

Provincial Gazette Extraordinary

5965

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CONTENTS

PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Planning and Development Amendment Bill
[B 11—2002]

P.N. 445/2002

13 December 2002

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 31 January 2003:

(a) by posting it to:

The Secretary:
Western Cape
Provincial Parliament (Attention: Mr. A. Ferreira)
P.O. Box 648
Cape Town
8000

(b) by e.mail to:

aferreir@pawc.wcape.gov.za

(c) by fax to:

A. Ferreira
(021) 487-1685

P. J. C. Pretorius
Secretary to Parliament

Buitengewone Provinsiale Koerant

5965

Vrydag, 13 Desember 2002

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Wes-Kaapse Wysigingswetsontwerp op Beplanning en Ontwikkeling [W 11—2002]

P.K. 445/2002

13 Desember 2002

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 31 Januarie 2003:

(a) deur dit te pos aan:

Die Sekretaris
Wes-Kaapse
Provinsiale Parlement (Aandag: Mnr. A. Ferreira)
Posbus 648
Kaapstad
8000

(b) deur dit te e.pos aan:

aferreir@pawc.wcape.gov.za

(c) deur dit te faks aan:

A. Ferreira
(021) 487-1685

P. J. C. Pretorius
Sekretaris van die Parlement

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

AMENDMENT BILL

To amend the Western Cape Planning and Development Act, 1999 (Act 7 of 1999) by amending existing definitions and inserting new definitions; to provide for corresponding amendments chapter by chapter; to distinguish provincial integrated development plans and provincial spatial plans from one another; to distinguish municipal integrated development plans, municipal-wide spatial planning and subordinate municipal spatial planning from each other; to provide for necessary amendments relating to land development management and the planning review board; to focus provincial decision-making on matters of provincial interest, and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Amendment of section 2 of Act 7 of 1999

1. Section 2 of Act 7 of 1999 (hereinafter referred to as the “principal Act”) is hereby amended by— 5
- (a) the substitution for paragraph (e) in subsection 2(2) of the following paragraph:
- “(e) **[constituting and implementing]** consulting consultative forums or entering into social compacts **[, whether before or after the submission of an application]** before a decision is taken by the authority concerned,”;
- (b) the insertion after the definition of “advertise” of the following definition: 10
- “(2A) “agricultural land” means—
- (a) all land within the Province, except that which is— 15
- (i) released from agricultural status in terms of any legislation, or
- (ii) registered as townships in terms of the Townships Ordinance, the Black Communities Development Act, 1984 (Act 4 of 1984) or the Less Formal Townships Establishment Act, 1991 (Act 113 of 1991), or confirmed as subdivisions, except for 20
- (b) land which is specifically designated as agricultural land for the purposes of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), by way of proclamation in the *Government Gazette*; 25
- provided that agricultural land is not necessarily the same as agricultural zoning; (27B)”;

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk en tussen vierkantige hake dui skappings in bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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WYSIGINGSWETSONTWERP

Om die Wes-Kaapse Wet op Beplanning en Ontwikkeling, 1999 (Wet 7 van 1999) te wysig deur bestaande woordskrywings te wysig en nuwe woordskrywings in te voeg; om vir ooreenstemmende wysigings hoofstuk vir hoofstuk voorsiening te maak; om provinsiale geïntegreerde ontwikkelingsplanne en provinsiale ruimtelike planne van mekaar te onderskei; om munisipale geïntegreerde ontwikkelingsplanne, munisipaalwye ruimtelike beplanning en ondergeskikte munisipale ruimtelike beplanning van mekaar te onderskei; om vir nodige wysigings in verband met grondontwikkelingsbestuur en die beplanninghersienningsraad voorsiening te maak; om provinsiale besluitneming toe te spits op sake van provinsiale belang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Wysiging van artikel 2 van Wet 7 van 1999

1. Artikel 2 van Wet 7 van 1999 (hierna verwys as “die Hoofwet”) word hierby 5 gewysig deur—
- (a) die vervanging van paragraaf (e) in subartikel 2(4) met die volgende paragraaf:
- 10 “(e) die [samestelling en implementering] raadpleging van [raadplegende forums] raadplegingsforums of die aangaan van sosiale ooreenkomste [hetsy voor of na die indiening van ’n aansoek] voordat ’n besluit deur die betrokke owerheid geneem word.”;
- (b) die vervanging van die definisie van “afwyking” met die volgende definisie:
- 15 “(5) “afwyking”—
- (a) ’n veranderde ontwikkelingsreël—
- 15 (i) ingevolge artikel 15(1) goedgekeur;
- (ii) uit hoofde van ’n voorwaarde ingevolge [’n] enige bepaling van hierdie Wet opgelê, of
- (iii) wat ingevolge enige bepaling van hierdie Wet wettig is, of
- 20 (b) ’n gebruiksreg op ’n tydelike grondslag ingevolge artikel 15 toegestaan; (10)”;
- (c) die invoeging ná die definisie van “bewoner” van die volgende definisie:
- 20 “(8A) “biostreekbeplanning” ’n internasionaal-erkende beplanningskonsep wat ten doel het om volhoubare ontwikkeling te bewerkstellig; (2B)”;

- (c) the substitution for the definition of "afwyking" in the Afrikaans text of the following definition—
 "(5) "afwyking"—
 (a) 'n veranderde ontwikkelingsreël—
 (i) ingevolge artikel 15(1) goedgekeur; 5
 (ii) uit hoofde van 'n voorwaarde ingevolge [**n**] enige bepaling van hierdie Wet opgelê, of
 (iii) wat ingevolge enige bepaling van hierdie Wet wettig is, of
 (b) 'n gebruiksreg op 'n tydelike grondslag ingevolge artikel 15 toegestaan; (10)"; 10
- (d) the insertion after the definition of "agricultural land" of the following definition:
 "(2B) "bioregional planning" means an internationally recognised planning concept aimed at achieving sustainable development;(8A)";
- (e) the insertion after the definition of "bioregional planning" of the following definition: 15
 "(2C) "category", in relation to municipalities, refers to a category A, B, or C municipality envisaged in section 155(1) of the Constitution and as further defined in terms of the Municipal Structures Act; (27A)";
- (f) the deletion of subsection (3); 20
- (g) the substitution for the definition of "consultative forum" of the following definition:
 "(6) "consultative forum" means a committee of interested and affected parties constituted with a view to reaching consensus about integrated and spatial planning and development issues [, and includes, 25
 where relevant, the development councils];(48)";
- (h) the substitution for the definition of "council" of the following definition:
 "(8) "council" means the [**transitional**] council [**or council**] of a municipality as defined in the Municipal Systems Act and which is situated within the Province; (47)"; 30
- (i) the substitution for the definition of "department head" of the following definition:
 "(9) "department head" means the head of the relevant department of the Provincial [**Administration**] Government of the Western Cape which deals with the administration of this Act; (9)"; 35
- (j) the substitution for the definition of "develop land" of the following definition:
 "(12) "develop land" means [**to prepare and develop**] the preparation or development of land for occupation or utilisation, *inter alia* by the [**filling up**] infilling, draining or levelling of areas; the removal of 40
 vegetation; the installation of engineering services or the preparation of land therefor; the preparation of land for the building of other roads; the subdivision of land, or the erection, alteration or extension of buildings [**and**] or structures on land, and "development of land" and "developing land" have a corresponding meaning; (21)"; 45
- (k) the insertion after the definition of "development councils" of the following definition—
 "(13A) "Development Facilitation Act" means the Development Facilitation Act, 1995 (Act 67 of 1995) and includes the regulations made in terms thereof; (72A)"; 50
- (l) the substitution for the definition of "development objectives" of the following definition:
 "(14) "development objectives" means objectives set in an integrated development [**framework**] plan, spatial development framework, spatial development plan or regional plan to guide development, including [**the**] 55
 land development objectives referred to in [**section 28 of the Development Facilitation Act, 1995 (Act 67 of 1995)**] national legislation relating to local government; (34)";
- (m) the insertion after the definition of "development rule" of the following definition: 60
 "(16A) "district municipality" means a category C municipality; (10A)";

- (d) die vervanging van die definisie van "departementshoof" met die volgende definisie—
 "(9) "departementshoof" die hoof van die relevante departement van die Provinsiale [Administrasie] Regering van die Wes-Kaap wat met die uitvoering van hierdie Wet handel; (9)";
- (e) die vervanging van die definisie van "dienssteooreenkoms" met die volgende definisie:
 "(10) "dienssteooreenkoms" 'n skriftelike ooreenkoms beoog in artikel [69(3)] 69, wat tussen 'n ontwikkelaar van grond en 'n munisipaliteit aangegaan word en ingevolge waarvan die onderskeie verantwoordelikhede van die twee partye vir die beplanning, ontwerp, voorsiening, installering, finansiering en onderhoud van interne en eksterne ingenieursdienste en die standaard van dié dienste bepaal word; (51)";
- (f) die invoeging ná die definisie van "dienssteooreenkoms" van die volgende definisie—
 "(10A) "distriksmunisipaliteit" 'n kategorie C munisipaliteit; (16A)";
- (g) die vervanging van die definisie van "Dorpe-ordonnansie" met die volgende definisie:
 "(11) "Dorpe ordonnansie" die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934) en sluit dit die regulasies wat ingevolge daarvan gemaak word, in; (61)";
- (h) die invoeging ná die definisie van "eienaarsvereniging" van die volgende definisie:
 "(13A) "funksionele streek" 'n geografiese gebied, wat op die beginsel van interafhanklikheid gebaseer is, en deur die Premier of die Provinsiale Minister, na gelang van die geval, afgebaken word, en behels dit operasionele gebiede vir die uitvoer van funksies en die lewering van dienste in soverre hierdie gebiede—
 (a) nie wyer in omvang is as die Provinsie nie, en
 (b) nie met ander funksionele streke so afgebaken, gedeel word nie; (16A)";
- (i) die vervanging van die definisie van "geïntegreerde ontwikkelingsraamwerk" met die volgende definisie:
 "(15) "geïntegreerde ontwikkelingsplan" 'n plan wat inklusief is van die belanghebbende en geaffekteerde partye in die proses van opstel daarvan, en strategies is ten opsigte van doelstellings, vir die integrering en bestuur van—
 (a) provinsiale beplanning, of
 (b) munisipale beplanning, ingevolge die magte en pligte van die Provinsiale Regering of die betrokke munisipaliteit, na gelang van die geval; (24)";
- (j) die vervanging van die definisie van "grondbeskikbaarheidsooreenkoms" met die volgende definisie:
 "(17) "grondbeskikbaarheidsooreenkoms" 'n ooreenkoms aangegaan tussen 'n persoon of [die] liggaam deur wie of waardeur grond beskikbaar gestel word vir versnelde ontwikkeling en die persoon of liggaam aan wie of waaraan grond beskikbaar gestel word; (26)";
- (k) die vervanging van die definisie van "Grondgebruik-ordonnansie" met die volgende definisie:
 "(19) "Grondgebruik-ordonnansie" die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) en sluit dit die regulasies wat ingevolge daarvan gemaak word, in; (29)";
- (l) die vervanging van die definisie van "grond ontwikkel" met die volgende definisie:
 "(21) "grond ontwikkel" [om] die voorbereiding of ontwikkeling van grond vir bewoning of aanwending [voor te berei en te ontwikkel], onder meer deur die [opvulling] invulling, drooglegging of platstoot van gebiede; die verwydering van plantegroei; die installering van ingenieursdienste of die voorbereiding van grond daarvoor; die voorbereiding van grond vir die bou van ander paaie; die onderverdeling van grond, of die oprigting of verandering van of aanbou aan geboue [en] of

