.

Algemene doel van die Gauteng geïntegreerde ontwikkelingsplan

23. Die doel van die Gauteng geïntegreerde ontwikkelingsplan sal wees om –

- (a) 'n strategiese raamwerk en strategie vir implementering vir die Provinse te verskaf;
- (b) te koördineer met die betrokke beleid, programme, strategieë en planne van die verskillende departemente en munisipaliteite in 'n breë provinsiale geïntegreerde ontwikkelingsraamwerk;
- (c) leiding te gee aangaande die toewysing van hulpbronne in die Provinse; en
- (d) inligting te verskaf wat die maak van strategiese keuses sal lei.

Onderwerp van die Gauteng geïntegreerde ontwikkelingsplan

24. (1) Die onderwerp van die Gauteng geïntegreerde ontwikkelingsplan sal wees soos hieronder uiteengesit en soos voorgeskryf.

(2) Dit sal insluit –

- (a) 'n visie vir die Provinse;
- (b) breë provinsiale doelwitte en mikpunte;
- (c) strategiese fokus areas vir die Provinse;
- (d) prioriteit programme en projekte; en
- (e) teikens vir aflewering.

(3) Die Gauteng geïntegreerde ontwikkelingsplan sal sulke breë inligting insluit soos wat nodig geag word – wat mag insluit 'n *status quo* verslag, 'n evaluasie van bestaande beleid, programme, projekte en planne en 'n evaluasie van beskikbare hulpbronne.

Koördinasie van die Gauteng geïntegreerde ontwikkelingsplan

25. (1) In die bepaling van die Gauteng geïntegreerde ontwikkelingsplan sal die Premier verseker dat die Gauteng geïntegreerde ontwikkelingsplan die volgende in ag neem:

- (a) die behoeftes en prioriteite vasgestel deur die munisipaliteite wat uiteengesit is in hul geïntegreerde ontwikkelingsplanne;
- (b) toepaslike beleid, programme, strategieë en planne van aangrensende Provinse; en

(c) die insette van die verskillende lyn departemente.

(2) Die Premier sal verseker, sover as moontlik, dat die Gauteng geïntegreerde ontwikkelingsplan inlyn is met programme en beleid van die nasionale regering in verband met ruimtelike beplanning en ontwikkeling wat 'n impak kan hê op die Provinsie en dit kan affekteer.

(3) Die manier waarop die koördinasie en opstelling, verwys na in subartikels (1) en (2), voorgeskryf mag word.

Prosedures vir die voorbereiding van die Gauteng geïntegreerde ontwikkelingsplan

26. (1) Die Gauteng geïntegreerde ontwikkelingsplan sal voorberei word op die wyse en, binne die tydperke en in ooreenstemming met die prosedures soos voorgeskryf deur die Premier in die *Provinsiale Staatskoerant*, onderhewig aan subartikels (2), (3), (4), (5) en (6).

(2) 'n Konsep Gauteng geïntegreerde ontwikkelingsplan sal opgetrek word en daarna sal 'n kennisgewing gepubliseer word deur die Premier in die *Provinsiale Staatskoerant* en enige ander voorgeskrewe publikasies wat sal vermeld waar die konsep Gauteng geïntegreerde ontwikkelingsplan geïnspekteer mag word en die tye wat sulke inspeksies mag plaasvind.

(3) Die wyse waarop lede van die publiek en geïnteresseerde persone of liggeme geraadpleeg sal word in die voorbereiding van die konsep Gauteng geïntegreerde ontwikkelingsplan sal voorgeskryf word.

(4) Die Uitvoerende Raad sal die konsep Gauteng geïntegreerde ontwikkelings plan goedkeur en daarna sal die Premier 'n kennisgewing van die finale Gauteng geïntegreerde ontwikkelingsplan publiseer in die *Provinsiale Staatskoerant*, op die datum waarop dit in werking sal tree.

(5) Die kennisgewing waarna verwys word in subartikel (4) sal die plek waar die finale Gauteng geïntegreerde ontwikkelingsplan geïnspekteer mag word en die tye wanneer sulke inspeksies mag plaasvind meld.

(6) Die Gauteng geïntegreerde ontwikkelingsplan sal gereeld hersien word, maar ten minste elke 5 (vyf) jaar.

Formulering en implementering van die Gauteng ruimtelike ontwikkelingsraamwerk

27. (1) Die LUR sal verantwoordelik wees vir die formulering en implementering van die Gauteng ruimtelike ontwikkelingsraamwerk.

Algemene doel van die Gauteng ruimtelike ontwikkelingsraamwerk

28. (1) Die doel van die Gauteng ruimtelike ontwikkelingsraamwerk is om –

- (a) leiding te gee oor besluite aangaande die ligging en aard van die fisiese ontwikkeling in die Provinsie;
- (b) die mees gewenste patronen van die nedersetting vir die Provinsie aan te dui; en
- (c) by te dra tot die herstelling van die ruimtelike wanbalanse van die verlede.

(2) Die doel moet volbring word deur die volgende aan te dui:

- (a) Waar groei en ontwikkeling moet geskied, en waar dit onmoedig moet word – insluitende waar meganismes vir beplanning soos die afbeelding van 'n landelike grens, soos voorgeskryf, moet wees.
- (b) Die mees wenslike vorm en aard van toekomstige groei en ontwikkeling;
- (c) Die areas wat openbare en private bemiddeling verg om sodoende aksies te rig jeens die verandering van histories problematiese nedersetting patronen.

Onderwerp van die Gauteng ruimtelike ontwikkelingsraamwerk

29. (1) Die Gauteng ruimtelike ontwikkelingsraamwerk sal 'n ruimtelike interpretasie van die doelwitte en mikpunte van die Gauteng geïntegreerde ontwikkelingsplan tegemoetkom.

(2) Dit sal insluit –

- (a) 'n visie wat die wenslike ruimtelike vorm van die Provinsie uiteensit;
- (b) strategieë en meganismes vir die implementering van die doelwitte en mikpunte wat gebaseer is op die rangskikking van doelwitte en mikpunte in voorrang orde en 'n bepaling van beskikbare hulpbronne.

(3) Dit mag insluit –

- (a) voorkeur programme en projekte; en
- (b) teikens vir aflewering.

(4) Die minimum inhoud van wat in die Gauteng ruimtelike ontwikkelingsraamwerk vervat moet word, sal voorgeskryf word.

Koördinering van die Gauteng ruimtelike ontwikkelingsraamwerk met ander terreine.

30. (1) Die LUR sal verseker dat die Gauteng ruimtelike ontwikkelingsraamwerk die volgende in ag neem:

- (a) geïntegreerde ontwikkelingsplanne en ruimtelike onwikkelingsraamwerke voorberei deur munisipaliteite;
- (b) verwante ruimtelike planne, raamwerke en enige ander dokumente met dieselfde oogmerke as aangrensende Provincies; en
- (c) die insette van verskillende provinsiale lyn departemente.

(2) Die LUR sal verseker dat die Gauteng ruimtelike ontwikkelingsraamwerk is, sover moontlik, in lyn met nasionale regering programme en beleid in verband met ruimtelike beplanning en ontwikkeling wat 'n impak op die Provinsie sal hê en dit affekteer.

(3) Die wyse waarop die koördinering en opstelling, verwys na in subartikels (1) en (2), voorgeskryf mag word.

Prosedures vir die stelling van die Gauteng ruimtelike ontwikkelingsraamwerk

31. (1) Die Gauteng ruimtelike ontwikkelingsraamwerk sal voorberei word op die manier, en binne die tydperke en in ooreenstemming met die prosedures wat deur die Premier vasgestel is.

(2) Die LUR sal die Gauteng ruimtelike ontwikkelingsraamwerk goedkeur in medewerking met die Uitvoerende Raad.

(3) Die Gauteng ruimtelike ontwikkelingsraamwerk sal gereeld hersien word, maar ten minste elke 5 (vyf) jaar.

Die uitwerking van die Gauteng geïntegreerde ontwikkelingsplan en die Gauteng ruimtelike ontwikkelingsraamwerk

32. Die Gauteng geïntegreerde ontwikkelingsplan en die Gauteng ruimtelike ontwikkelingsraamwerk sal konsekwent wees met die grond ontwikkeling wat onderneem is deur die plaaslike en distrik munisipaliteite.

Ruimtelike ontwikkelingsraamwerke

33. (1) Metropolitaanse en plaaslike munisipaliteite sal ruimtelike ontwikkelingsraamwerke voorberei wat sal bestaan uit die onderwerp soos uiteengesit in Afdeling 34 en soos voorgeskryf.

(2) Distrik munisipaliteite sal 'n breë ruimtelike raamwerk vir die distrik as 'n geheel formuleer, wat 'n distrik ruimtelike ontwikkelingsraamwerk sal wees waarin plaaslike munisipaliteite in die gebied van die distrik munisipaliteit 'n meer volledige en spesifieke ruimtelike ontwikkelingsraamwerk sal formuleer, soos verwys na in subartikel (1).

(3) 'n Ruimtelike ontwikkelingsraamwerk sal deel vorm van 'n geïntegreerde ontwikkelingsplan voorberei deur die munisipaliteit.

Algemene doel van ruimtelike ontwikkelingsraamwerke

34. Die doel van ruimtelike ontwikkelingsraamwerke sal wees om-

(1) 'n sigbare voorlegging te verskaf van die wenslike ruimtelike vorm van die munisipaliteit, en om sodoende-

- (a) aan te dui waar openbare en private grond ontwikkeling en infrastruktuur belegging plaas moet vind;
- (b) wenslike grondgebruik aan te dui wat moet plaasvind in verskillende areas;
- (c) meganismes soos voorgeskryf te skets, soos die landelike grense; en
- (d) die beginsels soos uiteengesit in Hoofstuk II toe te pas;

(2) die areas waar voorkeur besteding moet plaasvind breedvoerig aan te dui; en

(3) riglyne daar te stel wat die plan vir bestuur van grondgebruik of die munisipaliteit inlig.

Onderwerp van ruimtelike ontwikkelingsraamwerke

35. (1) 'n Ruimtelike ontwikkelingsraamwerk sal die volgende bevat:

- (a) 'n visie wat uiteensit wat die wenslike ruimtelike vorm van die munisipaliteit moet wees, met besondere klem op die behoefte om die integrasie van areas wat voorheen benadeel was te bevorder in die municipale area as 'n geheel;
- (b) doelwitte en mikpunte met betrekking tot die manier waarop die visie bereik moet word;
- (c) strategieë om die doelwitte en mikpunte te bereik wat gebaseer is op die voorkeur van doelwitte en mikpunte en 'n bepaling van beskikbare hulpbronne;
- (d) programme en projekte vir die ontwikkeling van grond in die municipale area; en
- (e) teikens vir aflewering.

(2) Die minimum inhoud van ruimtelike ontwikkelingsraamwerke sal voorgeskryf word.

Koördinering van ruimtelike ontwikkelingsraamwerke met ander planne

36. (1) Munisipaliteite sal poog om te verseker dat hulle ruimtelike ontwikkelingsraamwerke gekoördineer en inlyn is met –

- (a) ruimtelike ontwikkelingsraamwerke wat opgetrek is deur aangrensende munisipaliteite en ook, sover moontlik, dat hulle ruimtelike ontwikkelingsraamwerke opgetrek word in samewerking en konsultasie met aangrensende munisipaliteite;
- (b) die ruimtelike komponent van die Gauteng geïntegreerde ontwikkelingsplan;
- (c) nasionale en provinsiale planne, beleid, strategieë en programme in verband met ruimtelike beplanning en ontwikkeling.

(2) Die manier waarop koördinasie sal plaasvind, soos verwys na in subartikel (1), mag voorgeskryf word.

(3) Die LUR mag die koördinasie en opstelling van ruimtelike ontwikkelingsraamwerke fasiliteer –

- (a) van verskillende munisipaliteite, ingesluit daardie van distrik munisipaliteite en die plaaslike munisipaliteite in hul areas; en
- (b) met die ruimtelike planne, beleid, strategieë en programme van nasionale en provinsiale staatsliggame.

Prosedures vir die stelling van ruimtelike ontwikkelingsraamwerke

37. (1) Ruimtelike ontwikkelingsraamwerke moet voorberei word op die wyse, binne die tyd grense en in ooreenstemming met die prosedures voorgeskryf deur die LUR in die *Provinsiale Staatskoerant*: op voorwaarde dat sulke prosedures inlyn sal wees met prosedures wat deur munisipaliteite gevvolg moet word wanneer hulle geïntegreerde ontwikkelingsplanne formuleer.

(2) Die opstelling waarna in subafdeling (1) verwys word moet so wees dat die voorbereiding van ruimtelike ontwikkelingsraamwerke, sover moontlik, dieselfde prosedures sal volg as wat gebruik word in die voorbereiding van geïntegreerde ontwikkelingsplanne, insluitend prosedures wat te doen het met publieke deelname.

(3) Munisipaliteite sal ruimtelike ontwikkelingsraamwerke aanneem, waarna hulle 'n kennisgewing van so 'n aanname van

finale ruimtelike ontwikkelingsraamwerk sal publiseer in die *Provinsiale Staatskoerant*, op die datum waarop hulle in werking sal tree.

(4) Die kennisgewing soos verwys na in subartikel (3) sal die plek aantoon waar die aangename ruimtelike ontwikkelingsraamwerk geïnspekteer mag word en die tye wanneer so 'n inspeksie mag plaasvind.

Gebrek aan stelling van ruimtelike ontwikkelingsraamwerke

38. (1) 'n Distrik munisipaliteit mag, op versoek van 'n plaaslike munisipaliteit binne sy area van jurisdiksie, 'n ruimtelike ontwikkelingsraamwerk voorberei vir daardie plaaslike munisipaliteit tot die mate wat daardie distrik munisipaliteit die bevoegdheid het om dit te doen.

(2) 'n Plaaslike munisipaliteit mag, op versoek van 'n distrik munisipaliteit waarin die plaaslike munisipaliteit val, 'n ruimtelike ontwikkelingsraamwerk voorberei vir daardie distrik munisipaliteit tot die mate wat daardie plaaslike munisipaliteit die bevoegdheid het om dit te doen.

(3) 'n Plaaslike munisipaliteit mag, op versoek van 'n ander plaaslike munisipaliteit binne die area van dieselfde distrik munisipaliteit, 'n ruimtelike ontwikkelingsraamwerk voorberei vir daardie plaaslike munisipaliteit tot die mate wat dit die bevoegdheid het om dit te doen.

(4) In 'n geval waar 'n munisipaliteit faal om sy ruimtelike ontwikkelingsraamwerk te stel, soos vereis, of faal om 'n ander munisipaliteit te versoek om sy ruimtelike ontwikkelingsraamwerk voor te berei soos voorsien in subartikels (1), (2) en (3), sal die LUR die nodige stappe neem om te sorg dat 'n ruimtelike ontwikkelingsraamwerk voorberei sal word in terme van hierdie Wet vir daardie munisipaliteit, en enige kostes wat aangegaan word deur dit te doen sal verhaalbaar wees deur die LUR van daardie munisipaliteit.

Indiening van ruimtelike ontwikkelingsraamwerke en wysigings daarvan aan die LUR

39. (1) In 'n poging om koördinasie van beplanning in die Provinsie te bevorder, moet munisipaliteite hul ruimtelike ontwikkelingsraamwerke of wysigings daarvan indien by die LUR as deel van hul geïntegreerde ontwikkelingsplanne in terme van Afdeling 32 van die Plaaslike Regering Munisipale Stelsel Wet, 2000 (Wet No. 32 van 2000).

(2) Die LUR mag vereis dat 'n munisipaliteit sy ruimtelike ontwikkelingsraamwerke wysig of veranderings daarvan wat so

ingedien is, as sulke ruimtelike ontwikkelingsraamwerke of wysigings –

- (a) nie voldoende handel met die onderwerp soos uiteengesit in Afdeling 35; of
- (b) in konflik is met of nie inlyn is met ruimtelike ontwikkelingsraamwerke van ander verwante munisipaliteit nie, of die toepaslike ruimtelike planne, beleid, strategieë of programme of verwante nasionale en provinsiale staatsliggame; of
- (c) nie voldoen het aan die procedures soos uiteensit in hierdie Hoofstuk of soos voorgeskryf nie.

(3) In die geval waar 'n LUR 'n munisipaliteit versoek het om sy geïntegreerde ontwikkeling, ruimtelike ontwikkelingsraamwerk of wysigings daarvan te wysig vir enige van die redes soos uiteengesit in subafdeling (2), mag die LUR 'n munisipaliteit versoek om –

- (a) die raamwerk te wysig om sodoende te voldoen aan die onderwerp soos uiteengesit in Afdeling 36; of
- (b) enige botsing of nie-opstelling te verwyder van ruimtelike ontwikkelingsraamwerke of ander verwante munisipaliteit, provinsiale of nasionale staatsliggame; of
- (c) te voldoen aan die procedures soos uiteengesit in hierdie Hoofstuk of soos voorgeskryf, wat ook al die geval mag wees.

(4) In die geval waar 'n munisipaliteit faal om sy ruimtelike ontwikkelingsraamwerk te wysig, soos versoek, of faal om 'n ander munisipaliteit te versoek om sy ruimtelike ontwikkelingsraamwerk vir hom te wysig, soos voorsien in Afdeling 38 (1), (2) en (3), toegepas met die nodige wysigings, sal die LUR die nodige stappe neem om toe te sien dat 'n ruimtelike ontwikkelingsraamwerk vir daardie munisipaliteit voorberei sal word in terme van hierdie Wet, en enige kostes daarvan verbonde deur dit te doen sal verhaalbaar wees van die LUR van daardie munisipaliteit.

Uitwerking van ruimtelike ontwikkelingsraamwerke

40. (1) Besluite in verband met aansoeke vir grond ontwikkeling sal bestendig wees met die uitdruklike bepalings van 'n ruimtelike ontwikkelingsraamwerk soos oorweeg in hierdie Hoofstuk.

(2) In 'n geval waar 'n aansoek vir grond ontwikkeling nie konsekwent is met die uitdruklike bepalings van 'n ruimtelike ontwikkelingsraamwerk nie mag dit goedgekeur word as dit konsekwent is met die beginsels soos uiteengesit in Hoofstuk I van

hierdie Wet en dit in belang van die publiek is: op voorwaarde dat die aansoeker die gronde vir die afwyking van die ruimtelike ontwikkelingsraamwerk, soos voorgeskryf, ten volle sal motiveer.

(3) Die bepalings van enige ruimtelike ontwikkelingsraamwerk soos voorberei in terme van hierdie Wet, moet nie so uitgelê wees om aan enige persoon die reg te verleen om grond te ontwikkeling of te gebruik of om enige grond onder te verdeel in ooreenstemming met sulke bepalings, sonder om die procedures soos neergelê in Hoofstuk V van hierdie Wet te volg nie.

Regulasies gevvolg deur die procedures soos neergelê hierdie Hoofstuk

41. (1) Die Premier mag voorskryf –

- (a) enige bykomende onderwerp in verband met die Gauteng geïntegreerde ontwikkelingsplan, bo en behalwe daardie wat uiteengesit is in Afdeling 24 van hierdie Hoofstuk;
- (b) die wyse waarop koördinering en opstelling, soos verwys na in Afdeling 25, sal plaasvind;
- (c) die wyse, tydperke en procedures in verband waarmee die Gauteng geïntegreerde ontwikkelingsplan voorberei sal word;
- (d) die publikasies, ander dan die *Provinsiale Staatskoerant*, waarin die konsep Gauteng geïntegreerde ontwikkelingsplan gepubliseer sal word; en
- (e) die wyse waarop lede van die publiek en belanghebbende persone of liggeme geraadpleeg sal word met betrekking tot die voorbereiding van die konsep Gauteng geïntegreerde ontwikkelingsplan.

(2) Die Premier mag voorskryf –

- (a) enige addisionele onderwerp met betrekking tot die Gauteng ruimtelike ontwikkelingsraamwerk bo en behalwe dit wat uiteengesit is in Afdeling 29 van hierdie Hoofstuk;
- (b) die wyse waarop koördinering en opstelling, soos verwys na in Afdeling 30, sal plaasvind;

- (c) die wyse, tydperke en procedures in verband waarmee die Gauteng ruimtelike ontwikkelingsraamwerk voorberei sal word;
- (d) enige bykomende onderwerp in verband met ruimtelike ontwikkelingsraamwerke bo en behalwe dit wat uiteengesit is in Afdeling 35 van hierdie Hoofstuk
- (e) die wyse waarop koördinering en opstelling, soos verwys na in Afdeling 35, sal plaasvind;
- (f) die wyse, tydperke en procedures in verband waarmee ruimtelike ontwikkelingsraamwerke voorberei sal word;
- (g) die wyse van indiening van ruimtelike ontwikkelingsraamwerke aan die LUR; en
- (h) die vereistes wat gevolg moet word in die geval waar die aansoeker die gronde vir afwyking van die ruimtelike ontwikkelingsraamwerk moet motiveer, soos verwys na in Afdeling 40 (2) van hierdie Wet.

HOOFSTUK V

PLANNE VIR DIE BESTUUR VAN GRONDGEBRUIK⁴

Planne vir die bestuur van grondgebruik

42. (1) Elke munisipaliteit sal verseker dat 'n Plan vir die Bestuur van Grondgebruik wat handel oor al die grond in sy gebied van jurisdiksie voorberei sal word in terme van hierdie Hoofstuk,

⁴ Hierdie Hoofstuk sit uiteen die doel van planne vir die bestuur van grondgebruik, die bepalings wat vervat moet word in planne vir die bestuur van grondgebruik en die wyse waarop planne vir die bestuur van grondgebruik voorberei en gewysig behoort te word. Hierdie Hoofstuk voorsien vanaf die tyd dat hierdie Wet in werking getree het, dat enige wysiging wat gemaak word in die bestuur van grondgebruik moet verseker dat die voorgestelde wysiging konsekwent is met die bepalings soos uiteengesit in Hoofstuk II van die Wet, en dat sulke wysiging konsekwent is met die ruimtelike ontwikkelingsraamwerke en geïntegreerde ontwikkelingsplanne in die betrokke area en konsekwent met enige ander vereiste wat die LUR mag voorskryf. Enige nuwe Plan vir die Bestuur van Grondgebruik moet ook voldoen aan hierdie vereistes.

binne 'n periode voorgeskryf deur die LUR nadat hierdie Wet in werking getree het.

(2) In die geval waar 'n munisipaliteit faal om 'n Plan vir die Bestuur van Grondgebruik voor te berei binne die vereiste periode, soos uiteengesit in subafdeling (1), sal die LUR die nodige stappe neem om te sorg dat 'n Plan vir die Bestuur van Grondgebruik voorberei word vir daardie munisipaliteit in terme van hierdie Wet, en enige kostes aangegaan deur dit te doen sal verhaalbaar wees deur die LUR van daardie munisipaliteit; op voorwaarde dat die betrokke munisipaliteit mag versoek dat 'n distrik munisipaliteit of 'n plaaslike munisipaliteit, wat ook al die geval mag wees, en soos beoog in Afdeling 43, 'n Plan vir die Bestuur van Grondgebruik namens hom kan voorberei.

(3) 'n Plan vir die Bestuur van Grondgebruik sal soos volg geadministreer en bekragtig word deur die munisipaliteit:

- (a) Wenslike grondgebruik sal geïmplementeer word, op voorwaarde dat 'n afwyking toelaatbaar is, as die goedgekeurde afwyking vir redes is wat –
 - (i) ondermynt ontwikkeling versterk of vermy; en
 - (ii) die verkryging van die wenslike gebruik redelik bevorder
- (b) Die redes soos oorweeg in subafdeling (1) hierbo moet die maatstawwe bevredig soos voorgeskryf deur die LUR of wat gespesifiseer is deur die Burgemeester van 'n munisipaliteit, mits die stel maatstawwe wat deur die Burgemeester gespesifiseer is nie onbestendig is met dit wat die LUR voorgeskryf het nie
- (c) Die aanvaarding van redes vir die afwyking soos verwys na in subartikel (3)(a) mag gedelegeer word deur die Raad of onder gedelegeer word deur die Uitvoerende Burgemeester of Uitvoerende Komitee in geheel of gedeeltelik van 'n beplanningsliggaam of 'n amptenaar van die Raad.

Distrik en plaaslike munisipaliteite

43. Plaaslike munisipaliteite sal planne vir die bestuur van grondgebruik voorberei, administreer en bekragtig met betrekking tot areas waaroer hulle jurisdiksie het: op voorwaarde dat 'n distrik munisipaliteit, op versoek van 'n plaaslike munisipaliteit binne die area van sy jurisdiksie, 'n Plan vir die Bestuur van Grondgebruik mag voorberei, administreer en bekragtig vir daardie plaaslike munisipaliteit tot so 'n mate dat daardie distrik munisipaliteit die bevoegdheid het om dit te doen: En op voorwaarde verder dat 'n

plaaslike munisipaliteit, op versoek van 'n ander plaaslike munisipaliteit binne die area van dieselfde plaaslike munisipaliteit, 'n Plan vir die Bestuur van Grondgebruik mag voorberei vir daardie plaaslike munisipaliteit tot so 'n mate dat dit die bevoegdheid het om dit te doen.

Planne vir die bestuur van grondgebruik sal voorberei en hersien word deur munisipaliteite

44. (1) Munisipaliteit sal planne vir die bestuur van grondgebruik te enige tyd voorberei, onderhewig aan Afdeling 42, in ooreenstemming met die bepalings van Afdelings 49 en 50 van hierdie Hoofstuk.

(2) Munisipaliteite sal bestaande skemas vervang deur nuwe planne vir die bestuur van grondgebruik voor te berei, in ooreenstemming met die bepalings van Afdelings 49 en 50 van hierdie Hoofstuk.

(3) 'n Munisipaliteit mag sy Plan vir die Bestuur van Grondgebruik te enige tyd hersien, en mag as hy dit nodig ag, as 'n resultaat van so 'n hersiening, 'n veranderde Plan vir die Bestuur van Grondgebruik voorberei.

(4) Waar 'n munisipaliteit graag 'n Plan vir die Bestuur van Grondgebruik wil hersien, soos beoog in subartikel (3), sal dit die procedures volg soos uiteengesit in Afdelings 49 en 50 van hierdie Hoofstuk.

(5) Wanneer 'n munisipaliteit 'n Plan vir die Bestuur van Grondgebruik voorberei, soos voorsien in subartikel (1), 'n bestaande Plan vir die Bestuur van Grondgebruik hersien, soos voorsien in subartikel (3) en (4), sal dit verseker dat die Plan vir die Bestuur van Grondgebruik wat voorberei, vervang of hersien is, is-

- (a) konsekwent met die beginsels soos uiteengesit in Hoofstuk II van hierdie Wet;
- (b) konsekwent met die ruimtelike ontwikkelingsraamwerk en geïntegreerde ontwikkelingsplan in die betrokke area; en
- (c) konsekwent met enige ander vereiste wat die LUR mag voorskryf.

(6) Die munisipaliteite sal hulle planne vir die bestuur van grondgebruik gereeld met die geïntegreerde ontwikkelingsplanne hersien: op voorwaarde dat die tydperk tussen hersienings nie groter is as die periode wat van tyd tot tyd deur die LUR gespesifieer word in 'n kennisgewing in die *Provinsiale Staatskoerant* nie.

(7) Die munisipaliteit sal die volgende gereeld bepaal en aanteken, onderhewig aan die tydperke en procedures gespesifieer in Afdeling 60:

- (a) Die ontwikkelingsgaping tussen die vloer waarna verwys word in 60(a) en die visie soos vervat in die geïntegreerde ontwikkelingsplan en die Plan vir die Bestuur van Grondgebruik.
- (b) Die vooruitgang wat gemaak is en die struikelblokke wat ondervind is met die verkleining van die ontwikkelingsgaping verwys na in (a) hierbo.
- (c) Die moontlike tydperke om die gaping te verklein, as dit redelik en wys is om dit te doen.

(8) Wanneer 'n Plan vir die Bestuur van Grondgebruik hersien word, nadat so 'n hersiening goedgekeur is, sal die munisipaliteit alle nodige veranderinge aan die plan onderneem wat nodig is vir die hersiening om in werking te tree.

Doel van planne vir die bestuur van grondgebruik

45. Die doel van 'n Plan vir die Bestuur van Grondgebruik is-

- (a) om operasionele aanwysings vir grond ontwikkeling te definieer;
- (b) om die gebruik van grond te definieer, bestuur en reguleer, insluitend gebruik geskik vir landelike areas wat die progressiewe vooruitgang skep in die aanwysing genoem in (a) hierbo;
- (c) om die tipe, hoeveelheid en skaal van geboue wat opgerig is of opgerig gaan word op enige deel van 'n stuk grond te bestuur;
- (d) om die gebruik van land vir doeleindeste of aktiwiteite wat nie gewens is nie te ontmoedig;
- (e) of wat nie konsekwent is met die aanwysings in (a) hierbo nie;
- (f) om voorwaardes en maatstawwe vir ontwikkeling uiteen te sit, insluitend voorwaardes en maatstawwe met betrekking tot geriewe, inskakeling, doeltreffendheid, lewensvatbaarheid, ekonomie, volhoubaarheid van die omgewing en koördinasie van grondgebruik en ontwikkeling;
- (g) om die ontwikkeling tussen die status van die grondgebruik en die visie vir ontwikkeling wat vervat is in die geïntegreerde ontwikkelingsplanne of wenslike grondgebruik, te definieer;
- (h) Om 'n opgedateerde raming van die bepaling te verskaf om sodoende die visie vir ontwikkeling te volbring.

Voorsienings wat in planne vir die bestuur van grondgebruik vervat sal word

46. (1) 'n Plan vir die Bestuur van Grondgebruik sal sulke sake wat voorgeskryf mag word bestuur en reguleer, wat sal insluit maar nie beperk is tot, sake soos: -

- (a) digtheid en intensiteit van grondgebruik;
 - (b) die hoogte van geboue en strukture;
 - (c) die uitleg van geboue en strukture op erwe en waar hulle geleë is met betrekking tot erwe se grense;
 - (d) toeganklikheid;
 - (e) opstelling met die landelike strukture waar die ontwikkeling landelik is; en
 - (f) inskiklikheid van die bepalings van Hoofstuk 1 en 5 van die Nasionale Omgewing Bestuur Wet, 1998 (Wet No. 107 van 1998) sowel as die Regulasie gepromulgeer in terme van Hoofstuk 5 daarvan.
- (2) 'n Plan vir die Bestuur van Grondgebruik sal –
- (a) toestemming bevat om enige van die grond te gebruik vir 'n spesifieke doel, as die munisipaliteit so 'n toestemming gegee het; of
 - (b) sulke ander bepalings bevat soos voorgeskryf mag word of wat verband hou met die bestuur van grondgebruik in die algemeen.

Prosedures en terme van goedkeurings

47. (1) Enige prosedures vervat in die Plan vir die Bestuur van Grondgebruik wat handel oor die toestemming, soos beoog in subartikel (2)(a), sal wees op die diskresie van die betrokke munisipaliteit: op voorwaarde dat sulke prosedures konsekwent is met die beginsels van deursigtigheid en publieke deelname en enige voorgeskrewe voorwaardes wat verband hou met sulke prosedures.

(2) Waar toestemming verleen word, mag die voorwaardes waaronder die toestemming verleen is, 'n voorwaarde insluit dat –

- (a) die toestemming salveral –
 - (i) as die gebruik van die grond nie 'n aanvang geneem het binne die periode soos genoem in die voorwaarde nie;
 - (ii) as die gebruik van die grond gestaak word vir 'n periode soos genoem in die voorwaarde; en
 - (iii) met die verval van 'n periode of met voorval van 'n gebeurtenis soos genoem in die voorwaarde.

(b) die munisipaliteit mag betaling vereis vir die toestemming wat verleen is op sulke voorwaardes en bepalings wat die munisipaliteit mag vasstel, insluitend betaling van 'n bedrag wat die munisipaliteit in staat sal stel om enige sulke kostes wat dit mag aangaan met die toestaan van die toestemming, beoog in subartikel (2)(a).

(3) 'n Munisipaliteit wat beplan om sy grond vir 'n doel te gebruik waarvoor toestemming nodig is in terme van die Plan vir die Bestuur van Grondgebruik, sal aansoek doen vir so 'n toestemming op die wyse soos uiteengesit in die Plan vir die Bestuur van Grondgebruik of soos voorgeskryf.

Voorsiening van die Plan vir die Bestuur van Grondgebruik in botsing met verordeninge

48. Waar 'n bepaling vir die bestuur van grondgebruik, wat ook al die geval mag wees, teenstrydig is met die bepalings van 'n verordening van 'n munisipaliteit, sal die plan voorkeur geniet.

Minimum voorgeskrewe vereistes

49. Die LUR mag sekere minimum vereistes voorskryf wat ingesluit sal wees in die nuwe Plan vir die Bestuur van Grondgebruik wat opgetrek word.

Prosedures vir die optrek en hersiening van planne vir die bestuur van grondgebruik

50. (1) 'n Plan vir die Bestuur van Grondgebruik sal opgetrek word deur die munisipaliteit op die wyse en binne die tydperke en in ooreenstemming met die bepalings soos voorgeskryf deur die LUR, onderhewig aan subartikels (2), (3), (4), (5), (6), (7) en (8) hieronder.

(2) 'n Konsep Plan vir die Bestuur van Grondgebruik sal voorberei of hersien word nadat die ontwikkelingsgaping tussen die Grondgebruik Verslag en die visie vir ontwikkeling vervat in die geïntegreerde ontwikkelingsplan of bestaande Plan vir die Bestuur van Grondgebruik vir daardie area oorweeg is, met die doel om die gaping te verklein.

(3) 'n Konsep Plan vir die Bestuur van Grondgebruik, of 'n hersiening van die Plan vir die Bestuur van Grondgebruik, sal opgetrek word in terme van subartikel (1) en kennisgewing van so 'n konsep of hersiening, ingesluit inligting in verband met waar dit geïnspekteer kan word, sal gepubliseer word in die *Provinsiale Staatskoerant* en enige ander voorgeskrewe publikasies vir kommentaar.

(4) Die konsep of hersiening verwys na in subartikel (2) sal aan die beplanningsliggaam aangestuur word vir kommentaar.

(5) Lede van die publiek of belanghebbende persone of liggeme mag, in skrif, beswaar aanteken of vertoë rig aan die betrokke munisipaliteit, in verband met die konsep of hersiening verwys na in subartikel (2) binne 'n voorgeskrewe periode.

(6) Die munisipaliteit sal sulke besware en vertoë by 'n verhoor aanhoor, soos voorgeskryf.

(7) Nadat 'n munisipaliteit alle besware en vertoë aangehoor het soos uiteengesit in subartikel (5), sal dit die konsep of plan vir hersiening oorweeg met die nodige aandag aan elke beswaar ingedien en alle vertoë gemaak, die plan goedkeur, onderhewig aan enige wysiging wat dit mag goed dink, by wyse van 'n resolusie van die municipale raad, of die gedeeltelik of ten volle afkeur: op voorwaarde dat die Raad so 'n gesag mag deleger aan die Uitvoerende Burgemeester of die Uitvoerende Komitee.

(8) Sodra 'n munisipaliteit 'n plan goedkeur het, soos uiteengesit in subartikel (7), sal dit kennis daarvan gee, binne 'n voorgeskrewe periode, in die *Provinsiale Staatskoerant*, en in so 'n kennisgewing sal dit genoem word dat 'n afskrif van die goedgekeurde plan beskikbaar sal wees vir inspeksie op redelike tye by die kantoor van die munisipaliteit wat dit voorberei het.

Aanvang van die goedgekeurde plan

51. 'n Plan wat goedkeur is, soos uiteengesit in Afdeling 50(7), sal in werking tree op die datum van publikasie van die kennisgewing soos oorweeg in Afdeling 50(8), en vanaf daardie datum sal die munisipaliteit die bepalings nakom en afdwing: op voorwaarde dat as daar 'n vertoë gerig word aangaande die konsep plan wat hangende is, dat so 'n plan alleenlik in werking sal tree wanneer die vertoë gefinaliseer is en neem ook kennis dat die effek gepubliseer is in die *Provinsiale Staatskoerant*.

Afskaffing van verdere planne vir wysiging in sekere omstandighede

52. (1) Waar 'n munisipaliteit 'n konsep plan aangeneem het in terme van Afdeling 50(7), sal geen persoon, in verband met grond waarna dit verwys, aansoek doen vir 'n wysiging of verdere wysiging van die Plan vir die Bestuur van Grondgebruik binne 'n tydperk van 2 (twee) jaar vanaf die datum van goedkeuring van die plan.

(2) Nieteenstaande die bepalings van subartikel (1), mag die munisipaliteit, as dit van mening is dat omstandighede die oorweging van 'n verdere wysiging toelaat, op 'n skriftelike aansoek en soos voorgeskryf, 'n aansoek vir verdere wysiging toestaan.

Afwykende grondgebruuke

53. (1) As daar op die datum wanneer 'n nuwe Plan vir die Bestuur van Grondgebruik in werking tree, enige grond of deel daarvan gebruik word vir 'n doel wat nie 'n doel is waarvoor die betrokke grond bespreek is nie in terme van die bepalings van die Plan vir die Bestuur van Grondgebruik, maar wat andersins wettig is en nie onderhewig is aan enige afskaffing in terme van die Wet nie, dan sal die bepalings van Afdeling 53(3) van toepassing wees.

(2) As daar op die datum wanneer 'n nuwe Plan vir die Bestuur van Grondgebruik in werking tree, enige gebou bestaan op die grond wat opgerig is in ooreenstemming met 'n goedgekeurde bouplan, of wanneer die oprigting van 'n gebou 'n aanvang geneem het, in ooreenstemming met 'n goedgekeurde bouplan en die gebou voldoen nie aan die bepalings van die Plan vir die Bestuur van Grondgebruik nie, sal daar aangeneem word dat so 'n gebou kragtens die Plan vir die Bestuur van Grondgebruik opgerig is en die bepalings van Afdeling 53(3) sal van toepassing wees.

(3) Die gebruik van grond mag voortgaan na die datum wanneer die Plan vir die Bestuur van Grondgebruik in werking getree het vir 5 (vyf) jaar of daar sal aangeneem word dat die gebou voldoen aan die plan vir 5 (vyf) jaar, wat ook al die geval mag wees: op voorwaarde dat die eienaar mag aansoek doen by die munisipaliteit om die 5 (vyf) jaar periode te verleng vir 'n verdere periode wat nie 5 (vyf) jaar oorskry nie, op sulke voorwaardes wat die munisipaliteit mag vasstel.

(4) Die aansoek verwys na in subartikel (3) sal wees soos voorgeskryf, maar sal vooraf gemaak wees of binne 3 (drie) maande vanaf die vervaldatum van enige periode verwys na in subafdeling (3).

(5) Hangende die uitslag van 'n aansoek soos verwys na in subartikel (3), sal die reg om grond te gebruik nie verval nie, en daar sal aangeneem word dat 'n gebou steeds voldoen aan die plan, wat ook al die geval mag wees.

(6) Die reg om voort te gaan om grond te gebruik soos uiteengesit in subartikel (3) sal, as die reg nie uitgeoefen word vir 'n aaneenlopende periode van 2 (twee) jaar nadat die Plan vir die Bestuur van Grondgebruik in werking getree het nie, verval aan die einde van 'n 2 (twee) jaar periode.

(7) As 'n nuwe Plan vir die Bestuur van Grondgebruik goedgekeur is terwyl die eerste 5 (vyf) jaar aan die gang is, soosoorweeg is in subartikel (3), sal dit nie van toepassing wees op die oorblywende deel van die vyf jaar periode nie.

Effek van verandering van grense

54. (1) As die afbakening in terme van die Plaaslike Regering: Munisipale Afbakening Wet, 1998 (Wet No. 27 van 1998), 'n munisipale grens weer oor vasstel, sal elke munisipaliteit wat geaffekteer word deur die hervasstelling van die grens sy Plan vir die Bestuur van Grondgebruik dienooreenkomsdig hersien en verander.

(2) Waar die grense van 'n Provinsie so gewysig word dat enige grond van 'n ander Provinsie daarna in die grense van Gauteng val, sal hierdie Wet van toepassing wees op die geaffekteerde grond, onderhewig aan enige ander wetgewing wat goedgekeur is wat spesifiek met hierdie saak handel.

Toepaslikheid

55. 'n Plan vir die Bestuur van Grondgebruik sal van toepassing wees op alle eienaars en bewoners van grond, insluitend staatsliggame in die Provinsie.

Bevoegdheid van plaaslike owerheid om die vervulling van die doel van 'n Plan vir die Bestuur van Grondgebruik te bevorder

56. Om die vervulling van die doel van 'n Plan vir die Bestuur van Grondgebruik te bevorder, mag 'n munisipaliteit –

- (a) grond bekom;
- (b) enige gebou oprig;
- (c) enige grond of gebou verhuur, vervreem of verkoop;
- (d) 'n periode spesifiseer waarvoor regte wat vervat is in die Plan vir die Bestuur van Grondgebruik geldig is in ooreenstemming met maatstawwe en bepalings voorgeskryf deur die LUR; en
- (e) enige ander stappe neem wat dit mag sien as raadsaam.

Rekord van grondgebruik

57. Planne vir die bestuur van grondgebruik en die bestuur van grondgebruik rekords sal as 'n gids dien vir besluite van 'n munisipaliteit oor die bestuur van grondgebruik.

Doel van rekords vir grondgebruik

58. Die doel van rekords vir grondgebruik is:

- (a) om 'n rekord van die doeleindeste onderhou waarvoor grondgebruik mag word en die vereistes van toepassing op sulke gebruikte in die area wat dit dek; en

- (b) om die gebruik van grond vir doeleindes en aktiwiteite anders as die gebruikte en voorwaardes in (a) hierbo te voorkom.

Inhoud van rekords van grondgebruik

59. 'n Rekord van grondgebruik bevat die bepalings soos verwys na in Afdeling 46.

Prosedures vir die optrek en hersiening van rekords vir grondgebruik

60. 'n Rekord vir grondgebruik sal opgetrek word of hersien word deur die munisipaliteit op die wyse en binne die tydperke in ooreenkoms met die bepalings voorgeskryf deur die LUR, onderhewig aan subafdelings (a) en (b) hieronder:

- (a) Die besluite deur 'n munisipaliteit oor die bestuur van grondgebruik sal gereeld aangeteken word.
- (b) Die munisipaliteit sal van tyd tot tyd die standaard en vloer van ontwikkeling, gebaseer op die omvang van sy besluite oor 'n spesifieke periode, beraam en aanteken.

Plan vir grondgebruik wat nie konsekwent is met die Nasionale en Proviniale wetgewing nie

61. (1) Waar dit tot die aandag van die LUR gekom het dat 'n plan vir grondgebruik of 'n bepaling daarvan nie konsekwent mag wees met die nasionale en provinsiale wetgewing of beleid nie, mag die LUR 'n versoek rig tot die Gauteng Appèl Gereghof vir Ontwikkeling om die teenstrydige Plan vir die Bestuur van Grondgebruik of 'n bepaling daarvan te hersien en om verslag daaroor te doen en aanbevelings te maak op –

- (a) die areas was teenstrydig is;
 - (b) moontlike veranderinge wat geïmplementeer mag word om die areas wat teenstrydig is aan te spreek;
 - (c) 'n proses waarvolgens die nodige veranderinge bepaal en geïmplementeer kan word.
- (2) Die LUR mag die munisipaliteit verwys om –
- (a) die veranderinge te implementeer om sodoende die areas wat nie konsekwent is nie te verander;
 - (b) 'n proses te implementeer wat die aksies sal komplementeer soos verwys in subafdeling (1) hierbo en wat sodoende tot gevolg sal hê dat die teenstrydighede gekorrigeer word.

Besluite vir die Bestuur van Grondgebruik wat nie konsekwent is met Nasionale en Provinciale Wetgewing of Beleid nie

62. (1) Waar dit tot die aandag van die LUR gekom het dat 'n besluit, aksie of inaktiwiteit van die Bestuur van Grondgebruik nie konsekwent is met die Nasionale of Provinciale Wetgewing of Beleid nie, mag die LUR 'n versoek rig aan die Gauteng Appèl Gereghof vir Ontwikkeling om die teenstrydige besluit, aksie of inaktiwiteit te hersien en om aan te teken en om die volgende voor te stel:

- (a) die areas wat nie konsekwent is nie;
 - (b) die moontlike veranderinge waarop besluit mag word of wat geïmplementeer mag word om die teenstrydighede te korrigaat;
 - (c) 'n proses waarvolgens die nodige veranderinge bepaal en geïmplementeer kan word.
- (2) Die LUR mag die munisipaliteit verwys om –
- (a) die veranderinge te implementeer om sodoende die areas was teenstrydig is te verander;
 - (b) 'n proses te implementeer wat die aksies sal komplementeer soos verwys in subafdeling (a) hierbo en wat sodoende tot gevolg sal hê dat die teenstrydighede gekorrigaat word.

Oorgangsmaatreëls

63. (1) Die bestaande skemas bly van toepassing totdat die Plan vir die Bestuur van Grondgebruik waarna verwys word in Afdeling 42 in werking tree.

(2) Die bestaande stadsbeplanning of sone skema sal die aanvanklike basis vorm van die Rekords vir Grondgebruik wanneer die Plan vir die Bestuur van Grondgebruik, waarna verwys word in Afdeling 42, in werking tree.

(3) Nieteenstaande die voorwaardes van Afdeling 101, sal die afdelings van die wetgewing waarna verwys word in Afdeling 101 om effek te gee aan die spesifieke bestaande skemas steeds van toepassing bly tot dit vervang word deur die Plan vir die Bestuur van Grondgebruik, verwys na in Afdeling 42, in werking tree.

Regulasies

64. Die LUR mag regulasies maak op die volgende sake wat verband hou met planne vir die bestuur van grondgebruik –

- (a) enige vereistes waarmee 'n plan vir die bestuur van grondgebruik wat voorberei, vervang of hersien word konsekwent moet wees.

- (b) bepalings wat vervat mag word in planne vir die bestuur van grondgebruik;
- (c) die wyse waarop 'n munisipaliteit wat van voorneme is om sy grond vir 'n doel te gebruik waarvoor toestemming verkry moet word, sal aansoek doen vir die toestemming.
- (d) sekere minimum vereistes wat ingesluit sal wees in nuwe planne vir die bestuur van grondgebruik wat opgetrek word;
- (e) die wyse, tydperke en procedures in ooreenkoms waarmee 'n plan vir die bestuur van grondgebruik opgetrek sal word of 'n of 'n plan vir die bestuur van grondgebruik of bestaande skema hersien sal word deur munisipaliteite;
- (f) die tydperke waarin lede van die publiek en belanghebbende persone of liggeme vertoë mag rig aan munisipaliteite aangaande konsep planne of skemas wat hersien is.
- (g) die wyse waarop munisipaliteite besware of vertoë sal aanhoor by verhore en die vorm wat sulke verhore sal aanneem;
- (h) die tydperk waarin 'n munisipaliteit kennis sal gee dat dit 'n skema goedgekeur het; en
- (i) die procedure wat gevvolg moet word deur 'n eienaar wat die vyf jaar periode wil verleng, soos verwys na in Afdeling 52 hierbo.

HOOFTUK VI

PROSEDURES VAN ONTWIKKELING⁵

Aansoekers

65. Die volgende persone mag 'n aansoek rig in terme van hierdie hoofstuk:

- (a) die eienaar van grond; of
- (b) 'n persoon wat optree met die skriftelike toestemming van die eienaar van grond wat die aansoek in sy of haar naam doen; of

⁵ Die doel van hierdie Hoofstuk is om al die prosesse en prosedures te reguleer in terme waarvan applikante aansoeke moet indien vir verskillende kategorieë van ontwikkeling. Die wyse, prosedures, dokumentasie en tydperke waaraan sulke aansoeke onderhewig is, sowel as kennisgewing en daaropvolgende prosedures vir besluitneming wat die stappe behels in die proses vir aansoek vir ontwikkeling, word uiteengesit.

- (c) 'n Persoon aan wie grond beskikbaar gestel is deur 'n staatsbeweging in terme van 'n ooreenkoms vir grond beskikbaarheid; of
- (d) 'n persoon wat optree as agent of as onafhanklike kontrakteur met die nodige wetlike volmag van die eienaar van die grond; of
- (e) 'n huur van geregistreerde reg van huurpag; of
- (f) enige ander persoon of liggaam soos voorgeskryf.

Tipe Aansoeke

66. Die volgende aansoeke sal, onderhewig aan Afdeling 6 (Hoofstuk II), gemaak kan word in ooreenstemming met die procedures soos uiteengesit in hierdie hoofstuk;

- (a) om 'n dorpsgebied te vestig, wat mag insluit -
 - (i) om die dorpsgebied te verdeel;
 - (ii) om die grenslyne van 'n dorpsgebied uit te brei; of
 - (iii) om 'n algemene plan te wysig, te verander of te kanselleer; en
 - (iv) om 'n bestaande nedersetting wettig te maak;
- (b) om 'n nedersetting te vestig;
- (c) om grond onder te verdeel;
- (d) om grond te konsolideer;
- (e) om enige gedeelte van grond vry te stel van 'n voorsiening van 'n regulasie aangaande grondgebruik;
- (f) om die voorsiening van 'n skema of om die bestuursplan van grondgebruik te verander, op te skort of te verwijder;
- (g) om 'n beperkende voorwaarde te verander, op te skort of te verwijder van 'n beperking of voorbehoud wat geregistreer is teen die titel akte of huurpag van enige grond;
- (h) in die geval waar 'n skema nie 'n prosedure voorskryf nie, toestemming te verkry om die rede waarvoor die grondgebruik word te verander in terme van die skema;
- (i) om toestemming te verkry om grond vir 'n spesifieke doel te gebruik;
- (j) om openbare plekke asook paaie te sluit;
- (k) om 'n landbouhoeve sertifikaat te kanselleer; en
- (l) om enige ander aansoek soos voorgeskryf aan te neem.

Aansoek prosedure

67. (1) 'n Aansoeker sal 'n skriftelike aansoek, tesame met die nodige voorgeskrewe dokumente en fooie, indien by die Municipale Bestuurder van die munisipaliteit waar die grond, wat die onderwerp van die aansoek is, geleë is: op voorwaarde dat 'n distrik

munisipaliteit mag 'n plaaslike munisipaliteit binne sy jurisdiksie versoek, of 'n plaaslike munisipaliteit mag beide die distrik munisipaliteit of enige ander plaaslike munisipaliteit binne die area van dieselfde distrik munisipaliteit versoek om enige van sy funksies aangaande aansoeke uit te voer.

(2) Die Municipale Bestuurder sal skriftelik ontvangs erken van 'n aansoek binne die voorgeskrewe tydperk.

(3) As 'n aansoek onvolledig is, sal die Municipale Bestuurder die aansoek terugverwys na die aansoeker vir nakoming van die voorsiening van hierdie Wet en soos voorgeskryf vir herindiening in welke geval die aansoeker moet voldoen aan sodanige versoek binne die voorgeskrewe tydperk.

Vrystellings

68. (1) 'n Aansoeker mag, volgens voorskrif, 'n aansoek rig aan die beplanningsliggaam vir ontheffing van sekere voorgeskrewe bepalinge van hierdie hoofstuk. Die beplanningsliggaam sal, met inagneming van die aansoek, voorgeskrewe standarde toepas, wat mag insluit maar nie beperk is tot:-

- (a) besonderhede aangaande of persone alreeds gevestig is op die grond ter sprake;
- (b) die dringendheid van die aansoek; en
- (c) of dit in die belang is van vinnige ontwikkeling.

(2) Onderhewig aan voorgeskrewe procedures en tydperke, sal die beplanningsliggaam -

- (a) die aansoek in sy geheel of gedeeltelik aanvaar en onderhewig aan sodanige voorwaardes wat dit mag goed ag; of
- (b) aanbeveel dat 'n aansoek geweier word; of
- (c) aanbeveel dat die aansoek afgewys word; of
- (d) uitstel van die besluit daarop; of
- (e) die aansoeker gelas om enige optrede wat nodig is te onderneem.

Kwytskelding

69. 'n Beplanningsliggaam mag, op versoek en op goeie gronde, kwytskelding aanbeveel van enige nalating deur enige party om aan enige van die vereistes van hierdie hoofstuk te voldoen wanneer dit die mening is dat sodanige nalating nie enige ander persoon benadeel nie.

Openbare Kennisgewing

70. (1) 'n Aansoeker sal kennis gee soos voorgeskryf, van die aansoek aan:

- (a) belanghebbende en geaffekteerde partye soos voorgeskryf; en
- (b) organisasies soos voorgeskryf deur die munisipaliteit.

(2) 'n Aansoeker sal, in ooreenstemming met voorgeskrewe procedures, kennis gee van die aansoek aan voorgeskrewe staatsliggame.

(3) Die Municipale Bestuurder mag, in toevoeging tot die voorgeskrewe partye, vereis dat die aansoeker skriftelik kennis gee van die aansoek aan bykomende persone of gemeenskapsliggame wat hy of sy mag spesifiseer aan die aansoeker: op voorwaarde dat die Municipale Bestuurder kennis sal neem van die verskillende tipes van aansoeke wanneer hy of sy stipuleer watter persone of gemeenskapsliggame in kennis gestel moet word, en dat hy of sy sal verseker dat die persone of gemeenskapsliggame wat in kennis gestel sal word, toepaslik is tot sodanige verskillende tipe aansoeke.

(4) 'n Aansoeker sal verder kennis gee van 'n aansoek soos voorgeskryf.

(5) Die Municipale Bestuurder sal verseker dat die onderskeie departemente van die munisipaliteit in kennis gestel sal word van die aansoek en hulle mag kommentaar lewer, beswaar maak teen en/of vertoë rig in verband met sulke aansoeke.

(6) 'n Kennisgewing gemaak in terme van subafdelings (1), (2), (3), (4) of (5) sal, in die voorgeskrewe vorm, aanvra dat kommentaar, besware of vertoë skriftelik gerig word aan die Municipale Bestuurder rakende die voorgestelde aansoek, binne die voorgeskrewe tydperk van die kennisgewing: op voorwaarde dat die Municipale Bestuurder 'n verlening in tyd mag toestaan vir voorlegging van kommentaar, besware en vertoë -

- (a) waar skriftelike versoek daartoe gedurende sodanige aanvangstyd, en
- (b) waar hy of sy van mening is dat die kommentaar, beswaar of vertoë deurslaggewend is tot die aansoek.

(7) Bewys van kennisgewing deur die aansoeker sal wees soos voorgeskryf.

(8) Die Municipale Bestuurder sal, binne die voorgeskrewe tydperk, die aansoeker voorsien van alle kommentaar, besware of vertoë ontvang in terme van subafdeling (6), waarna die aansoeker binne die voorgeskrewe tydperk aan die Municipale Bestuurder mag antwoord gee.

(9) Die aansoek sal beskikbaar weer vir inspeksie deur die publiek op tye en plekke soos voorgeskryf.

Voorlegging van aansoeke aan beplanningsliggaam

71. Na die vervaldatum vir die voorlegging van kommentaar en besware, sal die Municipale Bestuurder, binne die voorgeskrewe tydperk, en na inagneming van –

- (a) die aansoek;
- (b) alle kommentaar, besware en vertoë; en
- (c) enige antwoorde ten opsigte van die besware,

die aansoek indien, sodanige kommentaar, besware en vertoë en antwoorde, tesame met sy of haar verslag en aanbevelings aangaande die aansoek, aan die beplanningsliggaam, vir hul besluit.

Verhoor procedure

72. (1) Tensy anders voorgeskryf, sal die Municipale Bestuurder, binne die voorgeskrewe tydperk, 'n datum vasstel vir die verhoor van die aansoek.

(2) Die Municipale Bestuurder sal op die voorgeskrewe wyse en binne die voorgeskrewe tydperke kennis gee aan die –

- (a) die aansoeker;
- (b) die beswaarmakers of hulle verteenwoordigers wat skriftelike besware ingedien het;
- (c) alle geïnteresseerde en geaffekteerde partye of hulle verteenwoordigers wat skriftelike kommentaar, vertoë, of besware gerig het aan 'n aansoek in terme van Afdeling 71; en
- (d) enige toepaslike staatsliggaam, van die datum, plek en tyd van die verhoor.

(3) Die beplanningsliggaam mag enige aansoek oorweeg: op voorwaarde dat waar daar 'n beswaar is teen 'n aansoek, die beplanningsliggaam die voorleggings van al die genoemde partye in subafdeling (2) sal verhoor voordat 'n besluit tot die aansoek gedaan word.

(4) Die beplanningsliggaam mag enige ondersoek aangaande die aansoek onderneem.

Goedkeuring van aansoeke

73. (1) Die beplanningsliggaam sal, met inagnome, maar nie beperkend tot –

- (a) die beginsels vervat in hoofstuk II van die Wet;
- (b) die Gauteng geïntegreerde ontwikkelingsplan;
- (c) die Gauteng ruimtelike ontwikkelingsraamwerk;
- (d) die plaaslike ruimtelike ontwikkelingsraamwerke
- (e) die onderskeie planne vir die bestuur van grondgebruik, grondgebruik verslag en die

verkleining van die ontwikkelingsgaping tussen die plan en die verslag;

- (f) oorwegings vir die omgewing;
- (g) die benodigdheid van die onderskeie staatsliggame;
- (h) kommentaar, besware en vertoë ontvang en antwoorde daarop;
- (i) enige ondersoek wat dit gelas het;
- (j) die belang van die openbare goedgesindheid, en
- (k) die spesiale voordele van die aansoek;

oorweeg en mag goedkeuring voorstel, met of sonder wysigings, of afwysing van die aansoek aanbeveel in geheel of gedeeltelik of die besluit daaroor uitstel; op voorwaarde dat die bepalings van Afdeling 40 nagekom is.

(2) Ter aanbeveling van die aansoek mag die beplanningsliggaam die volgende aanbeveel -

- (a) enige regstreerbare voorwaarde, soos voorgeskryf;
- (b) enige voorwaarde van stigting, soos voorgeskryf; of
- (c) enige ander voorwaardes.

(3) Die beplanningskomitee sal skriftelike redes gee vir die aanbevelings soos voorgeskryf.

Kennisgewing van goedkeuring

74. (1) Nadat 'n beplanningsliggaam sy aanbevelings gemaak het, hetsy vir die aanvaarding daarvan, met wysigings of voorwaardes, of vir die weiering van 'n aansoek, sal die Municipale Bestuurder, binne die voorgeskrewe tydperk, die informasie oordra aan:

- (a) die aansoeker;
- (b) die persone aan wie oorspronklik kennis gegee is in terme van Afdeling 72 hierbo;
- (c) enige houers van beperkte vaste regte of minerale regte; en
- (d) enige ander Staatsliggaam wat vereistes benodig het vir die goedkeuring van die besluit.

(2) Die Municipale Bestuurder sal, met betrekking tot voorgeskrewe aansoeke, 'n kennisgewing in die *Provinsiale Staatskoerant* publiseer, dat die aansoek aanvaar is en dat die voorwaardes nagekom is.

(3) Die datum van sodanige publikasie of sodanige later datum soos gemeld in die kennisgewing, sal die datum wees waarop die goedkeuring in werking tree.

Indiening van dokumente by die Registrateur en die Landmeter Generaal

75. In voorgeskrewe omstandighede sal 'n aansoeker wat in kennis gestel is dat sy of haar aansoek aanvaar is, binne die voorgeskrewe tydperk, indiening doen by:

- (a) die Landmeter Generaal van planne, diagramme, dokumente en ander informasie wat die Landmeter Generaal mag benodig om die algemene plan in ooreenstemming met die goedgekeurde aansoek te kan goedkeur; en
- (b) die Registrateur van Aktes van planne dokumente en ander informasie wat die Landmeter Generaal mag benodig om die algemene plan in ooreenstemming met die goedgekeurde aansoek te kan goedkeur.

Wysiging van aansoek en voorwaardes van stigting

76. (1) 'n Aansoeker mag aansoek doen by 'n beplanningsliggaam, alvorens die aansoek goedgekeur is, om sodanige aansoek te wysig.

(2) 'n Beplanningsliggaam mag sy besluit goedkeur, in geheel of gedeeltelik of uitstel as dit van opinie is dat die omvang van die wysiging van so 'n aard is dat dit 'n mindere reg tot gevolg sal hê as wat toegestaan was in die oorspronklike aansoek, en sodanige wysiging nie 'n nuwe aansoek regverdig nie.