- (n) the insertion after the definition of "exercise" of the following definition:
 "(20A) "functional region" means a geographical area, that is based on the principle of interdependence, and that is demarcated by the Premier or the Provincial Minister, as the case may be, and it comprises of operational areas for the performing of functions and the rendering of services in so far as these areas— 5
 (a) are not wider in extent than the Province, and
 (b) are not shared with other functional regions so demarcated; (13A)";
- (o) the substitution for the definition of "grondbeskikbaarheidsooreenkoms" in the Afrikaans text of the following definition: 10
 "(17) "grondbeskikbaarheidsooreenkoms" 'n ooreenkoms aangegaan tussen 'n persoon of [die] liggaam deur wie of waardeur grond beskikbaar gestel word vir versnelde ontwikkeling en die persoon of liggaam aan wie of waaraan grond beskikbaar gestel word; (26)";
- (p) the substitution for the definition of "implementation plan" of the following definition: 15
 "(22) "implementation plan" means a written strategy which forms an integral part of an integrated development [framework] plan, spatial development framework, spatial development plan or regional plan of the authority concerned and sets out the action plans, programmes and budgets for the implementation of development strategies contained in that [integrated development] plan or framework; (25)"; 20
- (q) the substitution for the definition of "integrated development framework" of the following definition:
 "(24) "integrated development plan" means a plan that is inclusive of interested and affected parties in the drafting process, and is strategic in respect of goals for the integration and management of— 25
 (a) provincial planning, or
 (b) municipal planning, 30
 in terms of the powers and duties of the Provincial Government or the municipality concerned, as the case may be; (15)";
- (r) the substitution for the definition of "local authority" of the following definition:
 "(30) "local municipality" means a category B municipality;(43)";
- (s) the substitution for the definition of "Land Use Ordinance" of the following definition: 35
 "(29) "Land Use Ordinance" means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and includes the regulations made in terms thereof; (19)";
- (t) the insertion after the definition of "local municipality" of the following definition: 40
 "(30A) "municipal manager" means a person appointed in terms of section 82 of the Municipal Structures Act; (27D)";
- (u) the insertion after the definition of "municipal manager" of the following definition: 45
 "(30B) "municipal planning" means strategic planning, inclusive of spatial planning and land development management, in a municipality's area of jurisdiction or a part thereof, to the extent that there is no impact outside the area of jurisdiction concerned, and excludes such planning and development management where there is an impact outside of the area of jurisdiction concerned; (27C)"; 50
- (v) the insertion after the definition of "municipal planning" of the following definition:
 "(30C) "Municipal Structures Act" means the Local Government: Municipal Structures Act, --1998 (Act 117 of 1998) and includes the regulations made in terms thereof; (27F)"; 55

- strukture op grond, en het "grondontwikkeling" of "ontwikkeling van grond" 'n ooreenstemmende betekenis; (12)";
- (m) die invoeging ná die definisie van "hersonering" van die volgende definisie:
5 “(23A) “hierdie Wet” die Wes-Kaapse Wet op Beplanning en Ontwikkeling, 1999 (Wet 7 of 1999) en sluit dit die regulasies wat ingevolge daarvan gemaak word, in; (60B)”;
- (n) die skraping van subartikel (24);
- (o) die vervanging van die definisie van “implementeringsplan” met die volgende definisie:
10 “(25) “implementeringsplan” ’n skriftelike strategie wat ’n integrale deel van ’n geïntegreerde [ontwikkelingsraamwerk] ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of streekplan van die betrokke owerheid uitmaak, en die aksieplanne, programme en begrotings vir die uitvoering van ontwikkelingstrategieë in daardie [geïntegreerde ontwikkelingsraamwerk] plan of raamwerk vervat, uiteensit; (22)”;
15
- (p) die vervanging van die definisie van “in die pers publiseer” met die volgende definisie:
20 “(26) “in die pers publiseer” om in ooreenstemming met die regulasies en riglyne ingevolge Hoofstukke VII en VIII gemaak, ’n kennisgewing te publiseer in die nuusblad of nuusblaai wat die departementshoof of [hoof uitvoerende beampte] munisipale bestuurder, na gelang van die geval, van tyd tot tyd bepaal [of die *Provinsiale Koerant*,] óf in beide sodanige nuusblad of nuusblaai en die *Provinsiale Koerant*, en het “publikasie in die pers” ’n ooreenstemmende betekenis; (44)”;
25
- (q) die invoeging ná die definisie van “ingenieursdienste” van die volgende definisie—
30 “(27A) “kategorie”, met betrekking tot munisipaliteite, ’n verwysing na ’n kategorie A, B, of C munisipaliteit bedoel in artikel 155(1) van die Grondwet en soos verder omskryf ingevolge die Munisipale Strukturewet; (26)”;
35
- (r) die invoeging ná die definisie van “kategorie” van die volgende definisie:
35 “(27B) “landbougrond”—
40 (a) alle grond binne die Provinsie, behalwe dié wat—
 (i) van landboustatus vrygestel is ingevolge enige wetgewing, of
 (ii) geregistreer is as dorpe ingevolge die Dorpe-ordonnansie, die Wet op Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984) of die Wet op Minder Formele Dorpstigting, 1991 (Wet 113 van 1991), of bevestig is as onderverdelings, behalwe vir landboudoeleindes, ingevolge die Grondgebruik-ordonnansie, en
45 (b) grond wat spesifiek as landbougrond vir die doeleindes van die Wet op die Onderverdeling van Landbougrond, 1970 (Wet 70 van 1970), toegesê is by wyse van proklamasie in die *Staatskoerant*; met dien verstande dat landbougrond nie noodwendig dieselfde is as landbousonering nie; (2A)”;
50
- (s) die invoeging ná die definisie van “landbougrond” van die volgende definisie:
50 “(27C) “munisipale beplanning” strategiese beplanning, insluitend ruimtelike beplanning en grondontwikkelingsbestuur, in ’n munisipaliteit se jurisdiksiegebied of ’n deel daarvan, tot dié mate dat daar geen impak buite die betrokke jurisdiksiegebied is nie, en sluit dit sodanige beplanning en ontwikkelingsbestuur met ’n impak wat die betrokke munisipale grense oorskry, uit; (30B)”;
55
- (t) die invoeging ná die definisie van “munisipale beplanning” van die volgende definisie:
 “(27D) “munisipale bestuurder” ’n persoon wat ingevolge artikel 82 van die Munisipale Strukturewet aangestel is; (30A)”;
 “(27E) “landbougrond” —

- (w) the insertion after the definition of "Municipal Structures Act" of the following definition:
"(30D) "Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and includes the regulations made in terms thereof; (27E)"; 5
- (x) the substitution for the definition of "municipality" of the following definition:
"(31) "municipality" means a municipality as defined in the Municipal Systems Act; (28)";
- (y) the substitution for the definition of "omgewingsplan" in the Afrikaans text of the following definition:
"(30) "omgewingsplan" 'n skriftelike strategie of sektorale plan wat met omgewingsaangeleenthede in 'n bepaalde gebied handel, en [omvat] sluit dit 'n omgewingstrategie of omgewingsbestuursplan in soos beoog in ander provinsiale en nasionale wetgewing; (19)"; 10 15
- (z) the substitution for the definition of "oorlegsonering" in the Afrikaans text of the following definition:
"[(40)](37) "oorlegsonering" 'n kategorie voorskrifte en ontwikkelingsreëls van toepassing op 'n spesifieke gebied, wat nie die onderliggende sonerings van grondeenhede binne die gebied verander nie, maar sodanige gebied vir onderverdeling, heropbou, stadsvernuwing, omgewingsbeskerming of enige ander doel soos in soneringskema-regulasies of soneringskema-verordeninge uiteengesit, aanwys en omvat dit 'n onderverdelingsgebied soos in regulasies omskryf; (33)"; 20 25
- (aA) the insertion after the definition of "Province" of the following definition—
"(39A) "Provincial Government" means the Provincial Government of the Western Cape as contemplated in terms of the Western Cape Constitution, 1997 (Act 1 of 1998), and includes its departments; (45A)"; 30
- (bB) the substitution for the definition of "Provincial Minister" of the following definition:
"(40) "Provincial Minister" means the member of the Provincial Cabinet of the Western Cape responsible for development planning, land development management and related matters; (45)";
- (cC) the insertion after the definition of "Provincial Minister" of the following definition:
"(40A) "provincial planning" means the co-ordinated strategic planning actions and planning directives, of the Provincial Government, that are undertaken within the framework of national and provincial strategies and policy directives, and— 40
(a) must include a provincial integrated development plan, a provincial spatial development framework and an implementation plan, and
(b) may include—
(i) regional planning, and regional development, and
(ii) development planning and land development management other than municipal planning; (44A)"; 45
- (dD) the insertion after the definition of "provincial planning" of the following definition:
"(40B) "provincial spatial development framework" means the spatial component or a framework intended as the spatial component, of a provincial integrated development plan; (45D)"; 50
- (eE) the insertion after the definition of "provincial spatial development framework" of the following definition:
"(40C) "provincial spatial development plan" means a spatial plan drafted as part of a function under provincial competency, other than a provincial spatial development framework; (45C)"; 55