(3) 'n Aansoek wat nie voldoen aan die vereistes van subafdeling (2) nie, moet heringedien word.

Voortsetting van aansoek deur 'n ander aansoeker

77. Onderhewig aan voorgeskrewe voorwaardes en procedures mag 'n nuwe aansoeker voortgaan met 'n aansoek in die plek van 'n oorspronklike of daaropvolgende aansoeker.

Verbod op sekere kontrakte

78. (1) Tensy anders voorgeskryf sal geen persoon -

- (a) 'n kontrak aangaan in die verkoop, omruil, vervreemding of wegmaking op enige ander manier van 'n erf in die dorpsgebied of op 'n gedeelte van 'n stuk grond nie;
- (b) 'n gebou oprig op sodanige erf nie;
- (c) 'n opsie toestaan om sodanige erf te koop of te verkoop of die reg toestaan van eerste weiering met betrekking tot sodanige erf nie; of
- (d) andersins sodanige erf bekom, tensy

die aansoek goedgekeur was en die ingenieursdienste gelewer was tot die bevrediging van die munisipaliteit, of bevredigende waarborgs verskaf was nie.

(2) Die bepalings van subafdeling (1) sal nie geag word om enige persoon te verbied om grond aan te koop waarop hy of sy graag 'n dorpsgebied wil ontwikkel nie, onderhewig aan 'n voorwaarde dat by aanvaarding van die dorpsgebied, een of meer van die erwe daarin na die verkoper oorgeplaas mag word.

(3) Enige kontrak aangegaan wat teenstrydig is met subafdelings (1) en (2) sal ongeldig wees.

Opskorting of verwydering van beperkte voorwaardes of serwituut in verband met sekere aansoeke

79. (1) 'n Beplanningsliggaam mag, uit eie beweging of deur die versoek van 'n aansoeker, waar dit van mening is dat 'n beperking of bepalende voorwaarde teenstrydig is met of ongewens is in verhouding tot die gebruik, besetting, ontwikkeling of onderverdeling van die land, en dat die verwydering of opskorting onnodige vertragings van die betrokke ontwikkeling tot gevolg inhou, onderhewig aan die toestemming van die houer of bevoordeelde van die serwituut of bepalende voorwaarde, 'n voorwaarde van stigting voorskryf in verband met -

- (a) enige serwituut geregistreer teen die titel akte van grond wat onderworpe is aan die aansoek; of
- (b) enige ander beperkende voorwaarde aldus geregistreer of andersins in werking ten opsigte van sodanige land.

(2) 'n Beplanningsliggaam mag -

- (a) waar die eienaar van die hoof perseel in verhouding tot 'n serwituut of beperkende voorwaarde met verwysing tot subafdeling (1) (a) of enige bevoordeelde van 'n beperkende voorwaarde met verwysing tot subafdeling (1) (b) nie bereid is om sy of haar toestemming te verleen vir die opskorting van die serwituut of voorwaarde vir die oorweging of subvoorwaardes wat die komitee beskou as redelike oorweging of redelike voorwaardes; of
- (b) waar dit nie prakties moontlik is om sodanige toestemming binne 'n redelike tyd te bekom vanweë die aard van die betrokke regte nie, of die getal persone betrokke of omdat die verblyfplek van enige persoon soos oorweeg in paragraaf (a) nie geredelik beskikbaar is nie,

'n voorwaarde oplê soos oorweeg in subafdeling (1) sonder die voorgenome toestemming nie.

(3) 'n Serwituut of beperkende voorwaarde wat opgeskort is deur 'n bepaling van stigting waarvan kennis gegee is, sal verwyder word wanneer die betrokke register geopen word.

(4) Die betrokke Registrateur sal, so gou moontlik na die verwydering soos oorweeg in subafdeling (3), inskrywings en endossemente maak op enige register of titel akte in sy of haar kantoor of dit indien by hom of haar wie hy of sy gesik ag om sodanige verwydering te reflekteer: op voorwaarde dat indien sodanige verwydering 'n diagram of algemene plan, ingedien by die kantoor van die Landmeter Generaal, affekteer, die Registrateur die Landmeter Generaal dienooreenkomsdig in kennis sal stel.

(5) 'n Persoon wat skade gely het of wie se grond of wetlike grondreg nadelig beïnvloed is as gevolg van die verwydering of opskorting in terme van subafdeling (3) mag, binne 'n periode van een jaar na die verwydering of die opskorting en as hy of sy nie alreeds enige ander skadevergoeding ontvang het nie, skadevergoeding eis van die persoon wat aansoek gedoen het vir die voorwaarde of beperking ten tye van sodanige verwydering of opskorting daarvan.

(6) Die bedrag van skadevergoeding soos verwys na in subafdeling (5) moet 'n bedrag wees soos ooreengekom tussen die eiser en die persoon waarna verwys is in daardie subafdeling of, in gebreke van sodanige ooreenkoms binne 'n maand nadat 'n eis gemaak is onder daardie subafdeling, sal 'n bedrag wees soos bepaal deur 'n Appèl Gereghof.

(7) Hierdie afdeling verleen nie volmag vir die verwydering of opskorting van enige geregistreerde mineraalregte nie en niks in hierdie Wet doen afbreuk aan die herstelling van die houer van minerale regte onder die gemene wet nie.

Aanvang van registrasie van eiendaarskap in verband met sekere aansoeke

80. 'n Registrateur sal begin met registrasie van eiendaarskap van grond in 'n area, wat die onderwerp van 'n voorgeskrewe aansoek is, wanneer:

- (a) 'n algemene plan of onderverdeelde diagram van die area goedgekeur is;
- (b) 'n aansoeker planne en diagramme ingedien het soos goedgekeur deur die Landmeter Generaal, saam met die vereiste titel aktes vir endossement of registrasie by die Registrateur;
- (c) die betrokke register geopen is;
- (d) die dorpsgebied of nedersetting, wat ook al die geval mag wees, as 'n goedgekeurde dorpsgebied of nedersetting verklaar is;

- (e) die Municipale Bestuurder die Registrateur ingelig het dat die onderskeie verpligtinge van die aansoeker en die betrokke munisipaliteit om ingenieursdienste te verskaf nagekom is of dat bevredigende waarborge verskaf is; en
- (f) die Municipale Bestuurder die Registrateur skriftelik ingelig het dat daar voldoen is aan die voorwaardes van stigting.

Vestiging en omkering van eienaarskap van openbare paaie en openbare plekke

81. (1) Die eienaarskap van alle openbare paaie en openbare plekke as sulks aangedui op 'n algemene plan van 'n dorpsgebied sal, sonder vergoeding, by die munisipaliteit berus in wie se area van jurisdiksie die grond geleë is op die tyd wanneer oorplasing in eienaarskap van die grond reg is vir registrasie.

- (2) As die algemene plan van 'n dorpsgebied –
 - (a) in geheel of gedeeltelik gekanselleer word sal die eienaarskap van die openbare paaie en openbare plekke in die dorpsgebied wat getoon word op die gekanselleerde plan of deel daarvan, by tye van kanselliasie daarvan, terugval word na die persoon of liggaam wat die eienaar van die grond was by tye van die aansoek; en
 - (b) gewysig word in terme van enige wet wat die sluiting van so 'n openbare pad of openbare plek of gedeelte daarvan wettig, sal die eienaarskap van so 'n pad, plek of gedeelte terugval na die persoon of liggaam wat die eienaar van die betrokke grond was by tye van die aansoek.

Bydrae tot ingenieursdienste

82. (1) Ingenieursdienste sal voorsien word met betrekking tot voorgeskrewe toepassings soos ooreengekom deur die betrokke munisipaliteit en die aansoeker in terme van 'n dienste ooreenkoms wat voldoen aan die voorgeskrewe riglyne en wat goedgekeur is deur die beplanningskomitee liggaam.

(2) Die dienste ooreenkoms waarna verwys word in subafdeling (1), sal voltooi word voor 'n aansoek ingedien word by die beplanningskomitee vir goedkeuring: op voorwaarde dat die aansoek vir kwytskelding gemaak mag word soos voorgeskryf in die geval waar 'n dienste ooreenkoms nog nie volledig is nie.

(3) Elke ingenieursdiens wat verskaf sal word sal geklassifiseer word as 'n interne of eksterne ingenieursdiens in ooreenstemming met die riglyne as wat voorgeskryf is.

- (4) (a) Die aansoeker sal verantwoordelik wees die installering en verskaffing van interne ingenieursdienste; en
- (b) Die betrokke munisipaliteit sal verantwoordelik wees vir die installering en verskaffing van eksterne ingenieursdienste.
- (5) Neteenstaande die voorwaardes van subartikel (4) –
- (a) mag die betrokke munisipaliteit, op versoek van en op die onkoste van die aansoeker, enige interne ingenieursdienste installeer of verskaf of aanleiding gee vir so 'n diens om geïnstalleer of verskaf te word; of
- (b) sal die aansoeker, op sy of haar eie onkoste, enige eksterne ingenieursdienste installeer of verskaf waarvan die betrokke munisipaliteit nie die verskaffer is nie; of
- (c) mag die munisipaliteit en die aansoeker eensgesind wees oor enige reëling aangaande die installering van ingenieursdienste.
- (6) Die interne ingenieursdienste en die eksterne ingenieursdienste wat in hierdie afdeling beoog word sal geïnstalleer en verskaf word tot die bevrediging van die munisipaliteit, en vir daardie doel, sal die aansoeker sulke verslae, diagramme en spesifikasies wat die munisipaliteit mag benodig, indien by die munisipaliteit.
- (7) Vir die doeleindeste van subafdeling (6) sal die betrokke munisipaliteit sulke standaarde en vlakke in ag neem wat toepaslik is tot die spesifieke ontwikkeling soos wat toepaslike is vir strate, stormwater dreinering, water, elektrisiteit, riool wegry dienste.

Vervanging van owerheid

83. (1) Vanaf die datum wat hierdie Wet 'n aanvang geneem het, sal enige verwysing na "Minister" in die konteks van enige voorwaardes vir grondgebruik ingestel onder die afgeskafte Swart Gemeenskap Ontwikkeling Wet, 1984 (Wet 4 van 1984), "Administrateur", "Dorpsgebied Raad", "Bevoegde Owerheid", "Beherende Owerheid" of enige ander owerheid, in enige voorwaarde geregistreer teen die titel akte of huurpag in verband met die grond wat in die Provinsie geleë is, en wat opgelê is onder die stadsbeplanning skema of grondgebruik kontrole meganisme wat die uitwerking het van 'n stadsbeplanning skema in verband met grond wat in die Provinsie geleë is en wat bepaal dat grond mag slegs gebruik word vir sekere doeleindeste of op 'n sekere wyse met die goedkeuring of toestemming van so 'n amptenaar wat namens homself optree, of, alternatief in konsultasie met die Dorpsgebied Raad, sal vertaal word as 'n verwysing na die

genoemde munisipaliteit wat jurisdiksie het in die area waarin die grond geleë is.

(2) Enige verpligting op die Premier of beherende owerheid om in samewerking te handel met die Dorpsgebied Raad, soos uiteengesit in enige bepaling van subartikel (1), sal verval wanneer hierdie Wet in werking tree.

Verval van aansoek

84. Enige goedgekeurde aansoek om die gebruik van grond te verander sal onderhewig wees daaraan om hersien te word deur die munisipale bestuurder en sal veral as so 'n verandering van gebruik nie 'n aanvang geneem het binne voorgeskrewe tydperk nie.

Bewys van sekere feite in verband met aansoek

85. 'n Professionele landmeter, professionele stads- en streeksbeplanner, professionele ingenieur, prokureur, notaris, aktebesorger soos gedefinieer in terme van 'n toepaslike wet of 'n ingenieur, geologie konsultant, 'n omgewing konsultant of enige ander gekwalifiseerde professionele persoon wat 'n dokument voorberei soos vereis in terme van hierdie hoofstuk, en wie die voorgeskrewe sertifikaat op so 'n dokument onderteken, aanvaar daardeur die verantwoordelikheid van enige aanspreeklikheid vir die korrektheid van die voorgeskrewe feite wat bevat is in so 'n dokument.

Bydrae tot ontwikkeling

86. Waar daar van 'n aansoeker verwag word om 'n bydrae te betaal, hetsy in die vorm van grond of kontant, aan die munisipaliteit vir 'n voorgeskrewe doel sal hy of sy, soos voorgeskryf –

- (a) sulke grond oordra; of
- (b) so 'n bedrag betaal,

binne die voorgeskrewe periode en onderhewig aan voorgeskrewe procedures, aan die munisipaliteit vir 'n doel soos vasgestel deur die munisipaliteit of soos ooreengekom tussen die aansoeker en die munisipaliteit.

Oorplasing van ontwikkelingsregte

87. 'n Aansoeker of enige ander party mag, nadat toestemming van die beplanningsliggaam verkry is, en nadat ooreenkoms bereik is met enige ander party, die ontwikkelingsregte wat hy of sy hou oordra aan die ander party.

Regulasies

88. Die LUR mag, deur 'n kennisgewing in die *Provinsiale Staatskoerant*, regulasies maak wat nie teenstrydig is met die bepalings van hierdie Wet of enige ander wetgewing wat beplanning reguleer, wat hy of sy nodig of geskik ag om voorgeskryf te word vir die effektiewe uitvoering van die doelwitte en bepalings van hierdie hoofstuk, insluitend -

- (a) watter persone sekere aansoeke mag indien;
- (b) procedures met betrekking tot die indiening van aansoeke;
- (c) dokumente wat 'n aansoek moet vergesel;
- (d) tydperke wat van toepassing is op verskillende aansoeke;
- (e) procedures met betrekking tot vrystellings;
- (f) procedures met betrekking tot kwytskeldings;
- (g) vereistes van kennisgewing vir alle aansoeke;
- (h) fooie betaalbaar vir aansoeke;
- (i) procedures met betrekking tot die verhoor van aansoeke;
- (j) enige voorwaardes wat opgelê mag word;
- (k) voorwaardes van stigting wat opgelê mag word;
- (l) procedures wat gevolg moet word deur 'n munisipaliteit in die verskaffing van geskrewe redes vir sy besluite;
- (m) procedures wat gevolg moet word in die verskaffing van 'n rekord van besluite;
- (n) ingenieursdienste;
- (o) procedures om aansoeke te wysig;
- (p) maatstawwe van toepassing om 'n besluit te neem oor sekere aansoeke;
- (q) procedures vir appèl;
- (r) voortsetting van 'n aansoek deur 'n nuwe aansoeker;
- (s) procedures wat gevolg moet word waar 'n bydrae vir ontwikkeling betaal moet word; en
- (t) procedures wat gevolg moet word in die oordrag van ontwikkelingsregte.

HOOFSTUK VII

ALGEMENE BEPALINGS⁶

Fooie en bydraes

89. (1) 'n Munisipaliteit mag, onderhewig aan enige toepaslike wetgewing, fooie of bydraes voorskryf in verband met –

- (a) enige toepassing in terme van hierdie Wet; en
- (b) enigets wat benodig of gewettig om gedoen te word in terme van hierdie Wet.

(2) Enige fooie of bydraes voorgeskryf in terme van subartikel (1) sal vooruit betaalbaar wees of soos voorgeskryf.

(3) 'n Munisipaliteit mag, op versoek en soos voorgeskryf, enige persoon of liggaam vrystel van die betaling van fooie of bydraes soos voorgeskryf in terme van subartikel (1).

Vergoeding

90. (1) Die munisipaliteit mag grond of beperkte reële regte in grond eksproprieer vir doeleindes van hierdie Wet, as so 'n ekspropriasie vir 'n publieke doel en in die publiek se belang is.

(2) Enige persoon wie se grond of beperkte reële regte in grond geëksproprieer is, sal vergoed word met 'n bedrag soos beoog in terme van Afdeling 25(3) van die Konstitusie.

Verspreiding van bevoegdhede

91. (1) Die Premier mag, deur 'n kennisgewing in die *Provinsiale Staatskoerant*, enige magte wat aan hom of haar opgedra is deur hierdie Wet, deleer aan 'n amptenaar in diens van die provinsiale regering, behalwe die mag om –

- (a) regulasies te maak; en
- (b) beleid te verander of daarby toe te voeg, soos verwys in Hoofstuk 2 van hierdie Wet.

(2) Die LUR mag, by wyse van 'n kennisgewing in die *Provinsiale Staatskoerant*, enige mag aan hom of haar opgedra deur hierdie Wet, deleer aan 'n amptenaar in diens van die provinsiale regering, behalwe die mag om–

- (a) regulasies te maak; en
- (b) by die beleid by te voeg of wysigings te maak, soos verwys na in Hoofstuk 2 van hierdie Wet.

⁶ Die doel van hierdie hoofstuk is om die betaling van fooie en bydraes te magtig en die ondersoek van klagtes asook die daaropvolgende uitgawe van afskaffing en van herstelling kennisgewings, om te voorsien vir oortredings en oplegging van boetes en strawwe, om te voorsien vir die verspreiding van mate, die betaling van vergoeding, die regmaak van foute of uitlatings en die dokumentasie wat beskikbaar gestel moet word en oorgang bepalings

(3) Onderhewig aan wetgewing wat die magte en funksies van munisipaliteit reguleer, mag 'n beplanningsliggaam enige magte of pligte aan hom opgedra of opgelê deur hierdie Wet, deleger aan 'n amptenaar in diens van die munisipaliteit: op voorwaarde dat dit nie die volgende sal deleger nie:

- (a) enige mag wat dit mag hê aangaande die goedkeuring van ruimtelike ontwikkelingsraamwerke en die goedkeuring van planne vir die bestuur van grondgebruik; of
- (b) enige aansoek in verband waarmee 'n beswaar gemaak is.

(4) Onderhewig aan wetgewing wat die magte en funksies van munisipaliteit reguleer, mag die Municipale Bestuurder enige magte of pligte aan hom opgedra of opgelê deur hierdie Wet, deleger aan 'n amptenaar in diens van die munisipaliteit waarvan hy of sy die Municipale Bestuurder is.

(5) Onderhewig aan wetgewing wat die magte en funksies van munisipaliteit reguleer, sal magte en funksies wat in terme van hierdie afdeling gedelegeer is, skriftelike gedoen word en mag dit onttrek word deur die persoon of liggaam wat dit skriftelik toegestaan het.

Ondersoek van klagtes

92. (1) Enige persoon wat redelike gronde het om te glo dat 'n persoon of liggaam grondgebruik wat teenstrydig is met die bepalings van hierdie Wet, mag, in ooreenstemming met die voorgeskrewe procedures, 'n klag indien by die betrokke munisipaliteit.

(2) Die munisipaliteit sal, binne die voorgeskrewe tydperk en in ooreenstemming met die voorgeskrewe procedures, so 'n klag ondersoek.

(3) Waar die munisipaliteit vind dat geen oortreding plaasgevind het nie sal dit, binne die voorgeskrewe tydperk en in terme van voorgeskrewe procedures, skriftelike kennis gee aan die persoon wat die klag ingedien het, waarin die redes vir sy uitspraak uiteengesit sal wees.

(4) 'n Munisipaliteit mag, uit sy eie beweging, en as dit redelike gronde het om te glo dat 'n persoon of liggaam grondgebruik teenstrydig met die bepalings van hierdie Wet, so 'n aktiwiteit ondersoek.

(5) As die munisipaliteit uitvind dat 'n oortreding van 'n bepaling van hierdie Wet plaasgevind het, as 'n uitvloeisel van subartikel (2) en (4), sal dit stappe neem soos uiteengesit in Artikel 93.

Gebruik van oortreding

93. (1) 'n Munisipaliteit sal, waar dit vind dat 'n persoon land gebruik teenstrydig met die bepalings van hierdie Wet in terme van Afdeling 92, 'n kennisgewing van oortreding dien op die eienaar of bewoner van die grond.

(2) Die kennisgewing van oortreding verwys na in subafdeling (1) sal –

- (a) die betrokke ongemagtigde aktiwiteit beskryf; en
- (b) die eienaar of bewoner van die betrokke grond uitnooi om vertoë te rig aan die munisipaliteit, binne die voorgeskrewe tydperk en onderhewig aan voorgeskrewe procedures, waarom dit nie 'n bevel moet uitreik nie soos oorweeg in subartikel (3).

(3) Die munisipaliteit sal, na 'n voorgeskrewe periode–

- (a) en na oorweging van enige vertoë aan dit gemaak; of
- (b) waar geen vertoë gerig was nie, na oorweging van die kennisgewing van oortreding soos uiteengesit in subartikel (1), enige aksie uitoefen, soos voorgeskryf mag wees, wat 'n opdrag mag insluit dat die oortreding reggestel of gestaak moet word binne vir voorgeskrewe tydperk.

(4) As enige persoon nalaat om aan die opdrag te voldoen wat voorsien word in subartikel (3), sal hy of sy skuldig wees aan 'n misdryf, en mag die munisipaliteit –

- (a) die oortreding regstel op sy eie beweging en die kostes verhaal van die eienaar of bewoner van die grond wat die misdryf gepleeg het;
- (b) by 'n hof aansoek doen vir 'n opdrag wat die betrokke persoon sal daarvan sal weerhou om voort te gaan met die misdryf; of
- (c) enige ander middel tot sy beskikking gebruik in terme van hierdie Wet of enige ander wetgewing om die onregmatige gebruik van grond reg te stel.

(5) Waar die munisipaliteit nie optree in ooreenkoms met voorgeskrewe procedures of voorgeskrewe tydperke, wat ook al die geval mag wees, sal die LUR, binne die voorgeskrewe tydperk en in terme van voorgeskrewe procedures, optree in die voorgeskrewe wyse.

Oortredings, oplegging van boetes en strawwe

94. (1) Enige persoon wat die bepalings van hierdie Wet of enige verordening gemaak in terme van hierdie Wet, of enige opdrag, amptelike instruksie, verbod, voorwaarde, vereiste of

kennisgewing gemaak of gegee in terme van hierdie Wet, oortree of nalaat om daaraan te voldoen, sal skuldig wees aan 'n oortreding en sal, met vonnis, aanspreeklik wees vir 'n toepaslike boete wat nie R 500 000.00 oorskry nie of gevengenisstraf soos voorgeskryf of beide 'n boete en gevengenisstraf.

(2) 'n Persoon wat skuldig bevind is aan 'n oortreding onder hierdie Wet wie, na skuldigbevinding, voortgaan met die handeling in verband waarmee hy of sy skuldig bevind is, sal skuldig wees aan 'n deurlopende oortreding en met vonnis aanspreeklik gehou word vir 'n boete van nie meer nie as R 10 000.00 met betrekking tot elke dag wat hy of sy voortgegaan het met die handeling.

(3) Die bepalings van Afdeling 341 van die Kriminele Bepaling Wet, 1977 (Wet No. 51 van 1977), met betrekking tot die samestelling van verskeie geringe oortredings by wyse van boetes sal van toepassing wees, met die nodige verandering, op enige bepaling van hierdie Wet.

Dokumentasie beskikbaar aan die publiek

95. Enige dokumentasie wat voorgelê word in terme van die bepalings van hierdie Wet, sal beskikbaar gestel word aan die publiek by die munisipale kantore gedurende normale kantoorure soos voorgeskryf.

Regstelling van foute en uitlatings

96. Die LUR of munisipaliteit mag, op die voorgeskrewe wyse en met 'n kennisgewing in die *Provinsiale Staatskoerant*, enige fout of uitlating in enige kennisgewing of dokument gepubliseer in terme van hierdie wet, korrigeer.

Oorgangsmaatreëls

97. (1) Enige regulasie gemaak, enige afkondiging, kennisgewing, sertifikaat of ander dokument uitgereik, enige instruksie of amptelike instruksie, toestemming of volmag uitgereik of toegestaan, enige vrystelling of permit uitgereik, of enige aanstelling of beslissing wat gemaak is of enige ander stap geneem of ding gedoen in terme van die bepalings van enige wetgewing wat herroep is deur hierdie Wet sal geag word as uitgereik, toegestaan, gemaak, geneem of gedoen in terme van die bepalings van hierdie Wet, en sal van krag bly totdat dit herroep of teruggetrek word in terme van hierdie Wet.

(2) Nieteenstaande die bepalings van subartikel (1), 'n saak in verband waarmee, voor die aanvang van hierdie Wet, stappe geneem was in terme van wetgewing genoteer in die Skedule en wat nie weggemaak is met die aanvang van hierdie Wet nie sal,

vanaf die datum van aanvang van hierdie Wet, finaliseer word in terme van die bepalings van hierdie Wet.

(3) Enige sone skema, grondgebruik regulasie of grondgebruik beheer meganisme, bepalings in 'n titel akte of huurpag voorwaarde en enige ander stappe onder enige wetgewing wat grondgebruik in 'n spesifieke area beheer sal van krag bly tot die datum wanneer die plan vir die bestuur van grondgebruik in werking tree. In hierdie geval sal die regte en verpligtinge in die plan vir die bestuur van grondgebruik heersend wees.

Sleutel aanwysers vir werkverrigting

98. Die LUR moet, na 'n oorsig van die nakoming van sleutel aanwysers vir werkverrigting –

- (a) 'n verslag ter tafel lê aan die wetgewende mag en die betrokke munisipaliteit asook die distrik munisipaliteit –
 - (i) wat nakoming van sleutel aanwysers vir werkverrigting deur die munisipaliteit moet aandui en stappe wat geneem is om te voldoen aan die sleutel om die sleutel aanwysers vir werkverrigting.
 - (ii) wat stappe mag aandui wat deur die munisipaliteit onderneem is om nakoming te volbring; en
- (b) aksies stipuleer wat met die munisipaliteit ontwikkel is waaraan dit moet voldoen.

Verval van aansoeke

99. Enige aansoek wat ingedien en goedgekeur is in terme van hierdie Wet deur 'n beplanningsliggaam en waarmee nie voortgegaan word binne vyf (5) jaar vanaf die datum van goedkeuring nie, sal verval: op voorwaarde dat die munisipaliteit 'n verlenging van tyd mag toestaan.

Regulasies

100. Die LUR mag, met 'n kennisgewing in die *Provinsiale Staatskoerant*, regulasies maak wat nie inkonsekwent is met die bepalings van hierdie Wet of enige ander wetgewing wat beplanning reguleer, wat hy of sy nodig of geskik mag ag om voor te skryf vir die effektiewe uitvoering van die doelwitte en bepalings van hierdie hoofstuk, insluitend –

- (a) enige addisionele beginsels wat nie inkonsekwent is met die in Hoofstuk II van hierdie Wet nie;
- (b) enige beginsels in meer detail, konsekwent daar mee;
- (c) die betaling van enige fooie of bydraes;
- (d) vrystelling van die betaling van fooie en bydraes;

- (e) procedures in verband met die ondersoek van klagtes;
- (f) procedures in verband waarmee 'n munisipaliteit handel met ongemagtigde gebruik van grond;
- (g) procedures wat verband hou met die regstelling van foute en uitlatings;
- (h) procedures om vertoë te rig;
- (i) die wyse waarop dokumentasie beskikbaar gestel moet word aan die publiek;
- (j) die sleutel aanwyser vir werkverrigting en werkverrigting teikens wat munisipaliteite moet nakom met die hulpbronne tot hul beskikking;
- (k) die inligting wat verskaf moet word deur munisipaliteite en ander deelnemers vir ontwikkeling om hulle by te staan met die ontwikkeling en monitering asook om sleutel aanwysers vir werkverrigting te behaal; en
- (l) die prosedure vir die betrokkenheid van deelnemers van ontwikkeling in die ontwikkeling van sleutel aanwysers vir werkverrigting.

Herroeping van wette

101. Die wette uiteengesit in kolomme een en twee word hiermee herroep tot die mate uiteengesit in kolom drie van die Skedule.

Kort titel en aanvang

102. (1) Hierdie Wet word die Gauteng Beplanning en Ontwikkeling Wet, 2002 genoem en sal 'n aanvang neem op die datum vasgestel deur die Premier deur afkondiging in die *Provinsiale Staatskoerant*.

(2) Verskillende datums van aanvang mag vasgestel word met betrekking tot verskillende bepalings van die Wet of verskillende areas binne die Provinsie.

SKEDULE

Herroeping van wette

No. en jaar van wet	Kort titel	Mate van herroeping
Ordinansie No. 17 van 1939	Plaaslike Regering Ordinansie 17 van 1939	Afdeling 66, 67 en 68
Ordinansie No. 15 van 1986	Stadsbeplanning en Dorpsgebied Ordinansie, 1986	In geheel
Ordinansie No. 20 van 1986	Verdeling van Grond Ordinansie, 1986	In geheel
Wet No. 3 van 1996	Gauteng Verwydering van Beperkingswet, 1996	In geheel
Ordinansie No. 20 van 1943	Transvaalse Raad vir die Ontwikkeling van Buitestedelike Areas Ordinansie, 1943	In geheel

VERKLARENDE MEMORANDUM OP DIE OOGMERKE VAN DIE GAUTENG SE WETSONTWERP VIR BEPLANNING EN ONTWIKKELING, 2002

1. DOEL VAN DIE WETSONTWERP

Die beëindiging van apartheid in Suid-Afrika het fundamentele veranderinge in die omgewing van beplanning en ontwikkeling tot gevolg gehad. Nuwe demokratiese verpligte het die grondslag waarop beplanning gebaseer was verander, wat die tradisionele benadering van beplanning en wetgewing onvanpas gemaak het. Die Departement van Ontwikkelingsbeplanning en Plaaslike Regering het 'n groot herstrukturering van beleid en wetgewing onderneem deur die Gauteng se Wetsontwerp vir Beplanning en Ontwikkeling voor te stel om sodoende vir 'n allesomvattende stelsel van ontwikkelingsbeplanning en die beheer van grondgebruik in die Provinse te voorsien.

2. OOGMERKE VAN DIE WETSONTWERP

Die Wetsontwerp is bestem om te voorsien vir 'n enkele stelsel vir die bestuur van ontwikkeling, beplanning en grondgebruik in die Provinse; om doelwitte uiteen te sit vir die beplanning en ontwikkeling in die Provinse; om beplanningsliggame te stig en om vir appelle aan die Appèl Gereghof te voorsien. Verder is die Wetsontwerp bestem om 'n raamwerk te skep vir die voorbereiding van ontwikkelingsplanne en raamwerke; om te voorsien vir die skepping van planne vir die bestuur van grondgebruik; om eenvormige procedures vir applikasies van ontwikkeling te skep en om vir algemene sake soos die uitvoering van die procedures te voorsien.

Daar moet aangeteken word dat, terwyl die magte en pligte in die Wetsontwerp grootliks aan die Lid van die Uitvoerende Raad (die LUR) wat verantwoordelik is vir provinsiale beplanning, toevertrou word, word daar aan die Premier van die Provinse ook sekere magte toevertrou, terwyl hy ook sulke magte mag deleger aan die LUR (Afdeling 91(1)). Afdeling 91 voorsien ook vir daardie funksies wat gedelegeer mag word deur die LUR aan 'n amptenaar in diens van die provinsiale regering en die beplanningsliggaam om magte te deleger aan 'n amptenaar in diens van die munisipaliteit.

Die Wetsontwerp is nie bestem om die LUR te magtig om inbreuk te maak op die uitvoerende owerheid van die munisipaliteit om munisipale beplanning te adviseer nie. Die Wetsontwerp maak egter wel voorsiening vir uitvoerende en wetgewende owerhede van die provinsiale regering om te sorg vir die effektiewe uitvoering deur munisipalteite van hul pligte in verband met sake gelys in Afdeling 4 en 5 van die Konstitusie.

3. Implikasies van die Wetsontwerp

3.1 Kommunikasie implikasies

Geen implikasies anders as die gebruiklike kommunikasies op die goedkeuring van nuwe wetgewing.

3.2 Implikasies op die omgewing

Geen direkte implikasies op die omgewing van die Provinsie, omdat die Wetsontwerp hoofsaaklik gerig is aan munisipaliteite. Bepalings van die inwerking op die omgewing soos benodig in ooreenstemming met wetgewing oor die omgewing sal onderneem moet word waar die ontwikkeling of gebruik van grond op die omgewing 'n inwerking mag hê.

3.3 Finansiële implikasies

Geen addisionele materiële implikasies op die Provinsie anders as dit waarvoor begroot is onder die normale begroting van die Departement.

4. ANDER LIGGAME OF DEPARTEMENTE WAT GEKONSULTEER IS

Die konsep Wetsontwerp was ingedien aan die georganiseerde plaaslike regering binne die Provinsie met 'n versoek aan munisipaliteite om kommentaar te lewer oor die Wetsontwerp. Geaffekteerde departemente binne die Provinsie was gekonsulteer oor die inhoud van die Wetsontwerp. Die relevante nasionale departement was gekonsulteer in pogings om die Wetsontwerp inlyn te bring met die konsep nasionale Wetsontwerp op Grondgebruik.

5. KLOUSULE-TOT-KLOUSULE VERDUIDELIKING VAN DIE WETSONTWERP

Die Wetsontwerp is verdeel in sewe Hoofstukke, soos volg:

- Hoofstuk I : Bepalings
- Hoofstuk II : Beginsels vir Ontwikkeling
- Hoofstuk III : Ontwikkeling van Grond
- Hoofstuk IV : Ontwikkelingsplanne
- Hoofstuk V : Planne en Skemas vir die Bestuur van Grondgebruik
- Hoofstuk VI : Ontwikkelingsprosedures
- Hoofstuk VII : Algemene Bepalings

Hoofstuk I: Bepalings

Klousule 1 maak voorsiening vir bepalings.

Hoofstuk II: Beginsels vir Ontwikkeling

Klousule 2 tot 10 voorsien 'n stel beginsels vir ontwikkeling wat die verwysingspunt sal wees om die voorbereiding van die Gauteng Geïntegreerde Ontwikkelingsplan, Plaaslike Geïntegreerde Ontwikkelingsplanne en Proviniale en Plaaslike Ruimtelike Ontwikkelingsraamwerke in te lig, inlyn met die normatiewe beplanning stelsel. Hulle verteenwoordig die visie en gewenste ontwikkelingswaardes wat bevorder moet word om die transformasie in lewende omgewings te behaal na geïntegreerde, gebalanseerde, geregverdigde en volhoubare omgewings. Hulle sluit die waardes in wat gehandhaaf moet word in die beplanningsprosesse en besluitneming deur die ontwikkeling beplanningsliggame.

Hoofstuk III: Liggamer van Besluitneming vir die Ontwikkeling van Grond.

Klousule 11 voorsien dat elke munisipaliteit 'n liggamer van besluitneming vir die ontwikkeling van grond mag skep wat of in die vorm van 'n geregshof vir munisipale beplanning of 'n beplanningskomitee is.

Klousule 12 handel oor die prosedure om 'n liggamer van besluitneming vir die ontwikkeling van grond te skep binne 'n munisipaliteit. Die klousule maak voorsiening daarvoor dat 'n munisipaliteit 'n komitee mag benoem wat gestig is in terme van Afdeling 79 van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet No. 117 van 1998). Die komitee sal bekend staan as die beplanningskomitee. Die komitee sal aanbevelings aanhoor en maak aan die munisipale raad oor aansoeke om 'n dorpsgebied te stig, om 'n nedersetting te stig, om grond onder te verdeel, om toestemming te verkry om grond vir 'n spesifieke doel te gebruik, ens.

Die komitee sal ook aanbevelings aan die munisipale raad maak aangaande die goedkeuring of hersiening van die ruimtelike ontwikkelingsraamwerk en planne vir die bestuur van grondgebruik.

Die klousule maak ook voorsiening dat 'n munisipaliteit binne 'n Uitvoerende Komitee of Uitvoerende Burgemeester stelsel die keuse mag uitoefen om 'n geregshof vir munisipale beplanning te skep in stede van 'n beplanningskomitee. Die geregshof sal aanbevelings maak aan die Uitvoerende Komitee of Uitvoerende Burgemeester vir finale besluite oor die goedkeuring van die ruimtelike ontwikkelingsraamwerk en die planne vir die bestuur van grondgebruik.

Die klousule voorsien dat die geregshof en die beplanningskomitee lede sal inkorporeer wat kennis het van of ondervinding het in die wet, ontwikkeling van grond, gemeenskap of ontwikkelingsbeplanning.

Klousule 13 voorsien dat die munisipaliteit vergaderings van die geregshof vir munisipale beplanning of die beplanningskomitee sal vasstel.

Klousule 14 voorsien dat 'n lid van die geregshof of beplanningskomitee nie sal deelneem aan verhore waar hy of sy 'n persoonlike belang het in die saak voor die beplanningsliggaam nie.

Klousule 15 voorsien dat enige lid wat die bepalings van Afdeling 14 oortree onderhewig sal wees aan summiere diskwalifikasie om 'n lid van die komitee te wees.

Klousule 16 beskryf die magte van die beplanningskomitee en geregshof vir munisipale beplanning. Albei beplanningsliggame mag aansoek aanhoor wat aan die munisipaliteit gerig is en mag ook klagtes in verband met die implementering van sy besluite aanhoor. Die beplanningsliggaam mag ook aanbevelings in verband met die munisipaliteit se ruimtelike ontwikkelingsraamwerk en planne vir die bestuur van grondgebruik maak. Die beplanningsliggaam mag magte sub-delegeer aan enige toepaslike lid of lede van die munisipaliteit as dit nodig blyk te wees om administratiewe doeltreffendheid te verseker.

Klousule 17 voorsien vir die opname in skrif van al die aanbevelings van beplanningsliggame en die beskikbaar stelling daarvan aan die publiek gedurende normale besigheidsure.

Klousule 18 voorsien dat die munisipaliteit nie sy eie grond aansoek kan hoor nie. In gevalle waar die munisipaliteit die aansoeker is, sal die aansoek verwys word na die Provinciale Geregshof vir Ontwikkeling. Die Provinciale Geregshof sal ook met aansoekte werk waарoor die munisipale beplanningsliggaam nie 'n besluit kan neem nie of waaroor die munisipaliteit nie 'n besluit kan neem weens probleme aangaande bevoegdheid nie.

Die klousule gee ook magte aan die LUR om 'n kategorie of tipe aansoek vas te stel wat deur die Provinciale Geregshof gehoor sal word.

Klosule 19 maak voorsiening vir die vestiging van die appel geregshof vir ontwikkeling deur die LUR. Die LUR is by magte om die voorsitter en adjunk voorsitter van die appéI geregshof aan te wys en om die diensperiode vas te stel van lede van die appéI geregshof vir ontwikkeling. Lede van die geregshof sal ten minste kennis en ondervinding hê van die wet en grond ontwikkeling. Helfte van die lede sal aangestel word uit die range van werknemers van die Provinciale

Regering en amptenare van munisipaliteite en die ander helfte van buite af. Die LUR het die finale mag van besluitneming om lede van die appéI geregshof aan te stel. Hy sal egter sy of haar voorneme om aan te stel bekend maak in die Provinciale Staatskoerant vir kommentaar of besware. Voordat die finale besluit geneem word, sal die LUR kommentaar en besware na die Staande Komitee neem vir sy oorweging op die LUR se voorneme om aan te stel.

Klousule 20 voorsien dat die appéI geregshof vir ontwikkeling appéIle van die besluite van die munisipale beplanningsliggame sal aanhoor en aanbevelings aan die LUR maak vir finale besluit.

Klousule 21 voorsien dat die LUR regulasies aangaande sake vervat in Hoofstuk III mag maak.

Hoofstuk IV: Ontwikkelingsplanne

Klousule 22 voorsien dat die Premier verantwoordelik is vir die formulering van die provinsiale Gauteng Geïntegreerde Ontwikkelingsplan. Die Premier mag egter sy verantwoordelikheid aan die LUR vir Ontwikkelingsbeplanning in die Provinsie deleger. Die proses van formulering en implementering van die ruimtelike ontwikkelingsraamwerk sal ander lyn departemente binne die provinsie betrek, waarby hul toepaslike beleid, programme, strategieë of planne ingesluit sal word in die Gauteng Geïntegreerde Ontwikkelingsplan.

Klousule 23 verduidelik die doel van die Gauteng Geïntegreerde Ontwikkelingsplan wat hoofsaaklik is om 'n strategiese raamwerk en implementering strategie vir die provinsie te voorsien. Die Gauteng Geïntegreerde Ontwikkelingsplan integreer ook al die planne, strategieë en programme binne die provinsie sodat die provinsiale hulpbronne doeltreffend toegewys kan word.

Klousule 24 verduidelik wat die onderwerp van die Gauteng Geïntegreerde Ontwikkelingsplan moet wees, wat grootliks is om die rigting van die visie en strategie vir die provinsie te verskaf asook die breë mikpunte en doelwitte van die provinsie.

Klousule 25 voorsien dat die Premier verantwoordelik is om te verseker dat die Gauteng Geïntegreerde Ontwikkelingsplan al die nodige aspekte soos insette van al die departemente, behoeftes en prioriteite van munisipaliteite, die beleid, programme, planne en strategieë van aangrensende provinsies in ag neem om te verseker dat ontwikkeling in die provinsie tot 'n geheel verenig is.

Klousule 26 verduidelik die procedures wat gevvolg moet word met die voorbereiding van die Gauteng Geïntegreerde Ontwikkelingsplan. Die plan

sal in die Provinciale Staatskoerant gepubliseer word om konsultasie en deelname van alle belanghebbendes te verseker.

Klousule 27 maak voorsiening vir die formulering en implementering van die ruimtelike ontwikkelingsraamwerk van Gauteng deur die LUR.

Klousule 28 verduidelik die doel van die ruimtelike ontwikkelingsraamwerk, wat hoofsaaklik die besluite aangaande die ligging en aard van die fisiese ontwikkeling van die Provinsie sal lei.

Klousule 29 maak voorsiening vir die onderwerp van die ruimtelike ontwikkelingsraamwerk.

Klousule 30 voorsien dat die LUR verantwoordelik is vir die koördinasie van die ruimtelike ontwikkelingsraamwerk. Die koördinasie sluit die insette van alle provinciale departement in en neem in ag die ruimtelike raamwerke van munisipaliteite en aangrensende provinsies en opstelling met programme van die nasionale regering.

Klousule 31 voorsien dat die LUR die ruimtelike ontwikkelingsraamwerk sal goedkeur en indien by die Uitvoerende Raad van die provinsie vir inligting.

Klousule 32 voorsien dat die Gauteng Geïntegreerde Ontwikkelingsplan en die Gauteng Ruimtelike Ontwikkelingsraamwerk opgestel moet word met die grond ontwikkeling wat onderneem word deur die plaaslike en distrik munisipaliteite.

Klousule 33 maak voorsiening vir die voorbereiding van die ruimtelike ontwikkelingsplanne deur die metropolitaanse en plaaslike munisipaliteite.

Klousule 34 verduidelik die algemene doel van die ruimtelike ontwikkelingsraamwerke.

Klousule 35 handel met die inhoud van die ruimtelike ontwikkelingsraamwerk en die voorskrif van die minimum vereistes.

Klousule 36 handel met die koördinasie en opstelling van die ruimtelike ontwikkelingsraamwerke van alle munisipaliteite. Dit bemagtig ook die LUR om die koördinasie en opstelling van sulke planne te faciliteer.

Klousule 37 voorsien die prosedure vir die voorbereiding van die ruimtelike ontwikkelingsraamwerke.

Klousule 38 maak voorsiening vir 'n distrik munisipaliteit om 'n ruimtelike ontwikkelingsraamwerk voor te berei vir die plaaslike munisipaliteit wat in sy regsgebied val en omgekeerd. Dit laat ook een plaaslike munisipaliteit

toe om 'n ruimtelike ontwikkelingsraamwerk vir 'n ander plaaslike munisipaliteit voor te berei op voorwaarde dat die twee munisipaliteit in die regssgebied van een distrik munisipaliteit val. Dit magtig ook die LUR om te sorg dat 'n spesiale ontwikkelingsraamwerk voorberei word in 'n geval waar die munisipaliteit faal om dit te doen.

Klousule 39 voorsien vir die indiening van ruimtelike ontwikkelingsraamwerke aan die LUR om die bevordering van gekoördineerde beplanning in die Provinse te verseker. Dit magtig ook die LUR om 'n versoek aan 'n munisipaliteit te rig om sy ruimtelike ontwikkelingsraamwerk te wysig as die LUR rede het om te glo dat so 'n raamwerk nie voldoen aan die bepalings van hierdie Wetsontwerp nie. Die LUR is by magte om te sorg dat die ruimtelike ontwikkelingsraamwerk voorberei of gewysig word.

Klousule 40 maak voorsiening vir die uitwerking van die ruimtelike ontwikkelingsraamwerke in verband met aansoeke vir grond ontwikkeling.

Klousule 41 verleen gesag aan die Premier en die LUR om sake te reguleer wat betrekking het op die Gauteng geïntegreerde ontwikkelingsplanne en die Gauteng ontwikkelingsraamwerke onderskeidelik.

Hoofstuk V: Planne vir die bestuur van grondgebruik

Klousule 42 maak voorsiening vir die voorbereiding van planne vir die bestuur van grondgebruik deur elke munisipaliteit. Dit magtig die LUR om te sorg dat 'n plan vir die bestuur van grondgebruik voorberei word in die geval waar 'n munisipaliteit faal om dit te doen binne die tydperke soos deur die LUR gespesifiseer. Klousule 42 maak ook voorsiening vir die manier waarop die planne vir die bestuur van grondgebruik geadministreer en toegepas word deur munisipaliteite vir doeleindes van grond ontwikkeling.

Klousule 43 maak voorsiening vir 'n distrik munisipaliteit om 'n plan vir die bestuur van grondgebruik voor te berei, te administreer en toe te pas vir die plaaslike munisipaliteit wat in sy regssgebied val as hy deur so 'n plaaslike munisipaliteit versoek word om dit te doen en op voorwaarde dat die distrik munisipaliteit die nodige bevoegdhede het. Dit bewillig ook een plaaslike munisipaliteit om 'n plan vir die bestuur van grondgebruik vir 'n ander plaaslike munisipaliteit voor te berei, te administreer en toe te pas op voorwaarde dat die twee munisipaliteite binne die regssgebied van een distrik munisipaliteit val.

Klousule 44 plaas 'n verpligting op munisipaliteite om die bestaande skemas te vervang, soos omskryf in klousule 1, deur nuwe planne vir die bestuur van grondgebruik voor te berei. Dit maak ook voorsiening vir munisipaliteite om planne vir die bestuur van grondgebruik van tyd tot

tyd te hersien om sodende te voldoen aan die geïntegreerde ontwikkelingsplanne.

Klousule 45 verduidelik die doel van die planne vir die bestuur van grondgebruik.

Klousule 46 handel met die bepalings wat vervat mag word in die planne vir die bestuur van grondgebruik en die voorskrif van die minimum vereistes.

Klousule 47 magtig die munisipaliteit om enige prosedure wat handel oor aansoeke om toestemming vir grondgebruik te formuleer.

Klousule 48 maak voorsiening dat die planne vir die bestuur van grondgebruik voorkeur sal kry bo die munisipale verordening waar dit in dispuut is.

Klousule 49 magtig die LUR om minimum vereistes voor te skryf wat ingesluit mag word in die planne vir die bestuur van grondgebruik.

Klousule 50 skets die prosedure wat deur munisipaliteite gevvolg moet word in die voorbereiding, hersiening en goedkeuring van hul planne vir die bestuur van grondgebruik.

Klousule 51 maak voorsiening vir die inwerkingtreding van die goedgekeurde planne vir die bestuur van grondgebruik.

Klousule 52 voorsien dat 'n goedgekeurde plan vir die bestuur van grondgebruik nie verander mag word binne twee jaar vanaf die datum van goedkeuring nie, tensy die munisipaliteit homself oortuig het dat die omstandighede so 'n verandering regverdig.

Klousule 53 handel met die manier waarop vorige grondgebruuke wat nie aan die bepalings van die plan vir die bestuur van grondgebruik voldoen het nie hanteer moet word.

Klousule 54 maak voorsiening daarvoor dat die planne vir die bestuur van grondgebruik hersien mag word as die munisipale grense herbepaal is in terme van die Plaaslike Regering: Munisipale Afbakening Wet, 1998 (Wet 27 van 1998).

Klousule 55 voorsien dat die planne vir die bestuur van grondgebruik van toepassing sal wees tot alle eienaars of bewoners van grond, insluitend staatsliggame in die Provincie.

Klousule 56 maak voorsiening vir mechanismes wat munisipaliteite mag aanwend om sodoende die vervulling van die doel van die plan vir die bestuur van grondgebruik te bevorder.

Klousule 57 maak voorsiening vir munisipaliteite om 'n rekord van grondgebruik te hou en te administreer.

Klousule 58 verduidelik die doel van rekords vir grondgebruik.

Klousule 59 handel met die inhoud van 'n rekord vir grondgebruik.

Klousule 60 omskryf die prosedure vir die optrek en hersiening van rekords vir grondgebruik.

Klousule 61 magtig die LUR om die Gauteng Appél Gereghof vir Ontwikkeling te versoek om planne vir die bestuur van grondgebruik wat nie konsekwent is met nasionale en provinsiale wetgewing nie, te hersien.

Klousule 62 magtig die LUR om besluite oor die bestuur van grondgebruik wat nie konsekwent is met nasionale en provinsiale wetgewing nie, te verwys na die Gauteng Appél Gereghof vir Ontwikkeling.

Klousule 63 handel met die oorgangsfase. Dit gee 'n tydperk waarin grondontwikkeling in verband met bestaande skemas nie meer sal bestaan met die inwerkingtreding van Afdeling 42 nie. Met ander woorde wanneer Afdeling 42 inwerking tree sal alle grond ontwikkeling in ooreenkomst wees met die plan vir die bestuur van grondgebruik soos oorweeg in Afdeling 42.

Klousule 64 voorsien dat die LUR regulasies mag maak wat verband hou met die planne vir die bestuur van grondgebruik.

Hoofstuk VI: Procedures van Ontwikkeling

Klousule 65 van hierdie afdeling lys en identifiseer groepe of persone of liggeme wat kwalifiseer of geskik is om aansoek te maak vir grondontwikkeling. Alleenlik persone wat in die afdeling gelys is sal kwalifiseer om sulke aansoek te maak.

Klousule 66 maak voorsiening vir die tipe aansoek wat gemaak kan word in verband met grondontwikkeling.

Klousule 67 maak voorsiening vir die prosedure wat gevvolg moet word wanneer 'n aansoek verwys na in Afdeling 66 gemaak word. Wanneer so 'n aansoek gemaak word moet die aansoeker skriftelik aansoek doen op voorgeskrewe dokumente aan die Municipale Bestuurder in 'n munisipaliteit waar die grond geleë is. 'n Fooi is betaalbaar in verband

met die aansoek. As die onderhawige grond geleë is binne die grense van meer as een munisipaliteit, moet die aansoeker die aansoeke rig aan die gemelde munisipaliteite.

Klousule 68 magtig 'n munisipale bestuurder om aansoeke vry te stel van sekere bepalings van hierdie Hoofstuk en skryf maatstawwe voor vir vrystelling.

Klousule 69 magtig die beplanningsliggaam om kwytskelding aan te beveel vir enige gebrek deur enige party om te voldoen aan die vereistes van hierdie Hoofstuk.

Klousule 70 handel met bekendmaking aan die publiek deur die aansoeker. Daar word van die aansoeker verwag om kennis te gee van die aansoek aan belanghebbende en geaffekteerde partye. Die munisipale bestuurder mag van die aansoeker vereis om skriftelike kennis te gee aan bykomende persone of gemeenskappe.

Klousule 71 handel met die prosedure na die ontvangs van kommentaar en besware en maak voorsiening dat die munisipale bestuurder aansoeke kan indien saam met kommentaar, verslae of aanbevelings aan die beplanningsliggaam.

Klousule 72 handel met die prosedure vir verhore. Die verantwoordelikheid om 'n datum vas te stel vir die verhoor van aansoeke word aan die munisipale bestuurder toevertrou. Met die uitreiking van 'n datum moet die munisipale bestuurder dit op die voorgeskrewe wyse doen en binne die voorgeskrewe tydperke.

Klousule 73 maak voorsiening vir die beplanningsliggaam om aanbevelings aangaande 'n aansoek te maak en stipuleer die tipe aanbevelings wat gemaak mag word.

Klousule 74 behandel prosedures vir kennisgewing deur die munisipale bestuurder of aanbevelings deur die beplanningsliggaam en die uitslag van besluite.

Klousule 75 voorsien dat goedgekeurde aansoeke ingedien moet word by die Landmeter Generaal.

Klousule 76 handel met die wysigings van aansoeke en voorwaardes van stigting. In terme van die bepalings van hierdie klousule, is dit toelaatbaar vir 'n aansoeker om aansoek te doen by 'n beplanningsliggaam, voor goedkeuring van 'n aansoek, vir wysiging van die aansoek.

Klousule 77 – in terme van die bepalings van hierdie klousule is dit moontlik dat 'n nuwe aansoeker voort kan gaan met 'n aansoek wat deur iemand anders gemaak is.

Klousule 78 verbied sekere kontrakte in verband met 'n dorpsgebied of 'n deel grond, tensy die aansoek goedgekeur is deur die ingenieursdienste.

Klousule 79 handel met die staking of verwydering van beperkende voorwaardes of serwitute in verband met sekere aansoeke. Dit magtig 'n beplanningsliggaam om oplegging van 'n voorwaarde van stigting aan te beveel en skryf die procedures daarvoor voor.

Klousule 80 handel met die aanvang van registrasie van eienaarskap in verband met sekere aansoeke. In terme van hierdie klousule sal registrasie deur die Registrateur alleenlik in werking tree na die goedkeuring van 'n algemene plan of diagram vir onderverdeling van die gebied.

Klousule 81 maak voorsiening vir die vestiging en omkering van eienaarskap van openbare paaie en openbare plekke. Wanneer die oordrag van grond in eienaarskap registreerbaar word, sal openbare paaie en openbare plekke, sonder vergoeding, berus by die munisipaliteit in wie se reggebied die grond geleë is. Met die kansellering van die algemene plan van 'n dorpsgebied, sal eienaarskap in verband met openbare paaie en openbare plekke terugval na die persoon wat die eienaar van die grond was by tye van die aansoek.

Klousule 82 handel met die bydraes van ingenieursdienste. Die munisipaliteit en die aansoeker moet ooreenkom in verband met die verskaffing van ingenieursdienste in terme van 'n diensooreenkoms. Die ooreenkoms moet voltooi wees voor die aansoek by die beplanningskomitee ingedien word. So 'n ingenieursdiens sal geklassifiseer word as 'n interne of eksterne ingenieursdiens.

Klousule 83 handel met die vervanging van verwysing aan owerhede onder die herroete Swart Gemeenskappe Ontwikkeling Wet, Wet No. 4 van 1984.

Klousule 84 maak voorsiening vir die verval van enige goedgekeurde aansoek in verband met die verandering van grondgebruik, as so 'n verandering in gebruik nie 'n aanvang neem binne die voorgeskrewe tydperk nie.

Klousule 85 handel met bewyse van sekere feite in verband met aansoek vir grond ontwikkeling. Dit voorsien dat enige professioneel gekwalifiseerde persoon wat 'n dokument voorberei wat vereis word in terme van hierdie hoofstuk en die voorgeskrewe sertifikate onderteken,

verantwoordelikheid aanvaar vir die akkuraatheid van die feite wat in sulke dokumente vervat is.

Klousule 86 maak voorsiening vir die bydrae van ontwikkeling deur die aansoeker, waar benodig, in die vorm van grond of kontant aan die munisipaliteit. So 'n bydrae sal gemaak word binne die voorgeskrewe tydperk en deur die voorgeskrewe prosedure.

Klousule 87 handel met die oordrag van ontwikkelingsregte deur 'n aansoeker aan 'n derdeparty, onderhewig aan toestemming van die beplanningsliggaam.

Klousule 88 magtig die LUR om regulasies te maak wat verband hou met die procedures van ontwikkeling.

Hoofstuk VII: Algemene Bepalings

Klousule 89 handel met die fooie en bydraes. Dit gee die munisipaliteit die reg om fooie en bydraes vas te stel in verband met aansoek in terme van hierdie Wet en enigets wat gemagtig is om gedoen te word in terme van hierdie Wet, maar nie meer as fooie en bydraes voorgeskryf deur die LUR nie.

Klousule 90 handel met vergoeding in gevalle waar die munisipaliteit grond onteien het of beperkte vaste regte vir publieke doeleindes en in die publiek se belang.

Klousule 91 maak voorsiening vir gevalle waar die Premier sy of haar magte mag deleer aan die LUR of waar die LUR sy of haar magte mag deleer aan 'n amptenaar in diens van die Provinciale Regering, behalwe die magte om regulasies te maak en om by die Bepalings in Hoofstuk 2 van hierdie Wet te voeg of dit te wysig.

Klousule 92 handel met die ondersoek van klagtes deur die Munisipaliteit. Die ondersoek sal gehou word binne die voorgeskrewe tydperk en in ooreenstemming met die voorgeskrewe prosedure.

Klousule 93 handel met die stappe wat deur 'n munisipaliteit geneem moet word in die geval waar grondgebruik oortree word.

Klousule 94 handel met oortredings, oplegging van boetes en strawwe. Dit maak voorsiening dat enige persoon wat enige bepaling van hierdie Wet oortree skuldig sal wees aan 'n oortreding. Verder verskaf dit ook die soort boete wat opgelê kan word aan die oortreder.

Klousule 95 maak voorsiening vir die tyd en plek waar enige dokument wat aangevoer is in terme van hierdie Wet beskikbaar gemaak sal word.

Klousule 96 handel met die korreksie van foute deur die LUR of Munisipaliteit. Die korreksie moet gemaak word deur publikasie van 'n kennisgewing in die Provinciale Staatskoerant.

Klousule 97 hou verband met die oorgangsmaatreëls.

Klousule 98 voorsien stappe wat deur die LUR geneem moet word na oorsig dat sleutel aanwysers vir werkverrigting nagekom is.

Klousule 99 handel met die verval van aansoeke.

Klousule 100 verleen aan die LUR die mag om regulasies te maak aangaande algemene bepalings van die Wet.

Klousule 101 handel met die wette wat herroep is. Daardie wette word uiteengesit in kolom een, twee en drie van die skedules.

Klousule 102 bevat die kort titel en aanvang van die Wet.

Die skedule bevat wetgewing wat herroep sal word met die bekendmaking van hierdie Wet.

UMTHETHOSIVIVINYWA

Ukwakha uhlelo olulodwa lokuthuthukisa, ukuhlela nokuphathwa komhlaba esiFundeni; ukwakha imigomo yokuhlela nokuthuthukisa isiFunda; ukwakha izinhlangano zokuhlela nokwenza ukuba kube nendawo yokufaka izikhalo kwisiKhungo seziKhalo; ukwakha uhlelo lokulungiselela izinhlelo zentuthuko; ukwenza ukuba kube nezinhlelo zokuphatha ukusetshenziswa komhlaba; ukwakha inqubo efanayo yokubhekana nentuthuko; ukwenza ukuba kube yinto eyenzekayo ukwesula imithetho; ukubhekela izindaba ezejwayelekile njengokulandela inqubo yokwenziwa komthetho; nokubhekela izindaba eziphathelene naloko; ukubhekela izindaba ezejwayelekile njengokusetshenziswa kwenqubo; nokbhekela izindaba eziphathelene naloko.

MAKWENZIWE UMTHETHO yisiShayamthetho saseGauteng ngendlela elandelayo:-

INDLELA OMISWE NGAYO UMTHETHO

Izigaba

UMTHETHOSIVIVINYWA _____ I

ISAHLUKO I _____ 1

**INCAZELO NOKUSETSHENZISWA KOMTHETHO NEMIGOMO YOKUHLELA
NENTUTHUKO-** _____ 1

Izincazelo _____ 1

ISAHLUKO II _____ 8

IMIGOMO YENTUTHUKO _____ 8

Ukusetshenziswa kwemigomo maqondana nokuhlela nentuthuko	8
Umgomo wokuhlela nentuthuko esiFundeni	8
Imigomo yokukhuthaza ukwakhiwa kabusha nokuthuthukiswa komhlaba	9
Imigomo yokukhuthaza intuthuko ekwaziyo ukuzimela	9
Imigomo ephathelene nentuthuko jikelele	9
Imigomo ephathelene nezinhlelo ezisingethe ukusetshenziswa komhlaba	10
Imigomo ethuthukisa ukuhlela nentuthuko	11
Imigomo ephathelene nokufaka isandla nokuthuthukiswa kwamakhono abasebenzi	11
Imigomo ephathelene nokuphatha ngeqiniso, ukuthatha izinqumo nokuxazulula izinkinga	12
ISAHLUKO III	12
IZINHLANGANO EZITHATHA IZINQUMO EZIPHATHELENE NOKUTHUTHUKISWA KOMHLABA	12
(2) Izinhlangano ezhlelayo	12
Amakomidi noma izikhungo	12
(2) Umasipala owakhiwe ngohlelo lokuphathwa yimeya noma ngaphansi kohlelo lokuphathwa ngabathize abanikwe amandla okuphatha bangasisungula isikhungo esizobhekana nokulandelayo	13
Imihlangano	14
Okufunwa ngamalungu ezigungu zokuhlela	14
Amandla amakomidi ahlelayo nezikhungo zikamasipala zokuhlela	15
Amaminithi	15
Ukulungiswa kwezeloko okufanele zethulwe phambi kwesiKhungo sezeNtuthuko eGauteng	16
Ukusungulwa kwesiKhungo seziKhalo eziphathelene nezeNtuthuko	16
Izikhalo	18

Imithetho	18
ISAHLUKO IV	18
IZINHLELO ZENTUTHUKO	18
Ukwakhiwa nokusetshenziswa kohlelo Iwezentuthuko olubumbene IwaseGauteng	19
Injongo yohlelo Iwezentuthuko olubumbene IwaseGauteng	19
Okuqukethwe wuhlelo Iwezentuthuko olubumbene IwaseGauteng	19
Ukuxhunyaniswa kohlelo Iwezentuthuko olubumbene IwaseGauteng	19
Inqubo yokwenza amalungiselelo ohlelo olubumbene Iwezentuthuko eGauteng	20
Ukwakhiwa nokwenziwa kohlelo lokuthuthukiswa komhlaba eGauteng	20
Injongo yohlelo lokuthuthukiswa komhlaba eGauteng	21
Okuqukethwe ohlelweni lokuthuthukiswa komhlaba eGauteng	21
Ukuxhunyaniswa kohlelo Ivezokuthuthukiswa komhlaba eGauteng neminye imikhakha	21
Inqubo yokuhlela uhlelo Ivezokuthuthukiswa komhlaba eGauteng	22
Umphumela wohlelo olubumbene Iwezentuthuko eGauteng kanye nohlelo lokuthuthukiswa komhlaba eGauteng	22
Uhlelo lokuthuthukiswa komhlaba	22
Injongo yohlelo lokuthuthukiswa komhlaba	22
Okuqukethwe wuhlelo lokuthuthukiswa komhlaba	23
Ukuxhunyaniswa kwezinhlelo zokuthuthukiswa komhlaba nezinye izinhlelo	23
Inqubo yokwethula uhlelo lokuthuthukiswa komhlaba	24
Ukwehluleka ukwethula uhlelo lokuthuthukiswa komhlaba	24

Ukwethulwa kohlelo lokuthuthukiswa komhlaba nokuchibiyelwa kwalo ku-MEC _____ 25

Imithetho elandela inqubo ebekwe kwiSahluko V
saloMthetho _____ 26

Umphumela wohtelo lokuthuthukiswa komhlaba _____ 25

ISAHLUKO V _____ 27

**IZINHLELO ZOKUPHATHA UKUSETSHENZISWA
KOMHLABA** _____ 27

Izinhlelo zokuphatha ukusetshenziswa
komhlaba _____ 27

Izigodi nomasipala basekhaya _____ 28

Izinhlelo zokuphatha kokusetshenziswa komhlaba ziyolungiswa zibuyekezwe
ngomasipala _____ 28

Injongo yohlelo lokuphatha ukusetshenziswa
komhlaba _____ 29

Izimiso eziyotholakala ohlelweni lokuphatha ukusetshenziswa
komhlaba _____ 29

Inqubo maqondana nezimvume _____ 30

Okutholakala ohlelweni lokuphatha ukusetshenziswa komhlaba
okungahambisani nemithetho kamasipala _____ 31

Izidingo ezinconyiwe _____ 31

Inqubo yokubhala nokubuyekeza uhlelo lokuphatha ukusetshenziswa
komhlaba _____ 31

Ukuqala kwezinhlelo ezemukelwe _____ 32

Ukuvalwa kokuqhube ka nohlelo lokuchibiyela ezimeni
ezithize _____ 32

Ukusetshenziswa komhlaba okungalandeli indlela
ejwayelekile _____ 32

Umphumela wokushintshwa kwemingele	33
Okusebenzisekayo	33
Amandla kahulumeni wasekhaya okuthuthukisa ukugcwaliseka kwezinhluso zohlelo lokuphatha ukusetshenziswa komhlaba	33
Amarekhodi okusetshenziswa komhlaba	33
Inhluso yerekhodi lolusetshenziswa komhlaba	34
Inqubo yokubhalala noku buyekeza amarekhodi okusetshenziswa komhlaba	34
Imithetho	35
 ISAHLUKO VI	36
INQUBO YENTUTHUKO	36
Abafakizicelo	36
Izinhlobo zabafakizicelo	36
Inqubo yokufaka izicelo	37
Ukuxolelwa	37
Ukungathathelwa zinyathelo ngokwehluleka ukwenza okuthize	38
Ukwaziswa komphakathi	38
Ukwethulwa kwezicelo kwisigungu sokuhlela	39
Inqubo yokulalela	39
Ukwemukelwa kwezicelo	40
Isaziso sokwamukela	40
Ukufakwea kwemibhalo kuMbhalisi nakuMdabuli Jikelele	41
Ukuchibiyelwa kwesicelo nezimo zokusungula	41

Ukuqhutshwa kwenqatshwa kwezivumelwano ezithize	41
Ukumiswa noma ukususwa kwezimo ezivimbayo zamalungelo athize emhlabeni maqondana	
Nezicelo	42
Ukuqalwa kokubhaliswa kwabanikazi maqondana nezicelo ezithize	43
Ukunika amalungelo obunikazi bemigwaqo nezindawo zomphakathi	43
Ukufaka isandla kwezobunjiniyela	44
Ukushintshwa kwabaphathi	45
Ukuphela kwesikhathi sesicelo	45
Ubufakazi bamaqiniso athize maqondana	
Nezicelo	45
Ukufaka isandla kwezentuthuko	45
Ukwedluliswa kwamalungelo entuthuko	46
Imithetho	46
Ukubhekela okwejwayelekile	47
Izimali neminikelo	47
Ukunxeshezelwa	47
Ukwedluliswa kamandla	47
Uphenyo Iwezikhalo	48
Ukweephula imithetho	48
Amacala, ukubekwa kwamahlawulo nezijeziso	49
Ukwenziwa kwemibhalo itholakale emphakathini	50

Ukulungiswa kwmaphutha nokungenziwanga	50
Izindlela zoguquko	50
Izindlela okubonakala ngazo insebenzo	50
Ukuphelelwa yisikhathi kwesicelo	51
Imithetho	51
Ukucinywa kwemithetho	51
Izihloko ezimfishane neziqalo	51
ISHEDULI	53
Imithetho esuliwe	53

ISAHLUKO I

INCAZELO YOKUSETSHENZISWA KOMTHETHO KANYE NEMIGOMO YOKUHLELA NENTUTHUKO

IZINCAZELO

1. KuloMthetho, ngaphandle uma okuqukethwe kunenye incazelo -

"Isikhungo sokubuyekeza izinqumo" sisho isikhungo sokubuyekeza ezentuthuko esasungulwa ngokwesigaba 24 soMthetho ka 1995 wokuBhekana nezeNtuthuko;

"ofaka isicelo" usho noma yimuphi umuntu noma inhlango efaka isicelo njngoba kubekwe kuloMthetho, ukuba enze okuhambisana nendlela okufanele usetshenziswe ngayo umhlaba kanti loku kufaka nomuntu ofake isikhalo maqondana nokusetshenziswa komhlaba ngendlela engafanele;

"isicelo" sisho isicelo esenziwe ngokweSahluko VI saloMthetho ukuze kushintshwe indlela osetshenziswa ngayo umhlaba, noma isikhalo esenziwe ngokweSahluko VII maqondana nokusetshenziswa komhlaba ngokungemthetho

"inhlangano" isho noma iyiphi inhlangano noma isakhiwo, noma ngabe inhlangano ethathwa njengomuntu ngokomthetho noma cha, kanti loku kungafaka nenhlangano yendawo okuhlalwa kuyona noma inhlangano yomphakathi;

"umthetho-sichibiyelo" usho umthetho ophasiswe yikhansela likamasipala, osebenza kumasipala owenzelwe wona;

"isakhiwo" sisho isakhiwo noma ngabe sinhloboni noma ngesesikhashana noma esonomphelo noma ngabe sakhiwe ngani;

"inhlangano yomphakathi" isho inhlangano noma isigungu, inkampani, isizinda noma ngabe ngesaluphi uhlobo okumele okufunwa ngumphakathi noma ingxene yomphakathi;

"ukuhlelwa kokuthuthukiswa komphakathi" kusho uhlelo lokufaka isandla ekuhlanganiseni ezomnotho, ezomkhathi, ezenhlalakahle, izizinda, izingqalasizinda, ezemvelo, ezezimali nezinye izinhlelo namasu ukuze kwesekwe ukwabiwa kwazo zonke izidingo kwimikhakha ehlukene nasezindaweni ezehlukene emiphakathini, ezindaweni zasemakhaya nakumawadi esiFunda, ngendlela ekhuthaza ukusizwa kwesimo nokufukulwa kwabampofu nababebandlululwa, ukuze nabo bakwazi ukuziphilisa, bathuthuke futhi baphathwe ngendlela efana nabo bonke abanye;

"Umthethosisekelo" usho uMthethosisekelo waseRiphabhliki waseNingizimu ngokoMthetho ka 1996. (uMthetho No. 108 ka 1996);

"Isaziso sokwephulwa komthetho" sisho isaziso okukhulunywa ngaso kwiSahluko VII sesigaba 87 saloMthetho;

"UMnyango" usho umnyango kuhulumeni wesifunda ophathelene nokuphathwa kwaso nobhekene nokuthuthukisa nokuhlela noma oyowulandela ngokwesikhundla;

"Intuthuko" isho intuthuko njengoba ichazwe kwisigaba 1 soMthetho ka 2000 woHlelo lukaMasipala (Umthetho No. 32 ka 2000);

"UMthetho wokuLetha iNtuthuko" usho uMthetho ka 1955 wokuLetha iNtuthuko (UMthetho No. 67 ka 1995);

"ukuhlela intuthuko" kusho uhlelo lokufaka isandla ekuhlanganiseni ezomnotho, ezomhlaba, ezenhlalakahle, ezezizinda, ezezingqalasizinda, ezemvelo, ezezimali nezinye izinhlelo namasu ukuze izidingo ezingatholakali kalula zabelwe imikhakha eyehlukene nezindawo ezhelukene ezikulesiFunda. Loko kwensiwe ngendlela ekhuthaza ukuthuthukiswa kwabampofu nalabo ababebandlululwa, nokwabiwa kwezidingo ngendlela elinganayo nesiza ukuba kube nentuthuko ekwaziyo ukuzimela;

"umdwabo" usho umdwabo njengoba uchazwe kwisiGaba 1 soMthetho ka 1997 wokuDatshulwa koMhlaba (UMthetho No. 8 ka 1997);

"umasipala wesigodi" usho umasipala onamandla okushaya imithetho nokuphatha ezindaweni ezinomasipala ongaphezu koyedwa okuchazwe kwisigaba 155 (1) soMthethosisekelo njengomkhakha C kamasipala;

"imisebenzi yobunjiniyela" isho noma yimiphi imisebenzi efakwa ngesikhathi kwakhiwa ingqalasizinda yokutholakala kwamanzi, ugesi, ukuthuthwa kwendle nokwakhiwa kwemigwaqo nemigudu yokugeleza amanzi uma kuna kuhlangene nayo yonke imisebenzi ephathelene naloko namathuluzi asetshenziswa kuyo;

"ezemvelo" zisho ezemvelo njengoba zichazwe kwisigaba 1 soMthetho kaZwelonke wokuPhatha kwezeMvelo 1998 (uMthetho No.107 ka 1998);

"ukubhekwa kwesimo sezemvelo" kusho ukubhekwa kwezindlela ezingathinteka ngayo ezemvelo ngokuthuthukiswa kwendawo okuhlongozwayo okwenziwa ngokuhambisana nemithetho ehlala ishicilewa nguNgqongqoshe wezeMvelo nokuNgcebeleka noma oyomlandela ngokwezikhundla ngokoMthetho Wokugcinwa kwezeMvelo kuZwelonke, 1989 (uMthetho 73 ka 1989)

"uhlelo lokusetshenziswa kwezemvelo" lusho uhlelo lokusebenza njengoba luchazwe kwisigaba 1 soMthetho wokuPhatha Ezemvelo ka 1988, (uMthetho No.107 ka 1998);

"uhlelo lokuphatha ezemvelo" lusho uhlelo lokuphatha njengoba luchazwe kwisigaba 1 soMthetho wokuPhatha Ezemvelo ka 1998, (uMthetho No.107 ka 1998);

"Isigungu Esiphethe" sisho Isigungu Esiphethe isiFunda esasungulwa ngaphansi kwesigaba 132 soMthethosisekelo waseNingizimu Afrika ka 1996 (uMthetho No.108 ka 1966);

"uhlelo olukhona" lusho uhlelo lokwehlukanisa indawo ngezigaba

ezithize, uhlelo lokuhlela idolobha noma uhlelo olufana nalolo olwenziwe ngokomthetho ophethe ukusetshenziswa komhlaba neminye imithetho efana naleyo eyayivele ikhona ngaphambi kokuphasa kwaloMthetho;

"Isikhungo sentuthuko yaseGauteng" sisho isigungu esasungulwa eGauteng ngokwesigaba 15 soMthetho Wokubhekana nezeNtuthuko;

"Uhlelo oluHlanganisa konke okuphathele nentuthuko eGauteng" lusho ukuHlanganisa kwezomnotho nezinhlelo zentuthuko esifundi njengoba kuchazwe kabanzi kwiSahluko IV saloMthetho;

"Uhlelo lokuthuthukisa komhlaba eGauteng" lusho indlela ezitolikwa ngayo ezomhlaba nezinhloso zohlelo Iwentuthuko yaseGauteng oluHlanganisa konke okuphathele nayo, njengoba kuchazwe kabanzi kwiSahluko IV saloMthetho;

"uhlelo olusingethe konke" lusho uhlelo olusingethe konke elokishini noma kwingsenye yalo osekwamukelwe ngokoMthetho wokuDatshulwa koMhlaba ka 1997, (uMthetho No. 8 ka 1997);

"Inhloko yoMnyango" isho isiphathimandla esibhekene nokuphathwa kwesifunda esiyinhloko kwezokuphatha uMnyango esibhekene nohlelo Iwezentuthuko noma isikhundla esilandela leso;

"uhlelo Iwezentuthuko oluHlanganisa konke" lusho uhlelo oluHlanganisa kwisiGaba 1 sikaHulumeni waseKhaya: uMthetho woHlelo IukaMasipala ka 2000, njengoba uchibiyelwe (uMthetho No 32 ka 2000) nejngoba uchibiyelwe;

"uhlelo Iwezokuthutha oluHlanganisa konke" lusho uhlelo njengoba luchazwe kwisiGaba 1 soMthetho ka 1998 woHlelo IwezokuThutha eGauteng (uMthetho 8 ka 1998) njengoba uchibiyelwe;

"abantu abanothando nabathintekayo" kusho abantu noma inhlango enothando noma okungenzeka kube iyathinteka ngokusetshenziswa kwaloMthetho;

"umhlaba" usho nanoma yimaphi amabhilidi noma ukulungiswa kwawo;

"umhlaba oxhumene nokuthuthukisa komhlab a okuhlongozwayo" usho noma yimuphi umhlaba onomngcele ofanayo noma ohlukaniswe ngumgwaqo kuphela nomhlaba okufanele uthuthukiswe;

"ukusetshenziswa komhlaba" kusho ukusetshenziswa kwendawo

ngenhloso ethize, kuhlangene kepha kungagxiliwe kuphela kwezezindawo zokuhlala, ezemisebenzi, ezokugcinwa kwezemvelo, ezolimo, ezokuthutha nokunye ukusetshenziswa komhlaba;

"uhlelo lokuphatha ukusetshenziswa komhlaba" lusho ukuqoshwa kwesifiso sokusetshenziswa komhlaba endaweni kamasipala, okulungiswe ngumasipala ngokweSahluko 5 saloMthetho;

"irekhodi lokusetshenziswa komhlaba" liyirekhodi lokusetshenziswa komhlaba ngokwezinhlelo zokuphatha ukusetshenziswa komhlaba futhi lilungiswe ngumasipala ngokulandela okuqukethwe kwiSahluko V;

"uhlelo lokumisa ngendlela efanele" lusho ukumisa isimo esithize ngendlela ethize okungaba sendaweni esivele ikhona noma kube kwehlongozwayo kwizingxenye ezithize zomhlaba okufanele zilungiswe njengoba kudingeka ngokoMthetho, maqondana nendawo ethize, okukhombisa ukusetshenziswa noma izindlela okuhlongozwa ukuba umhlaba usetshenziswe ngazo kulezozingxenye zawo;

"ukuqashisa" kusho uhlobo oluthize lwetayitele lomhlaba elivumela onalo ukuba abenelungelo lokusebenzisa umhlaba isikhathi esithize okuvunyelwene ngaso;

"ilungelo elinemikhawulo" lisho ilungelo oba nalo elibhalisiwe endaweni yomunye umuntu;

"umphakathi wasekhaya noma umphakathi" usho umphakathi wasekhaya noma umphakath njengoba uchazwe kwisiGaba 1 soMthetho ka 2000 woHlelo lukaHulumeni waseKhaya (uMthetho No 32 ka 2000);

"umasipala wasekhaya" usho umasipala obambisene ngezokuphatha nomasipala wesigodi ongaphansi kwaso ochazwe kwisiGaba 155 soMthethosisekelo njengomasipala ongumkhakha B;

"u-MEC" usho ilungu lesigungu esiphethe kwisiFunda elibhekene nezinhlelo zentuthuko;

"umasipala wasedolobheni" usho umasipala okuyiwona wodwa ophethe kuleyondawo nokwazi nokushaya imithetho, ochazwe kwisiGaba 155 (1) soMthethosisekelo njengomasipala ongumkhakha A;

"umasipala" usho omasipala abakwimikhakha A, B noC njengoba kuchazwe kwisiGaba 155(1) soMthethosisekelo ka 1996 waseRiphabhliku yaseNingizimu Afrika (uMthetho 108 ka 1996);

"imenenja kamasipala" isho umuntu oqokwe ngokwesiGaba 82

soMthetho ka 1998 wokuMiswa koMasipala (uMthetho No. 117 ka 1998);

"umhlali" usho umuntu okungadingeki ukuba aze abe ngumnikazi womhlaba ahlala kuwo, kepha ohlala kuwlo lowomhlaba ngemvume yomnikazi wawo;

"izandla zomthetho" zisho –

- (a) Noma yimuphi umnyango kahulumeni noma ezokuphatha kuzwelonke, esifundeni noma kumkhakha kahulumeni wasekhaya; noma
- (b) Noma yisiphi isizinda –
 - (i) Esinamandla noma esenza umsebenzi othize ngokomthethosisekelo noma ngokomthethosisekelo wesifunda, noma
 - (ii) esisebenzisa amandla omphakathi noma esenza umsebenzi womphakathi ngokomthetho kepha lawomandla kawahlanganisi nawezinkantolo noma abasebenzi bomthetho.

"omasipala abayizinhlangano zesiFunda" kusho inhlangano yesifunda eyamukelwe ngokwesigaba 2(1) (b) soMthetho ka 1997 woHulumeni baseKhaya abaGqugquzelwe kahle (uMthetho 52 ka 1997);

"umnikazi" usho umuntu obhaliswe njengomnikazi wendawo eHhovisi lamaTayitele;

"umuntu" usho noma yimuphi umuntu noma inhlangano ethathwa njengomuntu kanti loku kusho nazo zonke izandla zomthetho;

"amakomidi ahlelayo" kusho izikhungo sokuhlela zikamasipala noma izinhlangano ezibhkene noiuhlela ezasungulwa ngokwesigaba 12 soMthetho;

"umgomo, indlela okuphathwa ngayo nomthetho" loku kusho imigomo yokuhlela, indlela okuphathwa ngayo kanye nomthetho;

"uNdunankulu" usho iNhloko yesiGungu Esiphethe kwisiFunda;

"ukukhipha isincomo" kusho isincomo esikhishwa ngu-MEC (ilungu esigungu esiphethe) ngomthetho kwiGazethi yesiFunda, ngaphandle=ke kwesimo lapho uNdunankulu echazwa khona;

"isiFunda" sisho isiFunda saseGauteng;

"IsiShayamthetho sesiFunda" sisho isiShayamthethosesiFunda saseGauteng esasungulwa ngokwesiGaba 104 soMthethosisekelo;

"iminyango yesifunda" isho iminyango ebhekene nokuphathwa kwesifunda engaphansi kwamalungu esiGungu Esiphethe abhekene nemisebenzi ethize yesifunda;

"uhulumeni wesifunda" usho uhulumeni wesifunda saseGauteng esithathwa njengesiFunda saseRiphabhliki yaeNingizimu Afrika ngokwesiGaba 124(1) soMthethosisekelo waseRiphabhliki yaseNingizimu Afrika (uMthetho 200 ka 1993)] isigaba 103 soMthethosisekelo ka 1996 waseRiphabhliki yaseNingizimu Afrika (uMthetho No. 108 ka 1996)."

"uhlelo lokuhlanganisa ezokuthutha esifundeni" lusho uhlelo njengoba luchazwe kwisiGaba 1 soMthetho ka 1998 woHlelo lwezokuThutha eGauteng(uMthetho No. 8 ka 1998)

"indawo yomphakathi" isho noma yiyiphi indawo evulekile noma evalekile , ingadi noma ipaki, umgwaqo noma indlela elungiselelwé ukusetshenziswa ngumphakathi engaphansi kukamasipala noma yisiphi esinye isigaba somthetho;

"uMbhališi " usho noma yimuphi umbhalisi ochazwe kwisiGaba 102 soMthetho ka 1937 wokuBhaliswa kwamaTayitele (uMthetho No. 47 ka 1937);

"umthetho" usho umthetho njengoba ukhishwa ngaphansi kwalomthetho;

"izimo ezifaka imingcele" zisho noma yiziphi izimo ezibhaliswe etayiteleni lomhlaba noma lokuqashiswa kwawo elifaka imingcele maqondana nokusetshenziswa komhlaba linqindaza nokwenziwa kwezinto ezithize maqondana nokuhlelwa, ukusetshenziswa nokuthuthukiswa komhlaba;

"unobhala" usho ilungu labasebenzi boMnyango eliqokwe yiNhloko yoMnyango ukuba lisebenze njengonobhala wesikhungo sokuBuyekezwā kweziNqumo owasungulwa yiloMthetho;

"uhlelo lokuthuthukiswa komhlaba" lusho ukwethulwa okubonakalayo kohlelo lukamasipala ngesimo sezomhlaba njengoba kuchazwe ngokuphelele kwiSahluko IV saloMthetho;

"Ikomidi Elikhona" lisho iKomidi elibhekene nokuhlelwa kwezentuthuko noma elililandayo ngokwesikhundla elakhwiwe ngokwemiThetho eKhona kwisiShayamthetho saseGauteng elakhwiwe

ngokwesiGaba 116 sifundwa nesigaba 10(4) sikaSheduli 6 soMthethosisekelo ka 1996 waseRiphabhliki yaseNingizimu Afrika (uMthetho No. 108 ka 1996);

"uhlelo lokuklanywa komhlaba" lusho umbhalo owemukelwe wohlelo olukhombisa osekunconyiwe sekuhlangene nezindawo umhlaba oklanywa kuzo nanxa kungeyiko loko kuphela;

"uMdabuli-Jikelele" usho uMdabuli Jikelele njengoba echazwe kwisiGaba 8 soMthetho ka 1997 wokuDatshulwa kwemiHlaba (uMthetho No. 8 ka 1997);

"LoMthetho" usho loMthetho kanye neminye imithetho ekhishwe ngokwaloMthetho;

"umhleli wedolobha nesifunda" usho umuntu obhaliswe njengomhleli wedolobha noma isifunda ngokoMthetho ka 1984 wokuHlelwa kwamaDolobha neziFunda (uMthetho No.19 ka 1984), igama lakhe eselabhalwa elingakasuswa ebhukwini lokubhalisa elichazwe kuloMthetho;

"ilokishi" lisho izigceme zomhlaba eziklanyiwe ezingahlanganiswa noma zingahlanganiswa ngezindawo zomphakathi nemigwaqo zisetshenziselwe izizathu ezechlukene njengokudala indawo yokuhlala, indawo yemisebenzi noma loko okubhaliswe njengezizathu ilokishi elasungulelwaza zona;

"irejista yelokishi" isho irejista echazwe kwisiGaba 46 (1) soMthetho ka 1937 samaRejista amaTayitele (uMthetho No. 47 ka 1937);

"isikhungo" sisho Isikhungo sezeNtuthuko eGauteng kanye nesiKhungo sokuBuyekezwqa kweziNqumo, ezasungulwa ngokweSahluko III soMthetho wokuBhekana nezeNtuthuko noma isikhundla esilandela leso;

"isiphetho sendawo eyidolobha" sisho indawo kamasipala okungafuneki kuthuthukiswe ngaphesheya kwayo;

"ukwenaba kwendawo yasemadolobheni" kusho ukuthuthuka kwendawo kangangoba ukwenziwa kwemisebenzi kugcina kungasenanzozo ngenxa yendlela ezomhlaba eseziphe yiyona; kanye

"nezigceme(amawadi)" loku kusho izigceme njengoba zichazwe kwisigaba 1 soMthethoka 1998 kaHulumeni waseKhaya: Isimo sikaMasipala (uMthetho No. 117 ka 1998).

ISAHLUKO II**IMIGOMO YENTUTHUKO¹****Ukusetshenziswa kwemigomo yentuthuko**

2. Imigomo ebekwe kuleSahluko iyo setshenziswa kuso sonke isiFunda futhi iyokwenza okulandelayo-

- (a) Iyosebenza kuyo yonke imikhakha yombuso
- (b) Iyosetshenziswa ekwenzeni amalungiselelo nasekuphatheni izinhlelo kuhlangene nezinhlelo ezihlanganisa konke okuphathelene nentuthuko, ukuthuthukiswa komhlaba nokuphathwa kwezinhlelo ezibhekene nokusetshenziswa komhlaba;
- (c) Iyosetshenziswa uma imithetho nemihlahlandela, imigomo nemithetho yomasipala ephathelene nokuhlela nentuthuko ibhalwa futhi yenziwa yisifunda nohulumeni wasekhaya;
- (d) Iyosebenza uma noma ubani ethatha isinqumo ngokwaloMthetho noma yimuphi omunye umthetho wesifunda ophathelene nokuhlela nentuthuko;
- (e) maqondana -
 - (i) neSahluko III, uyosebenza kwizinqumo zezinhlango eziphathelene nokuthatha izinqumo;
 - (ii) neSahluko IV, uyosebenza maqondana namalungiselelo, ukuchibiyelwa nokusetshenziswa kwezinhlelo ezenziwe ngokwaleSahluko;
- (f) neSahluko V, uyosebenza maqondana namalungiselelo, ukuchibiyelwa nokusetshenziswa kwezinhlelo zokuphathwa kwendlela umhlaba osetshenziswa ngayo, amarekhodi okusetshenziswa komhlaba nanezinqumo nezinhlelo zokuklanywa komhlaba nezinye izinqumo ezithathwa ngaphansi kwaleSahluko; kanye
- (g) neSahluko VI, lapho uyosebenza khona maqondana naloko okuqondwe ukuba bonke abantu ababhekene nokuthathwa kwezinqumo maqondana nentuthuko bakwenze.

¹ Inhoso yaseSahluko uwkubeka imigomo ezosetshenziswa uma kulungiswa izinhlelo nezinqumo ezibhenene nezinhlelo ngokuhambisana nezindlela ezejwayelekile zokuhlela. Zimele umbono nendlela esifisa ilandelwe uma sakha intuthuko oufanele ikhuthazwe ukuze siphumelele ekuguqulen izing alempilo nendlela okuphilwa ngayo emphakahini ibe ngefaka konke okudingekayo, esesimweni esifanele, ethuthukiswa ngokulinganayo nekwaziyo ukuzimela. Konke loku kufaka imigomo okufanele ilandelwe uma kuhlelwa kuthathwa nezinqumo.

Imigomo yokuhlela nentuthuko esiFundeni

3. U-MEC angahlalahlale uma kunesidingo, akiphe noma achibiyele imigomo nemihlahlandela yokupathelene nokuhlela nentuthuko esiFundeni, uma loku kwenzeka, kuyodingeka enze okulandelayo -

- (a) ashicilele umgomo noma umhlahlandela ngokukhipha isaziso kwiGazethi yesiFunda;
- (b) emva kokubonisana namanye ama-MEC esiFunda; kanye
- (c) nasemva kokuvumelana nabanye omasipala

uyobe esenika nabanye abanomdlandla ngaloludaba ithuba lokuphefumula ngaphambi kokushicilewa kwesaziso okukhulunywe ngako kwisigamu (a)

Imigomo yokukhuthaza ukwakhiwa kabusha nokuthuthukiswa komhlaba

4. Imigomo, indlela okuphethwe ngayo nomthetho esiFundeni kuyoba nomphumela wokwakha kabusha nezindlela zomhlaba ezenza okulandelayo -

- (a) ezikhuthaza ukwenziwa kwamadolobha aqoqane ngokungakukhuthazi ukwenaba kwezindawo zasemadolobheni, kuvikelwe ezolimo ngokwenza izindlela zokuba kushaywe imithetho yokuzivikela njengokwakhiwa kwemingcele yezindawo zasemadolobheni;
- (b) ukwesekwa kokulungiswa komlando wezomkhathi oqukethe ulwazi olungelona iqiniso ngezindawo zokuhlala zaseGauteng;
- (c) ukukhuthaza ukuthuthukiswa komhlaba ngendlela ehlanganisa konke ezindaweni zasemakhaya nezasemadolobheni ukuze zeskane;
- (d) umphumela wokusetsenziswa nokuthuthukiswa komhlaba ngendlela eyenza ukuthi izidindo ezikhona zibe wusizo kuyo yonke imiphakathi njengezingqalasizinda ezinkulu, imigwaqo, ezokuthutha nezenhlalakahle;
- (e) ukukhuthaza izindlela zokuhlala ezisezingeni eliphakeme nelakhayo, ikakhulukazi maqondana nezemvelo emphakathini; kanye
- (f) nokukhuthaza ukutholwa nokwabiwa komhlaba ukuze usebenziseke ngezindlela eziningi, ikakhulukazi ezihlanganisa ukusetsenziswa kwawo njengendawo yokuhlala nezinye izidindo.

Imigomo ekhuthaza intuthuko ekwaziyo ukuzimela

5. Imigomo, izindlela zokupatha nemithetho yesiFunda iyokhuthaza intuthuko ekwaziyo ukuzimela enokulandelayo -

- (a) okungakhoneka ukuba izindleko zayo zimelwe, futhi engaphansi kwezinhlango nokupathwa kwesiFunda;

- (b) ehangabezana nezidingo zazo zonke izakhamuzi ngendlela okungakhoneka ukubhekana ngayo ngezezimali;
- (c) esungula imiphakathi eqhuba kahle nekwaziyo ukuthola amathuba ezomnotho, izingqalasizinda nosizo lwezenhlalakahle;
- (d) eyenza ukuba ukusetshenziswa kwezidingo ezikhona kwenabele yonke indawo, sekuhlangene nezidindo zezolimo, umhlaba, amanzi, amaminerali, izingqalasizinda eziningi, imigwaqo, ezokuthutha nezenhlalakahle;
- (e) ekhuthaza ukusetshenziswa kwezolimo ngendlela yokuba zikwazi ukuzimela, nokusetshenziswa komhlaba ngendlela esiza iningi labantu; kanye.
- (f) neqikelela ukusetshenziswa komhlaba ngokuphepha kunakekelwe zonke izinto ezinjengesimo somhlaba nezindawo eziyingozi okwaba nezimayini kuzo isikhathi esifishane.

Imigomo ephathelene nentuthuko jikelele

6. Imigomo, izindlela zokuphatha nemithetho yesiFunda iyokwenza okulandelayo -

- (a) iyokhuthaza ukuhlanganiswa kwezenhlalakahle, ezomnotho, ezemvelo, izingqalasizinda nemikhakha yezomhlaba ekuthuthukisweni komhlaba;
- (b) iyoysiza ekuthuthukisweni kwezindawo zokuhlala eziyizindlu ezejwayelekile nezindlu zesikhashana, izindawo ezivele zikhona kanye nezintsha ezindaweni zasemakhaya nezasemadolobheni;
- (c) iyokwexwayisa ngokuhlala ngokwakha ezindaweni ngokungemthetho, kepha ikubonelele ukwakhiwa kwezindlu zesikhashana;
- (d) iyokukhuthaza ukufaka isandla kwayo yonke imikhakha yezomnotho ikhuthaze nokubambisana ukuze kuqhubeke ukuthuthukiswa komhlaba;
- (e) iyoqikelela ukuba imikhakha yombuso iyakuxhumanisa konke okuyizidindo zemikhakha ehlukene ethintekayo ngokuthuthukiswa komhlaba ukuze kuncishiswe izimfuno ezishayisanayo zezidindo ezitholakala kalukhuni; kanye
- (f) nokukhuthaza ukuthuthukiswa komhlaba ngokushesha.

Imigomo ephathelene nezinlelo zokuphatha ukusetshenziswa komhlaba

7. Bonke omasipala bayoba nohlelo lokuphatha ukusetshenziswa komhlaba oluyosetshenziswa kuyo yonke imihlaba engaphansi kwabo enokulandelayo -

- (a) enezindlela zokuphatha ukusetshenziswa komhlaba nokubheka izindlela zokuthuthukisa ngendlela yokuthuthukisa ekhaya ehlanganisa izindlela zentuthuko nezokuthuthukisa umhlaba ukuqikelala ukuba -
 - (i) kunesimo esiqoqene ezindaweni zasemadolobheni ngokukhuthaza ukuhlala ngokusondelana kujivazwe ukwenaba kwezindawo zasemadolobheni;
 - (ii) kwensiwe ukuba izindawo zokuhlala nezemisebenzi zisondelane noma zihlangane; futhi
 - (iii) kube nokulungiswa kwezindlela zokubekwa kwezindawo zokuhlala oseloku kwathi nhlo zibekwe ngendlela engelona iqiniso ngendlela engeyona efanele.
- (b) Ukuvikela ngokomthetho kwamalungelo okusetshenziswa komhlaba, kungabhekwa ukuthi lezozindawo zazingene yini ngaphansi kohlelo lokuhlelwa kwamadolobha, ukuklanywa komhlaba ngokwezigceme noma enye indlela yokuphatha ukusetshenziswa komhlaba;
- (c) Ukunika ukuvikeleka okufanayo kubo bonke abanikazi bomhlaba nabahlali abasezindaweni ezingaphansi kukamasipala ukuze akwazi ukwala, nokuthatha izinqumo ezibathintayo maqondana noguuko oluphathelene nokusetshenziswa komhlaba, sekuhlangene nelungelo lokucela ukuba kubuyekezwe isinqumo nokunye okungase kuvele;
- (d) Ukukhuthaza uhlelo lokuthatha izinqumo olukhuthaza ukuthuthukisa kwempahla yomphakathi nokuvikelwa kwamalungelo abo bonke abathintekayo nabanomdlandla ngaloludaba; kanye
- (e) Nokukhuthaza nokuba zonke izicelo zokusetshenziswa komhlaba zishintshe ziyibone indlela ukusetshenziswa komhlaba okunomphumela ngayo noma ngabe muhle noma ngabe mubi.

Imigomo ekhuthaza ukuhlela nentuthuko

- 8 (1)** Imigomo, indlela okuphathwa ngayo nemithetho yesiFunda iyoba nokulandelayo –
- (a) Iyohambisana nokuqukethwe kuloMthetho;
 - (b) Iyolweseka futhi ilukhuthaze uhlelo IwaseGauteng lwentuthuko ehlanganisa imikhakha eminingi nohlelo lokuthuthukisa komhlaba nemigomo ehambisana nalo;
 - (c) Iyosiza ekubeni uhlelo lusetshenziswe ngokushesha uhlelo olwakhelwe ukuhlangabezana nezinhloso ezibekwe wuhlelo oluhiangene lokuthuthukisa komhlaba eGauteng, wuhlelo lwentuthuko ehlanganisa yaseGauteng neminye imikhakha enezinhlelo

- zentuthuko;
- (d) Ukuqikelela ukubambisana nokusebenzisana phakathi komasipala;
 - (e) Ukuqikelela ukubambisana nokuxhumana phakathi komasipala nesiFunda; kanye
 - (f) Nokuqikelela ukubambisana nokuxhumana phakathi kweminyango yesifunda.
- (2) yokuqikelela -
- Ukuhlela nentuthuko esiFundeni kuyokwenziwa ngendlela
- (a) Indlela esebezenayo yokuhlela kucatshangelwe ukuntuleka kwezidingo;
 - (b) Imikhankaso nezinhlelo iqhube ngendlela ebekwe ohlelweni;
 - (c) Uhlelo luhambisane nezinhlelo, isabelo sezimali, ukuphathwa kwendlela okusetshenzwa ngayo nokutholakala kwabantu abanamakhono afanele; kanye
 - (d) Nokubambisana maqondana nokuhlela kuyo yonke imikhakha kahulumeni ukuqikelela ukuba yonke imithetho ephathelene nokuhlela nentuthuko kayishayisani.

Imigomo ephathelene nokungena kokwenziwayo nokuthuthukiswa kwamakhono abasebenzi

9. Imigomo, indlela okuphathwa ngayo nemithetho yesiFunda iyokhuthaza ukuba kungenwe kwezokuhlela ngezindlela ezilandelayo -

- (a) Ukusiza ukuba abantu nezinhlangano ezithintekayo ngohlelo nentuthuko eyenzekayo nezinqumo ezithathwayo, bangene nabo kuloko babambe iqhaza ngendlela ebonakalayo; futhi
- (b) Kukhuthazwe ukuthuthukiswa kwamakhono abo bonke abantu abangene ekuhlelweni nasekuthuthukisweni kwezinto, ikakhulukazi labo ababebandlululwa ngokomthetho nangezinye izindlela bengakwazi ukuzuza kahle kwezomnotho nakwezenhlalakahle.

Imigomo ephathelene nokuphatha ngeqiniso, ukuthathwa kwezinqumo nokuxazuluulwa kwezingxabano

10 (1) Imigomo, indlela yokuphatha emithetho iyoqikelela ukuba inqubo yokuphatha isemthethweni, ineqiniso futhi isesimweni esifanele-

- (a) Ikhiphia imithetho ecacile nenqubo nendlela yokuthola ulwazi kulabo abangase bathintekе ngenxa yayo;
- (b) Ikhuthaza ukwethembana nokwamukela kulabo abangase bathintwe iyo; futhi
- (c) Inika ingqikithi entsha ngamalungelo oluntu njengoba ebekwe kuMthethosisekelo;

(d) Inqobo yokuhlela nentuthuko nezinqumo ezithathwa yimikhakha yombuso kufuneka ihambisane nemigomo yaloMthetho futhi ibambelele kokuqukethwe kuMthetho ka 2000 wokuKhuthazwa kweQiniso kwezokuPhatha,(uMthetho 3 ka 2000).

(2) Inhlango ebhekene nokuhlela kungathi ngaphambi kokuba ilalele noma ithathe isinqumo, yedlulisele kumlamuli ukungezwani phakathi kwamaqembu ngodaba olusuka kokuqukethwe nguMthetho.

ISAHLUKO III

IZIGUNGU EZITHATHA IZINQUMO KWEZOKUTHUTHUKISWA KWEMIHLABA²

Izigungu Ezihlelayo

11. Bonke omasipala bayosungula isikhungo sikamasipala sokuhlela ngokwesigaba 12 saloMthetho

Amakomidi noma Izigungu

12. (1) Umasipala angaqoka ikomidi noma amakomidi asungulwe ngokwesigaba 79 soMthetho ka 1998 kaHulumeni waseKhaya: uMthetho wemiKhakha yoMasipala (uMthetho 117 ka 1998), eyokwenza okulandelayo :-:

- (a) Eyalalela ikhiphe izincomo kwikhansela likamasipala ngezicelo ezifakwe kumasipala ngokweSahluko VI saloMthetho; futhi
- (b) Ugenza nezincomo kwikhansela likamasipala maqondana nokwamukela noma ukubuyekezwa kokulandelayo:
 - (i) Uhlelo lokuthuthukisa umhlabo; kanye
 - (ii) nokuphathwa kwezinhlelo zokusetshenziswa komhlabo

uma umasipala engakasisunguli isikhungo sokuhlela ngokwesigaba 2.

(2) Umasipala osungulwe ngohlelo lokuphatha kweMeya noma ngohlelo Iwesigungu esiphethe angasisungula isikhungo esi-

- (a) esizolalela izicelo ezenziwa kuMasipala ngokweSahluko VI saloMthethetho, senze nezincomo kwiMeya noma iKomidi Eliphethe; futhi
- (b) sikhipe nezincomo eziya kwiMeya noma Ikomidi Eliphethe maqondana nokwamukelwa;

² The purpose of this Chapter is to establish which bodies will be responsible for decision making on matters relating to land development.

- (i) kohlelo lokuthuthukiswa komhlaba; **kanye**
- (ii) nezinhlelo zokuphatha ukusetshenziswa komhlaba
- (i) (3) ;
- (ii) ilungu elilodwa eliyilungu lesigungu sokuhlela njengoba kuncome u-MEC;
- (iii) ilungu elilodwa eliyoba yilungu leKhansela kaMasipala;
- (iv) izingxenye ezimbili zekomidi kufanele zibe ngamalungu ekhansela likamasipala; kuthi
- (v) ilungu elilodwa libe nolwazi lokuhlelwa nokuthuthukiswa komphakathi.

- (3) Ikomidi Eliphethe noma iMeya kuye ngokuthi ume kanjani, -
- (a) Liyothatha izinqumo ezihambisana nezincomo eziphuma kwisikhungo sokuhlela sikamasipala ngokwesigaba (2) uma -
 - (i) Ikhansela likamasipala linike lawomandla kwikomidi eliphethe noma kwimeya ephethe;
 - (ii) Kunezinye izizathu ezikhishiwe ezingezona izincomo ebezicatshangwa; **kanye**
 - (iii) Kunombiko owethulwa kwikhansela likamasipala njalo ngonyaka omazisa ngezinquo ezhithathiwe.
 - (b) Liyonika ikhansela likamasipala izincomo emva kokubhekisia eziphuma kwisikhungo sokuhlela sikamasipala-
 - (i) Maqondana nokwamukelwa, ukubuyekezwa noma ukuchibiyelwa kohlelo lokuthuthukiswa komhlaba njengengxenye ebalulekile yohlelo Iwentuthuko oluolanganisa imikhakha eminingi kamasipala; **kanye**
 - (ii) Nokwamukelwa kohlelo lokuphatha ukusetshenziswa komhlaba kuwo wonke umasipala noma kwingxenye yawo.
 - (c) Lingacela usizo Iwekomidi elisungulwe ngokulandelayo-
 - (i) Isigaba 80 sikaHulumeni waseKhaya: uMthetho ka 1998 wemiKhakha kaMasipala (uMthetho 117 ka 1998) uma usebenza ; noma

Isigaba 79 sikaHulumeni waseKhaya: uMthetho ka 1998 wemiKhakha kaMasipala uma ikhansela likamasipala ledlulise lawomandla njengoba kukhonjiswa kwsigaba 4(a)(i) ngenhla

- (4) Noma isiphi isikhungo esasungulwa ngokwesigaba (2) siyo-
- (a)kwaziwa njengesikhungo sokuhlela sikamasipala
 - (b)kwenza izincomo eziya kwiMeya Ephethe noma Ikomidi Eliphethe;
 - © liyoba namalungu okungenani amahlanu okufanele abenolwazi noma abe asesebenze isikhathi eside

ngezomthetho, ukuthuthukiswa komhlaba, umphakathi noma intuthuko nokuhlela, phakathi kwawo kube khona okungenani -

- (i) ilungu elilodwa elinolwazi lwezomthetho;
- (ii) ilungu elilodwa eliyilungu lesigungu sokuhlela njengoba kuncome u-MEC;
- (iii) ilungu elilodwa eliyoba yilungu leKhansela kaMasipala;
- (iv) izingxene ezimbili zekomidi kufanele zibe ngamalungu ekhansela likamasipala; kuthi
- (v) ilungu elilodwa libe nolwazi lokuhlela nokuthuthukiswa komphakathi.

- (5) Uma uMasipala esungula ikomidi lokuhlela ngokwesigaba 79 sikaHulumeni waseKhaya: uMthetho ka 1998 wemiKhakha kaMasipala (Umhetho 117 ka 1998) esikhundleni sokusungula isikhungo sokuhlela sikamasipala, bese efaka amalungu angewona amalungu ekhansela likamasipala ekomidini lokuhlela, lawomalungu ayoba ngabantu abanamakhono afanele nabanolwazi olunzulu ngenxa yokusebenza isikhathi eside kwezokuthuthukiswa komhlaba nakwezomthetho futhi ngeke abe ngamalungu ephalamende noma eSishayamthetho sesiFunda.
- (6) Amalungu afakte ngokwesigaba 5 kungathi ngokubona kukasihlalo, nawo abenelungelo lokuvota ekomidini lokuhlela asebenza kulo, uma nje lelolungelo lokuvota lingeke lisebenze noma yinini noma kuphi, liyokhishwa njalo ngonyaka lisebenze isikhathi esiyizinyanga ezingu 12.
- [(7)] (6) Ikhansela likamasipala liyonquma isimo amalungu angabeluleki ayosebenza ngaso emakomidini okuhlela.
- [(8)](7) Wonke amakhansela kamasipala ayonquma ngezincomo ezenziwe yikomidi lokuhlela elisungulwe ngokwesigaba (1).

Imihlangano

13. Imihlangano yekomidi lokuhlela noma yesikhungo sikamasipala sokuhlela iyobanjwa ngezikathni nasezindaweni ezihambisana nenqubo ebekwe ngumasipala.

Ukuthinteka odabeni olubhungwayo ngenxa yokungena odabeni kwamalungu esigungu esihlelayo

14. Akukho lungu noma ilungu elingumeluleki lekomidi lokuhlela noma isikhungo sikamasipala sokuhlela eliyongena ezingxoxweni noma ekuthathweni kwesinqumo ngodaba olusezithebeni zekomidi lokuhlela noma isikhungo sikamasipala sezokuhlela uma lona noma umyeni noma unkosikazi walo noma ilungu lomndeni walo noma elihlekisana naye noma umqashi walo noma umyeni noma unkosikazi wakhe engene ngandlelathize kulolodaba ngoba

kukhona akwenza kulo.

**Umphumela wokungena odabeni kwelungu elithitekayo
kulolodaba**

15. Noma yiliphi ilungu okuthi ngokwephula isigaba 14 ngenhla, lingene ezingxoxweni eziphathelene nokuthathwa kwesinqumo ngodaba oluphambi kwekomidi lokuhlela noma isikhungo sikamasipala sezokuhlela, ukuziphatha kwalelolungu kuyothathwa njengesizathu sokuba liyekiswe khona lapho ukuba yilungu.

Amandla amakodimi ezokuhlela nezikhungo zikamasipala zezokuhlela

16. Ikomidi lokuhlela nezikhungo zikamasipala zezokuhlela zingenza okulandelayo-

- (a) Zingalalela izicelo okukhulunya ngazo kwiSahluko VI saloMthetho kanti zingakhipa nezincomo zokusemukela sonke noma ingxene yaso, zingaluhlehlisa udaba noma zisenqabe lesosicelo noma zenze izincomo ezibona zidingekile, konke kusezandleni zalo.
- (b) Zingalalela izikhalo eziphathelene nokwenziwa kwezinqumo zazo nokwephulwa kokuqukethwe ohlelweni lokuphatha ukusetshenziswa komhlaba, ngokwenzenjalo, zingsichitha noma zisemukele noma zenze isincomo esifanele ngalesosikhalo, uma kwenzeka samukelwa noma kukhishwa isincomo sokuba samukelwe lesosikhalo ngokwesigaba 93, 94 no 95 soMthetho maqondana nalowo ukuziphatha kwakhe okwenza ukuba kube nesikhalo, ngokwephula isaziso somthetho, noma yikuphi ukuthuthukiswa komhlaba okuphikisana nohlelo noma nesinqumo kungalandelwa wukukhishwa kwesaziso sokuba kudilizwe lelobhilidi eliphikisana nokuqukethwe ohlelweni noma isinqumo sekomidi: Isigungu sezokuhlela singawedlulisa amagunya esinawo ngokwalesigaba siwanike noma yimuphi omunye umuntu ofanele noma abantu abakumasipala ukuze bengeze isibalo sabenza umsebenzi wokuphatha ngendlela efanele nesheshayo.
- (c) Zingakhipa izincomo maqondana nohlelo lukamasipala lokuthuthukiswa komhlaba kuhlangene nokwamukelwa, ukuchithwa noma ukwamukelwa kwengxene yohlelo lwekhansela likamasipala lokuthuthukiswa komhlaba; futhi
- (d) Zingenza neminye imisebenzi eziyinikwayo.

Amaminithi

17. [Zonke izinqumo] nezincomo zekomidi lezokuhlela noma isikhungo

sikamasipala sezokuhlela ziyogoshwa ngokubhalwa phansi ngumasipala kwirejista eliyotholakala emphakathini ofisa ukulifunda ngezikhathi ezejwayelekile zokusebenza.

Ukukhethwa kwezelalo ezizolalelw yisiKhungo sezeNtuthuko eGauteng

18. (1) Zonke izicelo zokusethenziswa komhlaba ngendlela ehlukile, ukudatshulwa kwawo, ukuhlanganiswa kwawo ukusungulwa kwamalokishi nokuthuthukiswa komhlaba kuyokwenziwa komasipala kulalelw yizigungu zezokuhlela: uma izicelo zifakwe kwisiKhungo seseNtuthuko eGauteng uma -

- (a) Kungumasipala ofaka isicelo;
- (b) isigungu sezokuhlela sikamasipala singakwazi ukuthatha isinqumo ngenxa yokubambezeleka kukamasipala;
- (c) umasipala engakwazi ukuqhubeka nodaba athathe isinqumo maqondana nesicelo ngenxa yokwesweleka kwabantu abangabhekana nalolodaba; noma
- (d) u-MEC esekhethe umkhakha nohlobo lwasicelo njengoba kubekwe kwisigaba (2) ngenzansi.

(2) U-MEC angakhetha ngesaziso kwiGazethi yesiFunda ukuthi yimiphi imikhakha yezelalo eyokwenziwa neyolalelw yisiKhungo sezentuthuko yaseGauteng.

Ukusungulwa kwesiKhungo sokubuyekezwa kweziKhalo zezeNtuthuko

19. (1) U-MEC ujosungula isikhungo sezikhalo zezentuthuko zesiFunda noma asebenzise isigungu sabantu esikhona, isikhungo noma ibhodi elisungulwe ngomthetho njengesikhungo sezikhalo zezentuthuko: Ngaphandle uma u-MEC ebona isigungu esisungulwe ngaphansi komunye umthetho lowomthetho ungahambisani nokuqukethwe kuloMthetho, loMthetho kuyoba yiwona osebenzayo.

(2) Isikhungo sezikhalo zezentuthuko siyokwakhiwa ngamalungu okungenani amahlanu: Uma nje wonke lawomalungu enolwazi kwezomthetho noma kwezokuthuthukiswa komhlaba, kuthi elilodwa kuwona libe nolwazi lwezomthetho.

(3) U-MEC uyoqoka usihlalo nesekela likasihlalo wesikhungo sezikhalo zezentuthuko.

(4) Uma kungenzeka, uhhafu wamalungu esikhungo sezikhalo zezentuthuko uyoqokwa kwiziphathimandla ezifanele ezingaphansi kwabaphathi besifunda nakwezingaphansi komasipala besifunda, bese enye ingxenye ibe ngabantu abangaphandle kwalemikhakha emibili esibaliwe.

(7) Ngaphambi kokuqokwa komuntu ozongena kwisikhungo

sezikhalo zezentuthuko, u-MEC:

- (a) Uyokwenza yaziwe inhloso yakhe yokuqoka umuntu owulolohlobo ngokukhipha isaziso kwiGazethi yesiFunda, uyocela nokuba kubekwe imibono ngaloko noma kuphikiswe;
- (b) Uyolalelisa imibandela noma ukwenqaba okukhona maqondana nalokokuqoka, okungase kutholwe nguye noma yimuphi omunye umuntu noma esinye isigungu; futhi
- (c) Kufanele ethule eKomidini Elikhona inhloso yakhe yokuqoka umuntu onjalo kanye nemibandela noma ukwenqaba okuvezwe yiloko, ukuze likubhekisise ukuqashwa kwalowomuntu njengelungu lesikhungo sezikhalo zezentuthuko: Uma nje iSishayamthetho sesiFunda sivuliwe ngalesosikhathi u-MEC afisa ukuqoka ngaso, kanti uma ngokubona kuka-MEC abone kulungile ukuba kuqashwe, angakwenza lokokuqasha. Uma selingena futhi iphalamende lesifunda, u-MEC useyokwazisa iKomidi Elikhona ngokuqasha akwenzile.
- (6) U-MEC uyonquma isikhathi isikhungo sezikhalo zezentuthuko eziyosihlala kulesikhundla kanti uyonquma ngokubonisana noMEC obhekene nezezimali ngesimo samalungu angaphandle komsebenzi kahulumeni.
- (7) Konke ukuqashwa ukuba kusetshenzwe kwisikhungo sezikhalo zezentuthuko kuyoshicilelwa kwiGazethi yesiFunda.
- (8) Umuntu uyoyeka ukuba yilungu lesikhungo sezikhalo zezentuthuko uma:

- (a) Eziyekela ngokwakhe; noma
- (b) Uma ilifa lakhe lidliwa noma efaka isicelo sokuba ngumsizi esichazwe kwisigaba 10(1)(c)soMthetho ka 1996 weziKweletu Zezolimo; noma
- (c) Engasekho esimweni sokwenza imisebenzi edingekayo ngokwaloMthetho ngenxa yokugula emzimbeni noma ekhanda; noma
- (d) Etholakele enecala eliphatha ukunethembeki noma inkohlakalo noma eboshwe wanganikwa thuba lokukhokha inhlawulo; noma
- (e) Ekhethwe ukuba amele ukhetho njengelungu lephalamende, ilungu leSishayamthetho noma ikhansela liikamasipala.
- (9) Isikhando ngeke silalelwé ngabantu abangaphansi kwamalungu amathathu
- (10) Isikhungo sezikhalo zezentuthuko kufanele silethe izincomo zaso ku-MEC ukuze kuthathwe isinqumo: Uma uMEC enquma okwehlukile kobekunconyiwe, kufanele akhiphe izizathu zesinqumo sakhe.
- (11) Zonke izinqumo zika-MEC ziyoqoshwa phansi

ngokubhala okuyokwenziwa yilungu elithize kwezokuphatha zika-MEC, okuqoshiwe kuyofakwa kwirejista bese lelolungu lenze ukuba zitholakale ngezikhathi zomsebenzi kuwo wonke umphakathi ofisa ukuzibona njengoba kubekiwe.

(12) Akukho lungu lesikhungo sezikhalo zezentuthuko eliyongena ezingxoxweni zokuthatha isinqumo nganoma yiluphi udaba olusezithebeni zaso uma lona noma elishade noma elizwana naye noma umndeni walo noma umqashi womyen i woshade noma ozwana naye noma oshade nomqashi engene ngandlelathize kulolodaba.

Izikhalo

20. Noma ubani ofake isicelo esibhaliwe noma esishiwo ngomlomo kwisigungu sezokuhlela maqondana nodaba olusezithebeni zaso, angasifaka isikhalo ngesinqumo sesigungu sezokuhlela, asithumele kwisikhungo sezikhalo zezentuthuko: Uma isigungu sezentuthuko sehluleka ukulalela isicelo zingakapheli izinsuku ezingu 180 sifakiwe, isigungu sezokuhlela siyobe sesithathwa njengokuthi sisichithile lesosicelo, okusho ukuthi sesingadluliselwa kwisikhungo sezikhalo zezentuthuko.

Imithetho

21. U-MEC angayenza imithetho maqondana

- (a) Nendlela okufanele zilandelane ngayo izicelo ezethulwe phambi kwisigungu sezokuhlela ukuze kuqikelelw ekuba zonke izindaba zipathwa ngendlela efanele kungabi nasimo lapho kugcina sekonakele khona izinto ngoba isicelo esinezidingo eziphuthumayo sephuza ukucubungulwa;
- (b) Ukunquma ukuba yimiphi imikhakha nezinhlobo zezelcelo ezisolalelw yisiKhungo seziKhalo zezeNtuthuko;
- (c) Ukunquma amanye amandla ezigungu zezokuhlela; kanye
- (d) Nokuqoshwa nokushicilelw kwezizathu namaminithi ezigungu ezithatha izinqumo.

ISAHLUKO IV

IZINHLELO ZESENTUTHUKO

Ukwakhiwa nokusetshenziswa kohlelo olubumbene Iwezentuthuko IwaseGauteng

22. (1) UNdunankulu uyobhekana nokwakhiwa nokusetshenziswa

kohlelo Iwentuthuko olubumbene IwaseGauteng.

(2) UNdunankulu angamnika u-MEC amandla okuba akhe uhlelo Iwentuthuko olubumbene IwaseGauteng.

(3) Wonke amalungu eSigungu Esiphethe abhekene nomnyango othize wesifunda, kungathi ngesivumelwano afinyelele kuso no-MEC, kuhlangene nezivumelwano eziphathelene nesikhathi, ethule imigomo, izinhlelo, namasu okufanele afakwe ohlelweni olubumbene Iwentuthuko yaseGauteng maqondana nomsebenzi walowomnyango.

Inhoso yohlelo olubumbene Iwezentuthuko yaseGauteng

23. Inhoso yohlelo olubumbene Iwezentuthuko yaseGauteng kuyoba:

- (a) wukuqhamuka nohlelo Iwezindlela ezingasetshenziswa esiFundeni;
- (b) ukuxhumanisa imigomo esebezelanayo, amasu nezindlela zeminyango yesifunda eyehlukene ukuze kuphume uhlelo Iwesifunda olubanzi;
- (c) ukusiza ngokobuholi maqondana nokwabiwa kwezidingo zesifunda
- (d) ukusiza ngolwazi oluwsizo maqondana nokukhetha izindlela ezingasetshenziswa nokuthatha izinyathelo ezifanele.

Okuqukethwe wuhlelo olubumbene Iwezentuthuko yaseGauteng

24. (1) Okuqukethwe ohlelweni olubumbene Iwezentuthuko yaseGauteng kuyoba njengoba kubekwe lapha ngaphansi futhi kube njengoba kunconyiwe

(2) Kuyoba nokulandelayo -

- (a) umbono wesiFunda;
- (b) izinhoso zesiFunda ezibanzi;
- (c) izinto okufuneka kugxilwe kuzona ezibalulekile esiFundeni;
- (d) izinhlelo nemikhankaso okufuneka kuqalwe ngayo; kanye
- (e) nokufuneka kwenziwe nezindawo okufuneka kwenziwe kuzo.

(3) Uhlelo olubumbene Iwezentuthuko eGauteng luyohlanganisa nanolwazi lokweseka olubonakala ludingekile – olungafaka umbiko wesimo njengoba sinjalo, ukubhekwa kwemigomo ekhona ukuthi iseberna kanjani, izinhlelo, imikhankaso nokubhekwa kwako konke okusetshenziswayo okukhona ukuthi kuseberna kanjani.

Ukuhlanganiswa kohlelo olubumbene Iwezentuthuko eGauteng

25. (1) Uma lubhekisiswa uhlelo olubumbene Iwezentuthuko eGauteng, kufanele uNdunankulu aqikelele ukuba lubhekela nokulandelayo -

- (a) izidingo naloko okufuneka kuqalwe ngako komasipala njengoba kubekwe ohlelweni lwabo olubumbene Iwezentuthuko;
- (b) imigomo, izinhlelo nezindlela zokusebenza ezifanele zeziFunda ezingomakhelwane; kanye
- (c) nokushiwo yiminyango ehlukene yezfunda.