- (u) die invoeging ná die definisie van "munisipale bestuurder" van die volgende definisie:
"(27E) "Munisipale Stelselswet" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) en sluit dit die regulasies wat ingevolge daarvan gemaak word, in (30C)";
- 5 (v) die invoeging ná die definisie van "Munisipale Stelselswet" van die volgende definisie:
"(27F) "Munisipale Strukturewet" die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) en sluit dit die regulasies wat ingevolge daarvan gemaak word, in: (30C)";
- 10 (w) die vervanging van die definisie van "munisipaliteit" met die volgende definisie:
"(28) "munisipaliteit" 'n munisipaliteit soos in die Munisipale Stelselswet omskryf; (31)";
- 15 (x) die vervanging van die definisie van "omgewingsplan" met die volgende definisie:
"(30) "omgewingsplan" 'n skriftelike strategie of sektorale plan wat met omgewingsaangeleenthede in 'n bepaalde gebied handel, en [omvat] sluit dit 'n omgewingstrategie of omgewingsbestuursplan in soos beoog in ander provinsiale en nasionale wetgewing; (19)";
- 20 (y) die vervanging van die definisie van "ontwikkelingsdoelwitte" met die volgende definisie:
"(34) "ontwikkelingsdoelwitte" doelwitte wat gestel is in 'n geïntegreerde [ontwikkelingsraamwerk] ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of streekplan om ontwikkeling, insluitende [die] grondontwikkelingsdoelwitte waarna in [artikel 28 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet 67 van 1995),] nasionale wetgewing oor plaaslike bestuur verwys word, te rig; (14)";
- 25 (z) die vervanging van die definisie van "oorlegsonering" met die volgende definisie:
"[(40)](37) "oorlegsonering" 'n kategorie voorskrifte en ontwikkelingsreëls van toepassing op 'n spesifieke gebied, wat nie die onderliggende sonerings van grondeenhede binne die gebied verander nie, maar sodanige gebied vir onderverdeling, heropbou, stadsvernuwing, omgewingsbeskerming of enige ander doel soos in soneringskema regulasies of soneringskema verordeninge uiteengesit, aanwys en omvat dit 'n onderverdelingsgebied soos in regulasies omskryf; (33)";
- 30 (aA) die invoeging ná die definisie van "oorlegsonering" van die volgende definisie:
"(37A) "openbare belang" die optimale opweging van behoeftes en belange wat voortvloei uit individuele regte, asook uit kollektiewe regte wat buurtmenings, wyer gemeenskapsprioriteite, langtermynbeplanningsdoelstellings en omgewingsoorwegings, behels; (41A)";
- 35 (bB) die vervanging van die definisie van "openbare liggaam" met die volgende definisie:
"[(37)](38) "openbare [liggaam] instelling" 'n [nasionale en provinsiale staatsdepartement en] staatsinstelling of 'n [voorgeskrewe parastatale organisasie] erkende semistaatsorganisasie; (41)";
- 40 (cC) die vervanging van die definisie van "openbare plek" met die volgende definisie:
"[(38)](39) "openbare plek" enige grond wat op 'n goedgekeurde plan, diagram of kaart aangedui word as 'n oopruimte of 'n openbare plek ten opsigte waarvan die eiendomsreg as sodanig ingevolge artikel 28 van hierdie Wet by 'n [munisipaliteit] openbare instelling berus; (42)";
- 45 (dD) die vervanging van die definisie van "openbare straat" met die volgende definisie—
"[(39)](40) "openbare straat" enige grond wat op 'n goedgekeurde plan, diagram of kaart aangedui word as opsy gesit vir straatdoeleindes en waarvan die eiendomsreg as sodanig ingevolge artikel 28 van hierdie Wet by 'n [munisipaliteit] openbare instelling berus; (43)";
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- (fF) the insertion after the definition of "provincial spatial development plan" of the following definition:
- “(40D) “provincial spatial planning” means the co-ordinated spatial planning actions and planning directives, of the Provincial Government, and spatial planning, inclusive of land development management, that is in the best interest of the Province, and may include the following—
- (a) undertaking spatial planning tasks where necessary;
 - (b) providing spatial inputs into the provincial integrated development plan;
 - (c) drafting a provincial spatial development framework and submitting it for approval;
 - (d) drafting an accompanying implementation plan;
 - (e) drafting spatial development plans for parts of the Province as necessitated by provincial or regional interests, and submitting them for approval;
 - (f) dealing with the necessary land development management arising from the above as contemplated by section 57(5), and
 - (g) regional planning, regional development or a sectoral plan; (45B)”;
- (gG) the substitution for the definition of “public institution” of the following definition:
- “(41) “public institution” means [a national and provincial government department and] an organ of state or a [prescribed] recognised parastatal organisation; (38)”;
- (hH) the insertion after the definition of “public institution” of the following definition:
- “(41A) “public interest” means the optimal best fit of needs and interests arising from individual rights, as well as from collective rights that entail neighbourhood views, wider community priorities, long-term planning goals and environmental considerations; (37A)”;
- (iI) the substitution for the definition of “public place” of the following definition:
- “(42) “public place” means any land indicated on an approved plan, diagram or map as an open space or a public place, of which the ownership as such vests in a [municipality] public institution in terms of section 28 of this Act; (38)”;
- (jJ) the substitution for the definition of “public street” of the following definition:
- “(43) “public street” means any land indicated on an approved plan, diagram or map as having been set aside for street purposes, of which the ownership as such vests in a [municipality] public institution in terms of section 28 of this Act; (39)”;
- (kK) the substitution for the definition of “publish in the press” of the following definition:
- “(44) “publish in the press” means to publish a notice in accordance with the regulations or guidelines made in terms of Chapters VII and VIII in such newspaper or newspapers as the department head or [chief executive officer] municipal manager, as the case may be, may from time to time determine [or the Provincial Gazette,] or in both such newspaper or newspapers and the *Provincial Gazette*, and “publication in the press” has a corresponding meaning; (26)”;
- (lL) the insertion after the definition of “publish in the press” of the following definition:
- “(44A) “regional development” means the implementation component of regional planning, including to ensure that no land development shall harm the interests of the Province as a whole or its inhabitants, or of any functional region in the Province or its inhabitants, and includes urban and rural development; (61B)”;

(eE) die vervanging van die definisie van "plaaslike owerheid" met die volgende definisie:

"(43) "plaaslike munisipaliteit" 'n kategorie B munisipaliteit; (30)";

(fF) die invoeging ná die definisie van "Premier" van die volgende definisie:

"(44A) "provinsiale beplanning" die gekoördineerde strategiese beplanningsaksies en beplanningsdirektiewe, van die Provinsiale Regering, wat binne die raamwerk van nasionale en provinsiale strategieë en beleidstellers onderneem word, en—

(a) moet dit 'n provinsiale geïntegreerde ontwikkelingsplan, 'n provinsiale ruimtelike ontwikkelingsraamwerk en 'n implementeringsplan insluit, en

(b) kan dit—

(i) streekbeplanning, en streekontwikkeling, en

(ii) ontwikkelingsbeplanning en grondontwikkelingsbestuur wat nie munisipale beplanning is nie,

insluit; (40A)";

(gG) die vervanging van die definisie van "Provinsiale Minister" met die volgende definisie:

"(45) "Provinsiale Minister" die lid van die Provinsiale Kabinet van die Wes-Kaap wat verantwoordelik is vir [beplanning] ontwikkelingsbeplanning, grondontwikkelingsbestuur en verwante aangeleenthede; (40)";

(hH) die invoeging ná die definisie van "Provinsiale Minister" van die volgende definisie:

"(45A) "Provinsiale Regering" die Provinsiale Regering van die Wes-Kaap soos beoog in die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998) en sluit dit die departemente daarvan in; (39A)";

(iI) die invoeging ná die definisie van "Provinsiale Regering" van die volgende definisie:

"(45B) "provinsiale ruimtelike beplanning" is die gekoördineerde ruimtelike beplanningsaksies en beplanningsdirektiewe, van die Provinsiale Regering, en ruimtelike beplanning met inbegrip van grondontwikkelingsbestuur wat in die beste belang van die Provinsie is, en wat die volgende mag insluit—

(a) om ruimtelike beplanningstake te onderneem waar benodig;

(b) om ruimtelike beplanningsinsette tot die provinsiale geïntegreerde ontwikkelingsplan te maak;

(c) om 'n provinsiale ruimtelike ontwikkelingsraamwerk op te stel en dit vir goedkeuring voor te lê;

(d) om 'n gepaardgaande implementeringsplan op te stel;

(e) om ruimtelike ontwikkelingsplanne vir dele van die Provinsie op te stel soos benodig in provinsiale of streekbelang, en hulle vir goedkeuring voor te lê;

(f) om die nodige grondontwikkelingsbestuur voortvloeiend uit die voorafgaande te behartig soos beoog in artikel 57(5), en

(g) streekbeplanning, streekontwikkeling of 'n sektorale plan; (40D)";

(jJ) die invoeging ná die definisie van "provinsiale ruimtelike beplanning" van die volgende definisie:

"(45C) "provinsiale ruimtelike ontwikkelingsplan" 'n ruimtelike plan opgestel as deel van 'n funksie onder provinsiale bevoegdheid, anders as 'n provinsiale ruimtelike ontwikkelingsraamwerk; (40C)";

(kK) die invoeging ná die definisie van "provinsiale ruimtelike ontwikkelingsplan" van die volgende definisie:

"(45D) "provinsiale ruimtelike ontwikkelingsraamwerk" die ruimtelike komponent, of 'n raamwerk beoog as die ruimtelike komponent, van 'n provinsiale geïntegreerde ontwikkelingsplan; (40B)";

(lL) die vervanging van die definisie van "raad" met die volgende definisie:

"(47) "raad" die [oorgangsraad of] raad van 'n munisipaliteit soos in die Munisipale Stelselwet omskryf en wat binne die Provinsie geleë is; (8)";

(mM) the insertion after the definition of "regional development" of the following definition:

"(44B) "regional planning", a functional region, for which regional planning is in the best interest of the Province, as contemplated by section 57(5) of this Act, means the following—

- (a) the strategic planning actions of the Provincial Government for such functional region within the framework of national and provincial legislation, strategies and policy directives, or
- (b) the spatial planning actions of the Provincial Government for such functional region,

as the case may be, and includes to ensure that no land development harms the interests of the Province as a whole or its inhabitants, or any functional region in the Province or the inhabitants thereof; (61A)";

(nN) the substitution for the definition of "sectoral plan" of the following definition:

"(50) "sectoral plan" means [any] a written strategy or plan which deals mainly with one of the sectors or elements or particular subjects that form part of an integrated development [framework] plan and which may [be] include [a] an [spatial,] economic, land reform, environmental, housing, water or transport plan; (52)";

(oO) the substitution for the definition of "services agreement" of the following definition:

"(51) "services agreement" means a written agreement contemplated in section [69(3)] 69, which is concluded between a developer of land and a municipality, and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services are determined; (10)";

(pP) the substitution for the definition of "social compact" of the following definition:

"(53) "social compact" means [an inclusive] a comprehensive agreement reached between interested and affected parties including the beneficiary community and the suppliers of services regarding a project, which includes infrastructure, finance and housing products; (60)";

(qQ) the insertion after the definition of "social compact" of the following definition:

"(53A) "spatial development framework" means a spatial development framework referred to in the Municipal Systems Act, and which—

- (a) forms part of, or is intended to form part of, an integrated development plan;
- (b) indicates, in relation to a relevant or future integrated development plan, the spatial implications of the integrated development plan and spatially reflects the integration of the various strategies of the integrated development plan, and
- (c) ensures sustainability,

and includes a provincial spatial development framework; (51C)";

(rR) the insertion after the definition of "spatial development framework" of the following definition:

"(53B) "spatial development plan" means a spatial plan other than one which is the direct spatial component of an integrated development plan, and which—

- (a) is consistent with a relevant spatial development framework;
- (b) addresses spatial planning needs in a specific part of the area or areas of jurisdiction of the municipality or municipalities concerned;
- (c) indicates spatial implications of a relevant integrated development plan and other relevant plans, frameworks, strategies and policies for the area concerned, and
- (d) ensures sustainability,

as contemplated by section 4A or 5, and includes a provincial spatial development plan; (51B)";

(mM) die vervanging van die definisie van "raadplegende forum" met die volgende definisie:

5 “(48) “[**raadplegende forum**] raadplegingsforum” ’n komitee van belanghebbende en geaffekteerde partye wat saamgestel is met die oog daarop om konsensus te bereik oor geïntegreerde en ruimtelike beplannings- en ontwikkelingsaangeleenthede [, en omvat dit, waar toepaslik, die ontwikkelingsrade]; (6)”;

(nN) die invoeging ná die definisie van "riglyn" van die volgende definisie:

10 “(51A) “ruimtelike beplanning” daardie beplanningsaksies wat verband hou met die ordening van die ontwikkeling en nie-ontwikkeling van fisiese ruimte, en het ’ruimtelike plan’ ’n ooreenstemmende betekenis; (53C)”;

(oO) die invoeging ná die definisie van "ruimtelike beplanning" van die volgende definisie:

15 “(51B) “ruimtelike ontwikkelingsplan” ’n ruimtelike plan anders as een wat die direkte ruimtelike komponent van ’n geïntegreerde ontwikkelingsplan is, en wat—
 (a) bestaanbaar is met ’n relevante ruimtelike ontwikkelingsraamwerk;
 (b) behoeftes ten opsigte van ruimtelike beplanning in ’n bepaalde deel van die jurisdiksiegebied of jurisdiksiegebiede van die betrokke munisipaliteit of munisipaliteite aanspreek;
 (c) ruimtelike implikasies van ’n toepaslike geïntegreerde ontwikkelingsplan en ander toepaslike planne, raamwerke, strategieë en beleid vir die betrokke gebied aandui, en
 (d) volhoubaarheid verseker,
 soos beoog in artikels 4A of 5, en sluit dit ’n provinsiale ruimtelike ontwikkelingsplan in; (53B)”;

(pP) die invoeging ná die definisie van "ruimtelike ontwikkelingsplan" van die volgende definisie:

30 “(51C) “ruimtelike ontwikkelingsraamwerk” ’n ruimtelike ontwikkelingsraamwerk waarna in die Munisipale Stelselwet verwys word, en wat—
 (a) deel van ’n geïntegreerde ontwikkelingsplan vorm of beoog word om deel van so ’n plan te vorm;
 (b) met betrekking tot ’n toepaslike of toekomstige geïntegreerde ontwikkelingsplan, die ruimtelike implikasies van die geïntegreerde ontwikkelingsplan aandui en die integrasie van die onderskeie strategieë van die geïntegreerde ontwikkelingsplan ruimtelik reflekteer, en
 (c) volhoubaarheid verseker,
 en sluit dit ’n provinsiale ruimtelike ontwikkelingsraamwerk in; (53A)”;

(qQ) die vervanging van die definisie van "sektorale plan" met die volgende definisie:

45 “(52) “sektorale plan” ’n skriftelike strategie of plan wat hoofsaaklik met een van die sektore of elemente of bepaalde onderwerpe wat deel vorm van ’n geïntegreerde [**ontwikkelingsraamwerk**] **ontwikkelingsplan**, handel, en kan dit ’n [**ruimtelike**,] ekonomiese, grondherformings-, omgewings-, behuisings-, water- of vervoerplan [**wees**] insluit; (50)”;

(rR) die vervanging van die definisie van "sosiale ooreenkoms" met die volgende definisie:

55 “(60) “sosiale ooreenkoms” ’n omvattende ooreenkoms wat tussen belanghebbende en geaffekteerde partye aangegaan is, insluitende die voordeeltrekkende gemeenskap en die verskaffers van dienste betreffende ’n projek, wat infrastruktuur, fondse en behuisingsprodukte insluit; (53)”;

(sS) die invoeging ná die definisie van "staat" van die volgende definisie:

60 “(61A) “streekbeplanning”, vir ’n funksionele streek, waarvoor streekbeplanning in die beste belang van die Provinsie is, soos beoog in artikel 57(5) van hierdie Wet, behels die volgende—

(sS) the insertion after the definition of “spatial development plan” of the following definition:

“(53C) “spatial planning” means those planning actions that concern the structuring of the development and non-development of physical space, and ‘spatial plan’ has a corresponding meaning; (51A)”;

5

(rT) the insertion after the definition of “suspensive condition” of the following definition:

“(60A) “sustainable development” means the developmental and conservational consequences that flow from the achievement of the norms of sustainability, that is, environmental integrity, human well-being and economic efficiency, within a specified geographical area, by appropriate development planning and land development management, that includes bioregional planning as a means to that end, and “sustainability” has a corresponding meaning; (69A)”;

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(uU) the insertion after the definition of “sustainable development” of the following definition:

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“(60B) “this Act” means the Western Cape Planning and Development Act, 1999 (Act 7 of 1999) and includes the regulations made in terms thereof; (23A)”;

(vV) the substitution for the definition of “Townships Ordinance” of the following definition:

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“(61) “Township Ordinance” means the Township Ordinance, 1934 (Ordinance 33 of 1934) and includes the regulations made in terms thereof; (11);

(wW) the substitution for the definition of “vervoerplan” in the Afrikaans text of the following definition:

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“(69) “vervoerplan” ’n skriftelike strategie of plan wat met vervoeraangeleenthede in ’n bepaalde gebied handel en omvat dit ’n vervoerplan wat goedgekeur is ingevolge nasionale en provinsiale wetgewing wat handel met stedelike of landelike vervoer soos voorgeskryf; (62)”.

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Amendment of heading to Chapter I of Act 7 of 1999

2. The heading to Chapter I of the principal Act is hereby amended by the substitution for the following heading—

“DEVELOPMENT PLANNING”.

35

Amendment of section 3 of Act 7 of 1999

3. The following section is hereby substituted for section 3 of the principal Act—

“Joint committees and consultative forums

3. (1) (a) The Provincial Minister may establish a joint committee to perform tasks of a development planning nature concerning provincial planning or provincial spatial planning as contemplated in section 4 or 4A.

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(b) The Premier may establish a joint committee to perform tasks relating to the drafting of a provincial integrated development plan or more than one such plan, as contemplated in section 4, for the Province.

(c) The Provincial Minister responsible for local government may, after consultation with the municipalities concerned, establish a joint committee to perform tasks relating to the drafting of an integrated development plan, as contemplated by section 5, for a region of the Province which consists of

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- (a) die strategiese beplanningsaksies van die Provinsiale Regering vir sodanige funksionele streek binne die raamwerk van nasionale en provinsiale wetgewing, strategieë en beleidstellings, of
- (b) die ruimtelike beplanningsaksies van die Provinsiale Regering vir sodanige funksionele streek,
- na gelang van die geval, en sluit dit in om te verseker dat ontwikkeling nie die belange van die Provinsie as geheel of die inwoners daarvan, of enige funksionele streek in die Provinsie of die inwoners daarvan, te na sal kom nie; (44B)";
- (rT) die invoeging ná die definisie van "streekbeplanning" van die volgende definisie:
- "(61B) "streekontwikkeling" die implementeringskomponent van streekbeplanning, met inbegrip daarvan om te verseker dat geen grondontwikkeling die belange van die Provinsie as geheel of die inwoners daarvan, of enige funksionele streek in die Provinsie of die inwoners daarvan, te na sal kom nie, en sluit dit stedelike en landelike ontwikkeling in; (44A)";
- (uU) die vervanging van die definisie van "vervoerplan" met die volgende definisie:
- "(69) "vervoerplan" 'n skriftelike strategie of plan wat met vervoeraangeleenthede in 'n bepaalde gebied handel en omvat dit 'n vervoerplan wat goedgekeur is ingevolge nasionale en provinsiale wetgewing wat handel met stedelike of landelike vervoer soos voorgeskryf; (62)";
- (vV) die invoeging ná die definisie van "vervoerplan" van die volgende definisie:
- "(69A) "volhoubare ontwikkeling" die ontwikkelings- en bewaringsgevolge wat voortvloei uit die bereiking van die norme van volhoubaarheid, te wete, omgewingsintegriteit, menslike welsyn en ekonomiese doeltreffendheid, binne 'n bepaalde geografiese gebied, deur ontwikkelingsbeplanning en grondontwikkelingsbestuur toe te pas, wat biostreekbeplanning as 'n middel tot daardie doel insluit, en het 'volhoubaarheid' 'n ooreenstemmende betekenis; (60A)";
- (wW) die invoeging ná die definisie van "waterplan" van die volgende definisie—
- "(72A) "Wet op Ontwikkelingsfasilitering" die Wet op Ontwikkelingsfasilitering, 1995 (Wet 67 van 1995) en sluit dit die regulasies wat ingevolge daarvan gemaak word, in; (13A)".