(2) UNdunankulu uyoqikelela ukuba uhlelo IwaseGauteng Iwezentuthuko olubumbene lwenza konke okusemandleni ukuzihlanganisa nezinhlelo nemigomo kazwelonke maqondana nokuhlela nokuthuthukisa ezemihlabo ngendlela enomphumela omuhle esiFundeni.

(3) Indlela okwenziwa ngayo ukuhlanganisa okukhulunywa ngako kwisigaba (1) no (2) ngenhla ingaba yisincomo.

Inqubo yokulungiselela uhlelo olubumbene Iwezentuthuko yaseGauteng

26. (1) Uhlelo olubumbene Iwezentuthuko eGauteng luyolungiswa ngendlela, ngesikhathi nangenqubo enconye nguNdunankulu kwiGazethi yesiFunda, ngokuhambisana nesigaba (2), (3), (4), (5) no (6).

(2) Umbhalo ongakemukelwa wohlelo olubumbene Iwezentuthuko eGauteng uyobhalwa bese uNdunankulu ekhipha isaziso ngawo kwiGazethi yesiFunda nakwamanye amaphephabuku anconyiwe, achaze ukuthi ungatholakala kuphi nangazikhathi zini lombhalo ukuze umphakathi ukwazi ukuwufunda.

(3) Indlela amalungu omphakathi nabantu nezinhlangano ezinomdlandia kuloludaba ezingathintwa ngayo maqondana namalungiselelo ombhalo ongakemukelwa wohlelo olubumbene Iwezentuntuko eGauteng iyoba yisincomo.

(4) Isigungu Esiphethe yisona esiyokwemukela umbhalo obungakemukelwa wohlelo olubumbene Iwezentuthuko yaseGauteng, bese uNdunankulu ekhipha isaziso sohlelo olubumbene Iwezentuthuko eGauteng okuyilonalona, alushicilele kwiGazethi yesiFunda asho nokuthi luyoqala nini ukusebenza.

(5) Isaziso okukhulunywe ngaso kwisigaba (4) siyochaza ngendawo lapho uhlelo olubumbene Iwezentuthuko eGauteng okuyilonalona luyotholakala khona ukuze lubhekwe nezikhathi eziyobe zivulelwwe loko.

(6) Uhlelo olubumbene Iwezentuthuko yaseGauteng luyohlalahlala lubuyekezwe, okungenani njalo emva kweminyaka emihlanu.

Ukwakhiwa nokusetshenziswa kohlelo lokuthuthukiswa komhlaba eGauteng

27. (1) U-MEC uyobhekana nokwakhiwa nokusetshenziswa kohlelo lokuthuthukiswa komhlaba eGauteng

Inhoso yohlelo lokuthuthukiswa komhlaba eGauteng

28. (1) Inhoso yohlelo lokuthuthukiswa komhlaba eGauteng ngokulandelayo -

- (a) ukusiza ngobuholi kwizinqumo eziphathelene nezindawo nohlobo lwentuthuko esiFundeni;
- (b) wukukhombisa izindlela ezifunekayo zokubeka izakhiwo ezindaweni ezithize esiFundeni; kanye
- (c) nokufaka isandla ekulungiseni indlela izinto ezazingahambi kahle ngayo esikhathini esedlule maqondana nobunikazi bomhlaba esiFundeni.

(2) Kuyofinyelelwu kulenhoso ngokukhombisa okulandelayo -

- (a) lapho kufanele ukukhula nentuthuko kubekhona, nalapho kufuneka kukhuthazwe ukuba kungenziwa khona – kuhlangene nokuthi izindlela ezinconyiwe zokuhlela ezinjengokuhlehliswa kwemingcele yezindawo zasemadolobheni, zibekuphi;
- (b) indlela okuyiyona efunwayo yentuthuko yangomuso; kanye
- (c) nezindawo ezidinga ukuba kungene uhulumeni noma umphakathi ekuphathweni kwazo ukuze kulungiswe umlando ezinawo oyinkinga maqondana nokuhlaliswa kwabantu abathize ezindaweni ezithize.

Okuqukethwe ohlelweni Iwezokuthuthukiswa komhlaba eGauteng

29. (1) Uhlelo IwezokuThuthukiswa koMhlaba eGauteng luyoba nendlela yezomhlaba yokutolika izinhoso zohlelo olubumbene Iwezentuthuko yaseGauteng.

(2) Luyofaka -

- (a) umbono obeka ngokusobala uhlobo olufunekayo Iwezentuthuko yomhlaba esiFundeni; kanye
- (b) nezindlela namasu okwenziwa kwezinhoso okuyolandela ukuphuthuma kwesimo nokubheka ukuthi ngabe ziyatholakala yini izidingo zokubhekana nomsebenzi okufanele wenziwe.

(3) Loku kungafaka -

- (a) izinhlelo nemikhankaso ephuthumayo; kanye
- (b) nokufuneka kwensiwe.

(4) Ingxenye yokufuneka kube sohlelweni lokuthuthukiswa komhlaba eGauteng kufuneka kube ngokuyisincomo.

Ukuxhumana kohlelo Iwezokuthuthukiswa komhlaba eGauteng kanye neminye imikhakha

30. (1) U-MEC uyoqikelela ukuba uhlelo Iwezokuthuthukiswa komhlaba eGauteng lubhekela nokulandelayo -

- (a) izinhlelo zentuthuko ezibumbene kanye nohlelo lokuthuthukiswa komhlaba olulungiswe ngomasipala;
- (b) izinhlelo ezifanele zezemihlabo, nanoma yimiphi eminye imibhalo enezinhloso ezifanayo eziFundeni ezingomakhelwane; kanye
- (c) nokuphuma kwiminyango eyehlukene kahulumeni wesiFunda.

(2) u-MEC uyoqikelela ukuthi uhlelo lokuthuthukiswa komhlaba eGauteng luhambisana nezinhlelo nemigomo kahulumeni kazwelonke yokuthuthukiswa komhlaba enomphumela omuhle esiFundeni.

(3) Indlela ukuxhumana nokubambisana okukhulunywa ngako kwisigaba (1) nesigaba (2) okungakhishwa ngayo isincomo sako.

Inqubo yokumisa uhlelo lokuthuthukisa umhlaba eGauteng

31. (1) Uhlelo lokuthuthukiswa komhlaba eGauteng luyolungiswa ngendlela nangesikhathi esihambisana nenqubo ebekwe nguNdunankulu.

(2) U-MEC uyokwamukela uhlelo lokuthuthukiswa komhlaba ngokuvumelana neKhansela Eliphethe.

(3) Uhlelo lokuthuthukiswa komhlaba luyohlalahlahla lubukezwa okungenani kanye eminyakeni emihlanu.

Umphumela wohlelo olubumbene Iwezentuthuko eGauteng nohlelo lokuthuthukiswa komhlaba eGauteng

32. Uhlelo olubumbene Iwezentuthuko eGauteng nohlelo lokuthuthukiswa komhlaba luyohambisana nokuthuthukiswa komhlaba okwenziwa nomasipala basekhaya nabesigodi.

Izinhlelo zokuthuthukiswa komhlaba

33. (1) OMasipala basemadolobheni nabasekhaya bazolungisa izinhlelo zokuthuthukiswa komhlaba ezizoba nokubekwe kwisigaba 34 njengoba kunconyiwe.

(2) Omasipala bezigodi bazokwakha uhlelo olubanzi Iwezomhlaba oluzobhekana naso sonke isigodi, lube wuhlelo Iwesigodi lokuthuthukiswa komhlaba, umasipala angasebenzela phezu kwalo uma efuna ukwandisa izinhlelo zokuthuthukisa umhlaba njengoba kubekwe kwisigaba (1).

(3) Uhlelo lokuthuthukiswa komhlaba Iwesigodi yingxenyenye yohlelo Iwentuthuko olubumbene olulungiswe ngumasipala.

Inhoso yezinhlelo zokuthuthukiswa komhlaba

34. Inhoso yezinhlelo zokuthuthukiswa komhlaba kuzoba -

(1) kuzoba ngukwenza ukuba kutholakale isimo esibonakalayo sendlela umasipala afuna umhlaba uhlelwe ngaso, kuthi ngokwenzenjalo -

- (a) kubonakale ukuthi umhlaba kahulumeni nowabantu bangasese nezingqalasizinda zawo zizoba kuphi;
- (b) kubonakale ukusetshenziswa komhlaba okufunekayo ezindaweni ezelukene;
- (c) izindlela zokwakha imingcele ebhalwe phansi njengokwesincomo njengokubekwa kwemingcele yezindawo zasemadolobheni; kanye
- (d) nokusebenzisa imigomo ebhalwe kwiSahluko II;

(2) kuhkonjiswe kabanzi izindawo eziphuthumayo okufuneka kuqalwe ngazo ukusetshenziswa kwemali; kanye

(3) nokubeka umlahlandela ozogcina uhlelo lokupathwa komhlaba ongaphansi kukamasipala.

Okuqukethwe yizinhlelo zokuthuthukiswa komhlaba

35. (1) Uhlelo lokuthuthukiswa komhlaba luzoba nokulandelayo -

- (a) umbono okhombisa ukuthi uhlobo olufunekayo lohlelo lokuthuthukiswa komhlaba kamasipala kufanele lubenjani maqondana ikakhulukazi nesidindo sokukhuthaza ukufakwa ngaphansi kwezindawo zikamasipala kwalezozindawo ezazibandlululwa;
- (b) izinhoso eziphathelene nendlela okufanele kufinyelelwengayo kuombono;
- (c) izindlela namasu okufinyelela kwizinhoso ezisingethwe yizinhoso eziphuthumayo nokubhekwa kwesimo saloko okudingekayo ukuthi kuyatholakala yini;
- (d) izinhlelo nemikhankaso yokuthuthukiswa umhlaba ezindaweni zikamasipala; kanye
- (e) nokufuneka kwensiwe.

(2) kuyokhishwa isincomo sengxenye yokuqukethwe ohlelweni lokuthuthukiswa komhlaba.

Ukuxhunyaniswa kohlelo lokuthuthukiswa komhlaba nezinye izinhlelo

36. (1) Omasipala bayozama ukuqikelela ukuba izinhlelo zabo zokuthuthukiswa komhlaba zihambisana futhi zixhumene -

- (a) nezinhlelo zokuthuthukiswa komhlaba ezibhalwe ngomasipala abangomakhelwane, kanti kufuneka kuzanywe ngayo yonke indlela ukuba nabo labomasipala izinhlelo zabo zokuthuthukiswa komhlaba zenziwe ngokubambisana nokuxhumana nomasipala

- abakhelene nabo;
- (b) nengxenye yezemihlaba yohlelo olubumbene lwezentuthuko eGauteng;
 - (c) nezinhlelo zikazwelonke nezesifunda, imigomo, amasu nezinhlelo eziphathelene nokuhlelwa nokuthuthukiswa komhlaba;

(2) Indlela ukuxhumana okukhulunywa ngako kwisigaba (1) okuyokwenziwa ngayo nayo ingaba yisincomo.

- (3) U-MEC angenza ukuba kwenzeke ukubambisana nokuxhumaniswa kwezinhlelo zokuthuthukiswa komhlaba -
- (a) womasipala abehlukene, kuhiangene nabezigodi nomasipala basekhaya abasezindaweni zabo; kanye
 - (b) nezinhlelo, imigomo izindlela ezisetshenziswayo nezinhlelo zikazwelonke nezesifunda zemikhakha kahulumeni.

Inqubo yokwakha uhlelo lokuthuthukiswa komhlaba

37. (1) Uhlelo lokuthuthukiswa komhlaba kufanele lulungiswe ngendlela nangesikhathi esihambisana nenqubo enconywe ngu-MEC kwiGazethi yesiFunda: Uma leyonqubo ihambisana nenqubo okufanele ilandelwe ngomasipala uma bakha izinhlelo ezibumbene zezentuthuko.

(2) Ukuhambisana okukhulunywa ngako kwisigaba (1) kuyoba yisimo esiyokwenza ukuba amalungiselelo ohlelo lokuthuthukiswa komphakathi alandele inqubo efanayo, sekuhlangene nenqubo ephathelene nokufaka isandla komphakathi njengamalungiselelo ohlelo olubumbene lwezentuthuko.

(3) Omasipala bayokwamukela uhlelo lokuthuthukiswa komhlaba, emva kwaloko bayobe sebekhipha isaziso sohlelo lokuthuthukiswa komhlaba oselwamukelwe kwiGazethi yesiFunda, kubhalwe nokuthi luyoqala nini ukusebenza.

(4) Isaziso okukhulunywa ngaso kwisigaba (3) siyochaza ngendawo lapho uhlelo lokuthuthukisa umhlaba oselwamukelwe lungabhekwa khona nezikathathi olungabhekwa ngazo.

Ukwehluleka ukwakha izinhlelo zokuthuthukisa umhlaba

38. (1) Umasipala wesigodi kungathi uma ethola isicelo sikamasipala wasekhaya endaweni angaphansi kwayo, alungise uhlelo lokuthuthukisa umhlaba lwalowomasipala wasekhaya, kuye ngokuthi umasipala wesigodi unamandla okwakha kakhulu kangakanani.

(2) Umasipala wasekhaya kungathi uma ecelwa ngumasipala wesigodi asendaweni yakhe, alungise uhlelo lokuthuthukisa lowomhlaba ngendlela anamandla ngayo.

(3) Umasipala wasekhaya kungathi uma ecelwa ngomunye

umasipala wasekhaya abasesigodini esifanayo naye, alungise uhlelo lokuthuthukisa umhlaba ngendlela anamanandla ngayo.

(4) Uma kwenzeka umasipala ehluleka ukwakha indlela yokuthuthukisa umhlaba njengoba kudingekile, noma ehluleka ukucela omunye umasipala ukuba alungise uhlelo Iwakhe lokuthuthukisa umhlaba njengoba kubekwe kwisigaba (1)(2) no(3), kungadingeka uMEC athathe izinyathelo ezifanele zokuba Iwensiwe uhlelo lokuthuthukisa umhlaba walowomasipala ngokwaloMthetho, kuthi zonke izindleko okungenwa kuzo maqondana naloko , zidonswe nguye uMEC futhi ezimalini zaIwomasipala.

Ukwethulwa kohlelo lokuthuthukisa umhlaba nokuchibiyelwa kwalo ku-MEC

39. (1) Ukuze kuthuthukiswe ukuxhumana nokubambisana esifundeni, kufanele omasipala bethule izinhlelo zabo zokuthuthukiswa komhlaba nokuchibiyelwa kwazo ku-MEC njengengxenye yohlelo Iwabo olubumbene Iwezentuthuko ngokwesigaba 32 soMthetho ka 2000 woHlelo loMasipala bakaHulumeni waseKhaya (Umthetho No. 32 ka 2000.)

(2) U-MEC angaba nesidingo sokuba umasipala achibiyele uhlelo Iwakhe lokuthuthukisa umhlaba noma izichibiyelo zalo ebese zethulwe kuye, uma lolohlelo lokuthuthukiswa komhlaba noma ukuchibiyelwa kwalo kunokulandelayo -

- (a) kungabhekani ngendlela efanele nokuqukethwe kwisigaba 34; noma
- (b) kuphikisana, kungahambisani nezinye izinhlelo zokuthuthukiswa komhlaba zabanye omasipala okusetshenzelwana nabo noma imigomo efunekayo, amasu nezindlela zokuthuthukiswa komhlaba zikazwelone, izifunda nemikhakha kahulumeni; noma
- (c) kungalandelwanga inqubo ebekwe kuleSahluko njengoba kwakhishwa isincomo.

(3) Uma kwenzeka u-MEC efuna ukuba umasipala achibiyele uhlelo olubumbene Iwezentuthuko nolokuthuthukisa umhlaba noma ukuchibiyelwa kwalo ngezizathu ezibekwe kwisigaba (2), uMEC angacela umasipala ukuba -

- (a) achibiyele lolohlelo ukuze luhambisane nokuqukethwe kwisigaba 36; noma
- (b) asuse noma yikuphi ukuphikisana noma ukungahambisani nezinhlelo zokuthuthukiswa komhlaba kwabanye omasipala okusetshenzelwana nabo, isifunda noma imikhakha kahulumeni kazwelone; noma
- (c) alandela inqubo ebekwe kuleSahluko noma alandele izincomo ezibekiwe kuye ngokuthi isimo sakhe sithini.

(4) Uma kwenzeka umasipala ehluleka ukuchibiyela uhlelo Iwakhe lokuthuthukiswa komhlaba njengoba kudingekile, noma ehluleka ukucela omunye umasipala ukuba achibiyele uhlelo Iwakhe lokuthuthukiswa

komhlaba njengoba kubekwe kwisigaba 38 (1), (2) no (3) nezichibiyelo zakhona, uMEC uyothatha izinyathelo ezifanele ukuze uhlelo lokuthuthukiswa komhlaba lulungiswe ngendlela ehambisana naloMthetho, kuthi izindleko okungenwa kuzo ngokwenzenjalo zidonswe ezimalini zalowomasipala.

Umphumela wohlelo lokuthuthukiswa komhlaba

40. (1) Izigungu ezithatha izinqumo maqondana nezicelo zokuthuthukiswa komhlaba ngeke zisamukele isicelo sokuthuthukiswa komhlaba ngokwaloMthetho uma lesosicelo singahambisani nokubekwe maqondana nezidingo zohlelo lokuthuthukiswa komhlaba ngokwaleSahluko.

(2) Uma isicelo sokuthuthukiswa komhlaba singahambisani nokuqukethwe ohlelweni lokuthuthukisa umhlaba ngeke samukelwa, singemukelwa kuphela uma sihambisana nokuqukethwe kwisahluko 1 saloMthetho futhi sizoba wusizo emphakathini: uma ofaka isicelo echaza ngokugculisayo isizathu sokwehluleka kokubekwe ohlelweni lokuthuthukiswa komhlaba njengoba kunconyiwe.

(3) Okuqukethwe ohlelweni lokuthuthukisa umhlaba ngokwaloMthetho akufanele kuthathwe njengokunika ilungelo elithize kunoma yimuphi umuntu ukuba athuthukise noma asebenzise noma yimuphi umhlaba noma adabule noma yimuphi umhlaba elandela okuqukethwe ohlelweni kepha engayilandeli inqubo ebekwe kwisahluko V saloMthetho.

Imithetho elandela inqube ebekwe kwisahluko V saloMthetho

41. (1) UNdunankulu angakhipha isincomo ngokulandelayo -

- (a) nganoma yiluphi olunye ulwazi maqondana nohlelo olubumbene Iwezentuthuko eGauteng luLangene nolubekwe kwisigaba 24 saloMthetho;
- (b) ngendlela ukuxhumana nokubambisana okukhulunywa ngako kwisigaba 25 okuyokwenziwa ngayo;
- (c) indlela, isikhathi nenqubo maqondana nokulungiswa kohlelo olubumbene Iwezentuthuko eGauteng;
- (d) amanye amaphophabhuku ngaphandle kweGazethi yesiFunda, okuyoshicilelwu kuwo uhlelo olungakaphasiswa olubumbene Iwezentuthuko eGauteng; kanye
- (e) nendlela amalungu omphakathi nabanolandla ngaloludaba okuyoxhunyanwa ngayo nabo maqondana nokulungiswa kohlelo olubumbene Iwezentuthuko olungakaphasiswa eGauteng.

(2) U-MEC angakhipha isincomo sokuba -

- (a) Noma yikuphi okunye okuyokwengezwa ngako uhlelo lokuthuthukiswa komhlaba eGauteng, kwengezwa kułoko osekuvele kubekwe kwisigaba 29 saleSahluko;
- (b) indlela ukuxhumana nokubambisana okukhulunywa ngako kwisigaba 30 okuyokwenziwa ngayo;
- (c) indlela, isikhathi nenqubo maqondana nokulungiswa kohlelo lokuthuthukiswa komhlaba eGauteng;
- (d) noma yikuphi okunye okungafakwa futhi kuloko okubekwe kwisigaba 35 saleSahluko maqondana nezinhlelo zokuthuthukiswa komhlaba;
- (e) indlela okuyokwenziwa ngayo ukuxhumana nokubambisana njengoba kubekwe kwiSahluko 35;
- (f) indlela, isikhathi nenqubo okuyolungiswa ngayo uhlelo lokuthuthukiswa komhlaba;
- (g) indlela oluyokwethula ngayo uhlelo lokuthuthukiswa komhlaba ku-MEC; kanye
- (h) nezidingo okufuneka zilandelwe uma kufuneka ofaka isicelo abeke izizathu zokwehluka ohlelweni lokuthuthukiswa komhlaba njengoba lubekwe kwisigaba 40 (2) saloMthetho.

ISAHLUKO V**IZINHLELO ZOKUPHATHWA KOKUSETSHENZISWA KOMHLABA³****Izinhlelo zokuphathwa kokusetshenziswa komhlaba**

42. (1) Esikhathini esinqunywe nguMEC emva kokuqala ukusebenza kwaloMthetho, bonke omasipala bayoqikelela ukuba uhlelo lokuphatha ukusetshenziswa komhlaba olusingethe wonke umhlaba okuleyondawo engaphansi kwawo, lulungiswa ngokwaleSahluko.

- (2) Uma kwenzeka umasipala ehluleka ukulungisa uhlelo lokusetshenziswa komhlaba njengoba kubekwe kwisigaba (1) ngesikhathi esidingekayo, uMEC uyothatha izinyathelo ezifanele zokuba lulungiswe ngokwaloMthetho uhlelo lokuphathwa kokusetshenziswa komhlaba walowomasipala, nezindleko okungenwe kuzona ngokwenza loko, u-MEC azidonse ezimalini zalowomasipala: uma lowomasipala othintekayo engacela umasipala wesifunda noma umasipala wasekhaya njengoba kubekwe kwisigaba 43, ukuba alungisele uhlelo lokuphathwa kokusetshenziswa komhlaba.
- (3) Uhlelo lokuphatha ukusetshenziswa komhlaba luyophathwa ngumasipala ngendlela elandelayo:
- (a) Kuyosetshenziswa uhlelo olufunekayo lokusetshenziswa komhlaba uma umehluko okhona uvumelekile, uma umehluko okhona kungowezizathu ezilandelayo:
- (i) Ukuthuthukisa noma ukuvimba ukuba intuthuko ingathathelwa phansi; futhi

³ *Lesahluko sibeka inhoso yezinhlelo zokuphathwa kokusetshenziswa komhlaba, okufanele kuqukathwe ohlelweni lokuphathwa kokusetshenziswa komhlaba nendlela uhlelo lokuphathwa kokusetshenziswa komhlaba okufanele lulungiswe futhi lubuyekezwe ngayo. Lesahluko sinika ulwazi kusukela ngesikhathi loMthetho ogala ngaso ukusebenza, ukuze noma yiluphi uguquko olwenzeka ekuphathweni kokusetshenziswa komhlaba luqikelele ukuthi luhambisana nemigomo njengoba ibekwe kwisahluko II saloMthetho, nokuthi lologuquko luhambisana nohlelo lokuthuthukisa komhlaba kanye nezinhlelo ezibumbene zezentuthuko endaweni ethintekayo futhi zihambiana nazo zonke ezinye izidingo ezingnconyw ngu-MEC. Noma yiluphi olunye uhlelo olusha lokuphathwa ukusetshwnziswa komhlaba kufanele luhlangabezane naleidindo.*

- (ii) Uzoqhubela phambili ukusetshenzisa komhlaba ngendlela efunekayo.
- (b) Izizathu ezibekwe kwisigaba (a) ngenhla kufanele zisigculise isidingo esikhishwe ngu-MEC noma yimeya kamasipala, uma izidingo ezibekwe nguMeya noma ngu-MEC zingashayisani nalezo ezibekwe ngu-MEC.
- (c) Ukwemukelwa kwezizathu zomehluko oshiwo kwisigaba (3)(a) ikhansela lingakwedlulisela njengoba kunjalo noma ingxenye yako kuMeya Ophethe noma kwedluliselwe kwiKomidi Eliphethe noma kuthi ingxenye yedluliselwe kwisigungu esihlelayo noma isiphathimandla seKhansela.

Omasipala bezigodi nabasekhaya

43. Omasipala basekhaya bayolungisa, baphathe benze nokuba lusetshenziswe uhlelo lokuphatha ukusetshenziswa komhlaba ezindaweni abaphethe kuzo: Uma umasipala wesigodi ocelwa ngumasipala wasekhaya ongaphansi kwakhe ukuba alungise, aphanthe futhi enze ukuba lusetshenziswe uhlelo lokuphatha ukusetshenziswa komhlaba aze umasipala wasekhaya abe namandla okuzenzela loko: Uma futhi umasipala wasekhaya ecelwa ngomunye umasipala wasekhaya abangaphansi kwamasipala wasigodi sinye naye ukuba amlungisele uhlelo lokuphatha ukusetshenziswa komhlaba aze abe sesimweni sokuzenzela lowomsebenzi.

Izinhlelo zokuphatha ukusetshenziswa komhlaba ziyolungiswa futhi zibuyekezwe ngomasipala

44. (1) Omasipala bayolungisa izinhlelo zokuphatha ukusetshenziswa komhlaba noma ngasiphi isikhathi uma loko kuhambisana nesigaba 42, njengoba kubekwe kwizigaba 49 no 50 zaleSahluko.

(2) Esikhundleni sezinhelo ezikhona njengamanje, omasipala bayolungisa izinhlelo ezintsha zokuphatha ukusetshenziswa komhlaba ezihambisana nokuqukethwe kwisigaba 49 no 50 balesahluko.

(3) Umasipala angalubuyekeza noma nini uhlelo analo lokuphatha ukusetshenziswa komhlaba, kuthi uma ebona kudingekile, alungise uhlelo olubuyekeziwe lokuphatha ukusetshenziswa komhlaba.

(4) Uma umasipala efisa ukubuyekeza uhlelo lokuphatha ukusetshenziswa komhlaba njengoba kubekwe kwisigaba (3), uyolandela inqubo ebekwe kwisigaba 49 no 50 walesahluko.

(5) Uma umasipala elungisa uhlelo lokuphatha ukusetshenziswa komhlaba njengoba kubekwe kwisigaba (1), eyeka ukusebenzisa uhlelo oluvele lukhona njengoba kushiwo kwisigaba (2) noma ebukeza uhlelo oluvele lukhona lokuphatha ukusetshenziswa komhlaba njengoba kubekwe kwisigaba (3) no (4), uyoqikelela ukuthi uhlelo lokusetshenziswa komhlaba

olulungisiwe, oluthatha isikhundla solunye noma olubuyekeziwe lunokulandelayo-

- (a) luyahambisana nemigomo ebekwe kwiSahluko 11 saloMthetho;
- (b) luyahambisana nohlelo lokuthuthukiswa komhlaba kwendawo ethintekayo; futhi
- (c) luhambisana nanoma yiziphi ezinye izidingo ezibekwe ngu-MEC.

(6) Omasipala bayohlala bezibuyekeza izinhlelo zabo zokuphatha ukusetshenziswa komhlaba ukuze zihambisane nohlelo olubumbene Iwezentuthuko: Uma kuwukuthi isikhathi esingaphambi kokuba kubuyekezwe asiside kunezihlala zibekwa ngu MEC ngezaziso eziphuma kwiGazethi yesiFunda

(7) Umasipala uyohlala ebheka futhi eqopha okulandelayo ukuthi kuyahambelana yini nezikhathi ezingunyiwe nenqubo ebekwe kwiSigaba 60:

- (a) Igebe elikhona kwezentuthuko phakathi kwesimo esiphansi kunazo zonke ngezentuthuko njengoba kubekwe ku 60(a) nombono oqukethwe ohlelweni olubumbene Iwezentuthuko nasohlelweni lokuphatha ukusetshenziswa komhlaba .
- (b) Inqubekelaphambil esibekhona nezingqinamba okuhlangatshezwana nazo uma kuzanywa ukuvala igebe elikhona kwezentuthuko okukhulunywe ngalo ku (a) ngenhla.
- (c) Isikhathi esingase sithathwe ukuvala igebe uma kuwubuhlakani ukwenzenjalo.

(8) Uma uhlelo lokuphatha ukusetshenziswa komhlaba lubuyekezwa, bese emva kokubuyekezwa Iwamukelwe, umasipala uyothatha zonke izinyathelo ezidingekayo ukwenza uguquko oludingekayo ukuze uhlelo lubuyekezwe.

Inhoso yezinhlelo zokuphatha ukusetshenziswa komhlaba

45. Inhoso yohlelo lokuphatha ukusetshenziswa komhlaba ngokulandelayo -

- (a) Wukuchaza indlela esetshenziswayo maqondana nokuthuthukiswa komhlaba;
- (b) Wukuphatha nokusingatha ukusetshenziswa komhlaba, kuhlangene nokusetshenziswa kwawo okufanele izindawo zasemakhaya okudala inqubekelaphambil ngendlela echazwe kwisigamu (a) ngenhla;
- (c) Ukuphatha uhlobo, ubukhulu nenani lamabhilidi akiwe noma azokwakhiwa kunoma iyiphi ingxenye yomhlaba;
- (d) Ukunqindaza ukusetshenziswa komhlaba ngenhoso noma usetshenziselwa izinto ezingafuneki;
- (e) Noma ezingahambisani nokubekwe ku (a) ngenhla;

- (f) Ukubeka izimo nemigomo yentuthuko, kuhlangene nezimo nemigomo ephathelene nengqalasizinda, ukubumbana, ukwenza umsebenzi obonakalayo ngokushesha, ukusebenza kohlelo olusetshenziswayo, isimo somnotho, ukukwazi ukuzimela kwezemvelo nokuxhumana kokuthuthukiswa kokusetshenziswa komhlaba.
- (g) Ukuchaza intuthuko phakathi kwesimo okukuso ukusetshenziswa komhlaba nombono okhona ngentuthuko oqukethwe ohlelweni olubumbene lwezentuthuko noma ukusetshenziswa komhlaba okufunekayo.
- (h) Ukwenza umbiko okhombisa ukuthi kuqhubeka kanjani sekufikwephi maqondana nombono okufuneka kugcine kufinyelelwwe kuwo.

Okuyoba sezinhlelweni zokuphatha ukusetshenziswa komhlaba

46. (1) Uhlelo lokuphatha ukusetshenziswa komhlaba luyophatha lulawule zonke izindaba ezingase zibekwe ezithebeni njengezidinga ukuphathwa, phakathi kwazo okuyoba ngezilandelayo, yize kungeke kube yikuphela kwazo:-

- (a) indlela nokujula kokusetshenziswa komhlaba;
- (b) ubude bamabhlidi nokunye okwakhiwayo;
- (c) indlela ezakhiwe ngayo izakhiwo namabhilidi kuhlangene nendlela izakhiwo namabhilidi ayigcwaliise ngayo indawo nokuthi emi eduze noma kude kangakanani nemingcele;
- (d) kufinyeleleka kalula kangakanani kuwo;
- (e) Ukuhambisana kwawo nesimo sasemadolobheni, lapho intuthuko ingendlela yasemadolobheni khona; kanye
- (f) Nokuhambisana nokuqukethwe kwiSahluko 1 no 5 soMthetho ka 1998 wokuPhathwa kwezeMvelo kuZwelonke (UMthetho 107 ka 1998) kanye nemithetho eshiwo kwiSahluko 5 saloMthetho.

(2) Uhlelo lokuphatha ukusetshenziswa komhlaba luyoba nokulandelayo -

- (a) luyoba nemvume yokusebenzisa noma yimuphi umhlabo ngezizathu ezithize, uma umasipala esebanikile imvume; noma
- (b) lube nokunye okubekwe njengokufuneka kubekhona noma okuphathelene nokuphatha ukusetshenziswa komhlaba.

Inqubo maqondana nemvume

47. (1) Noma iyiphi inqubo equkethwe ohlelweni lokuphatha

ukusetshenziswa komhlaba ephathelene nemvume njengoba kubekwe kwisigaba (2)(a), iyoya ngendlela afuna ngayo umasipala othintekayo: Uma leyonqubo ihambisana nemigomo yokusebenza ngendlela esobala nomphakathi uyingxeny yokwenziwayo nazo zonke izidingo okufuneka kuhlangatshezwane nazo ngokwalenqubo zilandelwe.

(2) Uma ikhishiwe imvume yezimiso, imvume ekhishwa ngazo ingafaka nokulandelayo -

- (a) imvume iyophela uma -
 - (i) ukusetshenziswa komhlaba kungaqaliwe ngesikhathi esibekwe ezimisweni;
 - (ii) uma ukusetshenziswa komhlaba kuyekwa kuze kuphele isikhathi esibekwe ezimisweni; futhi
 - (iii) uma kuphela isikhathi noma ukwensiwa kwasigameko esibhalwe ezimisweni.
- (c) umasipala angase adinge inkokhelo ngemvume ekhishiwe ngezimiso eziyobekwa nguye, sekuhlangene nenkokhelo yesamba esingenza ukuba umasipala akwazi ukubhekana nezindleko ezidingekile okungenwe kuzona uma kukhishwa imvume ngokwesigaba (2)(a).

(3) Umasipala ohlongoza ukusebenzisa umhlaba wawo ngezhinhoso okudingeka ukuba kutholakale imvume ngokohielo lokuphatha ukusetshenziswa komhlaba, luyosebenza maqondana naleyomvume ngendlela ebekwe ohlelweni lokuphatha ukusetshenziswa komhlaba noma ngendlela okukhishwe isincomo ngayo.

Okubekelwe uhlelo lokusetshenziswa komhlaba okuphambene nemithetho kamaspala

48. Uma kukhona okubekelwe ukuphathwa kokusetshenziswa komhlaba kepha kungahambisani nokubekwe kwimithetho kamaspala, okuqukethwe ohlelweni yikona okuyosebenza.

Izidingo ezibekwe njengokudingekayo zilandelwe

49. U-MEC angakhipha isincomo sokuba kube nezidingo ezimbawwa okufuneka kuhlangatshezwane nazo okufuneka zibe yingxeny yohlelo lokuphatha ukusetshenziswa komhlaba olungiswayo.

Inqubo yokubhala nokubuyekeza uhlelo lokuphatha ukusetshenziswa komhlaba

50. (1) Uhlelo lokuphatha ukusetshenziswa komhlaba kufanele lubhalwe ngumasipala ngendlela nangesikhathi nangenqubo ekhishwe nge-MEC, ngokuhambisana nesigaba (2), (3), (4), (5), (6), (7) no (8) ngenzansi.

(2) uhlelo lokuphatha ukusetshenzisa komhlaba olungakemukelwa luyolungiswa, lubuyekezwe emva kokucwaninga igebe elikhona kwezentuthuko phakathi kweRekhodi Lokusetshenzisa Komhlaba nombono wentuthuko oqukethwe ohlelwani olubumbene Iwezentuthuko noma uhlelo olukhona lokuphatha ukusetshenzisa komhlaba Iwaleyondawo ngoba kuzanywa ukuba kuvalwe igebe.

(3) Uhlelo lokuphatha ukusetshenzisa komhlaba olungakemukelwa, noma uhlelo lokuphatha ukusetshenzisa komhlaba olubuyekeziwe luyolungiswa ngendlela ebekwe kwisigaba (1) nesaziso esikhishwa ngohlelo olungakemukelwa noma olubukeziwe kanye nolwazi ngokuthi lungatholakalaphi, kuyoshicilewa kwiGazethi yesiFunda nakunoma yimaphi amanye amaphephabhuku ukuze umphakathi uphawule ngalo.

(4) Uhlelo olungakemukelwa noma ukubuyekezwa okukhulunywa ngako kwisigaba (2) kuyokwedluliselwa kwisigungu sokuhlela ukuze kubekwe imibono ngako.

(5) Amalungu omphakathi, izigungu nabanothando ngalolodaba bangakuveza ukungagculiseki kwabo ngokubhala incwadi noma ukwethula izikhalo zabo kumasipala othintekayo maqondana nohlelo olungakemukelwa noma ukubuyekezwa kwalo okukhulunywa ngako kwisigaba (2) singakapheli isikhathi esibekiwe.

(6) Umasipala uyokulalela ukungagculiseki lapho kuyobe kubhungwa khona ngendlela okubekwe ngayo.

(7) Emva kokulalela konke ukungagculiseki njengoba kubekwe kwisigaba (5), umasipala uyobe eselubhekisia uhlelo olungakemukelwa noma olubuyekeziwe, egxila kulezozindawo okukhalwa ngazo, bese elwamukela uhlelo ebonelela nezichibiyelo okudingeka zenziwe ngesinqumo sekhansela likamasipala, noma aluchithe lonke noma ingxenye yalo: uma iKhansela lingase linike iMeya Ephethe noma iKomidi Eliphethe lawomandla.

(8) Uma umasipala eselwemukele uhlelo njengoba kubekwe kwisigaba (7), uyokhipha isaziso ngaloko kwiGazethi yesiFunda singakapheli isikhathi esinqunyiwe, kanti kulesosaziso kuyoshiwo ukuthi ikhophi yohlelo olwamukelwe iyobekwa ehhovisi likamasipala owawulungisa ukuze abafisa ukulubheka bakwazi ukwenzenjalo ngezikathi ezifanele.

Ukuqala kohlelo olwamukelwe

51. Uhlelo oselwamukelwe njengoba kubekwe kwisigaba 50(7) luyoqala ukusebenza ngosuku okuyoshicilewa ngalo isaziso esichazwe kwisigaba 50(8), kusukela ngalolosuku umasipala uyobe eseqaphela futhi enza ukuba lusebenze: Uma kunesikhalo maqondana nohlelo olungakemukelwa, lolohlelo luyosebenza uma isikhalo sesixazululiwe.

Ukuvinjwa kokuqhube ka nohlelo oluchibiyelwe ezimweni ezithize

52. (1) Uma umasipala eselwamukele uhlelo obelungakemukelwa ngokwesigaba 50(7), akukho muntu okuyothi maqondana nomhlaba

othintekayo, afake isicelo sokuba kuchibiyelwe noma kophinde kuchibiyelwe uhlelo lokuphatha ukusetshenziswa komhlaba esikhathini esiyiminyaka emibili kusukela osukwini okwemukelwa ngalo uhlelo.

(2) Nanxa zikhona izimiso zesigaba (1), kungathi uma umasipala ebona kunesimo esidinga ukuba kophinde kuchibiyelwe esicelweni esibhaliwe njengoba kubekiwe, agunyaze ukuba lesosicelo sokuphinda kuchibiyelwe senziwe.

Ukusetshenziswa komhlaba okungavumelani nokunye

53. (1) Uma ngosuku lokuqala ukusebenza kohlelo olusha lokuphatha ukusetshenziswa komhlaba kuhona umhlaba noma ingxene yawo esetshezniselwa isizathu okungesona obekelwe sona ngokwezimiso zohlelo lokuphatha ukusetshwnziswa komhlaba, kepha ezisemthethweni futhi ezingavimbi lutho ngokwaloMthetho, lezozimiso zesigaba 53(3) ziyozebenza.

(2) Uma ngosuku oluqala ngalo ukusebenza uhlelo olusha lokuphatha ukusetshenziswa komhlaba kukhona amabhilidi akhona kulowomhlaba akhiwa ngepulani yokwakha eyemukelekile, noma kukhona ukwakhiwa kwebhilidi osekuqaliwe nako kuhambisana nepulani lokwakha elemukelekile kepha lawomabhilidi engahambisani nezimiso zohlelo lokuphatha ukusetshenziswa komhlaba, lawomabhilidi ayothathwa njengahambisana nohlelo lokuphatha ukusetshenziswa komhlaba bese kusetshenziswa okuqukethwe kwisigaba 53(3).

(3) Ukusetshenziswa komhlaba kungaqhube ka emva kweminyaka emihlanu kusukela osukwini lokuqala lokusebenza kohlelo olusha lokuphatha ukusetshenziswa komhlaba noma amabhilidi ayothathwa njengahlangabezana nezidingo zohlelo isikhathi esiyiminyaka emihlanu, kuye ngokuthi isimo sime kanjani: Uma umnikazi waho engafaka isicelo kumasipala sokuba iminyaka emihlanu yandiswe kepha ingabi ngaphezu kweminyaka emihlanu uma isiphelele, kuye ngesimo esingabekwa ngumasipala.

(4) isicelo okukhulunya ngaso kwisigaba (3) siyoba njengoba kwakhishwa isincomo, kepha siyokwenziwa ngaphambi noma zingakapheli izinyanga ezintathu kusukela osukwini lokuphela kweminyaka engu 15 yokuqala.

(5) Uma kusalindelwe umphumela wesicelo okukhulunya ngaso kwisigaba (3), ngeke liphele ilungelo lokusebenza umhlaba, kanti nebhilidi liyoghube ka nokuthathwa njengelihlangabezana nezidingo zohlelo kuye ngokuthi isimo simi kanjani.

(6) Ilungelo lokuqhube ka nokusebenza noma yimuphi umhlaba njengoba kubekwe kwisigaba (3) kuyothi uma lingasetshenziswa isikhathi esiyiminyaka emibili ephelele emva kokuqala ukusebenza kohlelo olusha lokuphatha ukusetshenziswa komhlaba, bese liphele ekupheleni kwesikhathi esiyiminyaka emibili.

(7) Uma lwemukelwa uhlelo olusha lokuphatha ukusetshenziswa komhlaba, iminyaka yokuqala emihlanu echazwe kwisigaba (3) isaqhube ka, ngeke lusebenze eminyakeni esasele eyingxene yeminyaka emihlanu.

Umphumela wokushintshwa kwemingcele

54. (1) Uma ukubekwa kwemingcele ngokukaHulumeni waseKhaya: Umthetho ka 1998 wokuBekwa kwemiNgcele kaMasipala (Umthetho 27 ka 1998) uyibeka kabusha imingcele kamasipala, Iovo nalowo masipala othintekayo ngokushintshwa kwemingcele kufuneka ubuyekeze futhi ulumise ngendlela efanele uhlelo Iwavo lokuphatha ukusetshenziswa komhlaba.

(2) Uma ishintshwa imingcele yesiFunda ukuze noma yimuphi umhlaba okwesinye isiFunda ugcine usungena ngaphansi kwemingcele yaseGauteng, IoMthetho uyosebenza kuluwomhlaba oyothinteka, uyosebenza ngokuhambisana nanoma yimuphi omunye umthetho oyoshaywa ophathelene ngqo naloludaba.

Indlela olusebenza ngayo

55. Uhlelo lokuphatha ukusetshenziswa komhlaba luyosebenza kubo bonke abanikazi nabahlali bomhlaba ngisho nayo yonke imikhakha kahulumeni wesiFunda.

Amandla kahulumeni wasekhaya okukhuthaza ukugcwaliswa kwezinhliso zohlelo lokuphatha ukusetshenziswa komhlaba

56. Umasipala kungathi uma efunu ukuthuthukisa ukugcwaliswa kwezinhliso zohlelo lokuphatha ukusetshenziswa komhlaba endaweni engaphansi kwakhe –

- 57.**
 - (a) athole umhlaba;
 - (b) akhe noma ibhilidi elinjani;
 - (c) aqashise, ehlukanise noma awuchithe umhlaba noma ibhilidi;
 - (d) asho isikhathi amalungelo asohlelweni lokuphatha ukusetshenziswa komhlaba ayohlala esemthethweni ngaso ngokwezidingo nenqubo ebekwe ngu-MEC;kanye
 - (e) nokuthatha izinyathelo ezidingekayo.

Irekodi lokusetshenziswa komhlaba

58. Izinhlelo zokuphatha ukusetshenziswa komhlaba namarekhodi okusetshenziswa komhlaba, yiwona ayohola izinqumo zikamasipala zokuphatha ukusetshenziswa komhlaba.

Inhliso yerekodi lokusetshenziswa komhlaba

58. Inhliso yerekodi lokusetshenziswa komhlaba ngokulandelayo:

- (a) Wukugcina irekhodi lezinhoso umhlaba osetshenziselwa zona nezimo ezihambisana naloko kusetshenziswa kwavo ezindaweni ezingaphansi kwalo;
- (b) Nokuvimba ukusetshenzisa komhlaba ngezinhoso nezenzo ezingavumelekile ngokuka (a) ngenhla.

Okuqukethwe kumarekhodi okusetshenziswa komhlaba

59. Irekhodi lokusetshenziswa komhlaba liquethe izimiso ezichazwe kwisiGaba 46

Inqubo yokubhala nokubuyekeza amarekhosi okusetshenziswa komhlaba

60. Irekhodi lokusetshenzisa komhlaba liyobhalwa noma libuyekezwe ngumasipala ngendlela nangesikhathi nangokulandela inqubo echazwe ngu-MEC ngokwesigaba (a) no (b) ngenzansi:

- (a) izinqumo zokusetshenziswa komhlaba ngumasipala ziyoohlala zirekhodwa.
- (b) Umasipala uyohlala ebheka futhi erekhoda indlela okuthuthukiswa ngayo kuye ngesinqumo asithathayo esikhathini esinqunyiwe.

Uhlelo lokusetshenziswa komhlaba olungahambisani nomthetho kazwelonke nowesiFunda

61 (1) Uma sekufikile ezindlebeni zika-MEC ukuthi uhlelo lokusetshenziswa komhlaba noma esinye sezimiso zalo azihambisani nomthetho kazwelonke nowesiFunda noma nemigomo yakhona, u-MEC angacela ukuba Isikhungo Sokubuyekeza Izinqumo zezeNtuthuko yaseGauteng silubuyekeze lolohlelo Lokuphatha Ukusetshenzisa Komhlaba oluyinkinga noma izimiso zalo bese kwethulwa umbiko noma kwensiwe izincomo ngokulandelayo:

- (a) Izindawo okunokuphikisana kuzo;
- (b) Izinguquko ezingase zenziwe ukuze kulungiswe ukuphikisana; kanye
- (c) Nohlelo okungabhekvana ngalo futhi kwensiwe izinguquko ezidingekayo.

U-MEC angatshela umasipala ukuba enze okulandelayo:

- (a) Enze izinguquko ukuze kulungiswe ukuphikisana;
- (b) Enze uhlelo oluzoba nomphumela wokulungisa ukuphikisana oluzolekelela okwenziwayo okuqondene nesigaba (a) ngenhla.

Izinqumo zokuphatha ukusetshenziswa komhlaba eziphikisana nemithetho kanye nemigomo kaZwelonke neyesiFunda

62 (1) Uma sekufikile ezindlebeni zikaMEC ukuthi isinqumo sokuphatha ukusetshenziswa komhlaba, isenzo noma ukungenziwa kokuthize akuhambisan nemithetho kanye nemigomo kaZwelonke neyesiFunda, uMEC angacela Isikhungo Sokubuyekezwa Kwezinqumo Zezentuthuko yaseGauteng ukuba isibuyekeze lesosinqumo, isenzo noma ukungenziwa kwento ethize okuyinkinga, bese sethula umbiko senze isincomo ngokulandelayo:

- (a) Izindawo okunokuphikisana kuzo;
 - (b) Izinguuko ezingase zenziwe ukuze kulungiswe ukuphikisana; kanye
 - (c) Nohlelo okungatholakala futhi kwensiwe ngalo izinguuko ezidingekayo.
- (2) U-MEC angatshela omasipala ukuba:
- (a) Benze izinguuko ukuze kuqedwe ukuphikisana;
 - (b) Benze uhlelo oluzosiza okwenziwayo okubhekene nesigaba (a) ngenhla okuyoba nomphumela wokuqeda ukuphikisana.

Okufanele kwensiwe ngesikhathi soguquko

63 (1) Izinhlelo ezikhona zihlala zisebenza kuze kuqale ukusebenza koHlelo Lokuphatha Ukusetshenziswa Komhlaba okukhulunya ngako kwisigaba 42.

(2) Ukuhlelwa kwamadolobha noma ukubekwa kwezindawo ngezigceme okuvele kukhona kuyoba yisisekelo samaRekhodi Okusetshenziswa Komhlaba uma Uhlelo Lokuphatha Ukusetshenziswa Komhlaba okukhulunya ngalo kwisigaba 42 seluqala ukusebenza.

(3) Nanxa zikhona izimiso zesigaba 101, izingxenyelomthetho okukhulunya ngazo kwisigaba 101 ezigunyaza ukuba uhlelo oluthize oluvelo luhkhona lusebenze, ziyoahlala zikhona zize zisuswe wukuqala ukusebenza koHlelo Lokuphatha Ukusetshenziswa Komhlaba okukhulunya ngalo kwisigaba 42.

Imithetho

64. U-MEC angenza imithetho ngezindaba ezilandelayo eziphathelene nezinhlelo zokuphatha ukusetshenziswa komhlaba -

- (a) noma yiziphi izidingo uhlelo lokuphatha ukusetshenziswa komhlaba oluzilungisayo, olufaka ezintsha esikhundleni salo noma olubuyekezwayo kufanele luhambisane nokulandelayo;
- (b) izimiso okungenzeka zibekhona ohlelwani lokuphatha ukusetshenziswa komhlaba;

- (c) indlela umasipala ohlose ukusebenzisa umhlaba wawo ngendlela okudingeka imvume ngayo, uyofaka isicelo saleyomvume;
- (d) ukubhalwa kwezidingo ezithize ezimbalwa eziyofakwa ohlelweni olusha lokuphatha ukusetshenziswa komhlaba;
- (e) indlela, isikhathi nenqubo okufanale ilandelwe uma kubhalwa uhlelo lokuphatha ukusetshenziswa komhlaba noma uhlelo lokuphatha ukusetshenziswa komhlaba noma uhlelo oluvelo luhkona oluyobuyekezwa ngomasipala;
- (f) izikhathi amalungu omphakathi anothando ngaloludaba noma izigungu ezithize, bangaya komasipala bayokwethula umbono wabo maqondana nohlelo olungakemukelwa noma uhlelo olubuyekeziwe lokuphatha ukusetshenziswa komhlaba;
- (g) indlela omasipala abayozilalela ngayo izikhalo noma ukuya kubo ziyokwethulwa kanye nendlela ukulalela izikhalo okuyiyo;
- (h) ubude besikhathi umasipala ayosithatha ukukhipha isaziso sokuthi uselwamukele uhlelo; kanye
- (i) nenqubo okufanele ilandelwe ngumnikazi ofisa ukwandisa isikhathi esiyiminyaka emihlanu okukhulunywe ngaso kwisigaba 52 ngenhla.

ISAHLUKO VI

INQUBO YENTUTHUKO

ABAFAKIZICELO

65. Abantu abasezigabeni ezilandelayo bangazifaka izicelo ngokwalesahluko:

- (a) umnikazi womhlaba; noma
- (b) umuntu owenza okuthize ngoba enemvume ebhaliwe ephuma kumnikazi womhlaba yokuba afake isicelo ngegama lakhe; noma
- (c) umuntu onikezwe umhlaba ngumkhakha othize kahulumeni ngokwesivumelwano sokutholakala komhlaba; noma
- (d) umuntu omsebenzi wakhe kuwukumela umnikazi womhlaba noma ukuba ngumakhi onamagunya asemthethweni omnikazi womhlaba; noma
- (e) umuntu onelungelo elibhalisiwe lokusebenzisa umhlaba; noma
- (f) yimuphi omunye umuntu noma isigungu njengoba kukhishwe isincomo

Izinhlobo zezicelo

66 Lezicelo ziyokwenziwa njengoba kubekwe kwisigaba 6 (isahluko II), ziyokwenziwa ngokulandela inqubo ebekwe kulesahluko:

- (a) ukusungula ilokishi, elingaba nokulandelayo -
 - (i) ukwehlukaniswa kwelokishi;
 - (ii) ukunweba imingcele yelokishi;
 - (iii) ukushintsha, ukuchibiyela noma ukukhansela uhlelo; kanye
 - (iv) nokwenza ukuba indawo evele ikhona yamukelwe ngokomthetho;
- (b) ukusungula indawo yokuhlala;
- (c) ukwehlukanisa umhlaba;
- (d) ukuhlanganisa umhlaba,
- (e) ukwenza ukuba ingxene ethize yomhlaba ingabi ngaphansi kwemithetho kamasipala ephathelene nokusetshenziswa komhlaba;
- (f) ukuchibiyela, ukumisa noma ukususa izimiso zohlelo noma uhlelo lokuphatha ukusetshenziswa komhlaba;
- (g) ukuchibiyela, ukumisa noma ukususa isimo esenza ukuba kube khona izindawo ezingeke zithintwe, amalungelo athize okufuneka agcinwe esesimweni esifunekayo noma okuthize okufuneka kungenziwa okubhalwe etayiteleni noma embhalweni wokuqashwa komhlaba;
- (h) uma kwenzeka uhlelo lungabeki nqubo okufuneka ilandelwe ukuze kutholakale imvume yokushintsha indlela umhlaba osetshenziswa ngayo ngokohlelo;
- (i) ukuthola imvume yokuwusebenzisela izinhloso ezithize umhlaba;
- (j) ukuvala izindawo zomphakathi ngisho nemigwaqo;
- (k) ukukhansela isitifiketi sokuba nomhlaba wezolimo; kanye
- (l) nokubhekana nanoma yisiphi esinye isicelo njengoba kukhishwe isincomo.

Inqubo yokufaka isicelo

67 (1) Umfakisicelo uyosifaka sibhaliwe asiqondise kwiMenenja kaMasipala yomasipala indawo okukhulunya ngayo ekuwo, siphelezela yizincwadi nemali efunekayo: Uma umasipala wesigodi angacela umasipala wasekhaya ongaphansi kwesifunda sakhe noma umasipala wasekhaya acele umasipala wesigodi noma omunye umasipala wasekhaya abasesifundeni sinye naye ukuba amenzele eminye noma yonke imisebenzi ephathelene nesicelo.

(2) Imenenja kaMasipala kufanele ikhombise ngokubhala incwadi ukuthi isitholile isicelo, loko ikwenze singakapheli isikhathi esinqunyiwe.

(3) Uma singaphelele isicelo, iMenenja kaMasipala iyosibuyisela emuva kosifikile ukuze ahlangabezane nazo zonke izidingo zaloMthetho njengoba ubekiwe bese sibuyiswa sesiphelele singakapheli isikhathi esinqunyiwe.

Ukungalindeleki ukuba wenze izinto ezithize

68 (1) Umfakisicelo kungathi uma esebeenzise indlela ebekiwe yokufaka isicelo kwisigungu sokuhlela ukuze angalindeleki ukuba enze izinto ezithize ezikulesahluko, Kuyothi uma isigungu sokuhlela sesicwaninga izicelo sisebeenzise izindlela ezibekiwe phakathi kwazo okungabakhona okulandelayo yize kungeke kube yikona kodwa -

- (a) imininingwane yokuthi abantu sebeyahlala yini kuleyondawo;
- (b) ukuphuthuma kwesicelo; kanye
- (c) nokuthi loko kuyosiza yini ngokusheshisa intuthuko.

(2) Ngokwemithetho ebekiwe nenqubo okufuneka ilandelwe, Isigungu sokuhlela -

- (a) siyosamukela sonke isicelo noma ingxenyne yaso kuye ngokuthi kwensiwe konke yini esifuna kwensiwe; noma
- (b) siyokhipha isincomo sokuba senqatshwe isicelo; noma
- (c) kunconywe ukuba sichithwe isicelo; noma
- (d) sihlehliswe isinqumo esiphathelene naso; noma
- (e) kutshelwe ofake isicelo ukuba enze konke okudingekayo.

Ukungathathwa kwezinyathelo zokulungisa isimo esonakele

69. Isigungu sokuhlela kungathi uma sicelwa ukuba singathathi zinyathelo ngokwehluleka kwabafaka isicelo ukuhlangab ezananezidindo ezithize ngenxa yezizathu ezincomekayo, sikhipe isincomo sokuba abafaka isicelo bayekwe uma ukwehluleka kwabo kungaphazamisi muntu ngalutho.

Ukwaziswa komphakathi

70 (1) Umfakisicelo uyokhipha isaziso ngendlela enqunyiwe asibhekise kwabalandelayo -

- (a) abanothando nabathintekayo ngaloludaba njengoba kubekiwe; kanye
- (b) nezinhlangano ezishiwo ngumasipala.

(2) Umfakisicelo uyokhipha isaziso esiya kwimikhakha efunekayo kahulumeni asilungise ngenqubo efanele.

(3) Imenenja kaMasipala ingenza ukuba umfakisicelo akhiphe isaziso esibhaliwe asiqondise nakwabanye abantu noma izinhlangano zomphakathi ngaphandle kwabebeshiwo: Uma iMenenja kamasipala iyozikhumbula izinhlobo ezehlukene zezelulo uma isibeka ukuba iyiphi imiphakathi noma

abantu okufuneka baziswe maqondana nezinhlobo ezhelukene zezicelo ezifakiwe.

(4) Umfakisicelo uyokhipha nesinye isaziso ngesicelo ngendlela eshiwo.

(5) Imenenja kaMasipala iyoqikelela ukuba iminyango kamasipala iyaziswa ngesicelo futhi inelungelo lokubeka imibono, isenqabe noma ibe nabazoyimela maqondana nalesosicelo.

(6) Isaziso esikhishwe maqondana nesigaba (1), (2), (3), (4) noma (5) siyomiswa ngendlela enconyiwe yokuba kukwazeke ukuba sithole kukhishwe imibono, ukwenqaba noma ukumelwa okubhaliwe ngaso okuya kwiMenenja kamasipala singakapheli isikhathi esinqunyiwe: Uma imenenja kamasipala ingaselula isikhathi esibekelwe ukufaka imibono, ukwenqaba noma ukumelwa -

(a) uma ecelwa ngencwadi ngesikhathi esibekelwe loko; futhi

(b) uma ebona leyomibono, ukwenqaba noma ukumelwa kuyosiza ngandlelathize esicelweni.

(7) Nobufakazi bokukhishwa kwesaziso ngumfakisicelo buyokwenziwa ngendlela enconyiwe.

(8) Imenenja kamasipala iyonika umfakisicelo singakapheli isikhathi esinqunyiwe lonke ulwazi oluphathelene nemibono, ukwenqaba nokumelwa okwatholakala ngesicelo sakhe ngokwesigaba (6), kanti naye umfakisicelo unelungelo lokuyiphendula iMenenja kaMasipala singakapheli isikhathi esinqunyiwe.

(9) Isicelo siyotholakala ngazo zonke izikhathi nasezindaweni ezinqunyiwe ukuze umphakathi ukwazi ukusibona.Umfakisicelo uyobakhona

Ukufakwa kwesicelo kwisigungu sokuhlela

71. Uma sesidlulile isikhathi sokufaka imibono, ukwenqaba nokumelwa, iMenenja kamasipala iyothi uma isikucubungule kahle ngesikhathi esinqunyiwe, ithole okulandelayo -

(a) isicelo;

(b) yonke imibono, ukwenqaba nokumelwa; kanye

(c) nezimpendulo maqondana nokwenqaba,

ethule kwisigungu sokuhlela isicelo, ukwenqaba, ukumelwa, izimpendulo kanye nombiko wakhe nezincomo azenzayo maqondna nesicelo ukuze isigungu sokuhlela sithathe isinqumo.

Inqubo yokulalela izicelo

72 (1) ngaphandle uma kukhishwe esinye isincomo, iMenenja kaMasipala iyobeka usuku lokulalelwia kwesicelo singakapheli isikhathi esinqunyiwe.

(2) Imenenja kaMasipala iyokwazisa abalandelayo ngendlela ebekiwe nangesikhathi esinqunyiwe -

- (a) umfakisicelo;
- (b) abaphikisana nesicelo noma ababamele abafaka ukwenqaba okubhaliwe;
- (c) bnke abanothando nabathintekayo noma ababamele abafaka imibono ebhaliwe, abamelwa ngezincwadi noma abaphikisana nesicelo ngencwadi ngokwesigaba 71;kanye
- (d) nanoma yimuphi umkhakha kahulumeni ophathelene naloludaba ngosuku, indawo nesikhathi sokulalelwa kwesicelo.

(3) Isigungu sokuhlela siyobhekisa zonke izicelo: Uma kuthi lapho kunokuphikiswa kwesicelo khona, isigungu sokuhlela sikulalele konke okwethulwe yibo bonke ababhalwe kwisigaba (2) ngaphambi kokuththa isinqumo ngesicelo.

(4) Isigungu sokuhlela singalwenza uphenyo maqondana nesicelo.

Ukwamukelwa kwesicelo

73 (1) Isigungu sokuhlela siyosebenza ngokubhekela kepha singabophekile kuloku kuphela -

- (a) imigomo ekwisahluko II soMthetho;
- (b) uhlelo olubumbene Iwezenthuthuko eGauteng;
- (c) uhlelo lokuthuthukisa umhlaba eGauteng;
- (d) izinhlelo zokuthuthukisa umhlaba kuhulumeniwasekhaya;
- (e) uhlelo olufanele lokuphatha ukusetshenziswa komhlaba, amarekhodi okusetshenziswa komhlaba nokuvalwa kwegebe kwezentuthuko phakathi kohlelo nokukumarekhodi;
- (f) ukubhekela ezemvelo;
- (g) izidingo zemikhakha ethintekayo kahulumeni;
- (h) imibono, ukwenqaba, ukumelwa okutholakele nezimpendulo zakhona;
- (i) noma yiluphi uphenyo oluqaliwe;
- (j) ukubhekela umphakathi; kanye
- (k) okuhle ngesicelol;

Isigungu sokuhlela singasikhisha isincomo sokuba samukelwe sichibiyelwe noma singachibiyelwe isicelo noma senqatshwe sona sonke noma ingxenye yaso noma sihlehliswe isinqumo maqondana naso: Uma kuLangatshezwene nezidingo zesigaba 40.

(2) Uma kukhishwa isincomo sokwamukelwa kweśicelo, isigungu sokuhlela singase sikhisha isincomo sokuba -

- (a) zonke izidingo zokubhaliswa zilandelwe njengoba kubekiwe;

- (b) zonke izidingo zokusungula zilandelwe njengoba kubekiwe; noma
 - (c) noma yiziphi ezinye izidingo zilandelwe.
- (3) Ikomidi lokuhlela liyokhipha izizathu ezibhaliwe lilandele indlela ebekiwe ngezincomo elizenzile.

Isaziso sokwemukelwa

74 (1) Uma isigungu sokuhlela sesikhiphe isincomo sokwamukela okunesichiyyelo noma okunemibandela ethize noma ukwenqatshwa kwesicelo, iMenenja kamasipala kuyothi ngesikhathi esinqunyiwe yazise -

- (a) umfakisicelo;
- (b) labobantu ababa ngabokuqala ukunikwa isaziso ngokwesigaba 72 ngenhla;
- (c) noma yibaphi abanikazi bamalungelo omnotho wangaphansi komhlaba; kanye
- (d) nanoma yimuphi umkhakha kahulumeni owawunezidindo ezithize maqondana nokwamukelwa kwesinqumo.

(2) Kuyothi maqondana nezicelo okukhishwe izincomo ngazo, iMenenja kaMasipala ikhiphe isaziso kwiGazethi yesiFunda sokwamukelwa kwesicelo nokuchaza ukuthi kuLangatshezwane nazo zonke izidingo.

(3) Usuku lokukhishwa kwalesosaziso noma olunye usuku Iwakamuva njengoba kubekwe kwisaziso, luyoba yilona suku ukwamukelwa okuyoqala ngalo ukusebenza.

Ukufakwa kwemibhalo kuMbhali si nakuMdabuli Jikelele

75. Ezimeni ezithize ezibekiwe, umfakisicelo osewazisiwe ngokwamukelwa kwesicelo sakhe, kuyothi singakapheli isikhathi esibekiwe, afake -

- (a) amapulani, imidwebo, izincwadi nolunye ulwazi kuMdabuli Jikelele ukuze ipulani ayamukele ngendlela ehambisana nokwamukelwa kwesicelo; futhi
- (b) afake kuMbhali si wamatayitele amapulani emukelwe, imidwebo, amatayitele neminye imibhalo edingwa nguMbhali si maqondna nokwemukela isicelo.

Ukuchibiyelwa kwesicelo nezimo zokusungula

76 (1) Umfakisicelo angasifaka isicelo sakhe kwisigungu sokuhlela ngaphambi kokuba semukelwe, ukuze asichibiyele.

(2) Isigungu sokuhlela singasemukela sonke noma samukele ingxenye yesicelo noma sisihlehlise esinqumo saso uma sibona sengathi uma zamukela izichibiyelo ziyoba nomphumela wokuba kutholakale amalungelo

amancane kunasesicelweni okwaqalwa ngaso, lokokuchibiyelwa akubalulekile kangangoba sekungaze kuqalwe phansi isicelo esisha.

(3) isicelo esingahlangabezani nezidingo zesigaba (2) kufanele siphinde sifakwe futhi.

Ukuqhutshwa kwesicelo ngomunye umfakisicelo

77. Uma kulandelwa izidingo ezibekiwe nenqubo, umfakisicelo omusha angaqhubeka nesicelo esikhundleni somfakisicelo wokuqala noma olandelayo.

Ukuvinjwa kwezivumelwano ezithize

78 (1) Ngaphandle uma kuchazwe ngenye indlela, akukho muntu oyokwenza okulandelayo –

- (a) oyongena esivumelwaneni sokuthengisa, sokushintshanisa, sokwedlulisa noma sokuchitha nangayiphi indlela indawo eselokishini noma ingxenye yayo;
- (b) oyokwakha kuleyondawo;
- (c) oyonika ilungelo lokuthenga noma ukuthengisa leyondawo noma ukunika ilungelo lokuqala lokwala maqondana naleyondawo; noma
- (d) athathe leyondawo ibe ngeyakhe, ngaphandle -

kokuba sesamukelwe isicelo nako konke okuphathelene nobunjiniyela sekukhona kusesimweni esigculisa umasipala noma sekukhishwe iziqiniseko ezigculisayo.

(2) Okubekwe kwisigaba (1) ngeke kuthathwe njngokuvimba noma wubani ukuba athenge umhlaba afisa ukuthuthukisa ilokishi kuwo, uma ehlangabezana nesidingo sokuba kuthi uma selwamukelwe udaba Iwelokishi, oyedwa noma ngaphezulu kwabahlala kuleyondawo bedluliselwe kumthengisi.

(3) Noma yisiphi isivumelwano okungenwe ngaso esiphikisana nesigaba (1) no (2) siyothathwa njengesingekho emthethweni.

Ukumiswa noma ukususwa kwezimo ezincinta amalungelo maqondana nezicelo ezithize

79. (1) Isigungu sokuhlela singazinqumela ngokwaso noma ngokwesicelo somfakisicelo uma sibona sengathi kunokucindezeleka noma ukuncintwa kwamalungelo omhlaba okungahambisani noma okungafuneki maqondana nokusetshenziswa, ukuhlala, ukuthuthukiswa noma ukudatshulwa komhlaba, nokuthi ukususwa nokumiswa kuyobambezela intuthuko ngendlela engadingekile, ngaphandle uma kunemvume yomnikazi noma yozuzayo ngesimo sokuncintwa kwamalungelo omhlaba noma ukucindezeleka; singakhipa isincomo sokuba kube nesidingo sokusungulwa kabusha maqondana –

- (a) nanoma yisiphi isimo esincinta amalungelo omhlaba esibhaliswe etayiteleni lomhlaba esiyinqikithi yesicelo;
 - (b) noma yisiphi esinye isimo esicindezelayo esibhaliswe etayiteleni esisebenzayo kulowomhlaba.
- (2) isigungu sokuhlela kufanele -
- (a) uma umnikazi wesimo esincinta amalungelo omhlaba noma esicindezelayo okukhulunywa ngaso kwisigaba (1)(a) ngenhla noma ngubani omunye ozuzayo ngesimo okukhulunywa ngaso kwisigaba (1)(b) engazimisele ukuvuma ukuba simiswe lesosimo ukuze kubhekisiswe isimo noma esimweni ikomidi elisithatha njengokuyiqiniso ukubhekwa kwaso noma esiyiqiniso sona qobo;
 - (b) lapho kungeke kwenzeka khona ukuthola leyomvume ngesikhathi esamukelekile maqondana nohlobo lwamalungelo athintekayo, noma isibalo sabantu abangene kuloko noma ngoba ingatholakali kalula imininingwane yomuntu ochazwe kwisigaba (a), landela inqubo ebalwe kwisigaba 67.

(3) Amalungelo athize onawo emhlabeni ongewona owakho asamisiwe ngesimo sokusungula isaziso sakhona esesikhishiwe, ayosuswa uma irejista efanele isivuliwe..

- (4) Umbhalisi ophathelene naloludaba uyophuthuma emva kokususwa okukhulunywa ngako kwisigaba (3), abhale futhi asayne kunoma yiliphi irejista noma itayitele elisehhovisi lakhe noma elilethwe kuye abona kudingekile ukuba kuvezwe kulo ukususwa: Uma lokokususwa kuthinta umdwebo noma ipulani elisehhovisi loMdabuli Jikelele, uMbhalisi uyobe esazisa uMdabuli jikelele ngendlela efanele.
- (5) Umuntu osethwale ubunzima emhlabeni wakhe noma umhlaba wakhe noma ilungelo lakhe lokuthize okusemhlabeni elithikamezekile ngenxa yokususwa noma ukumiswa ngokwesigaba (3) angase kuthi emva kwesikhathi esingangonyaka emva kokususwa noma ukumiswa kwamalungelo akhe kuye nangokuthi akakatholi sinxephezel na ngaloko, angafaka isicelo sokunxeshezelwa ngumuntu ngalesosikhathi owayefaka isicelo sokususwa noma ukumiswa kwalokokuncintwa kwamalungelo omhlaba.
- (6) Inani lokunxeshezelwa okukhulunywa ngako kwisigaba (5) kufanele kube yinani okuvunyelwana ngalo phakathi kofaka isicelo nokukhulunywa ngaye kwisigaba noma ukwehluleka yilesivumelwano ingakapheli inyanga isicelo sithunyelwe ngaphansi kwalesosigaba, kufanele kube yisamba esinqunyiwe yisiKhungo Sokubuyekezwa Kwamacala.

(7) Lesigaba asiwakhiphi amagunya okuba kususwe noma kumiswe amalungelo arejistiwe omnotho ongaphansi komhlaba, futhi akukho lutho kuloMthetho olwehlukile ezindleleni zokuzivikela anazo umnikazi wamalungelo omnotho ongaphansi komhlaba ngaphansi komthetho wezwe.

Ukuqala ukubhaliswa kobunikazi maqondana nezicelo ezithize

80. Umbhalisi uyoqala ukubhalisa ubunikazi bomhlaba endaweni esodabeni Iwesicelo esinconyiwe, uma -

- (a) sesiphumile isincomo sepulani noma umdwebo okhombisa isimo somhlaba;
- (b) umfakisicelo esethumele kuMbhalisi ipulani nemidwebo eyemukelwe nguMdabuli Jikelele kanye namatayitele adingekayo ukuze asayinwe noma abhaliswe nguMbhalisi;
- (c) irejista elifanele selivuliwe;
- (d) ilokishi noma indawo okuhlalwa kuyo, kuye ngokuthi yini, sekubizwa ngokuthi yilokishi noma indawo yokuhlala eyemukelwe;
- (e) Imenenja kaMasipala isitshele uMbhalisi ukuthi sesigcwaliwiwe isidingo sokuba umfakisicelo nomasipala ofanele yibona abayoletha usizo Iwezobunjiniyela noma bakhiphe isiqiniseko maqondana naloko; futhi
- (f) IMenenja kaMasipala seyazise uMbhalisi ngencwadi ukuthi isimo sokusungula sekuhlangatshezwene naso.

Ukunikwa ubunikazi bemigwaqo nezindawo zikahulumeni

81 (1) ubunikazi bayo yonke imigwaqo nezindawo zikahulumeni okukhonjiswe kanjalo epulanini yelokishi, abuyukunxeshezelwa kepha kuyoba sezandleni zikamaipala lowomhlaba ongaphansi ngesikhathi ukwedluliswa komhlaba ngokobunikazi kubhaliswa.

(2) Uma ipulani yelokishi i -

- (a) ikhanselwa yonke noma ingxenye yayo, ubunikazi bomgwaqo nezindawo zomphakathi emalokishini ezikhonjiswa kwipulani ekhanseliwe noma ingxenye yayo, kuyothi uma sekukhanseliwe, kubuyele kumuntu noma isigungu esasingabanikazi bomhlaba othintekayo ngesikhathi kufakwa isicelo; futhi
- (b) ochibiyelwe ngokwanoma yimuphi umthetho ogunyaza ukuvalwa kwezindawo zikahulumeni nemigwaqo kahulumeni noma ingxenye yazo, kuyobuyela kumuntu noma isigungu esasingabanikazi bomhlaba okukhulunywa ngawo ngesikhathi sokufakwa kwesicelo.

Ukufaka isandla kwezobunjiniyela

82. (1) Imisebenzi yobunjiniyela iyobakhona maqondana nezicelo ezinconyiwe njengoba kuvunyelwene nomasipala ofanele nomfakisicelo maqondana nesivumelwano sokwenziwa kwemisebenzi ethize esihambisana nomhlahlandlela onconyiwe wemukelwa yisigungu sokuhlela.

(2) Isivumelwano semisebenzi ethize okukhulunywa ngaso kwisigaba (1), siyoqedwa ngaphambi kokuba isicelo sifakwe kwisigungu sokuhlela ukuze sisamukele: Uma lesosicelo sokuba kungathathwa zinyathelo ngenxa yokwehluleka ukwenza izinto ezithize senziwa ngendlela enqunyiweyo uma kwenzeka ukuba isivumelwano semisebenzi ethize asikakaqedwa.

(3) Yonke imisebenzi yobunjiniyela eyolethwa iyohlelwa njengemisebenzi yobunjiniyela yangaphakathi noma yangaphandle ngokuhambisana nomhlahlandlela njengoba ubekiwe.

(4) U -

- (a) umfakisicelo uyobhekana nokufakwa nokubakhona kwemisebenzi yangaphakathi kanjiniyela; futhi
- (b) umasipala othintekayo uyobhekana nokufakwa nokutholakala kwemisebenzi yangaphandle kanjiniyela.

(5) Nanxa isigaba (4) sinezimiso zaso

- (a) kungathi uma umasipala ophethe ecelwa ngumfakisicelo ngezindleko zakhe, afake futhi enze ukuba kutholakale imisebenzi kanjiniyela wangaphakathi noma enze ukuba leyomisebenzi ifakwe futhi itholakale;
- (b) umfakisicelo kuyothi ngezindleko zakhe, afake enze ukuba kutholakale noma yimuphi umsebenzi wangaphandle wobunjiniyela, umasipala wakuleyondawo angawenzi; noma
- (c) umasipala nomfakisicelo bavumelane noma ngasiphi esinye isivumelwano maqondana nokufakwa kwemisebenzi.

(6) Imisebenzi yangaphakathi yobunjiniyela nemisebenzi yangaphandle yobunjiniyela okukhulunywa ngayo kulesigaba iyofakwa ilethe ngendlela egculisa umasipala, ngalesosizathu-ke umfakisicelo uyokwethulela umasipala yonke imibiko, imidwebo nokunye umasipala angase akudinge.

(7) Maqondana nesigaba (6), umasipala othintekayo uyoqikelela amazinga okusebenza afanelene nomsebenzi wentuthuko owenziwayo njengoba kulindelekile emigaqwani, amadreyini, amanzi, ugesi nokuchithwa kwendle.

Ukushintshwa kwamagunya

83 (1) Kusukela osukwini lokuqala ukusebenza kwaloMthetho, yonke inkulumo ephatha uNgqongqoshe ngokokusetshenziswa komhlaba

okungaphansi komthetho ka 1984 osewacinywa "wokuThuthukiswa kweMiphakathi yaboMdabu", "Umphathi", "Amabhodi asemalokishini", "Abaphathi abakwaziyo ukuphatha", "Abaphathi abaphatha ngesandla sensimbi" noma iyiphi enye inhlobo yabaphathi kunoma yisiphi esinje isimo esibhaliswe etayiteleni noma itayitele lokuqashisa maqondana nomhlaba osesiFundeni, olethwa kunoma yiluphi uhlelo lokuhlela idolobha noma kanye noma indlela yokuphatha ukusetshenziswa komhlaba efana neyokuhlelwa kwedolobha maqondana nomhlaba osesiFundeni okuyiwona obeka ukuthi umhlaba ungasetshenziselwa izinhloso ezithize kuphela oma ngendlela ethize ngemvume yalowo oyisiphathimandla osebenza cisho yedwa noma ngokuxhumana neBhodi laselokishini, uyothathwa njengomeluleki walowomasipala, ophethe indawo lowomhlaba okuyo.

(2) Noma yisiphi isibopho esikhona kuNdunankuu noma abaphathi abaphethe sokuba kusetshenzwe ngokubambisana neBhodi laselokishini, okutholakala kwisigaba (1), kuyoyeka ukusebenza uma loMthetho usuqala ukusebenza.

Ukuphela kwesikhathi sesicelo

84. Noma yisiphi isicelo esamukelwe ukuba siguqule ukusetshenziswa komhlaba siyophelelwa yisikhathi uma uguuko lokusetshenziswa komhlaba lungaqalwa ngesikhathi esibekiwe.

Ubufakazi bezinto ezithize maqondana nezicelo

85. Umdabuli womhlaba onguchwepheshe, umhleli wedolobha nowesifunda onguchwepheshe, unjiniyela onguchwepheshe, ummeli, I-notari, u-conveyancer, njengoba bechazwe ngokwemithetho esebezayo noma kwezobunjiniyela nezfundo zomhlaba namadwala, ochwepheshe bezemvelo nabanye abanobuchwepheshe abalungisa umbhalo owawudingeka ngokwalesahluko, abasayina izitifiketi ezinconyiwe kulowombhalo, naleyondlela bemukela umsebenzi wokubhekana nokubayiqiniso ngokuphelele kolwazi olunconyiwe olukulowombhalo.

Ukufaka isandla kwezentuthuko

86. Uma kulindeleke ukuba umfakisicelo akhiphe inkokhelo ethize eya kumasipala maqondana nesizathu esithize esinconyiwe, noma ngabe ingumhlaba noma ngukheshi, kuyofuneka enze okulandelayo njengoba kunconyiwe –

- (a) lowomhlaba awedlulisele lapho kufuneka khona; noma
- (b) akhokhe isamba semali efunekayo singakapheli isikhathi esinqunyiwe elandela inqubo ebekiwe, imali ayiyise kumasipala ukuze isetshenziselwe inhoso enquunyiwe ngumasipala noma ekuvunyelwene ngayo phakathi komfakisicelo nomasipala.

Ukwedluliswa kwamalungelo entuthuko

87. Umfakisicelo noma ngubani omunye kungathi emva kuthola imvume kwisigungu sokuhlela, nasemva kwezivumelwano nabanye abathintekayo, bese edluliswa-ke amalungelo entuthuko edlulela kwabanye.

IMithetho

88. U-MEC kungathi ngesaziso asikhipha kwiGazethi yesiFunda enze umthetho ongaphambene nokuqukethwe kuloMthetho nanoma yimuphi omunye osingethe ukuhlela awubona udingekile ukuba ukhishwe njengesincomo ukuze zifezwe izinhloso nokufanele kwenziwa ngokwalesahluko, kuhlangene -

- (a) nokuthi yibaphi abantu abangafaka izicelo ezithize;
- (b) inqubo maqondana nokufakwa kwezicelo;
- (c) imibhalo efunekayo ephelezela isicelo;
- (d) izikhathi okufuneka ziqareshelwe maqondana nezicelo ezehlukene;
- (e) inqubo maqondana nokuxolelwa ekwenzeni izinto ezithize;
- (f) inqubo maqondana nokungathathwa kwazinyathelo ngokwehluleka ukuhlangabezana nezidingo
- (g) isaziso sezidingo maqondana nazo zonke izicelo;
- (h) imali ekhokhwa maqondana nezicelo;
- (i) inqubo maqondana nokulalelwa kwezicelo;
- (j) noma yisiphi isimo ongenziwa ukuba ubhekane nazo;
- (k) izimo zokusungula ongenziwa ukuba ubhekane nazo;
- (l) inqubo okufuneka ilandelwe ngumasipala uma eveza izizathu zokuthatha isinqumo;
- (m) inqubo okufuneka ilandelwe uma kukhishwa irekhodi lesinqumo;
- (n) imisebenzi yobunjiniyela;
- (o) inqubo yokuchibiyela izicelo;
- (p) okufuneka kwenziwe uma kuthathwa izinqumo ngezicelo ezithize;
- (q) inqubo yokufaka isikhalo;
- (r) ukuqhube ka kokufakwa kwesicelo sifakwa ngumfakisicelo omusha
- (s) inqubo okufuneka ilandelwe uma kufuneka kukhokhelwe intuthuko; kanye
- (t) nenqubo okufuneka ilandelwe uma kwedluliswa amalungelo entuthuko.

ISAHLUKO VII

OKUNYE OKUQUKETHWE⁴

Imali neminikelo

89. (1) Kungathi ngemithetho efanele, umasipala akhiphe isincomo sokuba kwensiwe iminikelo noma kukhishwe izimali maqondana -

- (a) nanoma ysiphi isicelo ngokwaloMthetho; futhi
- (b) noma yini edingekayonoma egunyaziwe ukuba yensiwe ngokwaloMthetho..

(2) Noma iyiphi imali noma umnikelo okukhishwe isincomo ngayo ngokwesigaba (1) iyokhokhwa ngaphambi kokuba kwensiwe noma yini enye noma ngendlela okukhishwe isincomo ngayo.

(3) Kungathi uma umasipala ecelwa noma ngendlela okunqunye ngayo, axolele noma wubani noma ysiphi isigungu ekukhokheni imali noma ekwenzeni umnikelo ochazwe kwisigaba (1)

Ukunxeshezelwa

90 (1) Umasipala angawuthatha umhlaba kumnikazi wawo noma amephuce namalungelo angaphansi komhlaba maqondana naMthetho uma lokokwephucwa kwenzelwa izizathu eziwusizo lomphakathi.

(2) Noma wubani umhlaba wakhe noma amalungelo akhe angaphansi komhlaba asewephuciwe, uyongeshezelwa ngesamba semali ebonakala ifanele ngokwesigaba 25 (3) soMthethosisekelo.

Ukwabiwa kamandla

91 (1) UNdunankulu kungathi ngesaziso kwiGazethi yesiFunda abe amandla anikwe yena ngokwaloMthetho awadlulisele kuMEC.

(2) U-MEC kungathi ngesaziso kwiGazethi yesiFunda ae noma yimaphi amandla anikwe wona ngokwaloMthetho awedlulisele isiphathimandla esiqashwe nguhulumeni wesifunda, ngaphandle kwamandla okwenza okulandelayo -

- (a) ukwenza imithetho; kanye
- (b) ukwengeza noma ukuchibiyela imigomo okukhulunywa ngayo kwiSalukelo 2 saloMthetho.

⁴ Inhoso yalesahluko wukugunyaza ukukhokhwa kwemali neminikelo nokuphenya ngezikhalo kanye nokukhishwa kwezaziso ezivimbayo nezilungisayo, ukuze kubhekwanu namacala nokubekwa kwenhlawulo ebhekela ukwabiwa kwamandla, ukukhokhwa kwezinxephezelo, ukulungiswa kwamaphutha noma okungenziwe nemibhalo okufuneka itholakale nokudingekayo ngesikhathi soguquko.

(3) ngokwemithetho elawula amandla nemisebenzi kamasipala, Isigungu sokuhlela singedlulisa noma amandla noma imisebenzi ebekwe kuwo ngaphansi kwaloMthetho, sedluliselwe kwisiphathimandla oqashwe ngumasipala, uma singeke sedlulise -

- (a) noma yimaphi amandlaa esinawo maqondan nokwemukelwa kohlelo lokuthuthukisa umhlaaba nokamukelwa kohilo lokuphatha ukusethenziswa komhlaba; noma
- (b) noma yisiphi isicelo osekwenziwe isinqumo maqondana naso.

(4) Maqondana nomthetho osingethe amandla nemisebenzi yomasipala, iMenenja kaMasipala ingedluliselamandla nemisebenzi yayo ngokwaloMthetho kunoma yisiphi isiphathimandla esiqashwe ngumasipala anguMenenja kaMasipala kuye.

(5) Ngokomthetho osingethe amandla nemisebenzi yomasipala, amandla nemisebenzi edluliswe ngokwalesigaba, ayokwedluliswa ngokubhalwa kwaloko kanti futhi ayoyekiswa ngokubhala okwenziwa yilowo owayewadlulisile.

Ukuphenywa kwezikhalo

92 (1) Noma yimuphi umuntu onesizathu esizwakalayo sokukholwa ukuthi umuntu noma isigungu esisebenzisa umhlabo ngendlela ephembene naleyo ebekwe kuloMthetho, kungathi ngokulandelainquo afake isikhalo kumasipala ofanele.

(2) Umasipala uyothi ngesikhathi esinqunyiwe nangenqubo efanele aphenye ngesikhalo esiwulolohlobo.

(3) Uma umasipala ethola ukuthi akukho kwephulwa komthetho okwenziwe, kuyothi ngesikhathi esinqunyiwe nangenqubo efanele athumele isaziso esibhaiwe kulowo owayekhiphe isikhalo, amchazele ngezizathu zopheno.

(4) Kungathi uma umasipala enezizathu zkukholwa wukuthi kunomuntu noma isigungu esisebenzisa umhlabo ngendlela ephambene nokubekwe kuloMthetho, aziphenyele ngokwakhe ngaloko ezwe ngako.

(5) Uma umphumela wesigaba (2) no (4), kuba wukuthi umasipala uthola ukuthi kunokwephulwa kwaloMthetho okwenziwe, uyothatha izinyathelo ezibekwe kwisigaba 93.

Ukusebenzisa okwephula umthetho

93 (1) Kuyothi uma umasipala ethola ukuthi umuntu usebenzisa umhlabo ngendlela ephambene nokubekwe kuloMthetho ngokwesigaba 92, afake isaziso sokwephulwa komthetho kumnikazi noma kohlala kulowomhlaba.

(2) Isaziso sokwephula umthetho okukhulunywa ngaso kwisigb 1 siyo - (1)

- (a) chaza ukwenza okungavunyelwe okukhulunywa ngako; futhi
- (b) mema umnikazi noma ohlala kuleyondawo ethintekayo ukuba babeke udaba lwabo kumasipala singakapheli isikhathi esinqunyelwe balandele nenqubo ebekiwe, bayochaza ngokuthi kungani kungafanele bakhishelwe isinqumo okukhulunywa ngaso kwisigaba (3).
- (3) Kuyothi emva kwesikhathi esibekiwe, umasipala
 - (a) nasemva kokucubungula noma yikuphi ukumelwa okwensiwe; noma
 - (b) uma kungabangakhona ukumelwa, emva kokucubungula isaziso sokwephulwa komthetho njengoba sibekwe kwisigaba (1);
 - (c) ukwenza noma yini njengoba kunconyiwe, phakathi kwako okungase kubekhona isinqumo sokuba kulungiswe lokokwephulwa komthetho noma kuyekwe singakapheli isikhathi esinqunyiwe.
- (4) Uma kwenzeka kunabantu abehlulekayo wukuhlangabezana ezidingo ezbekwe kwisigaba (3) bayotholakala benecala, umasipala angenza okulandelayo -
 - (a) alungise okonakele bese ethola izindleko angene kuzo ngokulungisa kumnikazi noma kohlala kulowomhlaba;
 - (b) angafaka isicelo enkantolo ukuba kukhishwe isinqumo esivimba lowomuntu othintekayo kuloludaba ukuba angaqhubeki nokwephula umthetho; noma
 - (c) asebenzise ezinye izindlela ngokwaloMthetho noma yimuphi omunye umthetho.
- (5) Uma umasipala engakwenzi okunqunyiwe okuhambisana nenqubo noma nesikhathi esibekelwe kona, uMEC uyothi kungakapheli isikhathi esinqunywe ngokwenqubo ebekiwe athathe izinyathelo ezifanele.

Amacala ukubekwa kwehlawulo nezijeziso

94 (1) Noma imuphi umuntu owephula noma owehluleka ukuhlangabezana nokuqukethwe kuloMthetho nanoma yimuphi omunye uththo kamasipala noma isinqumo noma ukutshelwa, noma ukuvinjwa, noma yisiphi esinye isidindo somthetho noma isaziso esikhishwe ngokwalomthetho, siyoba yicala okungathi otholwa enalo akhokhiswe ihlawulo elingengaphezu kuka R500 000.00 noma agqunywe ejele noma abhekane nako kokubili ukugqunywa ejele nokuhlawuliswa.

(2) Umuntu onecala ngaphansi kwaloMthetho okuthi emva kokutholwa enecala aqhubeke nokuziphatha ngendlela abetholwe enecala ngenxa yayo, uyotholakala enecala eliqhubekayo angakhokhisw ngalo ihlawulo elingengaphezu kuka R10 000.00 maqondana nalolo nalolosuku aqhubeke ngalo nokwephula umthetho.

(3) Okutholakala kwisigaba 341 soMthetho ka 1977 weNqubo yezoBugebengu (Act No 51 of 1977), maqondana nokuhlananiswa kwamacala amancane ngamahlawulo, uyosebenza nezinguuko ezidingekayo uma kwephulwa loMthetho.

Umphakathi kufuneka ukwazi ukuyithola imibhalo

95. Noma yimuphi umbhalo olungiswe ngokwaloMthetho, uyotholakala emphakathini emahhovisi kamasipala ngezikhathi zomsebenzi njengoba kunconyiwe.

Ukulungiswa kwamaphutha nokungenziwe

96. U-MEC noma umasipala kungathi ngendlela nangesaziso kwiGazethi yesiFunda alungise amaphutha noma ukungenziwa kwezinto ezithize ngesaziso noma ngombhalo ongashicilelwa ngokwaloMthetho.

Izindlela zokubhekana noguquko

97 (1) Noma yimuphi umthetho owenziwe noma isaziso, isitifiketi noma yimuphi omunye umbhalo okhishiwe, noma yini oyitsheliwe, imvume noma ukugunyazwa, ukuxolelwa noma ukunikwa imvume noma yikuphi ukufakwa emsebenzini, ukuzimisela okwenziwayo noma ezinye izinyathelo ezithathwayo noma izinto ezenziwayo ngokwezimiso zomthetho osewacinywa yiloMthetho ziyothathwa njengezikhishiwe, zavunyelwa zenziwa, zathathwa noma zenziwa ngokwaloMthetho, ngakho-ke izyosebenza kuze kufike izikhathi lapho ucinywe loMthetho noma uhoxiswe ngokwaloMthetho.

(3) Noma yiluphi uholelo lokuklaya umhlaba ube yizigceme, uholelo lokusetshenziswa komhlaba, ukuphatha ukusetshenziswa komhlaba, izimo ezibekwe ematayiteleni nasemibhalweni yokuqashisa nanoma yiziphi ezinye izindlela naphansi komthetho ophethe ukusetshenziswa komhlaba ezindabeni ezithize kuyohlala kusebenza kuze kufike usuku lapho sekuyoqala khona ukusetshenziswa kohlelo lokuphatha ukusetshenziswa komhlaba, lapho-ke amalungelo nemisebenzi maqondana nokusetshenziswa esohlelweni lokuphatha ukusetshenziswa komhlaba sekuyoba yikona okumile.

Izindlela okubonakala ngazo ukuthi kusetshenzwa kanjani

98. U-MEC kufanele emva kokubuyekeza indlela elandelwa ngayo inqubo ngezindlela zokubona ukuthi kusetshenzwa kanjani -

- (a) ethule umbiko kwisishayamthetho nakomasipala abafanele nakomasipala besigodi, uma umasipala kungowasekhaya -
 - (i) yikuphi okukhombisa izindlela okufanele umasipala azisebenzise ukuze afinyelele ekwenzeni izinto ngendlela; kanye

- (b) abeke izinto okufanele zenziwe ezakhiwe nomasipala okufanele alandele imigomo yakhona.

Ukuphelelwa yisikhathi kwezelalo

99. Noma yisiphi isicelo esifakwa yisigungu sokuhlela bese samukelwa ngokwaloMthetho. Oma yisiphi isicelo okungaqhutshewa naso eminyakeni emihlanu kusukela osukwini esafakwa ngalo, siyiobe sesiphelelwe yisikhathi: ngaphandle uma umasipala engasandisela isikhathi.

Imithetho

100. U-MEC kungathi ngesaziso asikhipe kwiGazethi yesiFunda, enze imithetho engaphikisani nokuqukhethwe eMthethweni noma eminye imithetho esingethe ukulela ayibona idingekile ukuze kukhishwe izincomo zokusiza ukuba kwensiwe ngendlela efanele konke okuqukhethwe nokuyizimiso zalesahluko, kuLangene -

- (a) noma imiphi eminye imigomo engaphezulu engahambisani nekwiSahluko II saloMthetho;
- (b) noma yimiphi imigomo eneminingwane engahambisani nayo,
- (c) ukukhokhwa kwezimali noma iminikelo; noma
- (d) ukuxolelwya ekukhokheni izimali neminikelo;
- (e) inqubo ephathelene nophenyo lwezikhalo;
- (f) inqubo maqondana nendlela umasipala abhekana ngayo nokusetshenziswa komhlaba ngendlela engekho emthethweni;
- (g) inqubo ephathelene nokulungiswa kwamaphutha noma kokungenziwanga;
- (h) inqubo yokufaka izikhalo;
- (i) indlela imibhalo eyenziwa itholakale ngayo emphakathini;
- (i) ukubona indlela okusetshenzwa ngayo naloko okufuneka omasipala bakwenze ngezidingo abanazo;
- (j) ulwazi okufuneka lukhishwe ngomasipala nabanye abanesandla kwezentuthuko abasiza ekuthuthukiseni nasekubhekeni nasekutholeni okubonwa ngako ukuthi kusetshenzwa kanjani; kanye
- (k) nenqubo yokufakwa kwabanesandla kwezentuthuko ekuthuthukiseni okubonwa ngako ukuthi kusetshenzwa kanjani;

101. Imithetho ebhalwe oluhleni lokuqala nolwesibili iyacinywa ngendlela ebhalwe oluwlwini lwsithathu.

Izihloko ezimfishane nokuqala

102 (1) Lomthetho ubizwa ngokuthi nguMthetho ka 2002 wokuHlela nokuThuthukisa elaseGauteng, uyoqala ukusebenza ngosuku oluyobekwa nguNdunankulu ngesaziso kwiGazethi yesiFunda.

(2) Kungenzeka kube nezinsuku ezehlukene zokuqala ukusebenza kwaloMthetho ukuze kuhlangatshezwane nezidingo ezehlukene zawo.

ISHEDULI**Imithetho ecinyiwe**

Inombolo nonyaka woMthetho	Ishloko Esifishane	Indlela ocinywe ngayo
UMthetho No. 17 ka 1939	UMthetho Namba 17 ka1939 kaHulumeni waseKhaya	Isigaba 66, 67 no 68
UMthetho 15 ka 1986	UMthetho ka 1986 wokuHlelwa kweDolobha namaLokishi	Wonke
UMthetho 20 ka 1986	UMthetho ka 1986 woKwehlukaniswa Komhlaba	Wonke
UMthetho No. 3 ka 1996	UMthetho waseGauteng ka 1996 wokuSuswa kokuVimbayo 1996	Wonke
UMthetho No. 20 ka 1943	UMthetho ka 1943 weBhodi lase-Transvaal wokuThuthukisa Izindawo ezingasemaDolobheni	Wonke

**INCWADI YENCAZELO NGEZINHLOSO
ZOMTHETHOSIVIVINYWA WASEGAUTENG KA 2002
WOKUHLELA NENTUTHUKO**

1. INHLOSO YOMTHETHOSIVIVINYWA

Ukuqedwa kobandlululo eNingizimu Afrika kwaba nomphumela onzulu kwezokuhlela nentuthuko yezemvelo. Izindlela ezintsha zokubusa ngokwentando yeningi zaguqula sonke isimo ukuhlela okwakuncike kuso, okwenza ukuba izindlela zokuhlela nezokushaya imithetho ezazisetshenziswa zitholakale zingasemukeleki ngokomthetho. UMnyango wezeNtuthuko nokuHlela kanye noHulumeni waseKhaya sebethathe isinyathelo esibaluleke kabi sokwethula uMthethosivivinywa wezokuHlela neNtuthuko ukuba ubhekele uhlelo olubanzi lokuthuthukisa nokuhlela nokuphatha ukusetshenziswa komhlaba.

2. IZINHLOSO ZOMTHETHOSIVIVINYWA

UMthethosivivinywa wenzelwe ukuba kube nohlelo olulodwa lwezentuthuko, ukuhlela, nokuphatha kohlelo lokusetshenziswa komhlaba kwisiFunda; ukusungula imigomo yokuhlela nezentuthuko esiFundeni; ukusungula izigungu zokuhlela nokwenza ukuba kukwazeke ukufaka izikhalo kwisiKhungo Sokubuyekezwa Kwezinqumo. Ngale kwaloko uMthethosivivinywa kuhloswe ngawo ukuba kwakhiwe isisekelo samalungiselelo ezinhlelo zentuthuko; ukuze kubhekelwe ukwakhiwa kohlelo lokuphatha ukusetshenziswa komhlaba; ukusungula inqubo efanayo yokuletha intuthuko kanye nokunye okufana nokuqikelewa ukuba lenqubo iyalandelwa.

Kufanele kuqashelwe ukuba nanxa amandla nemisebenzi yoMthethosivivinywa ibekwe kakhulukazi emahlombe ka-MEC ophathelene nokuhlelwa kwesiFunda (uMEC), uNdunankulu wesiFunda naye unalo ilungelo lokugidlabeza isiphathimandla esiqashwe ngaphansi kukahulumeni wesifunda ngalawomandla, kanti nesigungu sokuhlela singawedlulisa futhi amandla esigidlabezwe wona siwanike isiphathimandla esisebenzela umasipala.

Inhoso yaloMthethosivivinywa akukona ukunika uMEC amandla okungena kwizigungu eziphethe omasipala abhekane nohlelo lokuphatha nokuhlela umasipala. Umthethosivivinywa uyabanika ohulumeni bezifunda amandla okuphatha nawokushaya imithetho, ukuze baqikelele ukuba omasipala basebenza ngendlela

efanele masekufika kuloko okubhalwe kwiSheduli 4 no 5 bomthethosisekelo.

3. Okuchaza uMthethosivivinywa

3.1 Okuchaza uMthethosivivinywa

Akukho okunye ngaphandle kokuxhumana okwejwayelekile maqondana nokwamukelwa kwemithetho emisha.

3.2 Okunomphumela kwezemvelo

Akukho lutho olunomphumela kwezemvel o esifundeni njengoba uMthethosivivinywa uqondiswe kakhlukazi komasipala. Ukubhekwa kwemiphumela yokwenziwayo kwezemvelo njengoba kudingeka maqondana nomthetho wezemvelo kuyofuneka kwenziwe lapho ukuthuthukiswa komhlaba noma ukusetshenisa kwawo kungaba nomphumela kwezemvelo.

3.3 Okunomphumela wezezimali

Akukho lutho olunye olunomphumela wezimali esifundeni ngaphandle kwaloko obese kuhlelelwe izimali ngendlela ejwayelekile eMnyangweni.

4. Ezinye izigungu noma iminyango okwatholakala usizo kuyo

UMthethosivivinywa wethulwa kuhulumeni wasekhaya osesifundeni ngesicelo sokuba bonke omasipala baphefumule ngoMthethosivivinywa. Iminyango eyathinteka esifundeni yathintwa maqondana nokuqukethwe nguMthethosivivinywa. Ekuzamein ukuba uMthethosivivinywa uhambisané noMthethosivivinywa Wokusetshenisa Komhlaba, kwaxhunyanwa noMnyango ofanele kahulumeni kazwelonke.

5. INCAZELO YOMTHETHOSIVIVINYWA ISIGAMU NGESIGAMU

Isahluko I :	Incazelo
Isahluko II :	Imigomo yeNtuthuko
Isahluko III:	Ukuthuthukiswa Komhlaba
Isahluko IV :	Izinhlelo zeNtuthuko
Isahluko V :	Izinhlelo Zokuphatha Ukusetshenisa Komhlaba
Isahluko VI:	Inqubo yeNtuthuko

Isahluko VII: Ukubhekelwa kokwehlukene

Isahluko I : Izincazelol
Isigamu I siphethe izincazelol

Isahluko II : Imigomo yentuthuko

Isigamu 2 kuya ku 10 siqukethe imigomo yezentuthuko okuyosetshenzisa yona uma kulungisa Uhlelo Olubumbene Lwezentuthuko yaseGauteng, Izinhlelo Ezibumbene Zentuthuko Yasekhaya kanye noHlelo IwesiFunda nolwaseKhaya Lokuthuthukiswa Komhlaba kuhambisana nohlelo olwamukelekile lokuhlela. Imelete umbono nendlela yokuthuthukisa izindawo okudingeka ikhuthazwe ukuba ikwazi ukuletha uguqoko ekugcineni ezemvelo zisesimweni sokubumbana, ukuba sesimweni esifanele, ukuba neqiniso nokukwazi ukuzimela. Loku kufaka uhlobo lokuziphatha okufanele lusetshenziswe yizigungu zokuhlela uma sibhekene nokuhlela nokuthathha izinqumo.

**Isahluko III : Izigungu Ezithatha Izinqumo
Zokuthuthukiswa Komhlaba**

Isigamu 11 sibeka ukuthi wonke umasipala angasisungula isigungu sokuthatha izinqumo maqondana nokuthuthukiswa komhlaba esingaba yisikhungo sikamasipala sokuhlela noma kube yikomidi lokuhlela.

Isigamu 12 siphathelene nenqubo yokusungulwa kwesigungu sokuthatha izinqumo kumasipala. Lesigamu sibeka ukuba umasipala angaluqoka ikomidi elisungulwe ngokwesigaba 79 soMthetho ka 1998 weMikhakha kaMasipala (Umthetho No. 117 ka 1998). Ikomidi liyokwaziwa njengekomidi lokuhlela. Liyolalela lenze iziphakamiso kwikhansela likamasipala ngezicelo zokusungula ilokishi, ukusungula indawo yokuhlala okwesikhashana, ukudabula umhlaba, ukuthola imvume yokusebenzisa umhlaba ngezinhoso ezithize, kanjalo kanjalo.

Ikomidi liyokwenza neziphakamiso kwikhansela likamasipala maqondana nokwemukelwa noma ukubukezwa kohlelo lokuthuthukiswa komhlaba nezinhlelo zokuphatha ukusetshenziswa komhlaba..

Isigamu sibhekela nokuthi isikhungo nekomidi lokuhlela bafake namalungu anolwazi noma kanye nasesebenze isikhathi eside kwezomthetho, ezomhlaba, ezentuthuko, ezomphakathi nezokuhlela.

Isigamu 13 sibeka ukuba umasipala uyonquma maqondana nemihlangano yesikhungo sokuhlela nekomidi lokuhlela

Isigamu 14 sibeka ukuba ilungu lesikhungo sokuhlela noma sekomidi lokuhlela ngeke singene odabeni naso esingene kulona ngokwaso olungahlangene nomsebenzi.

Isigamu 15 sibeka ukuba noma yiliphi ilungu elephula okuqukethwe kwisigaba 14 liyobhekanwa nokuyekiswa ngaso lesosikhathi ukuba yilungu lekomidi.

Isigamu 16 sichaza ngamandla ekomidi lokuhlela nezikhungo zikamasipala zokuhlela. Izigungu zokuhlela zingazilalela izicelo zezemihlabu ezilethwa kumasipala, futhi zilalele nezikhalo maqondana nezinqumo. Isigungu sokuhlela singenza neziphakamiso maqondana nohlelo lukamasipala lokuthuthukiswa komhlaba kanye nokuphatha ukusetshenziswa komhlaba. Isigungu sokuhlela singawedlulisela amandla aso kunoma yimaphi amalungu afanele noma kumalungu kamasipala uma sibona kunesidingo sokuqinisekisa ukuphatha ngendlela efanele.

Isigamu 17 sibeka ukuba kuqoshwe phansi ngombhalo zonke iziphakamiso zezigungu zokuhlela esezechulelwu umphakathi ngesikhathi samahora omsebenzi.

Isigamu 18 sibeka ukuba umasipala ngeke akwazi ukulalela isicelo sakhe sokuthola umhlaba. Uma umasipala efake isicelo, lesosicelo kufanele sedluliselwe kwisiKhungo sesiFunda sezokuHlela. IsiKhungo sesiFunda siyocubungula lesosicelo isigungu sikamasipala sezokuhlela esingeke sathatha isinqumo ngaso ngenxa yokungabi nabantu abenele abangabhekana naso.

Isigamu sinika noMEC amandla okukhetha umkhakha noma uhlobo lwezelicelo eziyolalelwu yisiKhungo sesiFunda.

Isigamu 19 sibhekela ukusungulwa kwesikhungo sokubuyekezwu kwezinqumo nguMEC. U-MEC unamandla okubeka usihlalo wesiKhungo sokubuyekezwu kwezinqumo neseckela lakhe nokunquma isikhathi amalungu esikhungo sokubuyekezwu kwezinqumo ayosihlala kulesosikhundla. Amalungu esikhungo sokubuyekezwu kwezinqumo kudingeka abenolwazi lwezomthetho nokuthuthukiswa komhlaba. Uhhafu wamalungu aqashwe kade enabasebenzi bakahulumeni wesifunda nabakamasipala kuthi omunye uhhafu kube ngophuma ngaphandle. U-MEC nguyenya othatha isinqumo sokuqoka amalungu

esikhungo sokubuyekezwa kwezinqumo. Kunesidingo sokuba inhloso yakhe yokuqoka amalungu esikhungo sokubuyekezwa kwezinqumo ayazise umphakathi ngokuyishicilela kwiGazethi kaHulumeni ukuze umphakathi ukwazi ukubeka imibandela ngaso noma usichithe Ekomidini Eliphethe.

Isigamu 20 sibeka ukuba isikhungo sokubuyekezwa kwezinqumo siyolalela izikhalo zezinqumo zesigungu sezokuhlela kumasipala bese sikhapha izincomo ezethulwa kuMEC ukuze athathe isinqumo.

Isigamu 21 sibeka ukuba uMEC uyokwenza imithetho ephathelene nodaba oluqukethwe kwiSahluko III

Isahluko IV : Izinhlelo zentuthuko

Isigamu 22 sibeka ukuba uNdunankulu abhekane nokwakhiwa koHlelo oluBumbene kwezeNtuthuko eGauteng, kodwa-ke uNdunankulu angawedluliselaka nakwiMEC yezeNtuthuko nokuHlela kwisiFunda lomsebenzi. Uhlelo lokwakhiwa nokwenziwa kohlelo lokuthuthukisa umhlaba kufanele lufake neminye iminyango esesiFundeni, okusiza ngokuthi imigomo yabo ephathelene naloludaba, izinhlelo, amasu ikwaziukungena oHlelwani Olubumbene Lwezentuthuko eGauteng.

Isigamu 23 sichaza ngenhloso yoHlelo oluBumbene IwezeNtuthuko olubhekene ikakhulukazi nokuqhamuka namasu azosetshenziswa nendlela okufuneka asebenze ngayo. Uhlelo oluBumbene Iwezentuthuko eGauteng iuhlanganisa zonke izinhlelo, namasu esifunda ukuze kusebenzeke kalula konke okudingekayo kukhona.

Isigamu 24 sichaza ngokuthi yini okufuneka iqukathwe wuHlelo oluBumbene IwezeNtuthuko eGauteng ebhekena kakhulukazi nombono nezindlela zokwenza izinto esifundi kuhlangene nezinhloso zaso.

Isigamu 25 sibeka ukuthi uNdunankulu ubhekene nokuqikelela ukuthi uHlelo oluBumbene Iwezentuthuko eGauteng iuyaziqikelela izinto ezifana nemibono yayo yonke iminyango, izidingo naloko omasipala okufuneka baqale ngako, imigomo, izinhlelo, amasu ezifunda ezingomakhelwane ukuqikelela ukuba intuthuko yasesufundi ibumbene.

Isigamu 26 sichaza ngenqubo okufanele ilandelwe uma kulungiswa uHlelo oluBumbene IwezeNtuthuko eGauteng. Loluhlelo kufanele lushicilelwie kwiGazethi yesiFunda ukuqikelela ukuba bonke

abathintekayo kuloludaba nabangene kulo esifundeni jikelele bathola ulwazi ngalo.

Isigamu 27 sibhekele ukwakhiwa nokwenziwa kohlelo lokuthuthukisa umhlaba eGauteng. Loku kwenziwa nguMEC

Isigamu 28 sichaza ngenhoso yohlelo lokuthuthukisa komhlaba olusiza kakhulukazi ngokuhola izinqumo eziphathelene nendawo nohlobo lwentuthuko esiFundeni.

Isigamu 29 sibhekene nokuqukethwe wuhlelo lokuthuthukisa komhlaba .

Isigamu 30 sibeka ukuthi uMEC ubhekene nokuhlanganiswa kohlelo lwasifunda olubumbene lwezentuthuko. Lokokuhlanganiswa kufaka nemibono ephuma kuyo yonke iminyango yesifunda kucatshanelwa nohlelo lokuthuthukisa umhlaba womasipala nezifunda ezingomakhelwane kube futhi kuhlanganiswa nawuhulumeni kazwelonke.

Isigamu 31 sibeka ukuthi uMEC uyolwamukela uhlelo lokuthuthukisa komhlaba bese elwethula kwiKhansela Eliphethe lesifunda ukuba libe nolwazi.

Isigamu 32 sibeka ukuba uHlelo oluBumbene lweNtuthuko eGauteng kanye noHlelo lokuThuthukisa koMhlaba zisebenzisane maqondana nokuthuthukisa komhlaba okuyokwenziwa ngomasipala basekhaya nabesigodi.

Isigaba 33 sibeka ukuba amalungiselelo ohlelo lokuthuthukisa umhlaba enziwe ngabasemadolheni nabakamasipala wasekhaya.

Isigamu 34 sichaza ngayo yonke inhoso yohlelo lokuthuthukisa komhlaba.

Isigamu 35 Sibhekene nokuqukethwe wuHlelo lokuThuthukisa koMhlaba.

Isigamu 36 sibhekene nokubambisana nokuhambisana koHlelo lokuThuthukisa koMhlaba Iwabo bonke omasipala. Luhlomisa noMEC ngokugqugquzelu ukubambisana nokuhambisana kwalezinhlelo.

Isigamu 37 sibhekene nenqubo yokulungiswa koHlelo lokuThuthukisa koMhlaba.

Isigaba 38 sibhekene nokwenza ukuba umasipala wesigodi alungisele umasipala wasekhaya ongaphansi kwendawo yakhe uhlelo lokuthuthukiswa komhlaba. Sivumela nomasipala wasekhaya oyedwa ukuba alungisele omunye umasipala wasekhaya uhlelo lokuthuthukiswa komhlaba uma bengaphansi kwendawo eyodwa. Sinika noMEC amandla okwakha uhlelo oluyisipesheli Iwentuthuko ukuze kuthi uma umasipala ehluleka, lube lukhona olunye olungasetshenziswa.

Isigamu 39 sibhekela ukwethulwa kohlelo lokuthuthukiswa komhlaba kuMEC ukuze kuqikelelw e ukuba isifunda sithola uhlelo oluuhlanganiswe ngendlela efanele. Sigunyaza noMEC ukuba acele umasipala ukuba achibiyele uhlelo lokuthuthukiswa komhlaba wakhe uma uMEC ekholwa wukuthi lolohlelo aluhlangabezani nokuqukethwe kuloMthethosivivinywa. U-MEC unamandla okwenza ukuba uhlelo lokuthuthukiswa komhlaba lulungiswe noma luchibiyelwe.

Isigamu 40 sibhekela umphumela wohlelo lokuthuthukiswa komhlaba uma luqhathaniswa nolunye.

Isigamu 41 sinika uNdunankulu noMEC igunya lokuphatha izindaba eziphathelene nohlelo IwaseGauteng olubumbene Iwezentuthuko kanye nohlelo Iwezentuthuko eGauteng.

Isahluko V: Izinhlelo ZokuPhatha Ukusetshenziswa Komhlaba

Isigamu 42 sibhekela amalungiselelo okuphathwa kokusetshenziswa komhlaba kubo bonke omasipala. Sigunyaza uMEC ukuba enze uhlelo lokuphatha ukusetshenziswa komhlaba lulungiswe ukuze kuthi uma kwenzeka umasipala ehluleka ukulwenza ngesikhathi esibekwe ngu MEC, lube lukhona olulungile. Isigamu 42 sibeka nendlela okufuneka uhlelo lokuphathwa kokusetshenziswa komhlaba lumphathwe ngayo omasipala balusebenziselé ukuthuthukiswa komhlaba.

Isigamu 43 sibhekeli ukuba umasipala wesifunda alungise, apha the futhi enze ukuba lulandelwe uhlelo lokuphatha ukusetshenziswa komhlaba ongaphansi kwakhe uma ecelwa lolosizo uma futhi enazo zonke izidingo ezingamenza ukuba alulungise uhlelo. Lesigamu sigunyaza nomunye umasipala wasekhaya ukuba alungisele, apha thele futhi enzele omunye umasipala wasekhaya ukuba lusetshenziswe uhlelo lokuphatha ukusetshenziswa komhlaba.

Isigamu 44 sinika omasipala umsebenzi wokubuyisela uhlelo njengoba kuchazwe kwisigamu 1, ngokulungisa izinhlelo ezintsha zokuphatha ukusetshenziswa komhlaba. Isiza nomasipala ukuba bahlalahlae babuyekeze izinhlelo zokuphatha ukusetshenziswa komhlaba ukuze zihambisane nezohlelo olubumbene lwezentuthuko.

Isigamu 45 sichaza ngenhoso yezinhlelo zokuphatha ukusetshenziswa komhlaba.

Isigamu 46 siphathelene nokungase kufakwe ezinhlelweni zokuphatha ukusetshenziswa komhlaba kanye nokubekwa kwezidingo ezifunekayo.

Isigamu 47 sihlomisa umasipala ngamakhono okuzakhela noma iyiphi inqubo yokubhekana nezicelo zkuvunyelwa ukusebenzisa umhlaba.

Isigamu 48 sibeka ukuthi izinhlelo zokuphatha ukusetshenziswa komhlaba ziyobhekela kuqala kunemithetho kamasipala ezimeni zengxabano.

Isigamu 49 sinika u-MEC amandla okufuna izidindo ezimbalwa ezingafakwa ohlelweni lokuphatha ukusetshenziswa komhlaba

Isigaba 50 sibeka inqubo okufanele ilandelwe ngomasipala uma belungiselela ukubuyekeza nokuthatha umhlaba wabo basebenzise izinhlelo zokuphatha ukusetshenziswa komhlaba.

Isigaba 51sibhekela ukuqala ukusebenza kohlelo lokuphatha ukusetshenziswa komhlaba osekwamukelwe.

Isigamu 52 sibeka ukuthi uhlelo lokuphatha ukusetshenziswa komhlaba oselwamukelwe ngeke luchibiyelwe ingakapheli iminyaka emibili kusukela osukwini olwemukelwa ngalo, ngaphandle kokuba umasipala ezigculisa ngokuthi kunezimo ezidinga ukuchibiyelwa.

Isigamu 53 siphathelene nendlela umhlaba obusetshenziswa ngayo engahambelan i nhlobo nokubekwa wuhlelo lokuphatha ukusetshenziswa komhlaba.

Isigamu 54 sibeka ukuba izinhlelo zokuphatha ukusetshenziswa komhlaba zibuyezeke uma imingcele kamasipala isibuyekeziwe ngokoMthetho kaHuLumeni waseKhaya: Umthetho kaMasipala wokwehlukanisa (UMthetho 27 ka 1998).

Isigamu 55 sibeka ukuba izinhlelo zokuphatha ukusetshenziswa komhlaba zisebenze kubo bonke abanikazi bomhlaba nakulabo abahlala kuwo bengebona abanikazi sekuhlangene nemikhakha kahulumeni.

Isigamu 56 sibeka izindlela omasipala abangazisebenzisa ukuze bakhuthaze ukugcwaliyeka kwenhloso yohlelo lokuphatha ukusetshenziswa komhlaba.

Isigamu 57 sisiza omasipala ukuba bagcine amarekhodi okusetshenziswa komhlaba.

Isigamu 58 sichaza ngenhloso yamarekhodi okusetshenziswa komhlaba.

Isigaba 59 siphathelene nokuqukethwe kumarekhodi okusetshenziswa komhlaba .

Isigamu 60 sikhombisa inqubo yokwakha nokubuyekeza amarekhodi okusetshenziswa komhlaba.

Isigamu 61 sinika u-MEC amandla okucela sikhungo Sokubuyekeza izinqumo zaseGauteng zibuyekeze uhlelo lokuphatha ukusetshenziswa komhlaba olungahambisani nomthetho kazwelonke nowesifunda.

Isigamu 62 sinika uMEC amandla okwedlulisa izinqumo zokuphathwa komhlaba ezingahambisani nemithetho kazwelonke neyesifunda noma nemigomo yeSikhungo Sokubuyekeza Izinqumo eGauteng.

Isigamu 63 siphathelene nesikhathi soguquko. Sinika isikhathi sokuba umhlaba othuthukiswayo ngaphansi kwezinhlelo ezivele zikhona uqedelwe ngaphambi kokungena ngaphansi kweSigaba 42. Uma isigaba 42 sesisebenza, konke ukuthuthukiswa komhlaba kuyohambisana nohlelo lokuphatha ukusetshenziswa komhlaba njengoba kuchazwe kwiSigaba 4.

Isigamu 64 sibeka ukuthi uMEC angawenza umthetho ophathelene nezinhlelo zokuphatha ukusetshenziswa komhlaba.

Isahluko VI: Inqubo Yokuthuthuka

Isigamu 65 salesigaba siveza amaqembu noma abantu nma izigungu ezisesimeni sokufaka izicelo maqondana nokuthuthukiswa komhlaba.

Ngabantu ababhalwe kulesigaba kuphela abayokwazi ukufaka izicelo eziwuloluhlobo.

Isigamu 66 sibeka izinhlobo zezicelo ezingenziwa maqondana nokuthuthukiswa komhlaba.

Isigamu 67 sibeka inqubo okudingeka ilandelwe uma isicelo esichazwe kwisiga senziwa. Uma kwenziwa isicelo esiwuloluhlobo, umfakisicelo kufuneka asifake sibhaliwe futhi asibhale emaphephene athize siqondiswe kwiMenenja kaMasipala lapho ukhona lowomhlaba. Kunemali ekhokhwayo maqondana nesicelo. Uma umhlaba okukhulunywa ngawo usemngceleni kamasipala ongaphezu koyedwa, umfakisicelo kufuneka afake izicelo eziya kubo bonke omasipala abathintekayo.

Isigamu 68 siunika imenenja kamasipala amandla okuxolela abafaka izicelo ekwenzeni izinto ezithize eziqukethwe kulesahluko, bese ebeka izidingo okufuneka ahlangabezane nazo.

Isigamu 69 sinika isigungu sokuhlela amandla okukhipha izincomo maqondana nokungathathelwa kwabantu izinyathelo yize behluleka ukuhlangabezana nezidingo zaleSahluko.

Isigamu 70 siphathelene nokwazisa komphakathi ngofaka isicelo. Ofaka isicelo ulindeleke ukuba akhiphe isaziso esiya kwabangene kuloludaba nabathintekayo ngalo. Imenenja kamasipala ingase idinge ofaka isicelo ukuba akhiphe isaziso esibhaliwe siye kwabanye abantu nemiphakathi ngaphezu kwebese yazisiwe.

Isigamu 71 siphathelene nenqubo emva kokuthola imibandela noma ukuphikisana nesicelo futhi senza ukuba imenenja kamasipala yethule isicelo sihambe nemibandela, imibiko noma izincomo zesigungu sokuhlela.

Isigamu 72 siphathelene nenqubo yokulalela, imenenja kamasipala yethenjwa ngomsebenzi wokuthola usuku okuzolalelw ngalo izicelo. Uma kukhishwa usuku, imenenja kamasipala kufuneka loko ikwenze ngendlela ebekiwe nangesikhathi esinqunyiwe.

Isigamu 73 siphathelene nesigungu sokuhlela ukuba senze izincomo maqondana nesicelo futhi sibeka izinhlobo zezincomo ezingenziwa.

Isigamu 74 sikhapha isincomo senqubo yokukhipha kukamenenja kamasipala isaziso ngezincomo zesigungu sokuhlela nomphumela wezingumo.