Wysiging van opskrif van Hoofstuk I van Wet 7 van 1999

2. Die opskrif van Hoofstuk I van die Hoofwet word hierby gewysig deur die vervanging van die opskrif met die volgende—

40 "ONTWIKKELINGSBEPLANNING".

Wysiging van artikel 3 van Wet 7 van 1999

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang—

"Gesamentlike komitees en raadplegingsforums

3. (1) (a) Die Provinsiale Minister kan 'n gesamentlike komitee instel om take van 'n ontwikkelingsbeplanningsaard met betrekking tot provinsiale beplanning of provinsiale ruimtelike beplanning soos beoog in artikels 4 of 4A uit te voer.
- (b) Die Premier kan 'n gesamentlike komitee instel om take met betrekking tot die opstel van 'n provinsiale geïntegreerde ontwikkelingsplan of meer as een sodanige plan vir die Provinsie, soos beoog in artikel 4, uit te voer.
- (c) Die Provinsiale Minister verantwoordelik vir plaaslike regering kan, na konsultasie met die betrokke munisipaliteite, 'n gesamentlike komitee instel om take met betrekking tot die opstel van 'n geïntegreerde ontwikkelingsplan, soos beoog in artikel 5, vir 'n streek van die Provinsie wat uit die jurisdiksiegebiede van meer as een munisipaliteit bestaan, uit te

the areas of jurisdiction of more than one municipality; provided that in such case a reference to "council" in section 5 shall be construed as being a reference to such joint committee.

(2) The councils of two or more municipalities may enter into an agreement to provide for the joint undertaking of an integrated development plan or such other matters of a development planning nature as may be agreed upon, and may establish a joint committee, whether permanent or not, the members of which must be appointed by the councils concerned from the ranks of councillors on the basis and conditions determined by the councils concerned, including conditions relating to the payment of members and apportioning of expenses and costs to the respective municipalities.

(3) The Provincial Minister responsible for local government or the Provincial Minister, as the case may be, may, with due regard to the provisions of Chapter IX, and after consultation with the municipalities concerned, direct a municipality to become a member of a joint committee in terms of paragraph (1)(a) or (c) or, if the Provincial Minister has complied with the relevant provisions in section 57(5), direct a municipality to become a member of a joint committee in terms of subsection (2).

(4) A municipality or joint committee may, on the basis and conditions determined by that municipality or joint committee, establish consultative forums consisting of persons who are employed by organs of state, or representing development institutions or boards, or any other body, to advise it on any matter relating to integrated and spatial planning and development.

(5) The Provincial Minister may, on the basis and conditions determined by him or her, establish consultative forums consisting of persons who are employed by organs of state, or representing development institutions or boards, or any other body, to advise him or her on any matter relating to development planning and land development."

Amendment of section 4 of Act 7 of 1999

4. Section 4 of the principal Act is hereby amended by—

(a) the substitution of the following section:

"Provincial planning

4. (1) The Premier must prepare an integrated development plan or, if a need arises therefor, more than one such plan, including a regional plan as contemplated in section 2(40A) or (44B)(a), for the strategic planning and development of the Province, including for urban and rural development.

(2) An integrated development plan or regional plan prepared in terms of subsection (1)—

(a) must have for its general purpose the harmonious planning of the Province or part thereof, including the co-ordination of strategies, spatial development frameworks, spatial development plans, directives and municipal integrated development plans, so that sustainable development is achieved in the most effective manner, by maintaining a balance between the underlying principles of—

(i) protecting and enhancing the natural and cultural-historic environment;

(ii) social well-being, and

(iii) economic efficiency,

whilst in the process promoting health, safety, order, ambience, convenience and general welfare;

voer; met dien verstande dat in so 'n geval 'n verwysing na 'raad' in artikel 5 beskou moet word as 'n verwysing na sodanige gesamentlike komitee te wees.

5 (2) Die rade van twee of meer munisipaliteite kan 'n ooreenkoms sluit om voorsiening te maak vir die gesamentlike onderneming van 'n geïntegreerde ontwikkelingsplan of vir sodanige ander aangeleenthede van 'n ontwikkelingsbeplanningsaard soos wat ooreengekom is, en mag 'n gesamentlike komitee, hetsy op 'n permanente grondslag al dan nie, instel, waarvan die lede deur die betrokke rade uit die geledere van raadslede
10 aangestel moet word op die grondslag en voorwaardes wat die betrokke rade bepaal, insluitend voorwaardes met betrekking tot die betaling van lede en toewysing van uitgawes en kostes aan die betrokke munisipaliteite.

(3) Die Provinsiale Minister verantwoordelik vir plaaslike regering of die Provinsiale Minister, na gelang van die geval, kan met inagneming van die bepalings van Hoofstuk IX, en ná oorleg met die betrokke munisipaliteite, 'n munisipaliteit gelas om lid van 'n gesamentlike komitee
15 ingevolge paragraaf (1)(a) of (c) te word of, indien die Provinsiale Minister die toepaslike bepalings van artikel 57(5) nagekom het, 'n munisipaliteit gelas om 'n lid van 'n gesamentlike komitee ingevolge subartikel (2) te word.

(4) 'n Munisipaliteit of gesamentlike komitee kan, op die grondslag en voorwaardes wat daardie munisipaliteit of gesamentlike komitee bepaal, raadplegingsforums, bestaande uit persone wat in diens van staatsinstellings is, of ontwikkelingsliggame of -rade, of enige ander liggaam
25 verteenwoordig, instel om dit oor enige aangeleentheid wat met geïntegreerde en ruimtelike beplanning en ontwikkeling verband hou, te adviseer.

(5) Die Provinsiale Minister kan, op die grondslag en voorwaardes wat hy of sy bepaal, raadplegingsforums bestaande uit persone wat in diens van staatsinstellings is, of ontwikkelingsliggame of -rade of enige ander liggaam, verteenwoordig, instel om hom of haar oor enige aangeleentheid wat met ontwikkelingsbeplanning en grondontwikkeling verband hou, te
30 adviseer."

Wysiging van artikel 4 van Wet 7 van 1999

35 4. Artikel 4 van die Hoofwet word hierby gewysig deur—
(a) die vervanging van die artikel met die volgende:

"Provinsiale beplanning

40 4. (1) Die Premier moet 'n geïntegreerde ontwikkelingsplan of, indien 'n behoefte daarvoor ontstaan, meer as een sodanige plan, met inbegrip van 'n streekplan soos beoog in artikel 2(45B) of (61A)(a), vir die strategiese beplanning en ontwikkeling van die Provinsie, insluitend stedelike en landelike ontwikkeling, opstel.

(2) 'n Geïntegreerde ontwikkelingsplan of streekplan wat opgestel word ingevolge subartikel (1)—

45 (a) moet die harmonieuse beplanning en ontwikkeling van die Provinsie of deel daarvan as algemene doel hê, insluitend die koördinering van strategieë, ruimtelike ontwikkelingsraamwerke, ruimtelike ontwikkelingsplanne, direkte en munisipale geïntegreerde ontwikkelingsplanne, sodat volhoubare ontwikkeling op die doeltreffendste wyse
50 bereik sal word, deur die handhawing van 'n balans tussen die onderliggende beginsels van—

(i) die beskerming en verbetering van die natuurlike en kultuurhistoriese omgewing;
(ii) sosiale welsyn, en
55 (iii) ekonomiese doeltreffendheid,
terwyl gesondheid, veiligheid, orde, ambiance, gerief en algemene welsyn in die proses bevorder word;

- (b) must include a vision, a co-ordinated policy framework, an implementation plan and a monitoring, evaluation, amendment and review framework;
- (c) may set norms and standards for provincial planning and provincial spatial planning; 5
- (d) must contain a spatial development framework, and
- (e) must have the strategic approach associated with integrated development planning.
- (3) The Premier must, for the purposes of the preparation, review or amendment of an integrated development plan in terms of subsection (1), instruct the Secretary of the Provincial Cabinet to prepare and submit to the Premier a draft, revised or amended integrated development plan by— 10
 - (a) following a process and producing a product as agreed to by the participating public institutions, and
 - (b) taking into account, as a guideline, those procedures described under section 4A(3)(c), (d) and (e). 15
- (4) The Premier must, after receipt of a plan or amendment as contemplated in subsection (3), submit such plan or amendment, with or without amendments, to the Provincial Cabinet for approval.
- (5) The Provincial Cabinet must, after consideration of an integrated development plan or amendment thereto, submitted to the Provincial Cabinet in terms of subsection (4), approve such plan if it is satisfied that— 20
 - (a) such plan or amendment is consistent with national and provincial policies, principles, spatial development frameworks, spatial development plans, regional plans and sectoral plans; 25
 - (b) objections offered against such plan or amendment by organs of state, public institutions, interested and affected parties or the general public have been adequately addressed, and
 - (c) such plan or amendment complies with such requirements as the Provincial Cabinet regards as applicable. 30
- (6) The Secretary of the Provincial Cabinet must, after approval of an integrated development plan or amendment thereto in terms of subsection (5), further deal with such plan as agreed to by the participating public institutions.
- (7) An integrated development plan approved or amended in terms of subsection (5), binds all organs of state, and— 35
 - (a) every authority must comply with the provisions and requirements of such approved plan and may not do anything which conflicts or is inconsistent with the intention of this subsection, and
 - (b) authorisation for any land use or the subdivision of agricultural or any other land— 40
 - (i) may not be granted in terms of this Act, or
 - (ii) if granted in terms of any other law, may not have a bearing on any decision in terms of this Chapter, unless such authorisation is or will be consistent with such plan in the opinion of the Premier. 45
- (8) An integrated development plan approved in terms of subsection (5)—
 - (a) must be reviewed at least every 5 years and may at any stage be amended, and 50
 - (b) remains in force, as amended from time to time, until withdrawn according to the procedures applicable to amendment.”;