Isigamu 75 sibeka ukuthi izicelo ezamukelwe zifakwe kuMdabuli Jikelele .

Isigamu 76 siphathelene nokuchibiyelwa kwezicelo neminingwane yokusungula. Ngokwalesigamu, kuvumelekile ukuba umfaki sicelo afake isicelo kwsigungu sokuhlela ngaphambi kokuba isicelo samukelwe ukuze sichibiyelwe.

Isigamu 77 ngokwalesigamu, kudingeka ukuba umfaki sicelo omusha aqhubeke nesicelo esasiqalwe ngomunye umuntu.

Isigamu 78 sivimba izivumelwano ezithize maqondana namalokishi noma ingxene yomhlaba, ngaphandle uma isicelo semukelwe ngabenza imisebenzi yobunjiniyela.

Isigamu 79 siphathelene nokumiswa noma ukususwa kwezimo ezicindezelayo noma amalungelo emhlabeni womunye umuntu maqondana nezicelo ezithize. Isiza isigungu sokuhlela ukuba sikhapha izincomo ngesimo sokusungula sikhapha nenqubo yakhona.

Isigamu 80 siphathelene nokuqalwa kokubhalisa kobunikazi maqondana nezicelo ezithize. Ngokwalesigamu, ukubhalisa noMbhalisi kuyophazamiseka uma selwamukelwe uhlelo lokwehlukanisa indawo.

Isigamu 81 siphathelene nokunikwa kobunikazi bomgwaqo womphakathi nezindawo zomphakathi. Uma ubunikazi bomhlaba bushintsha bubhaliseka, imigwaqo nezindawo zomphakathi kuyothi ngaphandle kokunxeshezelwa zedluliselwe kumasipala umhlaba osendaweni yakhe. Uma selukhanselwa uhlelo lwelokishi, ubunikazi maqondana nemigwaqo nezindawo zomphakathi buyobuyela kumuntu owayengumnikazi womhlaba ngesikhathi sokufakwa kwesicelo.

Isigamu 82 siphathelene nokwenziwa ngabemisebenzi yobunjiniyela Kufanele umasipala avumelane nomfakisicelo ngokuthi ngubani oyokwenza imisebenzi yobunjiniyela, loko bakwenze ngesivumelwano. Kufanele isivumelwano senziwe ngaphambi kokuba isicelo sifakwe ekomidini lokuhlela. Umsebenzi wobunjiniyela kufanele uchazwe ukuthi ungumsebenzi wobunjiniyela wangaphakathi yini noma wangaphandle.

Isigamu 83 siphathelene nokushintshwa kwalapho kufanele kwethulwe izinto khona ngaphansi koMthetho ka 1984 ongu Nombolo 4 wokuThuthukiswa kweMiphakathi yaboMdabu.

Isigamu 84 siphathelene nokuphelelwa yisikhathi kwanoma yisiphi isicelo ebesesamukelwe esimayelana nokushintsha kwendlela lowomhlaba okufaneleusetshenziswe ngayo, uma loloshintsho lungaqali ngesikhathi esinqunyiwe.

Isigamu 85 siphathelene nobufakazi ngezinto ezithize maqondana nesicelo sokuthuthukisa umhlaba. Sibeka nokuba noma yimuphi umuntu onguchwephesha obhala imibhalo edingekayo maqondana nalesahluko nosayina izitifiketi ezisho ukuthi uyobhekana nanoma yini engalungile eqhamuka maqondana nokwenziwa komsebenzi athe bayawkazi ukuwenza emibhalweni ayibhalile.

Isigamu 86 siqukethe okupathelene nentuthuko engenziwa lapho kudingeka khona ngofake isicelo maqondana nemali kanye nomhlaba kamasipala. Loko kuyokwenziwa ngesikhathi esinqunyiwe kulandelwa inqubo ebekiwe.

Isigamu 87 siphathelene nokwedluliswa kwamalungelo ezentuthuko ngofake isicelo ewadlulisela komunye uma itholakele imvume yokwenza loko kwisigungu sokuhlela.

Isigamu 88 sinika uMEC amandla okwenza imithetho ephathelene nenqubo yentuthuko.

ISAHLUKO VII: OKUNYE OKUQUKETHWE

Isigaba 89 siphathelene nezimali nokunye okudinga ukwenziwa. Sinika umasipala ilungelo lokunquma izimali nokudingeka kwensiwe maqondana nezicelo ngokwaloMthetho nako konke okunye okugunyazwe ukuba kwensiwe ngokwaloMthetho, kepha kungabi ngaphezu kwemali nemisebenzi enqunywe nguMEC.

Isigamu 90 siphathelene nokunxeshezelwa uma umasipala edle umhlaba noma amalungelo athize angaphansi komhlaba ngoba loko ekwenzela umphakathi.

Isigamu 91 sibhekela izimo lapho uNdunankulu angase edlulisele amandla akhe ku-MEC noma yena u-MEC edlulisele lawomandla kwisiphathimandla esiqashwe nguhulumeni wesifunda, ngaphandle

kwamandla okwenza imithetho nokwandisa noma ukuchibiyela imigomo ekwiSahluko 2 saloMthetho.

Isigamu 92 siphathelene nophenyo Iwezikhalo zikamasipala. Uphenyo luyokwenziwa ngesikhathi esinqunyiwe nangokulandela inqubo ebekiwe.

Isigamu 93 siphathelene nezinyathelo okufanele zithathwe ngumasipala uma kwenzeka kwephulwa ukusetshenziswa komhlaba.

Isigamu 94 siphathelene namacula, ukubekwa kwamahlawulo nezijeziso. Sibeka ukuthi noma yimuphi umuntu owephula noma yikuphi okuqukethe kuloMthehto uyotholwa enecala. Sibeka nohlobo lwenhlawulo engase inqunywe ukuba onecala ayikhokhe.

Isigamu 95 sibeka isikhathi nendawo lapho noma yiziphi izincwadi ezibhalwe maqondana naloMthetho ezingatholakala ngayo.

Isigamu 96 siphathelene nokulungiswa kwamaphutha nguMEC noma nguMasipala. Ukulungiswa kwalawomaphutha kufanele kwenziwe ngesaziso esibhaliwe esikhishwa kwiGazethi yesiFunda.

Isigamu 97 siphathelene nezindlela zoguquko.

Isigamu 98 sibeka izinyathelo okufuneka zithathwe nguMEC emva kokubuyekeza indlela okufuneka kuqhutshwe ngayo.

Isigamu 99 siphathelene nokuphelelwa yisikhathi kwesicelo.

Isigamu 100 sinika uMEC amandla okwenza imithetho ephathelene nokuqukethwe kuloMthetho.

Isigamu 101 siphathelene nemithetho esisuliwe. Leyomithetho ibekwe kuluhlu lokuqala, Iwesibili nolwesithathu kwiSheduli.

Isigamu 102 siqukethe isihloko esifishane nesiqalo soMthetho.

Isheduli iqukethe imithetho okufuneka isulwe ngokubekwa kwaloMthetho.

Molaokakanywa

Go tšweletša mokgwa o tee wa hlabollo, togamaano le taolo ye botse ya lefase ka Profenseng Tikologong; gobea metheo ya peakanyo le hlabollo ka Profenseng; go go hloma makgotla a peakanyo mabapi le Boipeletšo; go hloma lenaneotheo la tokisetšo ya hlabollo peakanywa le metlako; go tšweletša popo ya dipeakanyo tša tšhomiso taolo ya lefase; go thoma tshepedišo kakaretšo ya hlabollo ya ditirišwa; go tšweletša ga phedišo ya melao; go tšweletša ditaba kakaretšwa bjalo ka tshepedišo ye gapeletsegang; le go tšweletša mabaka ao a swaraganego le tše.

E BEILWE MOLAO ke Peomolao ya Profense ya Gauteng, bjalo mo go latelang:-

PEAKANYO YA MOLAO

Dikgaolo

Letlakala

MOLAOKAKANYWA_____1

KGAOLO I_____1

Hlathollo le tšhomiso ya molao le metheo kakaretšo ya peakanyo le hlabollo_____1

Dihlaloso_____1

KGAOLO II_____7

METHEO YA DIHLABOLLO_____7

Tirišo ya metheo ya peakanyo le hlabollo_____7

Peakanyo ya se Profense le maanopeakanywa a Hlabollo_____8

Metheo ya go tšwetša pele sekgoba peeletšwa le Hlabollo_____8

Metheo ya go tšwetša pele hlabollo ya tšwelopele_____9

Metheo ye amanang le hlabollo ka kakaretšo _____ 9

Metheo ye amanang le mekgwa taolo tšhomis̄o ya naga _____ 10

Metheo ye e tlāng go oketša peakanyo le hlabollo _____ 10

Metheo mabapi le tšeakarolo le hlabollo ya taolo ya Bašomi _____ 11

Metheo mabapi le tshepedišo ya botshephegi, tšeо sephetho le phedišo ya go sekwane ka dingangišano _____ 11

Metheo mabapi le taolo e lokilego, tšeо sephetho le thušo tlemaganyo ya diphapano _____ 11

KGAOLO III _____ 12

MAKGOTLA A GO TŠEA SEPHETHO HLABOLLONG YA NAGA _____ 12

Makgotla a peakanyo _____ 12

Dikomiti goba makgotlatheetšo _____ 12

(2) Mmasepala wo a hlomilwego ka mokgwa wa tshepedišo ya Rateropo phethiši goba tshepedišo phethiši kakaretšo o ka hloma kgotla theetšo _____ 13

Dikopano _____ 14

Dikgahlego boteeng bja maloko a kgotla togamaano _____ 14

Maatla a dikomiti tša togamaano le makgotla theetšo a togamano ya mmasepala _____ 14

Metsotso _____ 15

Diphetho tša dikgopelo tše tlāng go theetša ke Kgotsa theetšo hlabollo ya Gauteng _____ 15

Hlomo ya kgotlatheetšo ya Boipiletšo le Hlabollo

Boipiletšo _____ 17

Melawana _____ 17

KGAOLO IV _____ 18

Dipolane tša hlabollo _____ 18

Popo le tirišo ya dipolane tša hlabollo tše tsenelelanago tša Gauteng _____ 18

Nepo kakaretšo ya dipolane hlabollo tše tsenelelanago tša Gauteng _____ 18

Tabataba ya dipolane hlabollo tše tsenelelanago tša Gauteng _____ 18

Kopano ya dipolane hlabollo tše tsenelelanago tša Gauteng _____ 19

Ditshepedišo tša go lokišetša dipolane hlabollo tše tsenelelanago tša Gauteng _____ 19

Popo le tirišo ya lenaneotheo hlabollo ya sekgoba peeletšwa ya Gauteng _____ 20

Nepo kakaretšo ya lenaneotheo hlabollo ya sekgoba peeletšwa ya Gauteng _____ 20

Tabataba ya lenaneotheo hlabollo ya sekgoba peeletšwa ya Gauteng _____ 20

Kopanyo ya lenaneotheo hlabollo ya sekgoba peeletšwa ya Gauteng le tše dingwe tsa ditikologo _____ 21

Ditshepedišo tša go bea lenaneotheo hlabolo ya sekgoba peeletšwa ya Gauteng _____ 21

Kamego ya polane hlabollo ye swaraganego ya Gauteng lenaneotheo hlabollo la sekgoba peeletšwa la

Gauteng _____ 21

Mananeotheo hlabollo a sekgoba
peeletšwa _____ 21

Nepo kakaretšo ya mananeotheo a sekgoba
Peeletšwa _____ 22

Tabataba ya mananeotheo hlabollo a sekgoba
peeletšwa _____ 22

Kopanyo ya mananeotheo hlabollo a sekgoba peeletšwa le
dipeakanyo tše
dingwe _____ 23

Ditshepedišo tša go bea mananeotheo hlabollo a sekgoba peeletšwa
_____ 23

Go palelwa ga go bea mananeotheo hlabollo a sekgoba peeletšwa
_____ 23

*Go tlišwa ga lenaneotheo hlabollo la sekgoba peeletšwa le diphetošo tše go
Mokhuduthāmaga(MEC) _____ 24*
*Kamego ya mananeotheo hlabollo a sekgoba
peeletšwa _____ 25*

Kgaolo V ya
Molao _____ 25

KGAOLO V
DIPOLANE TŠA TŠHOMIŠO TAOLO YA
NAGA _____ 27
Dipolane tša tšhomiošo taolo ya naga _____ 27

Bommasepala ba selete le se
legae _____ 28

Dipolane tša tšhomiošo taolo tša naga di tla lokišwa le go lebelelwa
leswa ke bommasepala _____ 28

Nepo ya dipolane tša tšhomiso taolo ya naga	29
Ditlangwa tše di tlang go bewa ka go dipolane tša tshomiso taolo ya naga	29
Tshepedišo mabapi le ditumelelano	30
Dipeelo tša dipolane tša tšhomiso taolo ya naga kgahlano le melawana ya se legae	31
Bonnyane bja melawana e beilwego ya dinyakwa	31
Ditshepedišo tša go ngwala le lebelediša dipolane tša tšhomiso taolo ya naga	31
Go thongwa ga polane ye amogetšwego	31
Thibelo ya phetogo ye nngwe ya polane ka go seemo sa mabaka a mangwe	32
Tšhomiso ya naga ka mo go se go lebanego ka gona	32
Kamego ya phetošo ya mellwane	33
Tšweletšo	33
Maatla a mmasepala wa se legae go tšwetšeng pele phethego ya nepokgolo ya polane ya tšhomiso taolo ya naga	33
Rekoto ya tšhomiso ya naga	33
Diteng tša Direkoto tša tšhomiso ya naga	34
Ditshepedišo tša go beakanya le go lebelediša leswa ga	
Direkoto tša tšhomiso ya naga	34
Melawana	35
KGALO VI	36

DITSHEPEDIŠO TŠA HLABOLLO	36
Dikgopelo	36
Mehuta ya dikgopelo	37
Tshepedišo ya kgopelo	37
Ditokollo	37
Phetišo	38
Tsebišo ya phatlalatša	38
Tšwelopele ya kgopelo go lekgotla la thulagano	39
Tshepedišo ya theetšo	39
Tumelelo ya kgopelo	39
Tsebišo ya tumelelo	40
Boneelo bja ditokomane go Mongwadšsi le Molekanyetši Kakaretšo	40
Tokišo ya kgopelo le mabaka a go thoma	41
Tšwelopele ya kgopelo ka o mongwe wa bakgopedi	41
Thibelo ya dikonteraka tše dingwe	41
Phego goba tlošo ya mabaka a mapheko goba bokgobeng ka go mabapi le dikgopelo tše dingwe	41
Go thongwa ga boingwadiši bja bong kgwebo mabapi le dikgopelo tše dingwe	43

Go fiwa semolao le go tšewa se molao go mong mo go ditsela tša setšhaba le mafelo a setšhaba	43
Kabelo go ditiro tša boentšenere	44
Phetogo ya boemedi semmušo	44
Go feta ga kgopelo	45
Bohlatse bja mabaka a mangwe mabapi le dikgopelo	
Kabelo ya hlabollo	45
Tšhutišetšo ya ditshwanelo tša tswelopele	46
Melawana	46
DIPEELWA KAKARETŠO	47
Ditefo le dintšhwa	47
Dikhomotšo	47
Kamogano ya maatla	47
Nyakišišo ya dipelaelo	48
Tšhomiso kgahlano le melao	48
Ditlolo tša melato, difaene le dikotlo	49
Ditokomane di swanetše go hwetšwa ke setšhaba	49
Tokišo ya phošo goba go se tlogole	50
Mabaka a peakanyo ya motšwaoswere	50
Ditaetšo tše bohlokwa tša tiragatšo	50
Tlošo ya melao	51

Lengwalo bohlatse bjo bokopana le go thongwa	51
SEKETULO	52
Melao e tlošitšwego	52

KGAOLO I

TLHATHOLLO LE TŠHOMIŠO YA MOLAO LE METHEO KAKARETŠO YA PEAKANYO LE HLABOLLO

DITLHATHOLLO

1. Mo molawong wo, ntle le ge kamano e laetša ka mokgwa o mong -

"Kgotlatheetšo ya Boipiletši" e hhalosa gore kgodišo ya boipiletši bja kgotlatheetšo e thomilwego ka mabaka a karolo 24 Molao Kgodišo Nolofatšo, 1955;

"mokgopedi" ra gore motho yo mongwe le yo mongwe goba sehlopha se dirago kgopelo, bjale ka ge e beilwe ka go Molao wo, go ithapa mabapi le mediro yeo ka mokgwa woo naga e tlang go šomišwa e bile e ama motho yo a tlago neela pelaelo mabapi le go šomiša naga ka moo e se bego semolao;

"Kgopelo" e ra gore kgopelo yeo e dirilwego ka mabaka a ka tlase go Kgaolo VI ya Molao go fetola mokgwa wo naga e tlang go somiswa ka gona, goba pelaelo yeo e dirilwego ka tlase go Kgaolo VII mabapi le go somisa naga ka moo e sego semolao;

"sehlopha" e ra gore sehlopha goba popego, go sa kgathale gore mothosemolao goba awoa ebile e ka akaretša lekgotla la seboagisane goba sehlopha sa baagi;

"melawana" e ra gore hlomamelao yeo e fetištšwego ke khansele ya mmasepala e tlemago ka go mmasepala mo e šomišago;

"meago" go ra gore popo ya mokgwa wo mongwe wa hlago go sa kgathale gore ke wa motšwaoswere goba wa modulela sa ruri e bile go se na taba gore dilo tseo di šomišitšweng ka go hloma goba go aga moo;

"lekgotla baagi" le ra gore sehlopha, Lekgotla, khampani goba setlemo sa mohuta wo mongwe seo se emelago dikgahlego tša baagi , goba seripa se sengwe sa baagi;

"polane ya kgodišo ya baagi" go ra gore tshepedišo ya botšea karolo bja tsenelelano ya ekonomi, sekgoba peeletšwa, bol eago, sebomolaokago , kagosemotho, tša tikologo, kagotshelo le dipolane le mekgwa yeo e thekgago go kgotsofala ga karolelano ya ditlabakelo tša dikarolo tše fapaneng le mafelo go ya ka mabato magareng a baagi, metse selegae le diwarade mo Diprofenseng, ka mokgwa woe tläng go tšwetšapele thekgo ya badiidi ba beilwego ka theko, kgolotšlopele le tekanelo;

"Molaotheo" o ra gore Molaotheo wa Republiki ya Afrika Borwa, 1996(Molao wa 108 wa 1996;

"Tlolomolao Tsebisša" e ra gore Tsebišo yeo e lego go Kgaolo VII y a karolo 87 ya Molao wo;

"Kgoro" e ra gore Kgoro ka go taolo ya Profense e hlokometšeng go hlabollo ya dipolane, goba eo e elatelang ka leina;

"hlabollo" e ra gore hlabollo bjale ka ge e hhaloswa ka go karolo 1 ya Molao wa Mokgwa wa Mmasepala, 2000(Molao No. 32 2000);

"Hlabollo ya Molao Nolofatšo" e ra gore hlabollo Molao Nolofatšo, 1995(Molao No. 67 wa 1995);

"hlabollo kalo" e ra gore botšeakarolo bja tsenelelano ya ekonomi, sekgoba peeletšwa, boleago, sebomothokago,tikologo, kagotshel o le dipolane le mekgwa yeo e thekgago go kgotsofala ga karolelano ya ditlabelo tša dikarolo tše fapanengle mafelo go ya ka maboto magareng a baagi, metse segae le diwarede mo Profenseng, ka mokgwa wo etlang go tšwetšapele thekgo ya badiidi ba beilwego ka theko, hlabollo yeo e tšwelagopele le tekanelo;

"diagrama"e hhaloswa bjale ka diagrama ge e le diagramago karolo 1 go Molao wa Molekanyetši 1997,(Molao No. 8 wa 1997);

"mmasepala wa selete" me ra gore mmasepala wo a nago le mmasepala wa khuduthamaga le peomolao ya lefelo leo le amago mmasepala wa go feta o tee, ye e hhaloswago ka go karolo155(1) ya

Molaotheo bjale ka seripa C ya mmasepala;

"tiro ya moentsenere" e ra gore tiro ye nngwe le ye nngwe yeo e loketšwego tshepedišo ya go godiša peokago ya t išo ya metse, mohlagase le tshwpwdišo ya mantle le kago ya mebila, ditsela, le ditsela tša kgogo ya metse, gape le ditiro tša go e sepelela le ditlabakelwa tše dingwe tše kgolo;

"tikologo" e ra gore tikologo bjale ka ge e hhaloswa go karolo 1 ya Taolo kakaretšo ya Tikologo molao wa 1998,(Molao No. 107 wa 1998);

"tekanyetšo ya tikologo" e ra gore tekanyetšo ya kamego ya tikologo ka ge e le kgodišo kakanywa e sepedišwa go ya ka melawana e gatišitšwego go tloga bjale le bjale ke Tona ya tša Tikologo le tša Boeti goba yo a molatelago seemong go ya ka dipeeletšo tša Paballo le Tikologo Naga pharephare ka Molao 1989 (Molao 73 wa 1989);

"polane ya tšweletsšo ya tikologo" e ra gore tšweletšo ya polane bjale ka e hhaloswa ka go karolo 1 ya Molao Taolo ya Tikolog o 1998 (Molao No.107 of 1998);

"polane ya taolo ya tikologo" era gore polane ya taolo e hhaloswa go karolo1 ya molao taolo tikologo 1998 (Molao No.107 of 1998);

"Lekgotla khuduthamaga" le ra gore Lekgotla khuduthamaga la Profense le hlomilwe ka go karolo 132 ya Molaotheo wa Republik ya Afrika Borwa ,1996(Moalo No.108 wa 1966);

"sekimi seo se lego ntshe" se ra gore sekimi sa zoning e nngwe le e nngwe, sekimi sa polane ya toropo goba sešumšwa se swanago le seo se thadilwego ka go mabaka a molao wo o bu sšago le go laola tshomiso ya naga le disumiswa tse bjalo pele ga ge go tla fetiswa Molao wo;

"Hlabollo ya Tshekothetso ya Gauteng" e ra gore tshekothetso eo e beilwego Gating ka go karolo 15 ya polane ya hlabollo go Profense, bjale ka ge e hhaloswa kudu go Kgaolo IV ya Molao wo;

- (a) abenolwazi noma abe asesebenze isikhathi eside ngezomthetho, ukuthuthukisa komhlaba, umphakathi noma intuthuko nokuhlela, phakathi kwavo kube khona okungenani -
 - (i) ilungu elilodwa elinolwazi lwezomthetho;
 - (ii) ilungu elilodwa eliyilungu lesigungu sokuhlela njengoba kuncome u-MEC;
 - (ii) ilungu elilodwa eliyoba yilungu leKhansela kaMasipala;

- (iii) izingxenye ezimbili zekomidi kufanele zibe ngamalungu ekhansela likamasipala; kuthi
- (iv) ilungu elilodwa libe nolwazi lokuhlelwa nokuthuthukiswa komphakathi.

polane hlabollo e tsenelelago ya Gauteng” e ra gore tsenelelano ya hlabollo ya ekonomi le polane ya hlabollo go Profense, bjale ka ge e hhaloswa go Kgaolo IV ya Molao wo;

“lenaneotheo hlabollo la sekgoba peeletswa la Gauteng” e ra gore sekgoba peeletswa se hhalosago maleba le maikemisetso a Gauteng a tsenelelano ya hlabollo ya polane, e hhaloswago kudu go kgaolo IV ya Molao wo;

“sealo kakaretswa” se ra gore sealo kakaretso sa motsesetoropo goba karolo ya yona yeo e setsego e fetisitswe ka f ase go Molao wa Tekolo ya Lefase, 1997(Molao No. 8 of 1997);

“Hlogo ya Kgoro” e ra gore Mohlankedidi ka go taolo ya Profense yo e lego hlogo ya puso ya kgoro yeo e setsanego le hlabollo ya dialwa goba yeo e latelago ka boemo;

“sealo hlabollo se tsenelelago” se ra gore sealo se hhaloswago ka go karolo 1 ya mmušo wa se legae: Molao wa Peakanyo ya Mmasepala, 2000 (Molao No.32 wa 2000) bjale ka ge o fotošitšwe;

“sealwa sa dinamelwa se tsenelelago” se ra gore sealwa bjale ka ge se hhaloswa go karolo 1 go Molao wa Lenaneotheo la Dinamelwa la Gauteng 1998(Molao No.8 wa 1998) bjale ka ge o fotošitšwe

“batho ba nago le kgahlego e bile ba amega” e ra gore motho goba sehlopha se nago le kgahlego ka go kgopelo e bile a amega ka kgopelo;

“lefase” le akaretša meago le dikokeletšo tše dirilwego

“lefase le swaraganeng le hlabollo kakanywa” e ra gore lefase le swaraganeng le go ngwathelana mellwane goba leo le aroganywang ke tsela go tšwa go, , ke lefase leo e lego tabataba ya kgopelo;

“tšhomiso ya lefase” e ra gore tšhomiso ya sebaka ka nepo e riling, go akaretša ebile go se gore ke bodulo, industeri, hlokomelo ya tša tikologo, temo, dinamelwa le tšhomiso ka go fapano;

“sealwa tšhomiso taolo sa lefase” se ra gore kgahlego ya tšhomiso ya lefase mo go mmasepala,le beakan tšweng ke mmasepala ka ditshwanelo tša dineelo go kgaolo 5 ya Molao wo;

“rekoto ya tšhomiso ya lefase” e ra gore ke rekoto ya tšhomiso ya

lefase eo e akantšwego go ya ka sealwa sa taolo e bile e beakantšswe ke mmasepala go ya ka dipeeletšo tsa Kgaolo V.

"sealwa sa thalelo" se ra gore ke sealwa seo se fago seemo se sepelelanago,go sa kgathale gore se gona goba se akantše, lefase goba karolo ya lefase yeo e tlang go ya le kgopelo goba tšhomiso kakanyo ya naga goba karolo ya yona;

"thekokhiro" e ra gore mokgwa wa lengwalobohlatse bja bong go lefase le fago tumelelo go mong go le šomiša go nako yeo e dumelang ya koketšo;

"tshwanelo ya nako ye ripetšwego" e ra gore tshwanelo ye e ngwadišitšego go lefase la motho yo mongwe;

"setšhaba sa se legae goba baagi" e ra gore setšhaba sa se legae goba setšhaba ge se hhaloswa go karolo 1 ya mmušo se legae, Molao wa peakanyo ya semmasepala wa 2000(Molao, No 32 wa 2000);

"mmasepala wa se legae" e ra gore mmasepala woo a abaganago bokhuduthamaga le sebea molao se maatla tikologong ya yona le mmasepala wa selete ka fase go lefelo leo e bile le hhaloswa ka karolo 155(1) ya Molaotheo bjale ka Seemo sa B sa boasepala;

"mokhuduthamaga" e ra gore Mokhuduthamaga wa Profense a setsanego le sealwa hlabollo;

"mmasepala wa Motses etoropokgolo" e ra gore mmasepala wo a nago le khuduthamaga e kgethegilego le maatla a peo molao go tikologo ya wona, ye hhaloswago go karolo 155(1) ya Molaotheo e le seemo sa A sa bommasepala;

"mmasepala" e ra gore Seemo sa A, B or C sa mmasepala bjalo k a ge e akanywa ka go karolo 155(1) ya Molaotheo Republik ya Afrika Borwa, 1996 (Molao 108 1996);

"molaodi wa mmasepala" e ra gore motho yo a beilwego ka mabaka a Karolo 82 a Moalo wa Popego ya Mmasepala, 1998(Molao No. 117 wa 1998);

"modudi" e ra gore motho yo elego gore e ka no sebe mong wa lefase leo a le dulago, wo a dulago fao ka poledišano le ka tumelelo ya mong wa lefase;

"setho sa mmušo" e ra gore-

- (a) kgoro ye nngwe le ye nngwe ya mmušo goba ya taolo ka go Pušo setšhaba, tikologo goba selegae sa mmušo, goba
- (b) e nngwe ya ditirelo goba ngwako -
 - (i) dirišago maatla goba e phethagatšago tirelo go ya ka Molaotheo goba molaotheo wa profense,goba
 - (ii) dirišago maatla a setšhaba goba tirelo ya setšhaba go ya ka peo molao, empa e sa akaretše kgorotsheko goba mohlankedwa molao;

"bommasepala ba ikopantšego ka Profenseng" e ra gore lekgotla la Profense le ikopantšego go ya ka Karolo 2(1) (b) ya Molao lekgotla la mmušo la se legae 1997 (Molao 52 wa 1997);

"mong" e ra gore motho yo a ngwadišitšego ka mong wa lefa se ka go lengwalo ngwadišo bja bong;

"motho" e ra gore motho yo mongwe le o mongwe wa go ba wa moyhosemolao go akaretša le dikarolo tša mmušo;

"dikomiti tša go polana" e ra gore kgotla theetšo la go polana la mmasepala goba lekgotla le thomilwego ka go k arolo 12 ya Molao wo;

"maikemišetso,taolo tshepetšwa le molao" e ra gore maano a maikemišetšo, taolo ya tshepetšo le molao;

"Tonakgolo" e ra gore hlago ya Khuduthamaga ya Profense;

"hlaloso" e ra gore hlaloso ka mokhuduthamaga ntle le ge Tonakgolo a tloga a boletšwe, ka melao ka go kgatišobaka ya Profense;

"Profense" e ra gore Profense ya Gauteng;

"Lekgotlatheramelao la Profense" lekgotlatheramelao la Profense ya Gauteng le hlomilwe ka karolo 104 ya Molaotheo;

"dikgoro tša profense" e ra gore dikgoro tša taolo ya profense tše beng ka tlase go Bokhuduthamaga bja ditiragatšo tše itšeng tša profense;

"mmušo wa profense" e ra gore mmušo wa Profense ya Gauteng wo o tšewago bjale ka Profense ya Republiki ya Afrika Borwa go ya ka karolo 124 (1) ya Molaotheo wa Afrika Borwa,1993(Molao 200 wa 1993) karolo 103 ya Molaotheo wa Afrika Borwa, 1996(Molao No.108 1996)of South Africa Act, 1996 (Act No. 108 of 1996)."

"sealwa kopanyo sa dinamelwa sa profense" e ra gore sealwa bjale ka ge se hlaloswa go karolo 1 ya molao lenaneotheo la dinamelwa la

Gauteng1998 (molao 8 wa 1998);

"lenaneotheo la dinamelwa la profense" e ra gore lenaneotheo bjale ka ge le hhaloswa go karolo 1 ya lenaneotheo la dinamelwa la Gauteng la molao 1998(mplao 8 wa 1998);

"mafelo a setšhaba" a ra gore lefelo la sekwere goba le bulegilego goba le tswalegilego, serapa goba phaka, setrata, tsela goba tselaphetlego yeo e lego ya lekgotla mmasepala goba e nngwe ya ditho tša mmušo yeo e šomišwago ke setšhaba;

"Mongwadišiwa bongwadiša bja bong" e ra gore mongwadiši wa bongwadiši bja bong bjale ka ge bo hhaloswa go karolo 102 ya Molao wa Bongwadiši bja bong, 1937 (Molao No. 47 wa 1937);

"Molawana" o ra gore molawana wo ohlagiswago ka fase go Molao wo;

"maemo a thibelelano" e ra gore seemo seo se ngwadišitšwego kgahlano le lengwalobohlatse la bong bja lefase goba khirišo bong, thibela tšhomiso ya lefase le leng gona le dithibelo tše dingwe tša pekanyong, hlbollogoba tšhomiso,ya lefase;

"mongwaledi" e ra gore e mongwe wa bahlnkedi ba kgoro ,a beilwego ke hlogo ya Kgoro go dira bjalo ka mongwaledi wa tshekothetšo ya Boipiletšo bjo thomilego ke molao wo;

"lenaneotheo hlabollo la sekgoba peelet šwa" e ra gore lefelo le bonagalago la go bewa ke mmasepala bjale ka ge le hhaloswa kudu ka go kgaolo IV ya molao wo;

"komiti ya theko ya sebakanyana" e ra gore Komiti yeo e šetšago tša polane ya hlabollo goba yeo e latelago ka boitsebišo, yeo e hlomilwego ka fase ga Melao ya Boemanakonyana ya Theramelao ya Profense ya Gauteng yeo e dirilwego ka fas e go Karolo 116 e balwa le hlogwana 10(4) ya Sketule 6 ya Mlaotheo wa Afrika Borwa, 1996 (Molao No. 108 wa 1996);

"polane ya bobotlana" e ra gore polane ye akantšweng goba ye dumelitšweng yeo e bontšhago tsebo e supetšago, e akaretšang e bile ntle le maparako, lefelo leo e arogantšwego ka metšo;

"Molekanyetši Kakaretsi" e ra gore Molekanyetši Kakaretso bjale ka ge e hlahollwa ka go karolo 8 ya Molao wa Tekanyetšo ya lefase,1997(Molao wa 1997);

"Molao o " o ra gore Moalo wo gammogo le melawana e ntshitswe go ka

mabaka a Molao wo.

"moplanere wa toropo le tikologo" e ra gore motho yoo a ngwadišitšwego bjalo ka planere wa toropo le tikologo ka fase go Molao wa go Polana toropo le tikologo, 1984(molao No. 19 wa 1984), wo e bilego leinale loketšwego e bile le se la ntšhwa mo go restara yeo e bolelwago mo go Molao wo;

"motsetoropo" e ra gore dikarolwana tše arogantšwego goba tša se kopantšwe ke mafelo a setšhaba le ditsela e bile di ka šomišetšwa mabaka a fapanego, bjalo ka go dula, a intasteri goba ya kgwebo , goba ikemišeditšwe go šomišwa bjalo, tše di laetšwa mo go polane ya kakaretšo le mo puku ngwadišo ya motsetoropo e butšwego;

"pukungwadišo ya motsetoropo" e ra gore pukungwadišo yeo e supetšwago botse ka go karolo 46(1) ya Molao wa Pukungwadišo ya Lengwalo la bja bong, 1937(Molao 47 wa 1937);

"lekgotlatheetšo" e ra gore Lekgotlatheetšo la hlabollo la Gauteng le Lekgotlatheetšo la Boipiletšo la Gauteng, di theilwe ka mokgwa wa Kgaolo III ya MolaoNolofatšo Hlabollo goba yeo e hlatlamago ka leina;

"motsesetoropo kgaolo" e ra gore lefelo la mmasepala leo go feta gona go se gwa swanela go tšwelapele ka hlabollo;

"motseoropo pitlaganywa" e ra gore lefelo leo kgolo le hlabollo di dirago gore neelo ya ditirelo e be seemong se sa lokago e le ka baka la sekgoba peeletšwa se gotšego gona;le

"warde" e ra gore warde bjale ka ge e hhaloswa ka go karolo 1 ya mmušo selegae: Molao wa Popego ya mmasepala wa 1998(Molao No. 117 wa 1998).

KGAOLO II

METHEO YA TLHABOLLO¹

¹ Maikemisetso a kgaolo ye ke go bontsha metheo yeo e tlang go ba sesupo go bontsha dipolane kamoka le diphetho tsa dipolane di sepelelana le mokgwa wa merero ka mo go swanetsego. Di bontsha pono le hlologelo ya hlabollo e tletsego yeo e swanetsego go kgontsha diphethogo go maphelo ditokologo. Di akaretsa bohlokwa bjo bo swanetsego go ba gona go polaneng ya ditshepeditso le go tseeng sephetho

Tšweletšo ya metheo ya borulaganyi le hlabollo

2. Metheo kakaretšo ye e lego ka go Kgaolo ye e tla šomišwa Profenseng ka moka e bile e tla -

- (a) Tlama ditho ka moka tša mmušo;
- (b) šomišwa go lokišeng le taolong ya merero le go dipolane hlabollo tša go tsenelana, lenaneotheo hlabollo la sekgoba peeletšwa le maano a tšhomiso taolo ya naga;
- (c) šomišwa ge melao tšhupetšatsela, maikemišetšo le melawana e amago merero le hlabollo tše akantšwego le go dirišwa ke mmušo wa profense le selegae;
- (d) šomišwa ge motho a lebelela dillo ka bobabaledi goba a tše sephetho se sengwe le se sengwe go ya ka Molao wo goba molao o mongwe o šomišwago mo Profenseng ge go šongwa ka merero le hlabollo;
- (e) Go mabapi le-
 - (i) Kgaolo III, šomišwa go diphetho tše tšewago ke makgotla a go polana
 - (ii) Kgaolo IV, šomišwa go lokišetša, phetho le go tšweleletša dipolane tša tšhomiso taolo ya lefase, direkoto tša tšhomiso ya lefase le tše dingwe tša dikimi tša go zonwa le diphetho tše dirilwego ka go kgaolo ye ; le
- (f) Kgaolo V, šomišetšwa go lokišetša, phetho le go tšweleletša dipolane tša tšhomiso taolo ya lefase, direkoto tša tšhomiso ya lefase le tše dingwe tša dikimi tša go zonwa le diphetho tše dirilwego ka go kgaolo ye ; le
- (g) Kgaolo VI, šomišwa go maikarabelo a batho kamoka bao ba amegago go lebeledišeng le go tše sephetho mabapi le ditšweletšo tša hlabollo.

Maikemišetšo a merero le hlabollo ya Profense

3. Mokhuduthamaga a ka nore nako le nako, bjalo ka ge go beilwe, a hlagise le fetola maikemišetšo le ditšhupaštsela go mabaka a amanago le merero le hlabollo ka go Profense, moo e lego gore o tla -

- (a) phatlalatša maikemišetšo goba ditšhupatsela ka tsebišo ka go kgatišobaka ya mmušo wa Profense;
- (b) ka morago ga therišano le bakhuduthamaga ba bangwe ba profense; le
- (c) ka morago ga go boledišana le bommasepala;

a fa makgotla a nago le kgahlego sebaka sa go dira boikemedi, pele ga ge a phatlalatša tsebišo ya se akantšwego ka go temana ya (a)

Metheo ya go tšwetša pele hlabollo le peakanyo leswa ya sekgoba peeletšwa

4. Maikemišetšo, tirišo taolo le molao ka Profenseng di tla boela go mekgwa ya tulo le sekgoba peeletšwa di -

- (a) tšweletša pele kgohlaganyo ya ditoropo le metsemegolo toropo ka go hloholetša gore go se ke gwa ba le phethakgana ya motes setoropo le tshireletšo go ditlabelo tša temo go mekgwa yeo e ka laolwago nako le nako bjalo ka lefelo la motsetoropo kgaolo.promote;
- (b) thekga phošollo ya tše di ilego tša kgopamišwa maloba ka kgthologanyo go sek goba peeletšwa sa bodulo mo Gauteng;
- (c) tšweletšo pele hlabollo ya naga ya go tsenelelana dinageng magae metse setoropong e lego mokgwa wa go thekgana;
- (d) tšwelelo ka tšhomiso le hlabollo ya naga ka go šomiša ditlabelo tše di lego gona bjalo ka bogolo bja lenaneokgoparara, ditsela, dinamelwa le ditlabakelo tša baagi;
- (e) tšweletša pele mekgwa e botse ya bodulo, gagolo mabapi le tikologo ya setšhaba; le
- (f) tšweletša pele go lebelediša le go abela tokologano ya lefase le tlang go šomišwa, le tšhomiso ya mohlakan asela ya lefase.

Metheo ya go tšweletša pele hlabollo ya sa ruri

5. Maikemišetšo, tirišo taolo le molao ka Profenseng di tla tšweletša pele hlabollo ya sa ruri yeo e tlang -

- (a) gore ka hlakoreng la ditšhelete setheong le taolong ya Profense;
- (b) hlakantšha dinyakwa tša badudi ba naga ye ka mokgwa wo ba ka di fihlelelang ka gona;
- (c) hloma boagi bjo bo nago le tšwelopele bo kgonago go fihlela dibaka tša ekonomi, lenaneokgoparara le didirelw tša setšhaba;
- (d) go kgonega go šomišwa ga ditlabakelwa tše leng gona go akaretša le ditlabakelwa tše amang le temo, lefase, ,meets, tša meepo, bogolo bja lenaneokgoparara, ditsela,dinamelwa le ditlabakelo tša setšhaba;
- (e) hloholetša tikologo yeo e tšwelago pele ka nako tšohle le mekgwa ye mekaoneya go hlabolla naga gore go hwetšwe tše kaone ditshepedišo tša gona; le
- (f) go kgonthiša tšhomiso ya tshireletšego ya naga ka go naganelo mabaka ao a swanago le dihlomo tša mobu le mafelo ao a lego kotsi a sa hlokomelwego.

Metheo e amanago le hlabollo ka kakaretšo

6. Maikemišetšo, tirišo taolo le molao ka Profenseng di tla -

- (a) tšweletša pele tsenelelano ya segae, ekonomi, tikologo lenaneotutelo lenaneokgoparara le ditsanankana tša hlabollo

- sekgoba peeletšwa;
- (b) nolofatšo hlabollo ya mafelo a beakantšwego, a go ihlamelā, ditulo tše leng gona tše dišwa go la metseditoropong le dinaga magaeng;
 - (c) kganetšo ya go dula nageng ka mokgwa wa go se be molao, le ge go lemogwa lebaka la ditulo tše hlabollwago ka ditirišo tše;
 - (d) hloholeletša tšeakarolo go mahlakore ohle ka go ekonomi le go godiša tšhomisano mmogo e le go kgonā go šomisa hlabollo ya lefase ga botse;
 - (e) kgonthiša gore dikarolo tša mmuso di kopanye dikgahlego tša mahlakore ao a tšeago karolo goba di amegago go hlabollo ya naga e le go fokotša dinyakwa tše thulanago ditlamelwa tše hlokegago; le
 - (f) go tšweletša pele hlabollo ya naga ka mokgwa wa ka pela.

Metheo e amango le mekgwa ya tšhomisō taolo ya lefase

7. mmasepala o mongwe le o mongwe p tla ba le mokgwa wa tšhomisō taolo ya lefase yeo e tlang go šomiswa go ya ka lefase leo le lego sebakeng sa wona mo o hlokometšeng e lego:

- (a) e tlang go ba le mekgwa ya go laola tirišo mahlakore a tšhomisō le hlabollo ya lefase le se legae go tsenelelano yadipolane tša hlabollo le lenaneotheo ya hlabolo go sekgoba peeletwa go kgonthiša-
 - (i) tulommogo e entši go motsesetoropo ka go hloholeletša tulo bontši le go gometša tulo ya menabo go motse setoropo;
 - (ii) go hwetšagala ga dibaka tša felo la bodulo le la mešomo di le kgaufsi le tsenelelano ya e nngwe le e nngwe ya tsona; le
 - (iii) go phošolla dikgopamišo tše di diregilego mehleng e fetilego ka dikgoba peeletšwa tša tulo ka go Profense le tšhomisō ya lenaneokgoparara yeo e leng gona go nang le tše di nyakegago.
- (b) go fa tshireletšo ya semolao go ditshwanelo tša tšhomisō ya lefase, go sa kgathalle gore mafelo ao a be a balwa go peakanyo ya toropo goba dikimi tša thoko goba e mengwe mekgwa ya tšhomio taolo ya lefase;
- (c) go fa tshireletšo tše swanago tša molao go beng ba lefase le badudi karolong yeo e hlokometwago ke mmasepala go ganetša go bolela le go tšeakarolo ka diphetheo tše ba amago mabapi le diphetogo go tšhomisō ya lefase, go akaretša, ebile go sa tlogelwe tshwanelo ya boipilaetši;
- (d) tšweletša pele tshepedišo ya tše di sephetho ye e tlang go lekantšha tšweletšo pele ya bobotse bja setšhaba le

- tšhireletšo ya ditšhwanelo tše kwagalago tša makgotla a kgahlego le go amega; le
- (e) lohleletša le ditirišo tša diphetogo tša tšhomiso ya lefase go lebelela kamego yeo e tlang go ba gona e botse le e mebe.

Metheo yeo e maatlafatšago peakanyo le hlabollo

- 8** (1) Maikemišetšo, tirišo taolo le molao ka go Profense e tla -
- (a) sepelelana le dipeelete tša Molao wo;
 - (b) thekga le go tšweletša pele peakanyo hlabollo ya tsenelelano ya Gauteng le lenaneotheo hlabollo ya sekgoba peeletšwa ya Gauteng le a mangwe maikemišetšo a mabapi;
 - (c) nolofatšo ya tirišo ya ka pela ya mananeo ao a diretšwego go fihlela dinepo le maikemišetšo ao a beilwego ke peakanyo hlabollo e tsenelelago ya Gauteng, lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng le tše dingwe dišomišwa tša dipeakanyo karolo;
 - (d) kgonthišša tšhomisano le kopanyo magareng ga bommasepala;
 - (e) kgonthišša tšhomisano le kopanyo magareng a bommasepala le Profense;
 - (f) kgonthišša tšhomisano le kopanyo magareng a dikgoro tša profense;
- (2) Peakanyo le hlabollo ka Profenseng di tla dirišwa ka mokgwa woo e tlang go kgonthišša -
- (a) mokgwa o botse wa peakanyo gareng ga go se be le disomišwa tše ntši;
 - (b) gore dipeakanyo di fahlošetša mananeo le diprojeke;
 - (c) gore dipeakanyo di golagane le mananeo, ditekanetšo tša matlotlo, taolo ya tiragatšo le kgodišo ya taolo ya bašomi; le
 - (d) tšhomisano mabapi le peakanyo magareng a megato a mmušo go kgonthišša tšhomisano ya melao le melawana yeo e amago peakanyo.

Metheo mabapi le tšeakarolo le hlabollo taolo ya bašomi

- 9.** Maikemišetšo, tirišo le molao ka go Profense e tla hlohleletša tšeakarolo ka go tshepetšo ya peakanyo ka go -
- (a) nolofatša tšeakarolo ka maatla go batho goba mekgatlo yeo e amago ke ditshepedišo tša peakanyo le hlabollo le diphetho ka mokgwa wa go dula go tšwela pele;

- (b) tšweletšo pele ya hlabollo ya bokgoni le koketšego ya batho bohole bao ba tšeago karolo go peakanyo le hblollo, gagolo, batho bao ba bego mehleng yela ba phaelwa ka theko ka mokgwa wa kgethollo ya molao le ka mekgwa ye mengwe go tšwa go lehlakore le legolo la ekonomi le setšhabeng;

Metheo mabapi le taolo e lokilego, tšeong ya sephetho le thušong ya phedišo ya diphapang.

10 (1) Maikemišetšo,tirišo taolo le molao di tla kgonthišiša gore ditshepedišo taolo ke tša semolao, di a kwagala le gore di lokile,ka:

- (a) neela melao e kwišagalago le ditshepedišo le khwetšagalago ya tsebo go bao ba tlang go angwa ke yona;
- (b) tšweletša pele tshephagalo le kamogelano magareng a bao ba tlang go angwa ke yona; le
- (c) go fa ka botlalo boteng go ditshwanelo tša bjale ka ge di le go Molaotheo wa naga.

(2) Tshepedišong le peakanyong le hlabo llo le diphetho tše di tšerego ke karolo ya mmušo di tla sepelelana le motheo kakaretšo ya Molao wo le go swarelala go dibeeletšwa tsa molao wa tšweletšo pele ya Toka Taolo ,2000(molao 3 wa 2000).

(3) Lekgotla la peakanyo le ka nore, pele ga ge go theelet šwa goba go fihlelwa sephetho, la feti šetša sebakwa magareng a makgotla mabapi le taba e tšwang go Molao wa go boelanya.

KGAOLO III

MAKGOTLA A TŠEAGO SEPHETHO GO HLABOLLO YA NAGA

Makgotla a peakanyo

11. Mmasepala o mongwe le o mongwe o tla hloma Theetš o tsheko ya peakanyo ya mmasepala goba komiti ya peakanyo go ya ka seemo sa karolo 12 ya Molao wo.

š

Dikomiti goba Makgotla theetšo

12. (1) Mmasepala a ka kgetha komiti goba dikomiti tše thomilwego

go ya ka karolo 79 go mmušo wa se legae: Molao wa popego ya Mmasepala wa 1998(Molao 117 wa 1998), o tlogo go :-

- (a) Theetša le go dira dikakanyo go mmasepala ka dikgopelo tše dirilwego go mmasepala ka fase go mabaka a Kgaolo VI le Molao wo; le
- (b) Le ka dira ditšhišinyo go lekgotla taolo la mmasepala mabapi le amogelwa goba go lebelediša leswa ga lona:
 - (i) Lenaneotheo hlabollo la sekgoba peeletšwa; le
 - (v) Dipolane tša tšhomiso taolo ya naga

Ge feela mmasepala a se a hlome lekgotla theet šo la mmasepala go ya ka mabaka a karolwana 2.

(2) mmasepala wo a hlamilwego ka mokgwa wara toropo phethiši goba mokgwa wa bophethiši kakaretšo o ka hlama lekgotlathleetšo

- (a) E tla theetša le go dira ditšhišinyo go Ratoropo phethiši goba Lekgotla phethišigo kgopelo e dirilwego go mmasepala go ya ka maemo a go Kgaolo VI a Molao wo. le
- (b) A ka dira ditšhišinyo go Ratoropo phethiši goba Lekgotla phethiši mabapi le kamogelo ya;
 - (i) lenaneotheo hlabollo la sekgoba peeletšwa; le
 - (ii) dipolane tša taolo tšhumiswa tša naga
- (h) 3 Go tšona kgotlatheetšo tšeо ge di hlomilwe ka fase go karolwana(2) etla
 - a) Tsebjwa e le kgotlatheetšo peakanyo ya mmasepala;
 - b) Dira ditšhišinyo go Ratoropo phethiši goba phethiši kakaretšo go ya ka moo go leng ka gona;
 - c) E nang le maloko a 5(mahlano)ba swanetšego go ba le tsebo ya goba maitemogelo e kaba ka go molao, hlabollo ya lefase, baagi, goba hlabollo peakanyo ya gore go be le-
- (i) Leloko le tee lebe le tsebo ya molao;
 - (ii) Leloko le tee le be leloko la lekgotla la peakanyo bjale ka ge go tla bego boletse Mokhuduthamaga;
 - (iii) Leloko le tee le be leloko la lekgotla la mmasepala;
 - (iv) Pedi tharong ya komiti e seke ya ba maloko a lekgotla la mmasepala; le
 - (v) Leloko le tee le be le tsebo ya peakanyo le hlabollo ya setšhaba.

4 Komiti phethiši goba Ratoropo phethiši go eya le gore go bjang -

- (a) go tla tšewa sephetho go lebeletšwe ditšhišinyo tšeо di beilwego pele ke makgotla theetšo a peakanyo ya mmasepala go ya ka karolwana(2), ge fela -
 - (i) lekgotla taolo la mmasepala le ka fa maatla go komiti phethiši goba Ratoropo phethiši;

(ii) mabaka a ka fiwa go sephetho ntle le gore ditšhišinyo di a lebelelwa;

(iii) gore pego e tlišwe go lekgotla taolo ya mmasepala ka ngwaga go tsebo ya tšohle diphetho tše di ileng tša tšewa

(b) Tla šišinya go lekgotla taolo ka morago ga go lebelela ditšhišinyo tša kgotlatheetšo ya peakanyo ya mmasepala -

(i) go amogela, poeletšo goba phetolelo ya lenaneotheo hlabollo ya sekgoba peeletšwa bjale ka bogare bja peakanyo hlabollo ya mmasepala; le

(ii) kamogelo ya peakanyo ya tšhomiso taolo ya lefase go mmasepala ka moka goba seripa fao.

Dikopano

13. Dikopanong tša komiti ya peakanyo goba kgotlatheetšo ya peakanyo ya mmasepala e tla swarwa ka dinako tše di mafelo ao gape le go ya ka ditšhepišo tše beilwego ke mmasepala.

Dikgahlego boteeng bja maloko a kgotla togamaano

14. Ga go leloko goba leleko keletši la komiti ya peakanyo goba lekgotlatheetšo peakanyo ye mmasepala a ka tšeang karolo go dipoledišano goba go tšeaa sephetho ka taba ye nngwe pele ga komiti ya peakanyo goba kgotlatheetšo peakanyo ya mmasepala, bjale ka ge go tla be go le bjale o tlare yena goba molekane wa gagwe, leloko la kgaufsi, mokgotse goba mothwadi wa gagwe, o na le dikgahlego thwi goba ka lehlakore.

Ditlamorago tša go tšeaa karolo moo leloko le nago le dikgahlego gona

15. Leloko lefe, le tshelago molao wa karolo 14 ka godimo, la tšeaa karolo dipoledišanong mabapi le go tšeaa sephetho ka e nngwe taba eo e lego pele ga komiti ya peakanyo goba kgotlatheetšo ya peakanyo ya mmasepala, bitshwaro bja moleloko o bjalo o tla be a swanelwa ke go tlošwa kapela go ba leloko.

Maatla a dikomiti tša togamaano le makgotlatheetšo a togamaano a mmasepala

16. Komiti ya peakanyo le makgotlatheetšo a peakanyo ya mmasepala a ka no:

(a) Theetša kgopelo yeo e bolewago go KgaoloVI ya Molao wo le go ka no šišinya tumelelo ka botlalo goba ka boripa, šutiša

- goba a ganetša kgopelo yeo goba a dira ditšhišinyo tše bjalo e ka no ba bohlokwa go eya le bobabaledi bja bona.
- (b) Theetša dipelaelo mabapi le go dirišwa ga go tšeа diphetho le go ba kgahlano le dipeeletšo tša dipeakanyo tša tšomiso taolo ya lefase le go dira bjalo, e ka no ganana goba ya dira tšišinyo e lebanego go amogela goba go ganana le pelaelo e bjalo le, go amogeleng goba tšišinyong ya kamogelo yeo ya tiragalo ya pelaelo go ya ka dipeeletšwa go karolo 93, 94 le 95 ya Molao go ya ka leloko leo maitshwro a tlišitšego pelaelo, ka go ba kgahlanong le tsebišo yeo hlabollo ya lefase yeo e lego kgahlano le peakanyo goba sephetho sa e bile e ka fa taelo ya go pšhatla mabapi le popego goba moago woo e kabago kgahlano le peeletšo ya peakanyo goba sephetho sa komiti: Ge e le gore Lekgotla la peakanyo le ka fetišetša maatla a lona e le ka baka la karolwana ye go motho yo a lebanego goba batho ka gore go mmasepala go šomiša gagolo taolo le tšomiso e loketšego.
- (c) E ka dira ditšhišinyo mabapi le lenaneotheo la hlabollo ya seksgoba peeletšwa sa mmasepala go akaretša le kamogelo, kgaano goba kamogelo ya go se felele ya kgotla taolo ya mmasepala go lenaneotheo la hlabollo ya seksgoba peeletšwa; le
- (d) Go diragatša mešomo e mengwe bjale ka ge e beilwe.

Metsotso

17. Diphetho kamoka le ditšhišinyo tša komiti ya peakanyo goba kgotlatheetšo ya peakanyo ya mmasepala e tla begwa ka go ngwalwa ke mmasepala ka go pupu yeo e tlang go bonwa ke mang le mang go tšwa go mmasepala nakong ya tšhomo ya nako ya kgwebo, bjalo ka ge go beilwe.

Diphetho tša dikgopelo tše tlang go theetša ke kgotlatheetšo hlabollo ya Gauteng

18. (1) Dikgopelo kamoka tša diphethogo tša tšomiso ya lefase go arolaganya, go tiišeletša, thomo ya motse setoropo le tumelelo ya hlabollo ya lefase di tla dirwa go bommasepala gape di theetše ke makgotla a peakanyo: ge feela kgopelo e ka tsentšhwa go kgotlatheetšo hlabollo ya Gauteng ge -

- (a) Mmasepala e le mokgopedi;
- (b) lekgotla la peakanyo la mmasepala le ka se ke la fihlela sephetho go ya ka go ditelegana go bjalo ka mmasepala;
- (c) mmasepala a sa kgone go go sepedisa kgopelo ka pela goba a sa kgone go tšeа sephetho e le ka baka la hlokego ya bokgoni bjo tletšego bja bašomi
- (d) ge mokhuduthamaga a kgethile leemo le mohuta wa

kgopelo e gopotšwego go ya ka karolwana(2) ka fase.

(2) Mokhuduthamaga a ka phetha ka tsebišo ka go tšhupo phatlalatša ya mmušo wa profense, gore ke dikarolo dife le mehuta efe ya dikgopelo e tlang go bitšwa le go theetšwa ke kgotlatheetšo ya hlabollo e hlomilwego go ya ka karolo 15 ya Molao wa Nolofatšo le hlabollo, 67

Hlomo ya kgotlatheetšo ya boipelaetšo hlabollong

19. (1) Mokhuduthamaga o tla hloma kgotlatheetšo ya

Boipelaetšo hlabollong go Profense goba a amogela lekgotla la batho, kgotlatheetšo goba lekgotla le hlomilwego ka molao goba ka fase ga molao o mongwe bjale ka kgotlatheetšo ya boipelaetšo hlabollong: Ge feela e le gore moo Mokhuduthamaga a amogelago lekgotla le hlomilwego ka fase ga molao o mongwe e bile molao woo o sepelelana le dipeeletšo tša Molao wo, Molao woo o tla tšwelela.

(2) Kgotlatheetšo ya boipelaetšo le hlabollo e tla ba le maloko a go kaba 5(hlano): Ge feela malokokamoka ga ona a tla ba le tsebo ya molao le maitemogelo a molao goba hlabollo ya lefase gape le gore motho o tee o tla ba le tsebo ya molao.

(3) Mohkuduthamaga o tla bea modulasetulo le mothuša modula setulo wa kgotlatheetšo ya boipelaetšo le hlabollo.

(4) Go ya ka moo go ka kgonegago ka gona ka mabaka, seripa se tee sa maloko a kgotlatheetšo ya boipelaetši le hlabollo ba tla kgethwa go tšwa go bahlankedba swanetšego ka go tiro ya taolo ya profense le bahlankedba tiro go bommasepala ka go Profense, gape seripa se sengwe go tšwa go batho ka ntle ga tiro.

(5) Pele a tla bea motho go kgotlatheetšo ya boipelaetši le hlabollo, mokhuduthamaga o tla:

- (a) Dira gore maikešetšo a gagwe a go bea motho woo a tsebišwe ka go pukuphatlalatša ya Profense;
- (b) Go o lebeledišiša polelo goba kganetšo, mabapi le peo yeo ya motho woo, yeo e ka amogelago ke yena gotšwa go motho o mongwe le o mongwe goba go tšwa go lekgotla; le
- (c) A tliša maikešetšo a gagwe a go bea motho yoo gammogo le dipolelogoba dikganetšo go komiti ya theko ya sebakanyana gore e fe maemo a bona mabapile kgetho yeo ya motho woo bjale ka leloko la kgotlatheetšo ya boipelaetšo le hlabollo: Ge feela e le gore Lekgotla Peamolao la Profense ga se la dula ka nako yeo Mokhuduthamaga a nyakago go dira kgetho, e bile ge e le gore go ya ka kakanyo ya Mokhuduthamago bohlokwa go dira kgetho yeo, Mokhuduthamaga a ka dira kgetho yeo. Sebakeng sa ge a leka go dira kgetho ye Mokhuduthamaga o tla tsebiša komiti ya ka theko ya sebakanyana ka kgetho yeo.

(6) Mokhuduthamaga o tla bea sephetho sa nako ya tulo ka ofising ya maloko a kgotlatheetšo ya boipelaetšo le hlabollo e bile o tla bea le mabaka ao ba tlogo go šoma ka fase go wona le seemo sa bona batho bao ba leego ka ntle ga tiro y a setšaba, ka therišano le Mokhuduthamaga yoo a hlokomenego le mošomo wa ditšelete.

(7) Dikgetho kamoka tsa kgotlatheetšo ya boipelaetšo le hlabollo di swanetše di phatlalatše ka go pukuphatlalatši ya Profense.

(8) Motho o tla tlogela go ba leloko la kgotlathe etšo la boipelaetšo le hlabollo ge:

- (a) A tlogela mošomo; goba
- (b) Thoto ya gagwe e ka rekišwa goba a kgopela thušo yeo e bolelwago go karolo 10(1)(c) ya Molao wa Mokitlana wa tša Temo, 1996; goba, 1996; goba
- (c) A ka palelwa ke go ka šoma mošomo woo o nyakegago go ya ka molao go Molao wo ka mokgwa wa go amega mmeleng goba bolwetši bja hlaologanyo;
- (d) A ka hwetšwa molato mo go amago go se tšephege goba bomenemene goba go romelwa kgolegong ntle le sebaka sa go fiwa tefelo; goba
- (e) A ka beelwa go ba nkgetheng go dikgetho tša leloko la palamente, leloko la thera melao ya Profense, goba go lekgotla la mmasepala.