- (b) moet 'n visie, gekoördineerde beleidsraamwerk, 'n implementering-splan en 'n moniterings-, evaluerings-, wysigings- en hersiening-sraamwerk insluit;
- (c) mag norme en standaarde vir provinsiale beplanning en provinsiale ruimtelike beplanning stel;
- (d) moet 'n ruimtelike ontwikkelingsraamwerk insluit, en
- (e) moet die strategiese benadering hê wat gepaard gaan met geïntegreerde ontwikkelingsbeplanning.
- (3) Die Premier moet, vir die doeleindes van die opstel, hersiening of wysiging van 'n geïntegreerde ontwikkelingsplan ingevolge subartikel (1), die Sekretaris van die Provinsiale Kabinet opdrag gee om 'n konsep, hersiening of wysiging van 'n geïntegreerde ontwikkelingsplan op te stel en aan die Premier voor te lê—
- (a) in ooreenstemming met 'n proses en in navolging van 'n produk soos deur die deelnemende openbare instellings ooreengekom, en
- (b) met inagneming van, as 'n riglyn, daardie prosedures wat in artikel 4A(3)(c), (d) en (e) beskryf word.
- (4) Die Premier moet, ná ontvangs van 'n plan of wysiging soos beoog in subartikel (3), sodanige plan of wysiging met of sonder wysigings aan die Provinsiale Kabinet vir goedkeuring voorlê.
- (5) Die Provinsiale Kabinet moet, ná oorweging van 'n geïntegreerde ontwikkelingsplan of wysiging daarvan wat ingevolge subartikel (4) aan die Provinsiale Kabinet voorgelê is, sodanige plan goedkeur as dit tevrede is dat—
- (a) sodanige plan of wysiging met nasionale en provinsiale beleid, beginsels, ruimtelike ontwikkelingsraamwerke, ruimtelike ontwikkelingsplanne, streekplanne en sektorale planne bestaanbaar is;
- (b) besware wat teen sodanige plan of wysiging deur staatsinstellings, openbare instellings, belanghebbende en geaffekteerde partye of die algemene publiek ingebring is, bevredigend aangespreek is, en
- (c) sodanige plan of wysiging aan die vereistes wat die Provinsiale Kabinet as toepaslik mag beskou, voldoen.
- (6) Die Sekretaris van die Provinsiale Kabinet moet, ná goedkeuring van 'n geïntegreerde ontwikkelingsplan of wysiging daarvan ingevolge subartikel (5), verder met sodanige plan of wysiging handel soos deur die deelnemende openbare instellings ooreengekom is.
- (7) 'n Geïntegreerde ontwikkelingsplan wat ingevolge subartikel (5) goedgekeur of gewysig is, bind alle staatsinstellings, en—
- (a) elke owerheid moet aan die bepalinge en vereistes van sodanige goedgekeurde plan voldoen en mag niks doen wat bots of onbestaanbaar is met die bedoeling van hierdie subartikel nie, en
- (b) magtiging vir enige grondgebruik of die onderverdeling van landbougrond of enige ander grond—
- (i) mag nie ingevolge hierdie Wet of verordeninge van 'n munisipaliteit toegestaan word nie, of
- (ii) wat ingevolge enige ander wet toegestaan is, mag nie bepalend ten opsigte van 'n besluit ingevolge hierdie Hoofstuk wees nie, tensy sodanige magtiging na die mening van die Premier bestaanbaar met sodanige plan is of sal wees.
- (8) 'n Geïntegreerde ontwikkelingsplan goedgekeur ingevolge subartikel (5)—
- (a) moet minstens elke 5 jaar hersien word en kan te eniger tyd gewysig word, en
- (b) bly van krag soos van tyd tot tyd gewysig totdat dit ingetrek word volgens die prosedures wat vir wysiging geld.”;

(b) the insertion after section 4 of the following section:

“Provincial spatial planning

- 4A.** (1) The Provincial Minister must prepare a provincial spatial development framework or, if the need arises, a spatial development plan or regional plan as contemplated in section 2(40B), (40C), (40D) or (44B)(b), including spatial plans for urban and rural development. 5
- (2) Each framework or plan prepared as contemplated in subsection (1)—
- (a) must have for its general purpose co-ordinated and harmonious spatial planning and land development of the area to which it relates, so that sustainable development will be achieved in the most effective manner, by maintaining a balance between the underlying principles of— 10
- (i) protecting and enhancing the natural and cultural-historic environment; 15
- (ii) social well-being, and
- (iii) economic efficiency, whilst in the process promoting health, safety, order, ambience, convenience and general welfare; 20
- (b) must include a co-ordinated policy framework, an implementation plan and a monitoring, evaluation, amendment and review framework and must be consistent with an applicable plan approved in terms of section 4, and 25
- (c) may set norms and standards for provincial spatial planning and, if the relevant provisions of section 57(5) were complied with, also for any other development planning and land development management as referred to in notices published as part of such action. 30
- (3) The Provincial Minister must, for the purposes of the preparation, review or amendment of a framework or plan as contemplated in subsection (1), instruct the department head to establish either a joint committee or another committee regarded to be more appropriate by the Minister, to— 35
- (a) perform the duties and functions in this Act relating to such framework or plan;
- (b) prepare and submit to the Provincial Minister a draft, revised or amended framework or plan with the committee’s recommendations; 40
- (c) follow a process regarded to be suitable by the Provincial Minister to draft the framework or plan, review or amendment, which in the case of either initial preparation or review, but not amendment, must include directives for— 45
- (i) preparing and making sequential documentation available for comment by the public or interested and affected parties and which must include—
- (aa) a problem and issues statement or its equivalent;
- (bb) a goals and objectives statement or its equivalent;
- (cc) a policies and strategies statement or its equivalent, and 50
- (dd) a draft framework or plan and
- (ii) dealing with comments on each sequential document;
- (d) sequentially consider possible amendments to the documents referred to in paragraph (c)(i), and
- (e) submit each such document as contemplated in paragraph (c) sequentially, whether amended or not, to the Provincial Minister for

(b) die invoeging ná artikel 4 van die volgende artikel:

“Provinsiale ruimtelike beplanning

4A. (1) Die Provinsiale Minister moet 'n provinsiale ruimtelike ontwikkelingsraamwerk of, indien 'n behoefte daarvoor ontstaan, enige ruimtelike ontwikkelingsplan of streekplan opstel soos beoog in artikel 2(45B), (45C), (45D) of (61A)(b), insluitend ruimtelike planne vir stedelike en landelike ontwikkeling.

(2) Elke raamwerk of plan wat opgestel word soos beoog in subartikel (1)—

(a) moet as algemene doel hê, gekoördineerde en harmonieuse ruimtelike beplanning en grondontwikkeling van die gebied ten opsigte waarvan dit geld, sodat volhoubare ontwikkeling op die doeltreffendste wyse bereik sal word, deur die handhawing van 'n balans tussen die onderliggende beginsels van—

(i) die beskerming en verbetering van die natuurlike en kultuurhistoriese omgewing;

(ii) sosiale welsyn, en

(iii) ekonomiese doeltreffendheid,

terwyl gesondheid, veiligheid, orde, ambiance, gerief en algemene welsyn in die proses bevorder word;

(b) moet 'n gekoördineerde beleidsraamwerk, 'n implementeringsplan en 'n moniterings-, evaluerings-, wysigings- en hersieningsraamwerk insluit, en moet bestaanbaar wees met 'n toepaslike plan ingevolge artikel 4 goedgekeur, en

(c) mag norme en standaarde stel vir provinsiale ruimtelike beplanning en, indien die toepaslike bepalinge van artikel 57(5) nagekom is, ook vir enige ander ontwikkelingsbeplanning en grondontwikkelingsbestuur soos na verwys in kennisgewings wat as deel van sodanige optrede gepubliseer is.

(3) Die Provinsiale Minister moet, vir die doeleindes van die opstel, hersiening of wysiging van 'n raamwerk of plan soos beoog in subartikel (1), die departementshoof opdrag gee om óf 'n gesamentlike komitee óf 'n ander komitee wat na die mening van die Provinsiale Minister meer toepaslik sal wees, daar te stel, om—

(a) die pligte en funksies in hierdie Wet met betrekking tot sodanige raamwerk of plan uit te voer;

(b) 'n konsep-, hersiene of gewysigde raamwerk of plan op te stel en saam met die komitee se aanbevelings aan die Provinsiale Minister voor te lê;

(c) die raamwerk of plan, hersiening of wysiging op te stel in ooreenstemming met 'n proses wat die Provinsiale Minister as toepaslik beskou, en wat in die geval van aanvanklike voorbereiding of hersiening, maar nie wysiging nie, direkteur ten opsigte van die volgende moet insluit—

(i) die voorbereiding en beskikbaarstelling vir kommentaar deur die publiek of belanghebbende en geaffekteerde partye, van opeenvolgende stelle dokumentasie wat die volgende moet insluit—

(aa) 'n verklaring van probleme en vraagpunte of die ekwivalent daarvan;

(bb) 'n verklaring van doelstellings en mikpunte of die ekwivalent daarvan;

(cc) 'n verklaring van beleid en strategieë of die ekwivalent daarvan, en

(dd) 'n konsep-raamwerk of -plan

en

(ii) die verwerking van kommentaar op elke opeenvolgende dokument;

(d) opeenvolgend moontlike wysigings aan die dokumente waarna in paragraaf (c)(i) verwys word, te oorweeg, en

(e) elke sodanige opeenvolgende dokument soos beoog in paragraaf (c), hetsy in gewysigde vorm al dan nie, aan die Provinsiale Minister voor

noting and, if he or she regards it necessary, the issuing of directives regarding such documents or the further process contemplated in paragraph (c), to the committee.

(4) The Provincial Minister must, after receipt of a framework, plan or amendment as contemplated in subsection (3)(b), do one of the following—

- (a) refer such framework, plan or amendment back to the committee appointed in terms of subsection (3), so that the directives or requirements that the Provincial Minister may issue or make, can be complied with and thereafter it must be resubmitted to the Provincial Minister for reconsideration;
- (b) consider such framework, plan or amendment for approval, or
- (c) submit such framework, plan or amendment, if the Provincial Minister regards it necessary, to the Provincial Cabinet for approval.

(5) The Provincial Minister or the Provincial Cabinet, as the case may be, must, after consideration of a framework, plan or amendment in terms of subsection (4), approve such framework, plan or amendment if satisfied that—

- (a) such framework, plan or amendment is consistent with national and provincial policies, principles, plans, spatial development frameworks, spatial development plans and sectoral plans;
- (b) objections offered against such framework, plan or amendment by organs of state, public bodies, interested and affected parties or the general public have been adequately addressed, and
- (c) such framework, plan or amendment complies with such requirements as the Provincial Minister or the Provincial Cabinet, as the case may be, regards as applicable, and

if dissatisfied, must either reject such framework, plan or amendment, or approve it after or simultaneous with any inconsistency arising from the implementation of paragraph (a), is resolved.

(6) The department head must, after approval of a framework, plan or amendment in terms of subsection (5), as soon as possible publish the approval, as well as the time and place where such framework, plan or amendment may be inspected—

- (a) in the *Provincial Gazette*, and
- (b) employ such other methods that he or she regards as sufficient for making the approval better known.

(7) A framework or plan approved or amended in terms of subsection (5), binds all organs of state in so far as it is consistent with a plan as contemplated in section 4(7), and—

- (a) an authority must comply with the provisions and requirements of such approved framework or plan and may not do anything which conflicts or is inconsistent with the intention of this subsection, and
- (b) authorisation for any land use or the subdivision of agricultural or any other land—

- (i) may not be granted in terms of this Act, or
- (ii) if granted in terms of any other law, may not have a bearing on any decision in terms of this Chapter,

unless such authorisation is or will be consistent with such framework or plan in the opinion of the Provincial Minister.

(8) A framework or plan approved in terms of subsection (5)—

- (a) must be reviewed at least every 5 years and may at any stage be amended, and
- (b) remains in force, as amended from time to time, until withdrawn by the Provincial Cabinet, according to the procedures applicable to amendment.

te lê vir kennisname en, sou hy of sy dit nodig ag, die uitreik van direkteiwes aan die komitee oor sodanige dokumente, of oor die verdere proses soos beoog in paragraaf (c).

5 (4) Die Provinsiale Minister moet, ná ontvangs van 'n raamwerk, plan of wysiging soos beoog in subartikel (3)(b), een van die volgende doen—

(a) sodanige raamwerk, plan of wysiging na die komitee wat ingevolge subartikel (3) aangestel is, terugverwys sodat aan die direkteiwes of vereistes wat die Provinsiale Minister mag neerlê, voldoen kan word en dat dit daarna weer aan die Provinsiale Minister voorgelê kan word vir heroorweging;

10 (b) sodanige raamwerk, plan of wysiging vir goedkeuring oorweeg, of
(c) sodanige raamwerk, plan of wysiging aan die Provinsiale Kabinet vir goedkeuring voorlê, indien die Provinsiale Minister dit nodig ag.

15 (5) Die Provinsiale Minister of die Provinsiale Kabinet, na gelang van die geval, moet, ná oorweging van 'n raamwerk, plan of wysiging ingevolge subartikel (4), sodanige raamwerk of plan of wysiging goedkeur indien tevrede dat—

20 (a) sodanige raamwerk, plan of wysiging bestaanbaar is met nasionale en provinsiale beleid, beginsels, planne, ruimtelike ontwikkelingsraamwerke, ruimtelike ontwikkelingsplanne en sektorale planne;

(b) besware wat teen sodanige raamwerk, plan of wysiging deur staatsinstellings, openbare instellings, belanghebbende en geaffekteerde partye of die algemene publiek ingebring is, bevredigend aangespreek is, en

25 (c) sodanige raamwerk, plan of wysiging voldoen aan die vereistes wat die Provinsiale Minister of die Provinsiale Kabinet, na gelang van die geval, as toepaslik mag beskou, en

30 moet, indien ontevredenheid bestaan, óf sodanige raamwerk, plan of wysiging afkeur, óf dit goedkeur ná of tesame met die oplossing van enige gebrek aan bestaanbaarheid voortvloeiend uit die uitvoering van paragraaf (a).

(6) Die departementshoof moet, ná goedkeuring van 'n raamwerk, plan of wysiging ingevolge subartikel (5), so gou moontlik die goedkeuring, sowel as die tyd en plek waar sodanige raamwerk, plan of wysiging geïnspekteer kan word,—

35 (a) in die *Provinsiale Koerant* publiseer, en

(b) sodanige ander metodes wat hy of sy voldoende ag, aanwend om die goedkeuring beter bekend te maak.

40 (7) 'n Raamwerk of plan wat ingevolge subartikel (5) goedgekeur of gewysig is, bind alle staatsinstellings in soverre dit bestaanbaar is met 'n plan soos beoog in artikel 4(7), en—

(a) 'n owerheid moet aan die bepalinge en vereistes van sodanige goedgekeurde raamwerk of plan voldoen en mag niks doen wat bots of onbestaanbaar is met die bedoeling van hierdie subartikel nie, en

45 (b) magtiging vir enige grondgebruik of die onderverdeling van landbougrond of enige ander grond—

(i) mag nie ingevolge hierdie Wet of verordeninge van 'n munisipaliteit toegestaan word nie, of

50 (ii) wat ingevolge enige ander wet toegestaan is, mag nie bepalend ten opsigte van 'n besluit ingevolge hierdie Hoofstuk wees nie, tensy sodanige magtiging na die mening van die Provinsiale Minister bestaanbaar met sodanige raamwerk of plan is of sal wees.

(8) 'n Raamwerk of plan goedgekeur ingevolge subartikel (5)—

55 (a) moet minstens elke 5 jaar hersien word en kan te eniger tyd gewysig word, en

(b) bly van krag, soos van tyd tot tyd gewysig, totdat dit deur die Provinsiale Kabinet ingetrek word volgens die prosedures wat vir wysiging geld.”

Amendment of section 5 of Act 7 of 1999

5. The following section is hereby substituted for section 5 of the principal Act—

“Preparation, amendment and review of municipal integrated development plans, spatial development frameworks, spatial development plans and sectoral plans

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5. (1) Each council must prepare an integrated development plan and a spatial development framework for the development of its area of jurisdiction and may, in conjunction with one or more other councils, prepare an integrated development plan, spatial development framework, spatial development plan or sectoral plan for the development of the areas of jurisdiction of such councils or parts thereof. 10

(2) Each integrated development plan, spatial development framework, spatial development plan or sectoral plan prepared in terms of subsection (1)—

(a) must have for its general purpose co-ordinated and harmonious planning and development of the area to which it relates, so that sustainable development will be achieved in the most effective manner, by maintaining a balance between the underlying principles of— 15

(i) protecting and enhancing the natural and cultural-historic environment; 20

(ii) social well-being, and

(iii) economic efficiency,

whilst in the process promoting health, safety, order, ambience, convenience and general welfare; 25

(b) must include a co-ordinated policy framework, an implementation plan and a monitoring, evaluation, amendment and review framework, and must be consistent with an applicable plan approved in terms of section 4 or 4A and with an applicable integrated development plan referred to in section 5(1); 30

(c) may, in the case of an integrated development plan, include sectoral plans that are prepared with due observance of the general principles contained in Schedule IV and policy on matters of national, provincial or regional interest relating to planning and development, and

(d) must, in the case of an integrated development plan, have the strategic approach associated with integrated development planning, and include a spatial development framework; 35

provided that other relevant prescriptions contained in other legislation are also applicable.

(3) (a) The council of a municipality must draft its integrated development plan as determined in the Municipal Systems Act. 40

(b) The council of a municipality must, in accordance with the prescribed procedure,—

(i) manage the drafting, review or amendment of a spatial development framework, spatial development plan or sectoral plan in terms of subsection (1); 45

(ii) assign responsibilities in this regard to the municipal manager to draft such framework or plan according to a process regarded as suitable by the council, and which in the case of drafting or review, but not amendment, must include directives for phases of planning, taking cognisance of, as a guideline, those procedures described under section 4A(3)(c), (d) and (e); 50

(iii) afford the Provincial Minister the opportunity to monitor the process followed and to assist with the planning, drafting and adoption, review or amendment of the spatial development framework, spatial development plan or sectoral plan concerned, and 55

Wysiging van artikel 5 van Wet 7 van 1999

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang—

“Voorbereiding, wysiging en hersiening van munisipale geïntegreerde ontwikkelingsplanne, ruimtelike ontwikkelingsraamwerke, ruimtelike ontwikkelingsplanne en sektorale planne

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5. (1) Elke raad moet 'n geïntegreerde ontwikkelingsplan en 'n ruimtelike ontwikkelingsraamwerk vir die ontwikkeling van sy jurisdiksiegebied opstel en kan, in samewerking met een of meer ander rade, 'n geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan vir die ontwikkeling van die jurisdiksiegebiede van sodanige rade of gedeeltes daarvan opstel.

(2) Elke geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan wat opgestel word ingevolge subartikel (1)—

(a) moet as algemene doel hê, gekoördineerde en harmonieuse beplanning en ontwikkeling van die gebied ten opsigte waarvan dit geld, sodat volhoubare ontwikkeling op die doeltreffendste wyse bereik sal word, deur die handhawing van 'n balans tussen die onderliggende beginsels van—

(i) die beskerming en verbetering van die natuurlike en kultuurhistoriese omgewing;

(ii) sosiale welsyn, en

(iii) ekonomiese doeltreffendheid,

terwyl gesondheid, veiligheid, orde, ambiance, gerief en algemene welsyn in die proses bevorder word;

(b) moet 'n gekoördineerde beleidsraamwerk, 'n implementeringsplan en 'n moniterings-, evaluerings-, wysigings- en hersieningsraamwerk insluit, en moet bestaanbaar wees met toepaslike planne, goedgekeur ingevolge artikel 4 of 4A, asook 'n toepaslike geïntegreerde ontwikkelingsplan bedoel in artikel 5(1);

(c) mag, in die geval van 'n geïntegreerde ontwikkelingsplan, sektorale planne insluit wat opgestel is in nakoming van die algemene beginsels vervat in Bylae IV en van beleid oor sake van nasionale, provinsiale of streekbelang wat met beplanning en ontwikkeling verband hou, en

(d) moet, in die geval van 'n geïntegreerde ontwikkelingsplan, die strategiese benadering hê wat gepaard gaan met geïntegreerde ontwikkelingsbeplanning, en moet 'n ruimtelike ontwikkelingsraamwerk insluit;

met dien verstande dat ander toepaslike voorskrifte soos in ander wetgewing vervat, ook geld.

(3) (a) Die raad van 'n munisipaliteit moet sy geïntegreerde ontwikkelingsplan opstel soos bepaal in die Munisipale Stelselwet.