(9) Boipelaetšo bo ka no sekwe ke maloko a ka fase ga 3(tharo).

(10) Kgotlatheetšo ya Boipelaetšo le hlabollo bo swanetše go tliša ditšhišinyo tša bona go Mokhuduthamaga g o tšea sephetho: Ntle le ge e le gore Mokhuduthamaga o phetha ka mokgwa o mongwe ntle woo ba o šišintšego mabaka a tla fiwa mabapi le sephetho sa gagwe.

(11) Diphetho ka moka tsa Mokhuduthamaga di tla begwa ka go ngwalwa ke mokgethwa wa taolo ya Mokhuduthamaga di be di ngwalwe ka pukungwadišo le gona yena mokgethwa yo o tla dira gore puku yeo e hwetsegale setšhabeng nakong ya diiri tša go šoma tsa kgwebo, bjale ka ge go beiwe.

(12) Ga go leloko la Kgotlatheetšo ya Boipelaetšo le hlabollo yo a tlang go tšea karolo go dipoledišano tše di tlang go tšea sephetho mabapi le taba yeo e tlang go ba e le pele go lekgotlatheetšo la Boipelaetšo le hlabollo ka mo e le go gore yena, molekane, leloko la kgaufsi, mokgotse goba mothwadi wa gagwe, goba mokgotse goba mothwadi wa mol ekane wa gagwe a amegago thwi goba ka tharelo, le ge e kaba kgahlego efe.

Boipelaetšo

20. Mokgopedi yo mongwe le o mongwe yo a dirilego boikemedi ka go ngwala goba go bolela go lekgotla la peakanyo mabapi le taba yeo e lego pele ga bona, a ka ipiletša kgahlano le sephetho sa lekgotla la peakanyo go

kgotlatheetšo ya boipelaetšo le hlabollo: ge feela e le gore lekgotla la peakanyo le palelwa ke go kwa kgopelo ka go matšatši a 180 a go tliša ga gagwe ga kgopelo lekgotlala peakanyo le tšewa gore le ganne kgop elo e bile kgopelo e ka tšewa ya iswa go kgotlatheetšo ya boipelaetšo le hlabollo.

Melawana

21. Mokhuduthamaga a ka dira melawana go:

(1) taba ya peakanyo yeo e tla go fiwa mabaka ao a leng pele ga kgotla peakanyo e le go kgonthiša gore bohlokwa bo f iwa mabaka ao go ka diteleganago gona gwa fetša go ama batho ba bantši goba batho ba go ba le mabaka ao a ba gapeletšang gore go fele go ya ka dinyakwa tša bona.

(1) Diphetho tša gore ke afe mahlakore le mehuta ya dikgopelo di tla theeletšwa ke kgotlatheetšo ya Boipelaetšo le hlabollo;

(1) Sephetho sa go oketša maatla a makgotla a peakanyo; le
 (2) Go ngwalwa le go phatlalatša mabaka le metsotso ya makgotla a go tšea sephetho.

KGAOLO IV

DIALO TŠA HLABOLLO

Popego le tirišo ya dipeakanyo tša hlabollo tše kopan ywago tša Gauteng

22. (1) Tonakgolo o tla ba le biokarabelo go hlomeng le go dirišeng peakanyo hlabollo ye kopanywago ya Gauteng.

(2) Tonakgolo a ka no fetišetša maikarabelo ao go Mokhuduthamaga a go hloma le go diriša peakanyo hlabollo ye kopanywago ya Gauteng.

(3) O mongwe le o mongwe wa Mokhuduthamaga a nago le boikarabelo go kgoro e itšeng ya profense, go mabaka a kwano le Mokhuduthamaga, go ka akaretša le dikwano tša go beelana dinako, a ka tliša maikemišetšo, mananeo, mekgwa goba dipeakanyo, go di l'okela mo go peakanyo hlabollo ye e kopanywago ya Gauteng mabapi le tirelo ya kgoro.

Maikemišetšo kakaretšo a peakanyo hlabollo ya go kopanelwa ya Gauteng

23. Maikemišetšo a peakanyo hlabollo ya mokopanelwa ya Gauteng e

tla ba go:

- (a) hlagiša maano a lenaneotheo le tirišo ya maano go Profense;
- (b) kopanya maikešetšo a lebanego, mananeo, maano le dipeakanyo tša dikgoro ka go fapania ga tšona tša profense le bommasepala go lenaneotheo hlabollo la mokopanelwa le nabilego la profense;
- (c) Kabelo ya ditlabakelwa tša thušo ka go Profense; le
- (d) hlagiša tsebo yeo e tlang go thuša go dira dikgetho ka maano.

Tabataba ya peakanyo hlabollo ya mokopanelwa ya Gauteng

24. (1) Tabataba ya peakanyo hlabollo ya mokopanelwa ya Gauteng e tla ba bjalo ka ge e beilwe ka m o go latelang e bile go boletšweng.

(2) E tla be e akaretša -

- (a) ponešo pele ya Profense;
 - (b) nepo le maikešetšo a nabilego a profense;
 - (c) mafelo a išwago sedi a Profense;
 - (d) mananeo a bohlokwa le diprojekte; le
 - (e) dipeelo tša go fihlelwa tša mošomo.
- (3) Peakanyo hlabollo ya mokopanelwa ya Gauteng e akaretša thekgo tsebo e bonwago e le bohlokwa - e tla ba le pegelo ya maemo a itšeng, tebelelo ya maikešetšo ao a bego gona, mananeo, diprojekte le dipeakanyo le tebelelo ya ditlabakelwa tše leng gona.

Kopanyo ya peakanyo hlabollo ya mokopanelwa ya Gauteng

25. (1) Ka kelo ya peakanyo hlabollo ya mohlakanelwa ya Gauteng Tonakgolo o tla kgonthiša gore peakanyo hlabollo ya mokopanelwa ya Gauteng e tla lebelela mabaka a latelang -

- (a) dinyakwa le dilo tše bohlokwa tše beelwago ke bommasepala di bewa ka gare ga dipeakanyo hlabollo ya mokopanelwa;
- (b) maikešetšo a lebanego, mananeo le dipeakanyo tša diprofense tša boagišane; le
- (c) ditlatšwa tsa dikgoro ka go fapania tša profense.

(2) Tonakgolo o tla kgonthiša gore peakanyo hlabollo ya mohlakanelwa ya Gauteng e tla re, ka mokgwa wo go kgonegago ka gona, ya itshwaragantšha le mananeo a mmušo wa gare le maikešetšo mabapi le peakanyo ya sekgoba peeletšwa le hlabollo yeo e holago le go ama Profense.

(3) Ka mokgwa woo kopanyo le tshwaragano di supetšago go karolwana(1) le (2) di ka nyakwago.

Ditshepedišo tša go lokišetša dipeakanyo hlabollo tše kopanelwago tša

Gauteng

26. (1) Peakanyo hlabollo ya mokopanelwa ya Gating e lokišwa ka mokgwa woo le, ka nako e rileng le go ya ka ditshepedišo beilwego ke Tonakgolo ka go pukuphatlalatšwa ya Profense, go eya ka dikarolwana (2), (3), (4), (5) le (6).

(2) Molao kakanya wa peakanyo hlabollo ya mohlkanelwa ya Gauteng e tla ngwalwa gape ka morago ga fao tsebišo e tla phatl alatšwa ke Tonakgolo ka go Pukuphatlalatšwa ya Profense le ka go tše dingwe diphatlalatši di tlang go bolela gore molao kakanya wa Gauteng wa peakanyo hlabollo ya mokopanelwa e hwetšwa kae e bile ka dinako difeng mo e ka hlahlobjwago.

(3) Mokgwa woo maloko a setšhaba le batho goba makgotla a nago le kgahlego ba tlang go rerisana ka go lokišetša molao kakanya wa peakanyo hlabollo ya mokopanelwa ya Gauteng e tlang go bolelwa.

(4) Kgotla Phethiši e tla amogela molao kakanya wa Gauteng wa peakanyo hlabollo ya mokopanelwa e bile ka morago ga fao Tonakgolo o tla phatlalatša tsebišo ya mafelelo ya peakanyo hlabollo ya mokopalelwa ya Gauteng ka go Pukuphatlalatšo ya Profense, gore e tla thoma go šoma neng.

(5) Tsebišo e elego go karolwana(4) e tla bolela lefelo I eo peakanyo hlabollo ya mokopanelwa ya Gauteng ya mafelelo e tlang go hlahlobjwa le nako yoe etlang go hlahlobjwa.

(6) Peakanyo hlabollo ya mohlakanelwa ya Gauteng e tla lebelelwa leswa ka morago ga nako, empa ka ka morago ga mengwaga e mehlano.

Hlamo le tirišo ya lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng

27. (1) Mokhuduthamaga o tla ba le maikarabelo go hlomo le tirišo ya Gauteng ya lenaneotheo hlabollo la sekgoba peeletšwa.

Nepo kakaretšo ya lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng

28. (1) Maikemišetšo a lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng ke go-

- (a) diphetho hlahlo mabapi le lefelo le mokgwa wa hlabollo tiro ka go Profense;
- (b) laetša mokgwa wo mokaone wa tulo ka go Profense; le
- (c) thuša go phošolla mokgwa wola wa maloba wa go se lekane wa sekgoba peeletšwa.

(2) Maikemišetšo a tla tšwelela ge go laetšwa -

- (a) gore kgolo le hlabolo di tla direga kae, le gore ke kae

moo e swanetšego go ganetšwa go akaretša le moo mokgwa wa peakanyo bjalo ka methalo kgaolo ya megomelo ya metse setoropo e gomago le ka moo e swanetšego go bewa gona;

- (b) mokgwa o mokaone le ka moo kgolo le hlabollo ditlang go ba ka gona ka moso.
- (c) mafelo ao a nyakago tsenelo ke ba molao le ba kgwebo go dira go sekamolleng mathata ao a hlotšwego ke mokgwa wa tulo ya maloba.

Tabataba ya lenaneotheo hlabolloya sekgoba peeletšwa la Gauteng

29. (1) Lenaneotheo hlabolo la sekgoba peeletšwa la Gauteng le na le hhaloso kgoba peeletšwa go dinupo le maikemišetšo a peakanyo hlabollo ya mokopanelwa ya Gauteng.

- (2) E tla ba le-
 - (a) ponelopele yeo e tlang go ba le mokgwa wa kgahlego wa sekgoba peeletšwa sa Profense; le
 - (b) maano le mekgwa ya go tšweletša maikemišetšo le dinupo tse beilwego go ya ka lenaneo la dinupo le maikemišetšo gammogo le keloya ditlabake lwa.
- (3) E ka akaretša-
 - (a) mananeo a bohlokwa le diprojekte; le
 - (b) dipeelo tša go fihlelwa tša mošomo
- (4) Bonyennyane bjoo bo swanetšego go beelwa ka go lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng le tla beelwa.

Kopanyo ya lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng le tše dingwe tše dikaneditšeng

30. (1) Mokhuduthamaga o tla kgonthiša gore lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng e lebelela mabaka a -

- (a) dipeakanywa hlabolo tša mokopanelwa le lenaneotheo hlabollo la sekgoba peeletšwa e lokišwa ke bommasepala;
- (b) dipeakanywa tša sekgoba peeletšwa tša maleba, mananeotheo goba tše dingwe tše ditokomane tša maikemišetšo a swanago diprofense tša baagišane; le
- (c) ditlatšwa tša dikgoro tše fapaneng tša profense.

(2) Mokhuduthamaga o tla kgonthiša gore lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng le tla re, ka mo go kgonegago ka gona, le itshwaraganye le mananeo a mmušo gare le maikemišetšo mabapi le peakanyo le hlabollo ya sekgoba peeletšwa yeo e tlang go kgahla go ama profense.

(3) Mokgwa woo kopanyo le tshwaragano di bolelwago go karolwana (1) le (2) di tla beelwa.

Ditshepedišo tša go beakanya lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng

31. (1) Lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng le tla lokišetšwa ka mokgwa woo e bile, ka nako yeo e beilwego gape le ka mokgwa woo ditshepedišo di bewago ke Tonakgolo.

(2) Mokhuduthamaga o tla dumelela lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng ka tumelelano le Lekgotla Phethisi.

(3) Lenaneotheo hlabollo la sekgoba peeletšwa le tla lebelelw a gape ka nako, empa e tla ba mengwaga e 5(mehlano).

Kamego ya peakanyo hlabollo ya tshwaragano ya Gauteng le lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng

32. Peakanyo hlabollo ya tshwaragano ya Ga uteng le lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng di tla ba le tshepelelano le hlabollo ya lefase yeo e tšerego ke bommasepala baselete.

Mananeotheo hlabollo a sekgoba peeletšwa

33. (1) Bommasepala ba ditoropokgolo le ba selegae ba tla lokisa lenaneotheo hlabollo la sekgoba peeletšwa leo le tlāng go ba le tabataba yeo e lego go karolo 34 le ka moo e beilwego ka gona.

(2) Bommasepala ba selete ba tla bopa lenaneotheo la kgopararala sekgoba peeletšwa go selete ka moka,e lego lenaneotheo hlaboll o la sekgoba peeletšwa la selete ka gare go moo bommasepala ba selegae ka go mafelo a mmasepala wa selete ba tlāng go bopa ka botlalo le lenaneotheo hlabollo la sekgoba peeletšwa se rileng bjalo ka gee bolelw a ka go karolwana(1).

(3) Lenaneotheo hlabollo la sekgoba peeletswa le tla ba karolo ya peakanyo hlabollo ya tshwaragano e lokišitšweng ke mmasepala.

Maikemišetšo kakaretšo a mananeotheo hlabollo a sekgoba peeletšwa

34. Maikemišetšo kakaretšo a mananeotheo hlabollo a sekgoba peeletšwa e tla ba go-

(1) fa boemedi bjo bonagalago bja tumo ya mokgwa wa sekgoba peeletšwa sa mmasepala, le ka go dira bjalo -

- (a) bontšhe fao hlabollo le lenaneokgoparara di tlāng go dirwa gona go lefase la setšhaba le la sekgwebo;
- (b) bontšhe lefase leo le swanetšego go šomnišwa go mafelo a fapaneng;
- (c) laetsa mekgwa ya kgaolo yeo e beilwego bjalo ka fao go se gwa swanelwa go hlabollwa;
- (d) šomiša metheo yeo e beilwego ka go Kgaolo II;

(2) ka bottalo bontšha mafelo ao go swanetšeng go šomišwe tšelete ye ntši gona; le

(3) e fa ditšhupetšo tše di tlāng go thuša go peakanyo ya tšhomio taolo ya lefase ya mmasepala.

Tabataba ya lenaneotheo hlabollo ya sekgoba peeletšwa

- 35.** (1) Lenaneotheo hlabollo la sekgoba peeletšwa le tla ba le -
- (a) ponelopele yeo e bontšhago mokgwa wo go swan etšego go direga ka sekgoba peeletšwa se rileng, gagolo go gatelelwe go nyakega lebaka la go tšweletša pele tsenelelano ya batho bao ba bego ba dula mafelo ao a bego a tlogelwa ka go lefelo la mmasepala ka moka;
 - (b) nepo le maikemšišetšo mabapi le mokgwa woo go tšwelelago go fihlela pono yeo.
 - (c) maano a go fihlelela dinopo le maikemišetšo a tlāng go ba godimo ga peakanyo bohlokwa bja maikemišetšo le dinopo ga mmogo le hlokomelo ya ditlabelwa tše di lego gona;
 - (d) mananeo le diprojeke tša hlabollo ya lefas e ka gare go taolo ya mmasepala; le
 - (e) dipeelo tša go fihlelwā tša mošomo

(2) Bonnyane bja bokagare bja lenaneotheo hlabollo la sekgoba peeletšwa e tla tsebišwa.

Kopanyo ya mananeotheo hlabollo a sekgoba peeletšwa le dipeakanyo tše dingwe

36. (1) Bommasepala ba swanetše go tloga ba kgonthiša gore mananeotheo hlabollo a sekgoba peeletšwa a kopanywa le go swaragana le -

- (a) mananeotheo hlabollo a sekgoba peeletšwa ao a ngwalwago ke bommasepala ba baagišane e bile ba re ka moo ba kgonago ba tla ngwala mana neotho hlabollo a sekgoba a bona ka tšomisano le therišano le bommasepala ba kgaufsi le bona;
- (b) karolo ya sekgoba peeletšwa ya peakanyo hlabollo ya tshwaragano ya Gauteng;
- (c) dipeakanyo, maikemišetšo maano le mananeo a mmušo wa gare le profense mabapi le hlabolo le peakanyo ya sekgoba peeletšwa.

(2) Ka mokgwa woo kopanyo e bolelwago ka go karolwana (1) e tlāng direga ka mo e boletšwego ka gona.

(3) Mokhuduthamaga a ka hlakantšha kopanyo le tshwaragano ya mananeo hlabollo a sekgoba peeletšwa -

- (a) tša bommasepala ba fapaneng, go balwa le bommasepala ba selete le bommasepala ba se legae ka

- gare go mafelo a bona; gape
- (b) dipeakanyo, maikemišetšo, maano le mananeo a sekgoba peeletšwa a dikarolo tša mmušo wa gare le wa profense.

Ditshepedišo tša go bea manan eotheo hlabollo a sekgoba peeletšwa

37. (1) Mananeohlabollo a sekgoba peeletšwa a swanetše go lokišetšwa ka mokgwa woo, le nako yeo gape le malebana le ditshapedišo tše di beilwego ke Mokhuduthamaga ka go Pukuphatlalatsa ya mmušo wa Profense: ge feela e le gore ditshepedišo tše di tla swaragana le ditshepedišo tše di tlago latelwa ke bommasepala ge ba thoma dipeakanyo hlabollo tše swaraganego.

(2) Tshwaragano yeo e bolelwago ka go karolwana(1) e tla ba yeo e tlang go lokišetša mananeotheo hlabollo a sek goba peeletšwa ka mokgwa woo go kgonegago, di latele mokgwa wona wa tshepedišo, go akaretša ditshepedišo tše di šomanago lego tšeakarolo ya setšhaba, bjale ka tokišetšo ya dipeakanyo tše swaranago.

(3) Bommasepala ba tla tše mananeo hlabollo a sekgoba peeletšwa, ka morago ga fao ba tla phatlalatša tsebišo ya go tše moo ga mananeotheo hlabollo a sekgoba peeletšwa sa mafelelo ka go Pukuphatlalatši ya mmušo wa Profense, gore di tla thoma neng go šoma.

(4) Tsebišo yeo go bolelwago ka yona go karolwana (3) e t la bolela lefelo leo lenaneotheo hlabollo la sekgoba peeletšwa le tšerwego gona le tlang go hlahlobjwa gape le dinako tše hlahlobo e tlang go dirwa.

Go palelwa ga go bea mananeotheo hlabollo a sekgoba peeletšwa

38. (1) Mmasepala wa selete a kare ka kgop elo ya mmasepala wa se legae ka go karolo ya wona ya hlokomo, a lokiša lenaneotheo hlabollo la sekgoba peeletšwa la mmasepala wa selete a ka ba le kgono ya go dira bjalo.

(2) Mmasepala wa se legae a ka no re, ka kgopelo ya mmasepala wa selete ka go lefelo leo mmasepala wa se legae a weлагo ka gona, a lokiša lenaneotheo hlabollo la sekgoba peeletšwa go yena mmasepala wa selete go fihlela ka moo mmasepala wa se legae a ka bago le bokgoni bja go dira bjalo.

(3) Mmasepala wa se legae a ka no re, ka kgopelo y a o mongwe wa bommasepala wa se legae ka go lefelo le tee la mmasepala wa selete, a lokiša lenaneo hlabollo la sekgoba peeletšwa sebakeng sa mmasepala wa se legae go fihla ka mokgwa woo a ka bago le bokgoni bja go dira bjalo.

(4) Ge go ka direga gore mmasepala a palelwe ke go dira lenaneotheo hlabollo la sekgoba peeletšwa bjale ka ge go swanetše, gona wa palelwa ke go kgopela o mongwe mmasepala go lokiša lenaneo hlabollo la sekgoba sa wona bjale ka ge beetšwe bjale ka go karolwana (1)(2) le (3), Mokhuduthamaga o tla tše magato a swanetšego gore go dirwe lenaneotheo hlabollo la sekgoba peeletšwa ka go ya ka Molao wo go mmasepala woo, le

ditshenyagalelo tše di tlang go ba gona Mokhuduthamaga o tla di hwetša go tšwa go mmasepala woo.

Go tlišwa ga lenaneotheo hlabollo la sekgoba peeletšwa le dipheto tša Iona go Mokhuduthamaga

39. (1) Gore go tšweletšwe pele kopanyo ya dipeakanyo ka go la Profense, bommasepala ba tliše mananeo hlabollo a sekgoba peeletšwa goba dipheto tše go Mokhuduthamaga e le karolo ya peakanyo hlabollo tša tshwaragano ka go ya ka karolo 32 ya Molao wa mekgwa ya Mmušo ya Mmasepala wa se legae 2000(Molao No.32 wa 2000)

(2) Mokhuduthamaga a ka kgopela mmasepala go fetola mananeo hlabollo a sekgoba peeletšwa a wona goba dipheto tše ge di tlišitšwe ge e le gore mananeotheo hlabollo a sekgoba peeletšwa goba dipheto-

- (a) di dire ka go lekanelo le tabataba ka mo e beilwego ka go karolo 35; goba
- (b) di kgahlano le goba ga di swaragane le mananeotheo hlabollo a sekgoba peeletšwa tša bommasepala ba rilego goba ditšhomiso tša dipeakanyo, maikemišetšo, maano le mnaneo a sekgoba peeletšwa a lebane le ditho tša mmušo wa bogareng goba wa profense; goba
- (c) ga se di latele ditshepedišo tše beilwego ka go Kgaolo ye goba di boletšwe.

(3) Ge e le gore Mokhuduthamaga o kgopetše mmasepala go fetola hlabollo tshwaragano ya wona lenaneotheo hlabollo la sekgoba peeletšwa goba dipheto tše go a mangwe a mabaka a beilwego ka go karolwana (2), Mokhuduthamaga a ka kgopela mmasepala go -

- (a) fotoša lenaneotheo gore le sepelelana le tabataba e beilwego ka go karolo 36; goba
- (b) tloša phapang e lego gona goba go se swarane le mananeo hlabollo a ditho tse dingwe tše lebaneng tša bommasepala, profense goba pharephare; goba
- (c) sepelelana le ditshepedišo tše beilwego ka go Kgaolo ye goba kage go beilwe; go ya ka mo go lego ka gona.

(4) Ge go ka direga gore mmasepala a palelwe ke go fetola lenaneotheo hlabollo la sekgoba peeletšwa bjale ka ge go swanetše goba a palelwa ke go kgopela mmasepala o mongwe go fetol a lenaneo hlabollo la sekgoba peeletšwa sa wona bjale ka ge go beetšwe ka go karolo 38 (1),(2) le (3) šomišitšwe ka dipheto tše bohlokwa, Mokhuduthamaga o tla tsea magato a bohlkwa gore lenaneotheo hlabollo la sekgoba peeletšwa le lokišwe go ya Molao wo go mmasepala woo, gape ditshenyagalelo tše di tlang go ba goba ka go dira bjalo Mokhuduthamaga o tla di hwetša go tšwa go mmasepala woo.

Kamego ya mananeotheo hlabollo a sekgoba peeletšwa

40. (1) Makgotla ao a tšeago diphetho mabapi le dikgopelo tša hlabollo ya lefase ba ka se dumelele kgopelo ya hlabollo ya lefase go ya ka Molao wo ge e le gore kgopelo yeo ga e sepelelane le hhaloso ya dipeeletšo kakanywa go tsa lenaneotheo hlabollo la sekgoba peeletšwa ka go kgolo ye.

(2) Ge e le gore kgopelo ya hlabollo ya lefase ga e sepelelane le hhaloso ya dipeeletšo kakanywa tša lenaneotheo hlabollo e ka dumelwa ge e le gore e sepelelane le metheo e beilwego ka go Kgaolo 1 ya Molao wo e bile e ka ba ka kgahlego ya setšhaba go sepediša dilo ga botse: Ge feela mo kgopedi a ka fa mabaka a go kwagala go katologeng go tšwago lenaneotheo hlabollo la sekgoba peeletšwa, bjale ka ge e boletšwe.

(3) Dipeeletšwa tša lenaneo hlabollo la sekgoba peeletšwa se sengwe se lokišitšwe ka go ya ka molao wo ga sa swanelo go tšewa bja lo ka go fa motho yo mongwe le yo mongwe tshwanelo ya hlabolla goba go šomiša lefase le lengwe le le lengwe goba go arogantšanya lefase le lengwe le le lengwe go ya ka dipeeletšo tše, ntle le go latela ditshepedišo tše bilwego ka go Kgaolo V ya molao wo.

Melawana e latelang ditshepedišo tše beilwego go kgaolo V ya molao wo.

41. (1) Tonakgolo e tla laela gore -

- (a) Tlaleletšo ye ngwe le ye ngwe ya tabataba mabapi le peakanyo hlabollo ya tshwaragano ya Gauteng go yeo e beilwego ka go karolo ye;
- (b) ka mokgwa woo kopanyo le tshepelelano di boletšwego ka go karolo 25 e tlang go sepela ka gona;
- (c) Ka mokgwa, nako e beilwego le ditshepedišo mabapi le peakanyo hlabollo ye swaraganego ya Gauteng e tlang go lokišwa;
- (d) Diphatlalatši, ntle le pukuphatlalatši ya mmušo wa Profense, ka moo go kakanywa ya peakanyo hlabollo e tsenelelago e tlang go phatlalatšwa, le
- (e) Ka mokgwa woo maloko a setšhaba le bathoba kgahlegago goba makgotla ba tlang go rerišanwago mabapi le tokišetšo ya molao kakanywa ya peakanyo hlabollo ya tshwaragano ya Gauteng.

(2) Mokhuduthamaga a ka laela gore -

- (a) tlaleletšo ye nngwe le ye nngwe mabapi le lenanaeotheo hlabollo ya sekgoba peeletšwa go yeo e beilwego ka go

karolo 29 ya Kgaolo ye;

- (b) ka mokgwa woo kopanyo le tshepelelano di bole tšwego ka go karolo 30 e tlang go diragela ka gona;
- (c) ka mokgwa, nako e beilwego le ditshepedišo mabapi le lenaneotheo hlabollo la Gauteng le tlang go dirwa mabapi le mananeotheo a sekgoba sa peeletšwa go yeo e beilwego ka go karolo 35 ya Kgaolo ye;
- (d) tlaleletšo ya taba yeo e tlang go dirwa mabapi le mananeotheo a sekgoba peeletšwa go yeo e beilwego ka go karolo 35 ya kgaolo ye;
- (e) ka mokgwa woo kopanyo le tshepelelano di boletšwego ka go karolo 35 e tlang go direga ka gona;
- (f) ka mokgwa, nako e beilwego le ditshepediso mabapi le mananeotheo hlabollo a sekgoba peeletšwa ditlang go lokišwa ka gona;
- (g) mokgwa wa go tliša mananeotheo hlabollo ya sekgoba peeletšwa go Mokhuduthamaga; le
- (h) dinyakwa tše di latelwa ge go ka direga gore mokgopela a fe mabaka go tšwa go lenaneotheo hlabollo la sekgoba peeletšwa, bjale ka ge se boletšwe ka go karolo 40(2) ya Molao wo.

KGAOLO V

DIPOLANE TŠA TSHOMISO TAOLO YA LEFASE

Dipolane tša tshomišo taolo ya lefase

42. (1) Lebakeng la nako yeo e beilwego ke Mokhuduthamaga ka morago ga go thoma ga Molao wo, mmasepala o mongwe le o mongwe o swanetše go kgonthiša gore polane ya tshomišo taolo ya naga yeo e akaretšago naga yohle e lego ka gare ga lefelo la taolo ya lona e lokišwa ka go ya ka mabaka a go kgaolo ye.

(2) Ge go direga gore mmasepala o palelwa ke go lokiša polane ya tshomišo ya taolo ya naga bjalo ka ge di beilwe ka go karolwana (1) ka go molao e swanetšego, Mokhuduthamaga o tla tše magato a bohlokwa go direla

gore polane ya tšhomis̄o taolo ya naga e lokišetšwa ka fase ga maemo a Molao wo go mmasepala woo le gore di tshenyagalelo tše di tlang go ba gona ka go dira ka mokgwa wo, di tla hwetšwa ke Mokhuduthamaga go tšwa go mmasepala woo: ge feela mmasepala woo a ka kgopela mmasepala wa selete goba mmasepala wa se legae,bjale ka ge go le bjalo, ba bonwe go karolo 43, go lokiša polane ya tšhomis̄o taolo ya naga legatong la wona.

(3) Polane ya tšhomis̄o taolo e tla laolwa le go e dirišwa ke mmasepala mo go latelang:

- (a) Tšhomis̄o ya naga go ya ka mo e nyakwago e tla dirišwa feela ge katologo e dumeloga, ge kamogelo ya katologo e le go mabaka a:
 - (i) Go thuša goba go ikgakološa tšeelofase ya hlabollo; le
 - (ii) Tebano ya mabaka go hwetšeng tšhomis̄o e kgahlišago
- (b) Mabaka bjale ka ge a akanywa ka go karolwana (a) ka godimo e swanetše e kgotsofatše seemo se beilwego ke Mokhuduthamagagoba ye e beilwego ke Rateropo wa mmasepala ge feela dinyakwa ka Rateropo ga di sepelelane le tše di beilwego ke Mokhuduthamaga.
- (c) Kamogelo ya mabaka go photlameng ka ge go boletšwe go kgaolwana(3)(a) e ka emelwa ke lekgotla goba emelwa fase gape ke Rateropo Phethiši goba komiti phethiši ka bottlalo goba ka boripa go lekgotla la polane goba moemedi wa Lekgotla.

Bommasepala ba selete le se legae

43. Bommasepala ba se Igae ba tla lokiša, laola le go kgapel etšo ya dipolane tša tšhomis̄o taolo mabapi le mafelo ao a welago ka kgopelo ya wona: ge feela mmasepala wa selete ka kgopelo ya mmasepala wa selegae ka mafelo ao a lego ka taolong ya bona a ka lokiša, laola le go gapeletša polane ya tšhomis̄o taolo ya naga lebakeng la ena woo mmasepala wa se legae go fihlela moo yena mmasepala wa selete a ka bago le bokgoni bja go dira bjalo: Gape le gore mmasepala wa se legae go sebaka se swanago sa mmasepala wa se legae ka gare go sebaka se swanago sa mmasepala wa selete a ka lokiša polane ya tšhomis̄o taolo ya naga go yena mmasepala wa se legae go fihla ge a ka ba le bokgoni bja go dira ka mokgwa woo.

Dipolane tsa tšhomis̄o taolo ya naga di tla lokišwa le poeletšo ya bommasepala

44. (1) Bommasepala ba tla lokiša dipolane tša tšhomiošo taolo ya naga ka nako ye nngwe le ye nngwe mabaka ka karolo 42, go ya le ka dipeeletšo go karolo 49 le 50 ya kgaolo ye.

(2) Bommasepala ba tla fetola dikimi tše tšwelang pele, ka go lokiša dipolane tša tšhomiošo taolo ya nagae mpšha go ya le dip eeletšo tša go karolo 49 le 50 ya kgaolo ye.

(3) Mmasepala a ka lebelediša leswa polane ya tšhomiošo taolo ya naga ya gagwe, nako ye nngwe le ye nngwe, ge e hwetšwa e le bohlokwa, e le ka baka la poetšo yeo, lokiša poeletšo ya polane ya tšhomiošo taolo ya naga.

(4) Moo mmasepala a ka nyakago go boeletša peakanyo ya tšhomiošo taolo ya naga bjalo ka ge e lebeletšwe ka go karolwana(3), e tla latela ditshepedišo tše beilwego ka go karolo 49 le 50 ya kgaolo ye.

(5) Ge mmasepala a lokiša polane ya tšhomiošo taolo ya naga bjalo ka ge e beilwe go karolwana (1), šutiša sekimi se se leng gona bjale ka ge se filwe go karolwana(2), goba šutiša polane ya tšhomiošo taolo ya naga bjale ka ge e beilwe go karolwana(3) le(4), e tla kgonthiša gore polane ya tšhomiošo taolo ya naga e a lokišwa, e a tlošwa goba e a lebelelwa ka leswa e -

- (a) sepelelana le metheo e beilwego ka go Kgaolo ya Molao wo;
- (b) sepelelanale lenaneotheo hlabollo la sekgoba peeletšwa le polane hlabollo ya swaragano ya lefelo leo le amegago; le
- (c) sepelelana le e nngwe ya dinyakwa tše Mokhuduthamaga a di beilego

(6) Bommasepala ba tla lebelela leswa dipolane tša tšhomiošo taolo ya naga gore e kwane le dipolane hlabollo ya swaragano ka dinako tše beilwego: Ge feela nako magareng a tebelelo leswa ga e fete nako yeo e beilwego ke Mokhuduthamaga nako le nako ka tsebišo ka go Pukuphatlalatši ya mmušo wa Profense.

(7) Mmasepala o tla fela a lebelediša le go ngwala tše latelago, go eay le dinakotheo le ditshepedišo tše beilwego ka go karolo 60:

- (a) phapang e tšwelelang magareng a lefase leo le bolelwago 60(a) le pono elego ka gare ga polane hlabollo ye swaraganego le polane ya tšhomiošo taolo ya lefase
- (b) tšwelelo tse dirilwego le magora a go tšwalela hlabollo kgato e e boletšweng go (a) ka godimo.
- (c) nakotheo e kgonegago go tswalela pulego ge e le gore e ya kwagala e bile go bohlokwa go dira bjalo.

(8) Ge polane ya tšhomiošo taolo ya naga e dirwa gape, ka morago ga ge poeletšo yeo e amogelwa, mmasepala o tla tše megato ka moka e bohlkwa go dira diphetogo le polane yeo e nyakegago go kgontšha poeletšo yeo.

Maikemišetšo a dipolane tša tšhomis̄o taolo ya naga

45. Maikemišetšo a dipolane tša tšhomis̄o taolo ya naga ke -

- (a) Go hhalosa tirišo tšhupo ya hhabollo ya naga;
- (b) Go hhalosa, go laola le go sepediša tšhomis̄o ya naga,e akaretšang tšhomis̄o e loketšego mafelo a dinaga magae e hholago tshepetšo tšwelelo yeo e šupago ka go (a) ka godimo;
- (c) Go laola mohuta, bogolo le boima bja meago e agilwego goba e tlang go agwa go karolong ya naga;
- (d) Go ganetša tšhomis̄o ya naga ka nepo goba tiro tše di sa kgahlišigo;
- (e) Goba e sa sepelelane le tshepetšo ya (a) ka godimo
- (f) Go bea mabaka le kgonego ya hhabollo, go akaretša le mabaka le kgonego mabapi le ditšhomis̄ego ,tshepetšo e botse,tšwelelo, ekonomi, thekgo tšwelelo pele ya tikologo le kopanyo ya tšhomis̄o ya naga le hhabollo.
- (g) Gohlalosa hhabollo magareng a seemo sa tšhomis̄o ya naga le hhabollo ya ponelopele e lego ka go polane hhabollo ya swaragano goba tšhomis̄o ya naga ka mo go nyakegago ka gona.
- (h) sa seemo se okeditšwego go ya ka mabaka a go tsweletsong hhabollo ya ponelopele.

Ditlangwa tše di tlang go bewa ka go dipolane tša tšhomis̄o taolo ya naga

46. (1) Polane ya tšhomis̄o taolo ya naga e tla laola le go sepediša ditaba tše di tlang go ba di laetšwe, tše di tlang go akaretša, empa e sen g go gomela, ditaba tša go swana le: -

- (a) tlalo ya batho le go tiiša ga lefase;
 - (b) botelele le popego ya meago;
 - (c) peo ya meago le dipopego tša dibakeng, go akaretša le go fihla ka moo meago e aparetšeng dibaka le moo di emego malebana le mellwane ya dib aka;
 - (d) phihlelelo le tšhomis̄ego;
 - (e) tshepelelano le thoko setoropo moo hhabollo e lego setoropo; le;
 - (f) tshepelelano le dibeetšwa go kgaolo 1 5 ya Molao wa Taolo kakaretšwa ya Tikologo,1998(Molao 107 wa 1998)gape melawana e loketšwego go ya ka kgaolo 5 yeo.
- (2) Polane ya tšhomis̄o taolo ya naga e tla -

- (a) e ba ena le tumelelano go tšhomis̄o ya naga enngwe le enngwe go morero o rileng, ge e le gore mmasepala o file tumelelo yeo; goba
- (b) e ba na le dipoeletšwa tše dingwe bjalo ka ge di tla be di laetšwa tše dingwe bjalo ka ge di tla be di latšwe goba tše mabapi le tšhomis̄o taolo ya naga ka kakaretšo.

Ditshepedišo mabapi le ditumelelano

47. (1) ditshepedišo tše di nago le polane ya tšhomis̄o taolo ya naga e šomanago le ditumelelo, bjale ka ge e bonwe ka go karo lwana (2) (a), e tla be ka bobabaledi bja mmasepala woo a amegago: Ge feela ditshepedišo di sepelelana le metheo ye bonagala le tše karolo ya setšhaba le enngwe le enngwe ya tše maemo a beilwego mabapi le ditshepedišo tše.

(2) Moo tumelelano e filwego, maemo ao tumelelano e filwego e ka akretša leemo la gore -

- (a) tumelelano e tla fela-
 - (i) ige tšhomis̄o ya naga e sa thome ka nako yeo e beilwego kago seemoseo;
 - (ii) ge tšhomis̄o ya naga e ka tlogelwa go nako yeo e beilwego ka go seemo seo; le
 - (iii) go feleng ga nako yeo goba ka tiragalo ya seo se boletšwego ka go seemo.
- (b) mmasepala a ka nyaka tefo go tumelelano eo e filwego go mabaka ao le maemo ao a ka bewago ke mmasepala, go akretša tefelo ya tšhelete go kgontšha mmasepala go hwetša tshenyagalelo yeo a e dirilego ka go fa tumelelano e bonwego go karolwana (2) (a).

(3) Mmasepala wo a ikemišeditšeng go šomiša naga ya yona go nepo yeo tumelelano e nyakegago ka mabaka a polane ya tšhomis̄o taolo ya naga goba bjalo kage go laetšwe.

Peeletšo ya polane ya tšhomis̄o taolo ya naga go ya le kgahlano ya melawana ya bommasepala

48. Moo peeletšo ya tšhomis̄o taolo ya naga, go ya ka moo go lego ka gona, go kgahlano le dipeeletšo tša molawana wa mmasepala, dipeeletšwa polane di tla ba le go tšwelapele.

Dinyakwa tše nnyane tše beilwego

49. Mokhuduthamaga a ka bea dinyakwa tše nnyane tše rileng tše di ka akretšwago ka go dipolane tša tšhomis̄o taolo ya naga ye e ngwadilwego.

Ditshepedišo tša go ngwaleng le pušeletšo ya dipolane tša tšhomis̄o

taolo ya naga

50. (1) Polane ya tšhomis̄o taolo ya naga e swanetše e ngwalwe, ke mmasepala ka mokgwa woo le ka nako ye e beilwego gape le ka go ya ka ditshepedišo tše beilwego ke Mokhuduthamaga, go ya ka dikarolwana(2), (3), (4), (5), (6)(7)le (8) ka fase

(2) Kakanyo ya polane ya tšhomis̄o taolo ya naga e tla lokišwa goba ya boeletšwa ka morago ga go lebeledišiša sekgoba sa hlabollo magareng a Rekoto ya Tšhomis̄o ya Naga le poneopele ya hlabollo e lego ka go polane ya hlabollo ya tšwaragano goba polane ya tšhomis̄o taolo yeo e tšwelago p ele go lefelo leo ka go nyaka go tšwelela sekgoba se bulegilego.

(3) Polane ya tšhomis̄o taolo ya naga yeo e akanywago, goba poeletšo go polane ya tšhomis̄o ya tšhomis̄o taolo ya naga , e ka ngwalwa go ya ka maemo a kgaolwana(1) le tsebišo ya kakanyo yeo goba poe letšo ya yona, go akaretša tshedimošetšo mabapi le moo e tlang go hlahlobjwa gona, e tla phatlalatšwa ka go Pukuphatlatšwa ya mmušo wa profense le enngwe ya tša diphatlatši tše rilego gore go kgonwe go fa polelo.

(4) Kakanyo goba poeletšo yeo e bolelwago ka go karolwana(2) e tla fetišetšwa go lekgotla la polane go re go fiwe polelo ka yona.

(5) Maloko a setšhaba le batho ba nago le kgahlego goba makgotla a ka nore, ka go ngwala, a ganana goba a diradikemedi go mmasepala wo a amegago, mabapi le kakanyo gob a poeletšo yeo e boletšwego go karolwana (2) ka nako yeo e beilwego.

(6) Mmasepala o tla theets̄a dikganetšo tše o le dikemedi, mo theeletšong ya gona, bjale ka ge go beilwe.

(7) Ka morago ga ge a mmasepala theeditše dikganetšo le dikemedi bjale ka ge go beilwe go karolwana(5), e tla tšeakakanyo goba polane e boeleditšwego ka tšeakakanyo e nngwe leye nngwe e tsentšhitšwego le dikemedi tše dirilwego, gape ya tšeak polane go ya ka phetogo yeo e bonego e swanetše go e dira ka sephetho sa lekgotla taolo la mma sepala, goba e ganwe ka boripana goba ka botlalo: A retseng ge lekgotla le fa maatla ao go Rateropo phethiši goba komiti phethiši.

(8) Ge mmasepala a amogetše polane, bjale ka ge e beilwe go karolwana(7), e tla fa tsebišo yeo, ka nako e rileng, ka go Pukup hatlalatša ya mmušo wa Profense, gape ka tsebišo yeo, go tla bolelwago le tla dula go hlahlobiwa ka dinako tše bonagetšego ka ofising ya mmasepala woo a e lokišitšego.

Go thoma go šoma ga polane eo e tšerwego

51. Polane yeo e tšerwego, ka ge go beilwe karolo 50(7) e tla thoma go šoma ka letšatsi la phatlalatšo ya tsebišo e lego go karolo 50(8), le gona go tloga ka letšatši leo mmasepala o tla lebeledišiša le go šomiša dibeelatšwa tša yona: Ge feela e le gore go na le boipelaetšo mabapi le polane yeo e akantšweng yeo e sa tlang go theets̄wa, polane e bjalo e ka thoma go šoma ge boipelaetšo bo feditšwe.

Thibelo ya phetošo ya polane ka go mabaka a rileng

52. (1) Moo mmasepala a tserego polane ya kakanyo go ya ka karolo 50(7), ga go motho yo a swanetšego, go ya ka naga yeo e amago, a kgopela go fetolwa goba phetošo ye nngwe ya polane ya tšhomiošo taolo ya naga go ya ka nako ya mengwaga ye mebedi go tloga ka nako ya tšeо ya polane yeo.

(2) Go se be kgahlanong le dipeeletšwa tša karolwana (1), mmasepala a ka no re, ge e le gore ka monagano gore mabaka a dumelela tebeleloya diphetošo tše dingwe go kgopelo e ngwadilwego le bjale ka ge go ngwadilwe, a fa tumelelo ya diphetošo tše dingwe.

Go se sepelelana ga tšhomiošo ya naga

53. (1) Ge e le gore ka nako ya go thoma go šomišwa ga polane ya tšhomiošo taolo ya naga, naga goba seripa sa naga, e šomišwaka lebaka leo e sego lebaka leo naga yeo e beetšwego goba e zonetšwe go ya ka mabaka a peeletše a polane ya tšhomiošo ya naga, empa e se ka molao e bile e se kgahlano le maemo a Molao o, ka gona peeletšo ya karolo 53(3) e tla šoma .

(2) Ge e le gore ka nako ya go tla go thoma ka polane ya tšhomiošo tašolo ya naga go na le moago mo lefaseng leo o agilwego go ya ka maleba a polane ya moago goba go agwa ga moago go thomilwe, ka polane eo e dumelšweng, meago eo e tla tšewa gore e sepelelana le polane ya tšhomiošo taolo ya naga le dibeetšwa tša karolo 53(3) e tla šomišwa.

(3) Tšhomiošo ya lefase e ka tšweletšwa ka morago ga nako ya go thoma go šomiša polane ya tšhomiošo taolo ya naga go mengwaga e mehlano goba meago e tla tšewa gore e sepelelana le polane go mengwaga e mehlano, ka ge go le bjale: A re tse mong a ka kgopela go mmasepala go oketša mengwaga yeo e mehlano go ya go nako e nngwe, yeo e sa feteng mengwaga e mehlano ka kakaretšo, go mabaka a bjalo, ge mmasepala aka beela lebaka le.

(4) Kgopelo yeo e bolelwago ka go karolwana(3) e tla ba e ge e beilwe, empa e tla dirwa pele ga ge goba gare ga dikgwedi tše tharo go tšwa go phetelo ya mengwaga ya mathomo ye lesome hlano.

(5) Go eya le gore dipolelo tša kgopelo tše bolelwago go karolwana (3) tshwanelo ya go šomiša naga e ka se fele, le moago o tla tšwelapele go tšewa gore o sepelelana le polane, bjalo ka ge go le bjale.

(6) Tshwanelo ya go tšwelapele go šomiša naga bjale ka ge go beilwe go karolwana(3) go tlare, ge tshwanelo e se ya dirišwa nakong ya go tšwelela ntłe le kgaolo ya mengwaga e mebedi ka morago ga go tla ga go šoma ga polane ya tšhomiošo taolo ya naga, e fela ka mafelelo a mengwaga e mebedi.

(7) Ge polane ya tšhomiošo ya naga e tšewa mengwaga e mehlano ya mathomo, ka moo e akanywago go karolwana(3), e sa ntše e tšwelapele, e ka seke ya šoma go karolo ya mengwaga e mehlano yeo e ša setšeng.

Kamego ya phetošo ya mellwane

54. (1) Ge kgaoganyo go ya ka Mmušo wa se legae: Molao wa karoganyo wa Mmasepala, 1998(Molao 27 wa 1998) e beakanya mollwane wa bomasepala, mmasepala o mongwe le o mongwe o amegago ka peakanyo ya e swanetše go boeletša tebelelo le go beakanya polane ya tšhomiso taolo ya naga go ya ka mo go swanetšego.

(2) Moo mellwane ya Profense e fetolwago gonà gore naga yeo e welago ka go Profense ka morago ga moo ya wela ka go mellwane ya Gauteng, Moalo wo o tla šomišwa go lefase leo le amegago, go tla ya le molao woo o tläng go fetišwa wo o tläng go lebelelana le taba ye.

Tšhomiso

55. Polane ya tšhomiso taolo ya lefase e tla dirišwa go bohole ba nago le lefase le bao ba dulago ka go lona go akaretša le dikarolo tša mmušo ka go la Profense

Maatla a mmasepala wa se legae go tšwetšeng pele pheleletšo ya nepokgolo ya polane ya tšhomiso taolo ya naga

56. Mmasepala, aka nore ka go tšwetša pele pheleletšo ya nepokgolo ya polane ya tšhomiso ya tšhomiso taolo ya lefase, yeo e šomago ka go lefelo leo e le laolago-

- (a) ya hwetša lefase
- (b) ya hloma moago;
- (c) thwadiša,fetišetša goba go rekišetša e nngweya lefase goba moago
- (d) hhalosa sebaka seo ditshwanelo tše leng ka gare go polane ya tšhomiso taolo ya lefase di lokile go ya ka mokgwa le ditšhepedišo tše beilwego ke Mokhuduthamaga
- (e) tše megato e mengwe go e leng gore e tla thuša

Rekoto ya tšhomiso ya naga

57. Dipolane tša tšhomiso taolo ya naga le direkoto tsa tšhomiso taolo ya naga di tla thuša ka diphetho tša tšhomiso taolo ya naga go mmasepala

Moreo wa Direkoto tša Tšhomiso ya Naga

58. Morero wa direkoto tša tšhomiso ya naga ke:

- (a) Go dula go swerwe rekoto ya merero moo naga e ka šomišwago le maemo ao fao go šomišwa mafelo ao e a aparetsago; le

- (b) Go thibela tšhomiso ya naga go mabaka le ditiro tše leng ka fase go mobu tšhomisong le ma emo a ka go (a) ka godimo

Dikagare tša Direkoto tša Tšhomiso ya Naga

59. Rekoto ya tšhomiso ya naga e na le dabeeletša tše bolelwago Karolo46

Ditshepedišo tša go ngwala le go boeletša direkoto tša tšhomiso ya naga

60. Arekoto ya tšhomiso ya naga e tla ngwalwa goba go boeletša leswa ke mmasepala ka mokgwa woo le ka nako ye e beetšwego gape le mabapi le ditshepedišo te beilwego ke Mokhuduthamaga, go ya ka karolwana(a) le (b) ka fase:

- (a) Diphetho tša tšhomiso taolo ya naga ka mmasepala di tla ngwalwa bjale le bjale.
- (b) Mmasepala o tla dula a re ka nako a lebelela le go ngwala mekgwa go dinako tše rileng.

Polane ya tšhomiso ya naga yeo e sa sepelelanego le melao ya nagakgolo le Profense

61 (1) Moo e šetšego e go file šedi ya Mokhuduthamaga gore polane ya tšhomiso ya naga goba peeletšo yeo ga e sepelelane le melao goba maikešetšo a nagakgolo le Profense, Mokhuduthamaga a ka kgopela lekgotlatheetšo la Boipelaetši le Hlabollo la Gauteng go bona leswa yeo moo polane ya tšhomiso taolo ya lefase thibelago tš welelo go ba bangwe goba dipeeletšo tše le go bega ka tšona gape le fa dikeletšo tša gore go ka direga eng:

- (a) mafelo a hlokago leemo la tekanelo;
 - (c) Diphetogo tše ka dirwago go phosolla go se lekanele moo;
 - (d) tshepedišo yeo diphetogo tše bohlokwa di ka bontshwago le go dirišwa ka gona.
- (2) Mokhuduthamaga a ka laela mmasepala go:
- (a) Go diriša diphetogo e le go phosolla go se lekanele;
 - (b) Go diriša tshepedišo yeo e tlangu go ba le dipuelo ka go phosolla go se lekanele moo.

Diphetho tša tšhomiso taolo ya lefase tše sa sepelelanego le maikešetšo le melao ya mmušo wa gare le profense

62 (1) Moo e šetšego e gogile šedi ya Mokhuduthamaga gore iphetho tša tšhomiso taolo ya lefase, ditiro, go sedire di tla ba le go se sepelelane le melao le maikešetšo a mmušo wa ga re le profense, Mokhuduthamaga a ka kgopela kgotlatheetšo ya boipelaetšo le hlabollo go

lebelela leswa magora a thibelang diphetho ,go sedire ,tiro le go bega ga mmogo le go eletša gore:

- (a) Mafelo a senago le boitekanelo
 - (b) Diphetošo tše go ka tšewago diphešo goba go diriša go phošolla go se lekanele moo; le
 - (c) Tshepetšo yeo diphetogo tše bohlokwa di ka dirwago le go phethwa.
- (2) Mohkuduthamaga a ka laela mmasepala gore a:
- (a) Dirise diphetošo tše go phošolla go se lekanele;
 - (b) Diriše tšhepedišo yeo dipolo di tlang go ph ošolla go se lekanele.

Ditekanelo tša teransišene

63 (1) Dikimi di tla no tswelapele go fihlela ge polane ya tšomišo taolo ya lefase e lego go karolo 42 e thoma go šoma.

(2) Dikimi tša polane tšomišo ya lefase le tše zonilwego di tla hlama motheo wa rekoto ya tšomišo ya lefase ge polane ya tšomišo taolo ya lefase e lego karolo 42 e thoma go šoma.

(3) E se be kgahlano le dipeeletšo tša karolo 101, dikarolo tša molao tse lebeletšwego go karolo 101 go fa kamo go sikimi tše riling di tla no tswelapele go fihlela ge di tšeelwa legato ke polane ya tšomišo taolo ya lefase lego go karolo 42, ge e šoma.

Melawana

64. Mokhuduthamaga a ka dira melawana go tše latelago mabapi le dipolane tša tšomišo taolo ya lefase -

- (a) go dinyakwa tše polane ya tšomišo taolo ya lefase di tlang go lokišwa, emelwa legato goba lebelelwa leswa e tlang go lekanelo;
- (b) peeletšo tše tlang go ba gona go dipolane tša tšomišo taolo ya lefase;
- (c) mokgwa wo mmasepala a nyakang go šomiša lefase la lona moo maikemmišetšo a tlang go nyaka tumelelo, le tla kgopela tumelelo;
- (d) dinyakego tše nnyane tše itšeng di tla lokelwa ka go dipolane tša tšomišo taolo ya lefase di tlang go ngwalwa;
- (e) mokgwa, nako e beilwego le ditšhepedišo mabapi le tšomišo taolo ya lefase e tla ngwalwa goba polane ya tšomišo taolo ya lefase goba sekimi se leng gona se tla lebelelwa leswa ke bommasepala;
- (f) nako tše beilwego gore maloko a setšhaba batho goba makgotla a nago le kgahlego ya go dira boemedi go

- bommasepala mabapi le dikakanywa tša dipolane goba dikimi tše lebeletšwego leswa;
- (g) mokgwa woo bommasepala ba tlang go kwa dipelaetšo goba boemedi go ditheeletšong le seemo sa ditheeletšo;
 - (h) nako yeo go yona mmasepala a tlang go tsebiša gore o tšere sekimi; le
 - (i) tshepedišo yeo e tlang go latelwa ke mong ge a nyaka go oketša nako yeo ya mengwaga e mehlano bjale ka ge e bontšhwa go kgaolo 52 ka godimo.

KGAOLO VI

KGODIŠO YA DITSHEPEDIŠO

Bakgopedi

- 65.** Batho ba latelago ba ka dira dikgopelo go ya ka kgaolo ye:
- (a) mong wa lefase;
 - (b) motho yo legatong la mong wa lefase ka kwano ye e ngwadilwego a ka dira kgopelo ka leina la gage;
 - (c) motho yo lefase a le hwetšago ka go fiwa ke karolo ya ditho tša mmušo go ya kwano ya khwetšagalo ya lefase;
 - (d) motho yo e lego morekišetši goba konteraka ya boikemedi ka maatla a semolao a tšwago go mong lefase;
 - (e) moswari wa lengwalobohlatse la bohirišwa;
 - (f) motho yo mongwe le yo mongwe goba mokgatlo o badilwego mo seemong sa bakgopedi.

Mehuta ya dikgopelo

66 Dikgopelo tše latelago di tla re, go ya ka karolo 6 (kgaolo II), tše dirilwego go ya ka ditshepedišo tše lego go kgaolo ye:

- (a) go hloma motse setoropo, wo o tlang go ba le -
 - (i) go arola motse setoropo;
 - (ii) go oketša mellwane ya motse setoropo;
 - (iii) go fetola, lokiša goba khansela sealwa kakaretšo;
 - (iv) go bea ka semolao tulo ye e lego gona;
- (b) go hloma tulo;
- (c) go ngwathaganya lefase;
- (d) go teefatša lefase;
- (e) go lokolla seripa sa lefase go ditlangwa tša sebakana mabapi letšhomiso ya lefase;
- (f) go lokiša, emiša goba go tloša magorana a sekimi goba polane ya tšhomiso taolo ya lefase;

- (g) go lokiša, emiša goba go tloša leemo le thibelago, bohlanka goba dibeletšo kgahlano le lengwalobohlatse la bong le ngwadišitšweng goba lengwalo la bohiriši bja lefase;
- (h) ge e le gore sekimi ga sena tshepedišo e beilwego, go hwetša tumelelo go fotoša tšhomiso yeo lefase le be le beetšwe go mabaka a sekimi;
- (i) go hwetša tumelelo ya go šomiša lefase morero o itšeng;
- (j) go tswalela mafelo a setšhaba, go akaretša le ditsela;
- (k) go khansela setifikeiti sa temo e swerweng; le
- (l) go itlema go tšea kgopelo ye nngwe yeo e tlang go bewa.

Tshepedišo ya dikgopelo

67 (1) Mokgopedi o tla dira kgopelo ka go e ngwala, e sepele le ditokomane tše nyakwago le ditefelo, le Molaodi wa Mmasepala wo lefase leo le kgopelwago le a lego gona: ge feela mmasepala wa selete a ka kgopela gore mmasepala wa se legae woo lefasele lego ka fase go taolo ya gagwe, goba mmasepala wa se legae a ka kgopela mmasepala wa selete goba mmasepala wo mongwe wa se legae wo a lego ka go lefelo le welago ka go mmasepala wa selete go sepediša mešomo ya gagwe mabapi le dikgopelo tše.

(2) Molaodi wa Mmasepala o tla dumela kamogelo ya kgopelo e ngwadilwego magareng a nako e beilwego.

(3) Ge kgopelo e se ya ngwalwa ka tshwanelo, Molaodi wa Mmasepala o tla gomišetša kgopelo yeo morago go mokgopedi ka mokgwa wa Molao wo le gore ka moo go lego ka gona go buša kgopelo go swanetše go be ka nako e beilwego.

Ditlogelwa

68 (1) Mokgopedi a ka nore, go eya ka mabaka a beilwego, a dira kgopelo go lekgotla la mmasepala gore a ntšhwe go dibeelwa tše dingwe mo go kgaolo ye. Lekgotla la mmasepala le tla lebeledišiša kgopelo, la šomiša mekgwa e mengwe, e akaretšago, empa e sa kgokelelwa go

- (a) botlalo bja gore gona le batho bao ba šetšego ba dula moo go bolelwago ka gona;
- (b) bonako bja kgopelo; le
- (c) ge ele gore go a hola hlabolla ka bonako

(2) Go eya le mabaka ao a beilwego a tshepedišo le dinako tše beetšwego, mmasepala o tla -

- (a) dumelela kgopelo ka botlalo goba karolo ya yona le go ya ka mabaka ao a bonwago a swanetše; goba
- (b) a gana kgopelo; goba
- (c) phatlalatša kgopelo ;
- (d) diega go tšea sephetho sa kgopelo; le
- (e) laela mokgopedi go tšea magato ao a nyakegang.

Phetišo

69. Lekgotla la peakanyo le ka noれ, go ya ka kgopelo le go ya ka mokgwa o bontšhitšwego wa kgopelo, a eletša gore go fetišwe go palelwa ga lekgotla go dumelana le dinyakwa tša kgaolo ye ge le gore go naganwa gore go palelwa moo ga go tsebafalele motho.

Tsebišo phatlalatša

70 (1) Mokgopedi o tla fa tsebišo bjale ka ge go beilwe, ya kgopelo go-

- (a) makgotla a nago le kgahlego e bile a amega bjale ka ge go beilwe; le
- (b) makgotla ao a hlaloswago ke mmasepala.

(2) Mokgopedi o tlare, go ya ka ditshepedišo tše itšeng a fa tsebišo ya kgopelo go ditho tše itšeng tša mmušo.

(3) Molaodi wa Mmasepala a kare, ele go tlaleletša go makgotla a boletšwego, a kgopela go mokgopedi go fa tsebišo ye e ngwadilwego ya kgopelo go batho ba bangwe ba tlaleletšo goba makgotla a baagi ao a tlang go a botša mokgopedi: Ge feela Molaodi wa Mmasepala a ka le belela lebaka la dikgopelo tše fapanang ge a bolela batho goba makgotla a swanetšego go tsebišwa, a kgonthišiše gore batho le makgotla ao a tlang go tsebišwa ke ao a swanetšego go ya ka dikgopelo tše.

(4) Mokgopedi o tla fa tsebišo ye nngwe gape ya kgopel o bjale ka ge go beilwe.

(5) Molaodi wa Mmasepala o tla kgonthišiše gore dikgoro tše swanetšeng tša mmasepala di a tsebišwa ka kgopelo yeo e bile ba ka fa polelo, kganetšo le/goba ba dire boemedi maelana le kgopelo yeo.

(6) Tsebišo yeo e dirilwego go ya ka di karolwana (1),(2),(3),(4)) goba (5) ka mokgwa wo o beilwego, go bitša ba ka fang polelo, dikganetšo goba go dira boemedi, go ngwalela go Molaodi wa Mmasepala mabapi le kgopelo, ka go nako yeo e beilwego ka go tsebišo: Ge feela Molaodi wa Mmasepala a ka fa kokeletšo ya nako go tliša dipolelo tše di beng gona, dikganetšo goba boikemedi-

- (a) mo go kgopetšwego ka go ngwala nakong ya mathomo, le
- (b) moo a naganago gore dipolelo, dikganetšo goba boikemedi bo tla ba le mohola dikgopelong.

(7) Bohlatse bja tsebišo ka mokgopedi bo tla ba ka ge bo boletše.

(8) Molaodi wa Mmasepala go ya ka nako ye e beilwego, o tla fa mokgopedi dipolelo, kganetšo goba boikemedi ka moka bjo amogetšwego go ya ka mabaka a karolwana (6), moo e leng gore mokgopedi o tla araba go Molaodi wa Mmasepala ka gare go nako ye e beilwego.

(9) Dikgopelo di tla hwetšagala go hlahlobiwa ke setšhaba ka nako tšohle le mafelo ao a begilwego.

Go tliša kgopelo go lekgotla la peakanyo

71. Ka morago ga nako ya go tlišwa ga dipolelo, boikemedi le dikganetšo e fetile, Molaodi wa Mmasepala o tla re, ka nako e rileng, le go lebelela -

- (a) kgopelo;
- (b) dipolelo ka moka, dikganetšo goba boemedi; le
- (c) dikarabo go dikganetšo,

go tliša dikgopelo, dipolelotše, dikganetšo, boemedi le dikarabo, pego ya gage le ditšhitšhinyo go dikgopelang, go lekgotla la peakanyo, sephethong sa bona.

Tshepedišo ya theeletšo

72 (1) Ntle le ge go boletšwe, Molaodi wa Mmasepala o tla re, bjale ka ge go boletšwe, go nako e ritšeng, a neela ka nako e ritšeng ya tšatši la ditheeletšo.

(2) Moalodi wa Mmasepala o tla tsebiša, ka mokgwa o itšeng le ka dinako tše itšeng -

- (a) mokgopedi;
- (b) dikganetšogoba baemedi ba bona ba tlišitšego dikganetšo tše ngwadilwego;
- (c) Bohle ka moka ba nago le kgahlego e bile ba amegile goba baemedi ba tlišitšego dipolelo tše ngwadilwego boikemedi, goba dikganetšo go kgopelo go ya ka karolo 71; le
- (d) Setho se lebaneng sa mmušo, letšatši, lefelo le nako ya ditheeletšo.

(3) Lekgotla la peakanyo le ka lebelela dikgopelo: ge e le gore gona le dikganetšo go kgopelo, lekgotla la peakanyo le tla theeletsa ditlišo tša bohole ba boletšwego go kgaolwana (2) pele ga go tšewa ga sephetho.

(4) Lekgotla la peakanyo le ka tšeа dinyakišišo mabapi le kgopelo.

Go dumelwa ga kgopelo

73 (1) Lekgotla la peakanyo le tla re go ya ka empa le sa beelwa go-

- (a) metheo yeo e leng ka go kgaolo II ya Molao;
- (b) kgodišo ya polane ya swaraganego ya Gauteng;
- (c) lenaneotheo hlabollo la sekgoba peeletšwa la Gauteng;
- (d) lenaneotheo hlabollo la sekgoba peelšwa la se legae;
- (e) polane ya tšhomis̄o taolo ya lefase e lebaneng, rekoto ya tšhumis̄o ya lefase le go tswalela sekgoba hlabollo magareng a polane le rekoto;
- (f) tebeledišišo ya tikologo;

- (g) dinyakwa tša ditho tša mmušo tše lebanego;
- (h) ditshwayo,dikganetšo le dikemedi tše amogetšwego le diphetolo tše filwego;
- (i) nyakišišo yeo e e laetšego;
- (j) dikgahlego tša setšhaba, le
- (k) ditshwanelo tše itšeng tša kgopelo;

lebelediša le go šišinya tumelelo, le goba ntle le diphetošetšo, goba šišinyo ya kgano ya kgopelo ka botlalo goba phego ya seph etho: e feela dibeeletšwa go karolo 40 di be tše sepelelanago le yona.

(2) Go šišinyeng ga tumelelo ya kgopelo lekgotla la peakanyo le ka šišinya-

- (a) seemo sa bongwadišo bjo itšeng, ka mo go beilwego;
- (b) seemo sa hlomo, ka moo se beilwego; goba
- (c) seemo se sengwe.

(3) Lekgotla la peakanyo le tla ngwala mabaka a bona go ditšhišinyo ka ge go beilwe

Tsebišo ya tumelelo

74 (1) Ka morago ga ge lekgotla la peakanyo lešišintše go dumelawa, le diphetošetšo goba go ya ka maemo, goba kganetšo ya kgopelo, Molaodi wa Mmasepalao tlare,bjale ka ge go beilwe, a tsebiša -

- (a) mokgopedi;
- (b) batho bao ba mathomong ba filwego ditsebišo go ya ka mabaka a karolo 72 ka godimo,
- (c) ba swerego ditshwanelo tša nnete tše lekanetšego goba ditshwanelo tša diepywa; le
- (d) e nngwe ya ditho tša mmušo e nago le dinyakwa tša go dumelela sephetho.

(2) Molaodi wa Mmasepala o tla re ka dikgopelo tše itšeng,a phatlalatša tsebišo ya gore kgopelo e dumelatšwe le maemo a phethilwe ka go Pukuphatlalatša ya Mmušo wa Profense.

(3) Tšatši la phatlalatšo goba nako e sa tlang ge e boletšwe ka go tsebišo, e tla ba letšatši leo tuumelelo e tlang go thoma.

Go išwa ga ditokomane go Mongwadiši le Molekanyetši kakaretši

75. Ka go mabaka a itšeng, mokgopedi yo a tsebišitšwego gore kgopelo ya gagwe e dumelatšwe, ka gare go nako e beilwego,o swanetše a tsentše-

- (a) le Molekanyetši Kakaretši dipolane,diswantšho,ditokomanele ditsebišo tše dingwe tše Molekanyetši Kakaretšo a nyakago go dumelela polane kakaretšo go ya ka maemo a tumelelo ya kgopelo; le
- (b) le dipolane tše dumelatšweng go Mongwadiši wa dingwadiši bja bong,diswantšho, gotee le mangwalo a bongwadiša bong

gape le ditokomane tše nyakwang ke Mongwadiši go ya ka kgopelo e dumelētšweng.

Phetošetšo ya kgopelo le maemo a go hloma

76 (1) Mokgopedi a ka dira dikgopelo go lekgotla la peakanyo, pele ga ge tumelelo ya kgopelo e dirwa, gore kgopelo e fetošwe.

(2) Lekgotla la peakanyo le ka dumela, ka bottalo goba ka boripa goba la šutiša sephetho gona fao ge ele gore ka kakanyo ya lona e bona phetošo e tlaba ya maemo a fase go feta yeo e bego gona mathomong a kgopelo ge ebe e dumelētšwe, le gona phetošetšo yeo ga e ka mokgwa woo e tlang go nyaka kgopelo e mpsha.

(3) Kgopelo yeo e sa sepelelanego le maemo a lego ka go karolwana (2) e swanetše go tlišwa gape.

Tšwelapele ka kgopelo ka mokgopedi o mongwe

77. Go eya le mabaka a beilwego le ditshepedišo mokgopedi o moswa a ka tšwelapele ka kgopelo legatong la kgopelo ya pele goba mokgopedi wa latelago.

Thibelo ya dikonteraka tše dingwe

78 (1) Ntle le ge e boletšwe, ga go motho yo a tlang go -

- (a) tsenela konteraka ya go rekiša, bapatša, fetolela thoto kgaoganya le enngwe ka mokgwa o mongwe ya erefe ka motse setoropo goba go seripa sa naga;
- (b) go hloma moago mo erefe yeo;
- (c) go fa sebaka sa go reka goba go rekiša erefe goba tshwanelo ya pele ya go gana go ya ka erefe yeo;
- (d) ntle le moo hwetša erefe yeo, ntle le -

kgopelo e dumelētšwe le ditirelo tša enjeneera di filwe go kgotsofala ga mmasepala goba go filwe dipampiri tša kgotsofalo ya kwarantee e filwe.

(2) Dibeelwa tša karolwana ya (2) ga di a swanelwa go bonwa di thibela motho go reka naga mo go yona a tlang go thoma motse setoropo go eya le gore ka morago ga go thoma motse setoropo ,karol o ya erefe e tla fetišetšwa go morekiši.

(3) Konteraka yeo e tlang go tsenelwa e le kgahlano le dikarolwana (1) le (2)e tla tšewa gore ga se yona.

Go fegwa goba go tloša maemo a thibelago go ba makgoba a dikgopelo pele

79. (1) Lekgotla la peakanyo le ka re, ka bo lona goba ka kgopelo ya mokgopedi, moo ka bo yona e nagana mabaka a thibela gore takatšo mabapi le tšhomiso, dula hlabolla goba aroganya lefase le gore go tlošwa goba go

emiša go tlo thoma taba ya go ditela hlabollogo ya ka tumelel o ya mong bokgoba le maemo a thibela maemo a go hloma -

(a) bokgoba e ngwadišitšego kgahlano le moswari wa lengwalo ngwadišo bong, eo eleng tabtaba ya kgopelo; goba

(b) melawana thibela yeo tlang go šomišwa go ye ngwadišitšego goba ntle le moo e šoma ka le fase leo.

(2) Iekgotla la peakanyo le ka -

(a) moo mong lefelo a beago maemo a boima karolwana
(1) (a) goba moholegi maemo a thibegile go a bolelwago go karolwana(1) (b) gaa ikemišetša go fa tumelelo go phego ya sebitshute goba maemo a go lebeledišša goba ka fase ga maemo ao komiti e tlogo a tšea bjalo ka maemo a lokilego; goba

(b) moo go sa kgonegego go hwetša tumelelo ka nako e kwagalago e le ka baka la gore go na le ditshwanelo tše amegago, goba nomoro ya batho bao ba lego gona goba ka gore go se bonale ga motho yoo tšewago go temana ya (a) ga a botšišege, oba motho yo a lebeletšwego

(3) Sebetshute goba maemo a thibelo a fegilwego ke maemo a ihlomo moo tsebišo e dirilwego, tla tlošwa ge puku ngwadišo e tlo bulwa.

(4) Mongwadiši yo a amegago o tla re, ka morago ga ge go se n o tlošwa ka mo go nagannwego go karolwana(3), gwa ngwalwa ka gare goba go puku ngwadišswa goba bongwala bja bong goba yeo e tlišitšwego ofising ya gagwe goba a bona go le bohlokwa gore a bontšhwe go tlošwa: ge ele gore go tloga moo go ama seswantšho goba polane kakaretšo ebego faeleng ka ofising ya Molekanyetši Kakaretšo, Mongwadišio tla tsebiša Molekanyetši Kakaretšo ka tshwanelo.

(5) Motho yo a ilego a ba le tshenyagelelo goba wo lefase goba tshwanelo ya gagwe mo lefaseng e i le ya amega kudu e le ka baka la go tlošwa goba o memišwa go ya ka karolwana (3) a ka nore ka gare go ngwaga o tee ka morago ga go tlošwa goba go emišwa le go fihla moo e leng gore a se a hwetše phumula meokgo, nyaka phumula mekgogo motho woo, ka nako ya g o tlošwa goba go emišwa, motho yo a kgopelago ka tlase go maemo a goba sebitshute gore a tlošwe goba a emišwe.

(6) Tšhelete yeo e bolelwago ya phumula meokgo go karolwana(5) e swanetše goba tšhelete yeo mokgopedi le motho yeo go bolelwago ka yena go karolwana ,goba go palelwa ke go hwetša phumula meokgo ka morago ga kgwedi go e dirilwe ka fase go karolwana yeo e swanetšse goba seroto seo se beilwego ke kgotlatheetši ya boipelaetšo,

(7) Karolo ye ga e maatlafatša taba ya go tloša goba go emiša tshwanelo e ngwadišitšwego ya diepywa, le Molao wo ga o goge go tšwa go dikalafi tša moswari wa ditshwanelo tša diepywa ka fase go molao wa kakaretšo.

Go thoma ga go ngwadiša bobong go ya ka dikgopelo tše dingwe.

80. Mongwadiši o tla thoma go ngwadiša bo bong bja lef ase ka go lefelo yeo e elegoo gore ke tabataba mo go kgopelo e rilego

- (a) sealwa kakaretšo goba kgaoganyo ya diswantšho tša lefelo leo di dumeletšwe;
- (b) mokgopedi o tsentšhitše dipolane diswantšho tse dumeletšwego ke molekanyetši Kakaratšo, gammogo le mangwalo a bohlatse bja tsebišo ya gore yena goba ngwadišo le Mongwadiši;
- (c) puku ya maleba ya boingwadiši e butšwe;
- (d) motsesetoropo goba bofalalelo bjale ka ge go le bjalo, e tšerwe bjale ka motsetoropo goba felo la go dula;
- (e) Molaodi wa Mmasepala o tsebišitše Mongwadiši gore ditshwanelo kamoka tša mokgopedi le dilebana tša mmasepala tsa go fa boejeneera di phethilwe goba filwe tša go kgotsofatšwa dikarantee;
- (f) Molaodi wa Mmasepala o tsebišitše Mongwadiši ka go ngwala gore maemo a go thoma a phethi lwe.

Neelo ya bong le photošetšo ya bong ka go ditsela tša setšhaba le mafelo a setšhaba

81 (1) Bobong bja ditsela tša setšhaba le mafelo a setšhaba a bontšhwago mo go polane kakaretšo ya motse setoropo ntie le tefelo go fiwa go mmasepala wo elegoo gore lefase le wela ka go yenaka nako ya ge go fetišetšwa go e mongwe.

(2) Ge polane motse setoropo e -

- (a) khanselwa ka moka goba seripa bongbja ditsela tsa setshaba, mafelo a setshaba ka go motsesetoropoo bontshwa go khanselwa, gwa fa go motho goba he person or body who or which was the owner of the land concerned at the time of the application; and
- (b) amended in terms of any law which authorises the closing of such public road or public place or portion thereof, the ownership of such road, place or portion shall revert to the person or body who or which was the owner of the land concerned at the time of the application.

Kabelo go ditiro tsa boenjeneere

82. (1) ditiro tsa benjeneere di tla fiwa go ya ka dikgopelo tse itseng bjale ka ge go kwanwe ke mmasepala o itseng le mokgopedi ka mabaka a

sepelelago nawo ka go somisa dihlahlotheo amogelwa ke ba lekgotla la peakanyo .

(2) Ditirelo kwano tseo go bolelwago ka tsona go karolwana(1) di tla feleletswa go ngwalwa pele ga ge kgopelo e ya go iswa go lekgotla la peakanyo .goba tumelelo : ge feela kgopelo ya gore go fetiswee ka dirwa go ya ka mo go swanetsegel gore ditirelo kwano ga di a fetswa.

(3) Tirelo enngwe le nngweya boenjeneera e tla tsewa el ya ka gare goba ya ntle go eya le ditaetsotshupa e boletseco rdance

(4) The -

- (a) mokgopedi o tla ba le boikarabelo bja go tsentsha le go beela go tsentsha ditirelo tsa boenjeneera ka gare; le
- (b) mmasepala wo a amegago o tla ba lemaikarabelo a go tsentsha le go dira dipeelo tsa boenjeneera ka ntle.

(5)

- (a) Go eya le he municipality concerned may, at the request of and at the expense of the applicant, install and provide any internal engineering service or cause such service to be installed or provided; or
- (b) the applicant shall, at his or her expense, install and provide, any external engineering service of which the municipality concerned is not the supplier; or
- (c) the municipality and the applicant may agree on any other arrangement regarding the installation of engineering services.

(6) The internal engineering services and the external engineering services contemplated in this section shall be installed and provided to the satisfaction of the municipality, and for that purpose, the applicant shall lodge with the municipality, such reports, diagrams and specifications as the municipality may require.

(7) For the purposes of subsection (6), the municipality concerned shall have regard to such standards and levels appropriate to the particular development as are applicable for streets and stormwater drainage, water, electricity and sewage disposal services.

Substitution of authority

83 (1) As from the date of commencement of this Act any reference to "Minister" in the context of any land use conditions imposed under the repealed Black Communities Development Act, 1984 (Act 4 of 1984), "Administrator", "Townships Board", "Competent authority", "Controlling authority" or any other authority, in any condition registered against the title deed or leasehold title relating to the land which is situated within the Province, and which is imposed under any town planning scheme or land use control mechanism having the effect of a town planning scheme in respect of land situated within the Province, and which determines that land may only be utilised for certain purposes or in a certain manner with the consent or the

permission of such functionary acting on its own, or, alternatively, in consultation with the Townships Board, shall be construed as a reference to the said municipality, which has jurisdiction in the area in which the land is situated.

(2) Any obligation on the Premier or controlling authority to act in consultation with the Townships Board, set out in any provision as set out in subsection (1), shall lapse on the commencement of this Act.

Go feta ga kgopelo

84. Go kgopelo yeo e dumelitiwego gore e fetoswe tshomiso ya lefase e tla feta ge ele gore phetoso yatshomiso ga e thome ka nako yeo e beetswego.

Bopaki bja mabaka a mangwe mabapi le dikgopelo

85. Molokanyetsiwa lefase wa profesene, morulaganyiwa profe sene wa toropo le yikologo, enjeneera ya profesene, ramolad, monotare, konveyansene ge ba hhaloswa ka mokgwa wa moloa goba o mongeve wa boa e leg o diprofesene wo u tlagogo tlatsa ditikomane tse nyakegago, ka gona a tsea mailkarabelo le melato ya go se hla kantshe botse mabaka a filwego ka gore gatokomane.

Kgodiso ya kabo

86. Moo mokgopedi a swanelago ke go lefa kabo, ka mokgwa wa naga goba tshelete, go mmasepalalebakeng la morero o tla re -

- (a) fetisetsa naga yeo ; goba
- (b) a lefa tshelele yeo,

gare go nako ye beilwego le go eya le ditshepedisotse itseng, go mmasepala ka nepo ye beilwego kemmasepala goba ka mo go dumelelanwengo magareng a mokggopedi le mmasepala.

Phetesetso ya dikgodiso tsa ditshwanelo

87. Mokgabedi goba o mongwele o mongwe, ka morago ga go hwetsg tmelelo go tswa go lekgotla la peakanyo, le ka morago ga ge tumelano e fihletswe le o mongwe wa ba bagwe, phetesetso ya ditshwanelo tsa go hlabolla tseo a diswereco go lehlakore le lengwe.

Melawana

88. Mokhuduthamaga a kanore, ka tsebiso ka go kuranta ya mmuso, a dira melawana, yeo e sa sepelelanago le dibeeletso tsa molao wo goba ka molao o mongwe wo o sepedisago peakanyo, wo a o bona o le bohlkwagoba o

phakisa gore o hiaose gore diodidirwe ka pela le dibeelwa tsa kgaolo ye, go a krelsa-

- (a) ke mang yo a swanetsegogo tlisa dikgopelo dife;
- (b) Ditshepediso mabapile go tlisadikgopelodife;
- (c) ditokomanetseo dinyakegogo sepela le dikgopelo;
- (d) dinakeo-tseo di swanelago dikgopelo ka go fapano;
ditshpepediso mabapi le ditokollo;
- (f) ditshepediso mabapi le diphethisetso;
- (g) dinyakwa tsa ditsebiso – isa dikgopelo;
- (h) ditefelo tsa dikgopelo;
- (i) ditshepediso mabapi le ditheetso tsa dikgopelo;
- (j) mabaka a o a ka bewago;
- (k) mabaka a thomo a o a ka bew ago;
- (l) ditshepediso tse swanetsego golatelwagego fiwa mabaka a diphethotsa bona;
- (m) ditshepediso tse swanetsego go latelwa go feng rekoto ya diphetho;
- (n) ditirelo tsa go fetosa dikgopelo;
- (o) ditshepediso tsa go fetosa dikgopelo;
- (p) tselo e swanelago go tsea sephetholaadikgopelo tse digwe;
- (q) ditshepediso tsa biopelaetso;
- (r) tweletso peleya kgopelo ka mokgopedi wo moswa;
- (s) ditshepediso tse swanetswago go latelwa mo go lefelwago kabu ya hlabollo;
- (t) ditshepediso tse swanetswego go lalwa gego fetis etswa ditshwanelo tsahlabollo;

KGAOLO VII

DIBEELETSO KA KAKARETSO

Ditefelo le diabelo

- 89.** (1) Mmasepala ka re, go eya le maswanedi a molao, a bea ditefelo goba dikabelo mabapi; *ie-*
- (a) kgopelo ye nngwe le ye nngwego ya ka Molao wo; le
 - (b) Seo se nyakegago goba dumelšweng go dirwa ka mabaka a molao wo.
- (2) Tefo goba Kabelo ye nngwe e beilwego, go ya ka karolwana (1) e tla lefelelwya pele goba kamogo biewego kagona.
- (3) Mmasepala a ka nore ka kgopelo le ka mo go bielwego, a lokolla motho yo mongwe le yo mongwe goba lekgotla go tšwa go tefelo ya ditefelo gona dikabelo tše beilwego go ka karolwana (1).

Phumula meokgo

90 (1) Mmasepala a ka tšea naga ditshwanelo tša nneta tša go lekanelo go naga ka nepo ya moloa wa ge ele gore tšeо yeo ya lefase ke ya go direla setshabane ka kgahlego ya setshaba ne lebeletswego go ya ka karolo .

(2) Motho yoo a tseswego lefase goba ditshwanelo tsa nneta tsa go lekanelwa o tla phumulwa megokgo ka tshelete yeo e lebeletswego go ya ka karolo 25(3) ya molaoheo.

Tšhutišetšo ya maatla

91 (1) Tonakgolo a ka re ka tsebiso ka go kuranta ya mmuso a phatlalatsa go maatla a a filwego go a fa MEC mokhuduthamaga.

(2) The MEC a ka re ka tsebiso ya phatlalatsa ka go kuranta ya mmuso a fa maatla a gagwe go mohlanked wo a somago ka g o mmuso wa profense ntle le -

- (a) Go dia melao; le
- (b) Go oketsa goba go fetosa melao yeo go lebelelwago go kgaolo 2 ya molao wo

(3) Go eya le melao yeo e tlāng go ba e sepedisa maatla le ditiro tsa bommasepala, lekgotla la peakanyo le ka re ka maatla ao le a fi lwego la romela goba la fa mohlanked go ba legating la wonaka go molao woGe feela a ka se emelwe go --

- (a) amaatla ao a amanago le ona go tsea lenaneotheo halbollo la sekgoba peeletswa ga mmogo le peakanyo ya yshomiso taolo le tshomiso taolo; or
- (b) kgopelo e nngwe le e nngwe ya mabapi le kganetso ya kgano ya kgopeloe dirilwego.

(4) Subject to legislation regulating the powers and functions of municipalities, the Municipal Manager may delegate any power or duty conferred or imposed upon him or her under this Act, to any officer in the employ of the municipality for which he or she is the Municipal Manager.

(5) Subject to legislation regulating the powers and functions of municipalities, powers or duties delegated in terms of this section shall be in writing and may be withdrawn by the person or body that granted them in writing.

Investigation of complaints

92 (1) Any person who has reasonable grounds for believing that a person or body is using land contrary to the provisions of this Act may, in accordance with prescribed procedures, make a complaint to the relevant municipality.

(2) The municipality shall, within the prescribed period and in accordance with prescribed procedures, investigate such complaint.

(3) Where the municipality finds that no contravention has occurred it shall, within the prescribed period and in terms of prescribed procedures, give written notice to the person who made the complaint, setting out the reasons for its finding.

(4) A municipality may, on its own accord, if it has reasonable grounds for believing that a person or body is using land contrary to the provisions of this Act, investigate such activity.

(5) If, in consequence of subsection (2) or (4), the municipality finds that a contravention of a provision of this Act has occurred, it shall take action as set out in section 93.

Contravening use

93 (1) A municipality shall, where it finds that a person is using land contrary to the provisions of this Act in terms of section 92, serve a notice of contravention on the owner or occupier of the land.

(2) The notice of contravention referred to in subsection (1) shall

- (a) describe the unauthorised activity concerned; and
- (b) invite the owner or occupier of land concerned to make representations to the municipality, within the prescribed period and subject to prescribed procedures, why it should not issue an order contemplated in subsection (3).

(3) The municipality shall, after the prescribed period -

- (a) and after considering any representations made to it; or
- (b) where no representations have been made, after considering the notice of contravention as set out in subsection (1);
- (c) perform any act, as may be prescribed, which may include a directive that the contravention be rectified or ceased within the prescribed period.

(4) Should any person fail to comply with the directive provided for in subsection (3) he or she shall be guilty of an offence, and the municipality may-

- (a) rectify the contravention of its own accord and recover any costs from the offending owner or occupier of land;
- (b) apply to a competent court for an order restraining the person concerned from continuing the contravening activity, or
- (c) use any other remedy it has in terms of this Act or any other law.

(5) Where the municipality does not act in accordance with prescribed procedures or prescribed time limits, as the case may be, the MEC shall, within the prescribed period and in terms of prescribed procedures, act in the prescribed manner.

Offences, imposition of fines and penalties

94 (1) Any person who contravenes or fails to comply with any provision of this Act and any by-law made in terms of this Act, or any order, directive, prohibition, condition, requirement made or notice made or given in terms of this Act, shall be guilty of an offence and liable on conviction to an appropriate fine not exceeding R 500 000.00 or to imprisonment as prescribed or to both such fine and imprisonment.

(2) A person convicted of an offence under this Act who, after conviction, continues with the conduct in respect of which he or she was so convicted shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R 10 000.00 in respect of each day on which he or she continued with it.

(3) The provisions of section 341 of the Criminal Procedure Act, 1977 (Act No 51 of 1977), relating to the compounding of certain minor offences by means of fines shall apply, with the necessary changes, to a contravention of any provision of this Act.

Documentation to be available to the public

95. Any documentation produced in terms of the provisions of this Act, shall be available to the public at the municipal offices during normal office hours as prescribed.

Correction of errors or omissions

96. The MEC or municipality may, in the prescribed manner and by notice in the *Provincial Gazette*, correct any error or omission in any notice or document published in terms of this Act.

Transitional measures

97 (1) Any regulation made, any proclamation, notice, certificate or other document issued, any instruction or directive, consent or authorisation issued or granted, any exemption or permit issued, or any appointment or determination made or other step taken or thing done in terms of the provisions of any law repealed by this Act shall be deemed to have been issued, granted, made, taken or done in terms of the provisions of this Act, and shall remain in force until repealed or withdrawn in terms of this Act.

(2) Notwithstanding the provisions of subsection (1), a matter in connection with which, before the commencement of this Act, action was taken in terms of a law listed in the Schedule and which has not been disposed of at the commencement of this Act shall, from the date of commencement of this Act, be finalised in terms of the provisions of this Act.

(3) Any zoning scheme, land-use regulation or land-use control mechanism, provisions in a title deed or lease hold condition and any other measure under any law governing land use in a particular area shall remain in force until the date when a land use management plan comes in force in which case the rights and obligations in the land -use management plan shall prevail.

Key performance indicators

98. The MEC must after a review of the compliance with key performance indicators -

- (a) table a report to the legislature and the relevant municipality as well as the district municipality, if the municipality is a local municipality -
 - (i) which must indicate compliance by the municipality with the key performance indicators and the steps taken to meet the key performance indicators; and
 - (ii) which may indicate measures that the municipality should undertake to achieve compliance; and
- (b) stipulate actions developed with the municipality to which it must comply.

Lapse of Applications

99. Any application submitted and approved in terms of this Act by a planning body any which is not proceeded with, within five(5) years of the date of such approval, shall lapse: provided that the municipality may grant extension of time.

Regulations

100. The MEC may, by notice in the *Provincial Gazette*, make regulations, not inconsistent with the provisions of this Act or any other law regulating planning, which he or she considers necessary or expedient to prescribe for the effective execution of the objects and provisions of this chapter, including -

- (a) any additional principles, not inconsistent with those in Chapter II of this Act;
- (b) any principle in more detail, not inconsistent therewith,
- (c) the payment of any fees or contributions;
- (d) exemptions from the payment of fees or contributions;
- (e) procedures in respect of the investigation of complaints;
- (f) procedures in terms of which a municipality deals with unauthorised uses of land;
- (g) procedures relating to the correction of errors or omissions;
- (h) procedures to lodge appeals;

- (i) the manner in which documentation is to be made available to the public;
- (j) the key performance indicators and performance targets municipalities must meet with the resources available to them;
- (k) the information that must be provided by municipalities and other development participants to assist in the development and monitoring as well as achievement of key performance indicators; and
- (l) the procedure for involvement of developmental participants in the development of key performance indicators;

Repeal of laws

101. The laws set out in columns one and two are hereby repealed to the extent set out in column three of the Schedule.

Short title and commencement

102 (1) This Act is called the Gauteng Planning and Development Act, 2002 and shall commence on the date fixed by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates of commencement may be so fixed in respect of different provisions of the Act.

SCHEDULE

Laws repealed

No. and year of law	Short title	Extent of repeal
Ordinance No. 17 of 1939	Local Government Ordinance 17 of 1939	Section 66, 67 and 68
Ordinance 15 of 1986	Town Planning and Townships Ordinance, 1986	The whole
Ordinance 20 of 1986	Division of Land Ordinance, 1986	The whole
Act No. 3 of 1996	Gauteng Removal of Restrictions Act, 1996	The whole
Ordinance No. 20 of 1943	Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943	The whole

HLALOŠO MEMORANTAMO GO MERERO YA MOLAOKAKANYWA WA PEAKANYO LE HLABOLLO WA GAUTENG

GAUTENG PLANNING AND DEVELOPMENT BILL, 2002

1. BOIKEMIŠETŠO BJA MOLAOKAKANYWA

Go fela ga moalo kgethologanyo mo Afrika Borwa go tlisitse diphetogo theo go peakango le hlabollo ya tikologo. Demokrasi e ntshwa e laolago e tlite ka diphetogo .Demokrasi e ntshwa e kgolo kaa mo peakanyo e bago e dira ka gona mokgwa wa go fa peakanyo ya setlawaedi le theron molao ga se e loke. Kgoro ya hlobollo le peakanyo le mmuso wa legae bg ncgafetse go dira maano a magolo le fetosa lenaneotheo ka near ka go hlagisa molao kakagwa wa peakanyo le hlabollo Gauteng go beakanya mokgwa wa go kwisisega wa hlabollo peakanyo le tshomiso taolo ya naga.

2. MORERO WA MOLAO KANYWA

Molaoa kakanywa o ikemiseditse go nea mogwa o tee wa hlabollo, peakanyo le tshomiso taolo ya naga ka go profenense go hloma makgtla a peakanyo le fa boipiletso go lekgotlatheetso la boipiletso. Godimo ga fa o, molao kakanywa o, kemiseditse go bopa lenaneo theo la go lokisetsa hlabollo ya dipeakanyo le mananeotheo; go fa po po ya dipeakanyo tsa tshomiso taolo ya naga; go bopa botee bja ditshepediso tsa kgodiso ya dikgodiso ya dikgopelo le neela ga ditaba ka karetso bjalo ka tisetso ya ditshepediso.

Go sawnetse go lemogwe gore, lege maatla le mesomo ka go molao kakanywa beotsi di gafetswa go leloko la lekgotla phethisi wa boikarabelo go profenense bja peakanyo (mokhuduthamaga, MEC), TONAKGOLO YA profenense le yena o ga fetswe ka maatla a itseng le ge a ka no fa no fa ditiro tseo dika romelwago ke MEC go mohlankedidi mogolo wo a somago ka go mmusso wa profenense le lekgotla la peakanyo romeletsa maatla go mohlankedidi mogolo wo a somago ka go mmasepala.

Maikemisetso a molao kakanywa a se go fa maatla go MEC gore a swahlela ka go taolo phethisi ya bommasapala go laolo mmusa wa profensele taolo peakanyo ya mmasepala. Ka nthe, molao kakanywao fa phethisi ya mmusso wa profense le taolo ya theramelao go bona tiro e tileygo ka bommasepala go mesomo go ya ka ditabatse ngwadilwego go seketule 4 le 5 ya molaotho.

3. DIKAMEGO TSA MOLOATH EO

3.1 Dikamego tsa kgokagano

Ga go na dikamego nthe le kgokagano ya setlwaedi ka go amogela molao o moswa

3.2 Dikamego go tikologo

Ga go na kamego thwi go tikologo mo profense bjale ka ge molao kakanywa o lebantswe le bommasepala. Ditekanyo tsa kamego go tikologo bjale ka ge di nyakega go ya ka molao wa tikologo e swanetse go tsewa moo hlabollo ya naga goba tshomiso e ka amago tikologo.

3.3 Dikamego tsa tshelele

Ga go na kamego go kakatsego ya didirisana yeo e tla go nyaka thuso ya tshelele mo go profense ntle ga seo lekaneditswego ka gare ga rekanetso ya ka mehla ya kgoro.

4. MAKGOTLA A MANGWE LE DIKGORO TSEO GO RERISANWEGO

Molaokakanywa a o tlisitswe go mmusa o kopantswego se legae ka go la profense ka kgopelo go bommasepala gore ba swagele ka molaokakanywa. Dikgoro tse amegago ka go profense di retisane ka ga dikagare tsa molaokakanywa. Ka diteko go itsepanya le molaokakanywa le segwalwa sa molaokakanywa wa Tshomiso ya naga ya setshaba kgoro e lebaneng rerisitswe.

5. HALOSO YA THABE KA THABE KA YA MOLAO KAKANYWA

molao kakanywa o a notswe ka Dikgaolo tse sapai ka modi latelang;

kgaolo I :	Dihlaloso
kgaolo II :	Metheo ya hlabollo
kgaolo III :	Hlabollo ya naga
kgaolo IV :	Kgodiso ya dipeakanyo
kgaolo V :	Dikime le dipeakanyo tsa tshomiso taolo ya naga
kgaolo VI :	Kgodiso ya dittshepetso
kgaolo VII :	Dibeelo ka kukaretso

Kgaolo I: Dihlaloso

Thabe 1 e fa dihlaloso.

Kgaolo II: Metheo ya hlabollo

Thabe 2 go ya go 10 e fa sehlopha go hlabollo metheo yeo e tleng go ba

sesupetso go fahlosa ya peakango hlabollo, le swareganego, dipeakanyo tsa selegwe ka hlabollo le lenanetheo la hlabollo ya ka mokgwa wa peakanyo ya tlwaelo. Ba e mela poneopele le kgahlego ya boelobja hlabollo tse dinyako gotswathu pele go phelopele le kgahlego ka go ditokologo go tsenelena, lekantshwa, lebana le tikologo e tla phediswago ka mehlu di alaretsa seemo se sa swarua peakanyo ya ditshepediso le tseo sephetho ka makgotla a hlabollo peakanyo.

KGAOLO III: Makgotla a tsea sephetho a hlabollo ya naga

Thabe 11 e fa gore mmasepala o mongwe le o mongwe a hlome lekgotla la tseo sephetho la hlabollo ya naga ka mokgwa wa lekgotla theetso la peakanyo go ba komiti peakanyo ya mmasepala

Thabe 12 e soma ka tshepediso ya go hloma legotla la tseo sephetho la hlabollo ya naga ka go mmasepala. Thube e fa gore mmasepala a ka bea komiti ye seng e hlomilwe go go ya karolo 79 ya mmuso wa selegae; molao wa popego ya ka mmasepala , 1998 (molao No. 117 wa 1998). Komiti e tla tsebega ka la komiti peakanyo. Komiti e tla theelsa le go fa disisinyo go lekgotla la mmasepala ka dikgopelo tsa go hloma motsetorogo, go hloma felo la boikagelo, go a raganya naga, go hwetsa tumelelo ya tshomiso ya naga go mabaka a riling.fl.

Komiti e tla dira dissinyo go lekgotla mmasepala mabapi le go amogela go ba go lekolá leswa lenaneotheo hlabollo la sekgoba peeletswa le peakanyo ya tshamoso talo ya naga .

Thabe e fa gore mmasepala wo a nago le komiti phetisi goba mokgwa wa rateropo phethisi a ka hloma kgotlatheetso peakanyo ga mmasepala sebakeng sa komiti peakanyo kgolkatheetso e tla dira disisinyo go komiti phethisi goba Rateropo phethusi go fa sepheho sa mafelelo ka go arogelo lenaneotheo la hlabollo ya sekgabo peeletwa le dipeekanyo tsa tshomiso taolo ya naga.

Thabe e fa gore lekgotlerfheetso le komiti ya peakanyo di tla tsenya ka gore maloko a naga le tsebo goba boitemogelo ka molao, hlabollo ya naga, peakanyo ya setsha goba hlabollo.

Thabe 13 e fa gore mmasepala o tla rera dikopanano lekgotta peakanyo a mmasepala goba komiti peakanyo.

Thabe 14 e fa gore leloko la lekgotlatheetso o goba komiti peakanyo le ka se tsee karolo go theetso yeo a naga le kgahlego ga seyena go taba yeo e lego pele go lekgotla la peakanyo.

Thabe 15 e fa gore leloko le tselanyo melaetsa ya karolo 14 o tla bonwa molato wa go tloswa go ba leloko la komiti.

Thabe 16 e hhalosa maatla a komiti ya peakanyo le lekgotlatheetso la peakanyo la mmasepala. Makgotla ao a peakanyo kamoka a ka theetso dikgopelo tsa naga tsetlisitswego go mmasepala gape a theetsa le dipelaelo mabapi le tshepediso ya dipheto tsa bona . Lekgotla la peakanyo le ka dira disisinyo mabapi le lenaneotheo la hhabollo la sekgoba peeletwa la mmasepala le peakanyo ya tshomiso taolo naga.Lekgotla peakanyo le ka fetisetsa thomelo ya maatla go o monwe wa leloko le lebanego goba a mmasepala ge a bona ge le bohlokwa go kgonthisia taolo e kgonago.

Thabe 17 e fa gore go ngwelwe ele go rekota disisinyo ka moka tsa makgotla a peakanyo le gore bonthwe setshaba phatalatsa ka nako ya setlwalei ya tslwaedi ya tshomo ya kgwebo.

Thabe 18 e fa gore mmasepala a ka se ke a theetsa kgopelo ya gagwe, moo mmasepala e bego mokgopedi, kgopelo e tla fetsisetswa go lekgatlatheetso hhabollo la profense lekgotlatheetso la mmasepala a ka se tseeng sephetho go tsona goba mmasepala a ka se tseeng sephetho ka baka la bothata bja hlokogo ya bakgadi.

Thabe e fa le molao go MEC go kgetla kgoro goba mohuta wa dikgopelo tse di tlhang go theetswa ke lekgotsatheetso la profense..

Thabe 19 e fa go hloma ga lekgotlatheetso la hhabollo le boipiletso ka MEC. MEC na le maatla a go romela modulasetulo le mothusa modulasetula wa lekgothakeetso la boipiletso le go bea nako ya go dula ofising ya maloko a lekgotlatheetso la hhabollo le boipiletso. Maloka a lekgotlatheetso a swanete go bale tsebo le boilemogelo ka tsa molao le hhabolloya naga. Seripa sa maloko e be a beiwegogotswa go basomi ba mmusa wa profense le baofisiriba mmasepala le seripa se sengwe go tswa ka ntle, MEC o na le maatla a go bea a tsebangale ka go kuranta ya mmuso wa profense gore go swaelwe le go sededumelelane go (standing committee) komiti ya ka theko ye e kemetsego go lebeledisia maikenmisatso a go bea a MEC.

Karolo 20 e fa gore lekgotlatheetso la hhabollo le boipiletso le tla kwa boipiletso bja diphetho tsa makgotla a peakanyo a mmasepala a gape le go dira disisinyo go MEC go tseo sephetho sa mafelelo.

karolo 21 e fa MEC gore a ka dira melawana mabapi le ditaba tse lego ka go kgaolo III.

Kgaolo IV: Kgodiso ya dipeakanyo

Thabe 22 e fa gore tonekgolo o na le maikarabelo a go bopa peakanyo hhabollo ya Tswaragano ya Gauteng profense, e fela, tonakgolo a ka romelo maikemisetso a MEC go hhabollo ya peakanyo ka go profense. Tshepetso ya popo le tshomiso ya lenaneotheo la hhabollo sekgoba peeletso le swanetse go ama dikgoro tse digwetsa tsaditirero tse fapanaga goba peakanyo di tla akaretswa ka go peakanyo hhabollo ya tswara ya Gauteng

Thabe 23 e hhalosa maikemisetso a peaakanyo hhabollo ya swaragane ya Gauteng yeo segolothata e lego fa lenaneotheola maano le tsweletso ya maano yu profense. Peakanyo ya hhabollo ya swaragano ya Gauteng e swaragano dipeakanyo ka moka, mano le maneo ka go profense gore methopo ya profense e abiwa ka mo go ka kgonegago.

Thabe 24 e hhalosa gore ke eng e Jwanetsego go ba tabakgolo go Peakanyo hhabollo ya swaragane ya Gauteng yeo e leng gore e gugolo e fa ponelopele le maano tshepelelo go profense le maikemisetso le maleba a profense

Thabe 25 e fa gore Tonakgolwe na le maikarabelo a go kgonthisisa gore Peakanyo hhabollo ya Swaragano Gauteng e tla lebeledisisa mahlakone a bohlokwa bjalo ka ditsenyo tsa dikgoro, dihlokwa le hloelo tsa bo mmasepala, maikemisetso, mananeo, dipeakanyo le mekgwa maano ga diprofense tsa boagisane go kgonthisisa gore hhabollo ka mo profenseng e swaragana ga botse.

Thabe 26 e hhalosa ditshepediso tse di swanetsego go latelwa go lokiseng peakanyo hhabollo ya swaragano ya Gauteng. Polane yeo e tla hlagiswa ka go kuranta ya mmuso wa profense go kgonthisisa gore therisano le tsea karolo ka ba nago le setseka mo profenseng.

Thabe 27 e fa popo le tshepediso ya lenaneotheo hhabollo la sekgoba peeletswa la Gauteng ka MEC

Thabe 28 e hhalosa maikemisetso a lenaneotheo hhabollo la sekgoba peeletswa e leng gore e hlahla go diphetho mabapi le lefelo le mokgwawa hhabollo pono ya profense.

Thabe 29 e fa tabakgolo ga lenaneotheo hhabollo ta sekgoba peeletswa.

Thabe 30 e fa gore MEC o na le maikarabelo a go kgokaganya lenaneotheo la hhabollo la sekgo peeletswa la profense. Kgokaganyo e a karetsa ditsenywa tsa dikgoro ka moka tsa profense le go lebelela mananeotheo a sekgoba peeletswa a bo mmasepala le diprofense tsa boagtsane gape le tse tsapanyo le mananeo a mmuso wa gore

Thabe 31 e fa gore MEC o tla dumelela lenaneotheo hhabollo la sekgoba peeletswa le go e isa go lekgotla Phethisi la profense gore ba sedimosetiwe ka yona.

Thabe 32 e fa gore Peakanyo hhabollo ya Swaragano ya Gauetng le lenaneotheo hhabollo la sekgoba peeletswa ka Gauteng e swanetso go tsepanywa le naga hhabollo e tsewago ke bommasepala ba se legae le selete.

Thabe 33 e fa gore tokisetso ya dipeakanyo hhabollo ya sekgoba peeletswa ka bo mmasepala ba ditoropokgolo le ba se legae.

Thabe 34 e hhalosa ka maikemisetso kakaretso a lenaneotheo hlabollo la sekgoba peeletsya.

Thabe 35 e soma ka diteng tsa lenaneotheo hlabollo la sekgoba peeletsya le taelelo ya dinyakwa tse bonnyane.

Thabe 36 e soma ka kopanyo le tsepango ya lenaneotheo hlabollo ya sekgoba peeletsya la bo mmasepala ka moka. Gape e fa MEC maatla a go nolofatsa kopanyo le tsepango ya dipeakanyo tseo.

Thabe 37 e fa tshepediso ya tokisetso ya lenaneotheo hlabollo la sekgoba peeletsya.

Thabe 38 e dira sebelelso go mmasepala wa selete go lokisetsa lenaneotheo hlabollo la sekgoba peeletsya go mmasepala wa selegae e welago ka go lefelo la taolo la wona le go bona ka sa morago(visa verse). E dumelala mmasepala o tee wa selegae go lokisa lenaneotheo hlabollo la sekgoba peeletsya go o mongwe wa mmasepala wa selegae ge feela bommasepala ka babedi ba wela ka go lefelo la mmasepala o tee wa selete moo a laolago gona . E fa MEC maatla a go dira gore go be le lenaneotheo hlabollo la sekgoba peeletsya le tlhang go lokiswa ge go ka direga gore mmasepala a ka palelwa ke go dira bjalo.

Thabe 39 e fa go tlisa ga lenaneotheo hlabollo la sekgoba peeletsya go MEC go kgonthissa tsweletsa pele ga kopanyo peakanyo ka go la profense. E fa gape maatla fatso go MEC go kgopela mmasepala go fetosetsa lenaneotheo hlabollo la sekgoba peeletsya ge ele gore MEC o na le lebaka la go dumela lenaneotheo ga le sapelelane le dibeelletsya tsa molao kakanywa wo MEC o na le maatla a go dira gore lenaneotheo hlabollo la sekgoba peeletsya le lokiswe goba le fetosetswe.

Thabe 40 e fa gore

Kamego ya lenaneotheo hlabollo la sekgoba peeletsya mabapi le dikgopelo tsa hlabollo ya naga.

Thabe 41 e fa Tonakgobo le MEC taolo ya go sepedisa ditaba tse malebana le dipeakanyo hlabollo tse swaranago tsa Gauteng le lenaneotheo hlabollo la Gauteng ka tatelano.

Kgaolo V: Dipeakanyo tsa tshomiso taolo ya naga

Thabe 42 e fa gore tokisetso ya dipeakanyo tsa tshomiso taolo ya naga ka mmasepala o mongwe le o mongwe .Efa MEC maatla a gore peakanyo ya tshomiso taolo e lokiswe ge go ka direga gore mmasepala a palelwe ka go nakotheo e beilwego ke MEC. Thabe 42 e fa ka mokgwa wo peakanyo ya tshomiso taolo ya naga e tlhang go laowa le go gapeletsya ke bommasepala go maikemisetso a hlabollo ya naga.

Thabe 43 e dira sebeeletswa go mmasepala wa selete go lokisa, laola, le go gapeletsa Peakanyo ya Tshomiso taolo ya naga go mmasepala wa se legae e welago ka go lefelo la taolo ya gagwe ge a kgopetswe go dira bjalo ke mmasepala wa se legae le gore mmasepala wa selete o na le bokgoni bjo tletsego. Gape e dumelela mmasepala o mongwe go lokisa, le go gapeletsa peakanyo ya tshomiso taolo ya naga ge o mongwe wa mmasepala wa se legae ge fela bommasepala ba babedi bao ba wela ka go lefelo leo e laolwago ke mmasepala o tee wa selete.

Thabe 44 e bea tlamego go bommasepala go bea legatong la dikimi tse tswelang pele, ka ge di hhalositswe go thabe1, ka go lokisa dipeakanyo tsa tshomiso taolo ya naga e mpsha. Gape e fa bommasepala go boeletsa sebaka dipeakanyo tsa tshomiso taolo ya naga go kwana le dipeakanyo hlabollo tsa swaragano.

Thabe 45 e hhalosa maikemisetso a dipeakanyo hlabollo tsa taolo ya naga

Thabe 46 e soma ka dibeeletswa tse di ka bang ka gare go dipeakanyo tsa tshomiso taolo le taeletso ya bonnyane bja dinyakwa.

Thabe 47 e fa mmasepala maatla a go bopa tshepediso ya go soma ka dikgopelo tsa tumelelo ya go somisa naga.

Thabe 48 e fa gore dipeakanyo tsa tshomiso taolo ya naga di tla eta pele go melawana ya mmasepala ge go ena le mo go sa kwanego.

Thabe 49 e fa MEC maatla a go laela dinyakwa tsa bonnyane tse di ka lokelwago ka go dipeakanyo tsa tshomiso taolo ya naga.

Thabe 50 e fa magomelo a tshepediso e tlang go latelwa ke bommasepala ka go lokiseng, go boeletseng le go amogeleng dipeakanyo tsa tshomiso taolo ya naga ya bona

Thabe 51 efa go tleng go soma ga kamogelo ya dipeakanyo tsa tshomiso taolo ya naga.

Thabe 52 e fa gore peakanyo tsa tshomiso taolo ya naga yeo e amoetswego e ka no se fetosetswe ka gare go mengwaga e mebedi go tloga ka nako ya kamogelo ntle le ge mmasepala a kgotsofala ka bo yena gore boemo bo nyaka phetosetso

Thabe 53 e soma ka mokgwa wo ditshomiso tsa naga tsa go feta ga di kwane le dibeeletswa tsa peakanyo ya tshomiso taolo ya naga e swanetsego go swarwa ka gona.

Thabe 54 e dira dibeeletso tsa dipeakanyo tsa tshomiso taolo ya naga gore e lebelelwieswa ge mellwane ya mmasepala e tiisitswe go ya ka mmuso wa se

legae: Molao wa kgaoganyo wa Mmasepala, 198 (Molao 27 wa 1998).

Thabe 55 e fa gore dipeakanyo tsa tshomiso taolo ya naga di tla diriswa go beng ka moka le badudi ba naga le ditho tsa mmuso tsa Profense.

Thabe 56 e fa maano ao bommasepala ba ka a somisago gore ba kgone go tsweletsa pele phethego ya maikemisetso a peakanyo ya tshomiso taolo ya naga.

Thabe 57 e fa bommasepala gore ba sware le go laola rekoto ya tshomiso ya naga.

Thabe 58 e hialosa ka maikemisetso a Direkoto tsa tshomiso ya naga.

Thabe 59 e soma ka mateng a rekoto ya tshomiso ya naga.

Thabe 60 e fa megomelo ya tshepediso ya go ngwala le go boeletsa lebelo la direkoto tsa tshomiso ya naga .

Thabe 61 e fa MEC maatla a go kgopela Lekgotlatheetso la Boipiletso le Hlabollo gore ba lebelele leswa dipeakanyo tsa tshomiso taolo ya naga tse di sa sepelelane go molao wa naga ka bophara le go profense.

Thabe 62 e fa MEC maatla a go isa diphetho tsa tshomiso taolo ya naga tseo di sa sepelelane go molao wa naga ka bophara le wa profense goba maikemisetso go Lekgotlatheetso la Boipiletso le Hlabollo la Gauteng.

Thabe 63 e soma ka kgato ya transesene. E fa nako yeo hlabollo ya naga mabapi le dikimi tse leng gona di tleng go fela go ba gona ge go etla go soma karolo ya 42. Ka mantswe a mangwe go tleng go thoma go soma ga karolo 42, hlabollo ya naga e tl ba go ya ka peakanyo ya tshomiso taolo ya lefase bjale ka ge e akantswe ka go Karolo 42.

Thabe 64 e fa gore MEC a ka dira melawana e mabapi le dipeakanyo tsa tshomiso taolo ya naga.

Kgaolo VI: Kgodiso ya Ditshepediso

Thabe 65 karolo ye e fa lenaneo le go tsebagatsa dihlopha, goba batho makgotla ao a kgonnego a kgethegilego go dira dikgopelo mabapi le hlabollo ya naga. Batho fela bao ba lego lenaneong mo karolong ba tlatswelela go dira dikgopelo.

Thabe 66 e fa gore mohuta ofe wa dikgopelo tseo di ka dirwago mabapi le hlabollo ya naga.

Thabe 67 e fa tshepediso yeo e tleng go latelwa ge dikgopelo tse bolelwago go karolo 66 di dirwa. Go dia kgopelo yeo mokgopedi o swanetse gore a dire ka

go ngwala e bile e swanetse go dirwa go ditokomane tse itseng go Molaodi wa Mmasepala mo naga e leng ka go Mmasepala wo. Go tefo e dirwago ge o dira kgopelo yeo. Ge e le gore naga yeo e bolelwago e ka go mellwane ya go feta mmasepala o tee, mokgopedi o swanetse go dira dikgopelo go bommasepala bao ka bobedi.

Thabe 68 e fa Molaodi wa Mmasepala go lokolla bakgopedi go dibeelsetšwa tše dingwe tša kgaolo ye gape a bolele tšhomiso ya gagwe ya go tokollo teo.

Thabe 69 e fa maatla go lekgotla la peakanyo go šišinya phetisetso go palelweng go gongwe ka seholpha se sengwe go sepelelana le e nngwe ya dinyakwa tsa kgaolo ye.

Thabe 70 e soma ka tsebiso ya mokgopedi go setshaba. Mokgopedi o nyakega gore a fe tsebiso ya kgopelo go mahlakore ao a nago le kgahlego goba a amegilego. Molaodi wa Mmasepala a ka nyaka mokgopedi go dira tsebiso ka go ngwalela go batho ba bangwe le go setshaba.

Thabe 71 e soma ka tshepediso ka morago ga go amogela ditshwaelo goba dikganetso le go fa Molaodi wa Mmasepala go tlisa dikgopelo go tee le ditshwaelo, dipego goba ditshisinyo go lekgotla la peakanyo.

Thabe 72 e soma ka tshepediso ya theetso, Molaodi wa Mmasepala o filwe maikarabelo a go abela letsatsi la theetso ya dikgopelo. Ka go fa letsatsi leo molaodi wa mmasepala o swanetse go dira bjalo ka mokgwa o beilwego gape le ka dinako tse beilwego.

Thabe 73 e fa lekgotla la peakanyo go dira ditshisinyo mabapi le kgopelo le go laetsa mohuta wa ditshisinyo wo e ka o tseago.

Thabe 74 e bea ditshepediso tsa tsebiso ka molaodi wa mmasepala go ditshisinyo ka lekgotla la peakanyo le dipolo tsa sephetho.

Thabe 75 e fa gore dikgopelo tse dumelsetswe di tliswe go Molekanyetsi Kakaretso.

Thabe 76 e soma ka diphetosetso tsa dikgopelo le maemo a hlomo. Go ya ka dibeelwa tsa thabe e, go a dumellega gore mokgopedi a ka kgopela go lekgotla la peakanyo pele ga go dumelwelwa ga kgopelo ya phetosetso ya kgopelo.

Thabe 77 go ya ka sebeelwa sa thabe ye go a kgonega gore mokgopedi o moswa a k tswela pele ka kgopelo e dirlwego ke o mongwe.

Thabe 78 e thibela dikonteraka tse mabapi motes toropo goba seripa sa naga, ntle le ge kgopela e dumelsetswe ke ba ditiro tsa enjeneera.

Thabe 79 e soma ka go fega goba go tlosa ga maemo a thibelago goba bohlanka mabapi le dikgopelo tse dingwe. E fa lekgotla la peakanyo maatlafatso a go laela ditshisinyo tsa maemo a hlomo le go beela tshepediso ka moo. deals with suspension or removal of restrictive conditions or servitudes in respect of certain application. It empowers a planning body to recommend imposition of a condition of establishment and prescribes the procedure therefore.

Thabe 80 e soma ka go thoma ka bongwadisio bja bong ka go dikgopelo tse tse dingwe. Go ya ka thabe ye, ngwadiso go Moregistica e tla thoma ka morago ga tumelelo ya polane ya kakaretso goba karolonyana ya seswantsho sa lefelo leo.

Thabe 81 e fa ka go bong le go fetisetsa bong bja ditsela tsa setshaba le mafelo a setshaba. Ge phetosetso ya naga bong e thoma go ngwadisega, ditsela tsa setshaba le mafelo a setshaba, di tla re ntle le phumulo ya meokgo tsa ba mmasepala wo di tlang go ba taolong ya gagwe ka go fedisa peakanyo kakaretso ya motsetoropo, bong mabapi le ditsela tsa setshaba le mafelo a setshaba di tla ya go motho yo e bego e le mong wa naga ka nako ya kgopelo.

Thabe 82 e soma ka dithuso tsa ditiro tsa enjeneera. Mmasepala le mokgopedi ba swanetse go kwana mabapi le dibeeleo tsa ditiro tsa enjeneera go ya ka kwano ya ditiro. Kwano e swanetse go feleletswa pele ga ge kgopelo e tliswa go komiti ya peakanyo. Tiro ye ya enjeneera e tla tsewa bjalo ka ya ka gare goba ya tirelo ya enjeneera ya ka ntle.

Thabe 83 e soma ka botsea legato bja poelo goba taolo ka fase ga go tlosa Molao wa Hlabollo ya Baagi Ba Baso Molao No. 84 wa 1984(Black Communities Development Act No 4 of 1984)

Thabe 84 e fa go ya ka go fela ga kgopelo yeo e dumetswego mabapi le go fetolwa ga tshomiso ya naga ge phetogo eo ya go somisa naga a go thongwe ka nako eo e beilwego.

Thabe 85 e soma ka bohlatse bja mabaka a itseng mabapi le kgopelo ya hlabollo ya naaga. E fa gore motho yo a nago le mangwalo a botsebi ge a dira ditomane tse nyakegago go ya ka kgaolo ye gape a ba a ngwala leina la gagwe o amogela maikarabelo a bonnete bja mabaka ao a lego moo ditokomàneng.

Thabe 86 e fa ka kabo hlabollo ka mokgopedi mo go nyakegago, ka mokgwa wa naga goba tshelete go mmasepala. Diabo tse bjalo di tla dirwa ka nako e beilwego gape le ka mo go beilwego tshepediso.

Thabe 87 e soma ka hlabollo ya ditshwanelo ka mokgopedi go moangwa wa boraro go eya le tumelelo go tswa go lekgotla la peakanyo.

Thabe 88 e fa MEC maatla a go dira melawana yeo e amanago le kgodiso ya ditshediso.

Kgaolo VII: Dibeelwa Ka Kakaretso

Thabe 89 e soma ka ditefelo le diabo. E fa mmasepala tshwanelo ya go bea ditefelo le diabo mabapi le dikgopelo go ya ka Molao wo le seo se ka laolwago ge sedirwa go ya ka molao, e se ke ya feta thselete e seke ya feta ya MEC.

Thabe 90 e soma ka diphumula meokgo mabaka ao mmasepala a tserego naga goba ditshwanelo tse lekanetsego go somisetsa setshaba le ka go kgahlego ya setshaba.

Thabe 91 e fa ka mo Tonakgolo a tlang go fa maatla gagwe ka go romela MEC goba ka mo MEC e tlang go fa maatla a gagwe go mohlankedi o a somagoka go mmuso wa profense ntle le maatla a go dira melawana le go oketsa goba go fetosetsa merero ya Kgaolo 2 ya Molao wo

Thabe 92 e soma ka nyakisiso ya dipelaelo ka mmasepala. Dinyakisiso di tla sepediswa go ya ka nako e beilwego gape le ka tumelelo ya tshepediso ebeilwego.

Thabe 93 e soma ka magato a tlang go tsewa ke mmasepala ge go direga gore go be le tshelo ya molao wa tshomiso ya naga.

Thabe 94 e soma ka melato, rwesa ditefelo le dikotlo. E fa gore motho yo a ka tshelago molao wa dibeelwa tsa Molao wo o tla rwsa molato. E oketsa ka go fa mokgwa wa tefelo yeo e bewago go mosenyi.

Thabe 95 e fa nako le lefelo moo tokomane e ntshitswego go ya ka Molao wo e tla dirwa gore e hwetsege.

Thabe 96 e soma ka phosollo ya diphoso ka MEC goba Mmasepala. Phosollo e swanetse go dirwa ka kgatiso phatlalatsa ka tsebiso ka go kuranta ya mmuso wa Profense.

Thabe 97 e mabapi le megato ya transesene.

Thabe 98 e fa megato yeo e tlang go tsea ke MEC ka morago ga go lebelela leswa go sepelelana le disupetso tsa tikologo.

Thabe 99 e soma ka go fela ga dikgopelo.

Thabe 100 e fa MEC maatla a go dira melawana mabapi le dibeelwa kakaretso tsa Molao.

Thabe 101 e soma ka melao eo e tlositswego . Melao yeo e beilwe go kholomo ya pele,bobedi le boraro ya Seketule.

Thabe 102 e rwele lengwalobohlatse la bong la le go thomega ga Molao.

Seketule se na le melao eo e tloung go tloswa ka tsebagatso ya Molao wo.