(b) Die raad van 'n munisipaliteit moet, ooreenkomstig die voorgeskrewe prosedure,—

(i) die opstel, hersiening of wysiging van 'n ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan ingevolge subartikel (1), bestuur;

(ii) verantwoordelikhede in dié verband opdra aan die munisipale bestuurder om sodanige raamwerk of plan op te stel in ooreenstemming met 'n proses wat die raad as toepaslik beskou, en wat in die geval van opstel of hersiening, maar nie wysiging nie, direkteur vir fases van beplanning moet insluit, met inagneming van, as 'n riglyn, daardie prosedures wat in artikel 4A(3)(c), (d) en (e) beskryf word;

(iii) aan die Provinsiale Minister die geleentheid bied om die proses wat gevolg is, te monitor en bystand te lewer met die beplanning, opstel en aanvaarding, hersiening of wysiging van die betrokke ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan, en

- (iv) consider the draft framework or plan or amendment after its submission to the council for adoption.
- (4) The council concerned may, after consideration of a spatial development framework, spatial development plan, sectoral plan or amendment submitted to it in terms of subsection (3)(b)(iv), adopt such framework, plan or amendment if it is satisfied that— 5
- (a) it has been prepared with due observance of the general principles contained in Schedule IV;
- (b) it is consistent with and does not have a negative impact in relation to any provincial or regional integrated development plan, spatial development framework, spatial development plan or sectoral plan, or any integrated development plan, spatial development framework, spatial development plan or sectoral plan of any other affected municipality; 10
- (c) it is consistent with national and provincial policies and principles, and spatial development frameworks, spatial development plans and sectoral plans on matters relating to planning and development in the Province; 15
- (d) it complies with the requirements of all other legislative provisions, and 20
- (e) objections offered against such framework, plan or amendment by organs of state, public institutions, interested and affected parties or the general public, have been adequately addressed.
- (5) The municipal manager concerned must furnish a copy of a spatial development framework, spatial development plan, sectoral plan or amendment adopted by the council concerned in terms of subsection (4), accompanied by any relevant information and documentation, to the department head or heads concerned, as the case may be, within 10 days of the adoption of such framework, plan or amendment. 25
- (6) The Provincial Minister must, within 30 days of receiving a copy of such framework, plan or amendment, notify the municipal manager concerned whether or not, in the opinion of the Provincial Minister, such framework, plan or amendment satisfies the criteria set out in subsection (4). 30
- (7) If the Provincial Minister is of the opinion that such framework, plan or amendment does not satisfy the criteria set out in subsection (4), he or she must, simultaneously— 35
- (a) furnish full reasons for his or her opinion, and
- (b) request the relevant council to amend the framework, plan or amendment in accordance with the requirements of the Provincial Minister or to comply with specific procedural requirements within a stipulated period. 40
- (8) The relevant council must, within 30 days of receipt of such request contemplated in subsection (7)(b), comply therewith and so inform the Provincial Minister, or object thereto or to aspects thereof and furnish the Provincial Minister with its written reasons for objecting. 45
- (9) Upon receipt of the council's response in terms of subsection (8), the Provincial Minister must reconsider the matter and—
- (a) if he or she is satisfied that such framework, plan or amendment complies with the criteria set out in subsection (4), so notify the municipal manager concerned within 30 days of receipt of the response, or 50
- (b) if he or she is not so satisfied, as soon as possible refer the matter to an *ad hoc* committee equally appointed by the Provincial Minister, consisting of members equally representative of the provincial and municipal spheres of government, to decide the matter within a stipulated period. 55
- (10) A spatial development framework, spatial development plan, or sectoral plan, or any review or amendment thereof, may not be acted upon until such time as the Provincial Minister has confirmed that he or she is of the opinion that it satisfies the criteria set out in subsection (4) or, in the event of objection referred to in terms of subsection (9)(b), until such time as the committee confirms that such criteria have been satisfied. 60

(iv) die konsep-raamwerk of -plan of wysiging oorweeg na voorlegging daarvan aan die raad vir aanvaarding.

(4) Die betrokke raad kan, ná oorweging van 'n ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, sektorale plan of wysiging wat ingevolge subartikel (3)(b)(iv) aan die raad voorgelê is, sodanige raamwerk, plan of wysiging aanvaar as dit tevrede is dat—

(a) dit opgestel is met behoorlike inagneming van die algemene beginsels vervat in Bylae IV;

(b) dit bestaanbaar is met enige provinsiale of regionale geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan, of enige geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan van enige ander geïntegreerde munisipaliteit en nie 'n negatiewe impak in verband daarmee het nie;

(c) dit bestaanbaar is met nasionale en provinsiale beleid en beginsels, en ruimtelike ontwikkelingsraamwerke, ruimtelike ontwikkelingsplanne en sektorale planne aangaande sake wat verband hou met beplanning en ontwikkeling in die Provinsie;

(d) dit aan die vereistes van alle ander wetsbepalings voldoen, en

(e) besware wat teen sodanige raamwerk, plan of wysiging deur staatsinstellings, openbare instellings, belanghebbende en geïntegreerde partye of die algemene publiek ingebring is, bevredigend aangespreek is.

(5) Die betrokke munisipale bestuurder moet 'n afskrif van 'n ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, sektorale plan of wysiging wat deur die betrokke raad ingevolge subartikel (4) aanvaar is, tesame met enige relevante inligting en dokumentasie, binne 10 dae ná die aanvaarding van sodanige raamwerk, plan of wysiging, aan die betrokke departementshoof- of hoofde voorsien.

(6) Die Provinsiale Minister moet, binne 30 dae ná ontvangs van 'n afskrif van sodanige raamwerk, plan of wysiging, die betrokke munisipale bestuurder inlig of sodanige raamwerk, plan of wysiging, na die mening van die Provinsiale Minister, voldoen aan die kriteria in subartikel (4) vermeld.

(7) Indien die Provinsiale Minister van mening is dat sodanige raamwerk, plan of wysiging nie aan die kriteria in subartikel (4) vermeld, voldoen nie, moet hy of sy gelyktydig—

(a) volle redes vir sy of haar mening gee, en

(b) die betrokke raad versoek om die raamwerk, plan of wysiging ooreenkomstig die vereistes van die Provinsiale Minister te wysig of aan spesifieke prosedurele vereistes binne 'n bepaalde tydperk te voldoen.

(8) Die betrokke raad moet binne 30 dae ná ontvangs van so 'n versoek beoog in subartikel (7)(b), daaraan voldoen en die Provinsiale Minister so inlig, of daarteen of teen aspekte daarvan beswaar aanteken en die Provinsiale Minister skriftelik van sy redes om beswaar aan te teken, voorsien.

(9) Die Provinsiale Minister moet, by ontvangs van die raad se reaksie ingevolge subartikel (8), die saak heroorweeg en—

(a) indien hy of sy tevrede is dat sodanige raamwerk, plan of wysiging voldoen aan die kriteria vermeld in subartikel (4), die betrokke munisipale bestuurder binne 30 dae van ontvangs van die reaksie so in kennis stel, of

(b) indien hy of sy nie sodanig tevrede is nie, so gou as moontlik die saak verwys na 'n *ad hoc* komitee, aangestel deur die Provinsiale Minister, en eweredig verteenwoordigend van die provinsiale en munisipale regeringsfere, om binne 'n bepaalde tydperk oor die saak te beslis.

(10) Geen aksie mag geneem word ingevolge enige ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan, of hersiening of wysiging daarvan nie, tot tyd en wyl die Provinsiale Minister bevestig het dat hy of sy van mening is dat daar voldoen is aan die kriteria in subartikel (4) vermeld nie of, in 'n geval van 'n beswaar wat ingevolge subartikel (9)(b) verwys is, tot tyd en wyl die betrokke komitee bevestig dat aan sodanige kriteria voldoen is.

(11) The municipal manager concerned must, as soon as confirmation as contemplated in subsections (6), (9) or (10) is received, publish the approval, as well as the time and place where such framework, plan or amendment may be inspected—

- (a) in the *Provincial Gazette*, and
- (b) employ such other methods that he or she regards as sufficient for making the approval better known.

(12) Each council must review the spatial development framework of its integrated development plan annually, and may amend such framework at any stage.

(13) An approved municipal spatial development framework, spatial development plan or sectoral plan, as reviewed or amended from time to time, remains in force until withdrawn by the council according to procedures as contemplated in subsection (17).

(14) An integrated development plan, spatial development framework, spatial development plan or sectoral plan adopted by a district municipality in terms of subsection (4), binds both the district municipality and the local municipalities in the area of jurisdiction of the district municipality.

(15) An authority must comply with the provisions and requirements of an integrated development plan, spatial development framework, spatial development plan or sectoral plan in regard to which confirmation as contemplated in subsection (6), (9) or (10), has been given, and may not do anything which conflicts or is inconsistent with the intention of this subsection.

(16) The municipal manager must, if required by a council, or if circumstances relating to development should so dictate, or when required in law, prepare and submit to the council for approval—

- (a) a spatial development plan or a sectoral plan for a portion of or for the entire municipal area concerned, or
- (b) the review of or an amendment to a spatial development plan or sectoral plan.

(17) The provisions of—

- (a) subsection (4), (5), (11), (12), (13) and (14) apply *mutatis mutandis* to a spatial development plan or sectoral plan prepared in terms of subsection (16), or a withdrawal prepared in terms of subsection (13), and
- (b) subsection (3)(b) is applicable *mutatis mutandis* to a spatial development plan or review thereof, prepared in terms of subsection (16); provided that the reference to 'annually' in subsection (12) must be construed as meaning 'at least every 5 years' in the case of any spatial development plan or sectoral plan.

(18) When approving a spatial development framework, spatial development plan or sectoral plan, a council may—

- (a) include in such approval specific measures applicable to such framework or plan, which may be utilised to test the consistency of development proposals or other subordinate plans with such spatial development framework, spatial development plan or sectoral plan, and
- (b) determine the manner in which such framework or plan is to be implemented.

(19) A spatial development framework in regard to which confirmation as contemplated in subsection (6), (9) or (10) has been given, and which has been published in terms of subsection (11), binds all organs of state in so far as it is consistent with a framework or plan as contemplated in section 4(7) and 4A(7), and—

- (a) every authority must comply with the provisions and requirements of such approved framework or plan and may not do anything which conflicts or is inconsistent with the intention of this subsection, and
- (b) authorisation for any land use or the subdivision of agricultural or any other land—

(11) Die betrokke munisipale bestuurder moet, sodra bevestiging soos beoog in subartikels (6), (9) of (10) ontvang is, die goedkeuring, sowel as die tyd en plek waar sodanige raamwerk, plan of wysiging geïnspekteer kan word,—

- 5 (a) in die *Provinsiale Koerant* publiseer, en
(b) sodanige ander metodes wat hy of sy voldoende ag, aanwend om die goedkeuring beter bekend te maak.

10 (12) Elke raad moet die ruimtelike ontwikkelingsraamwerk van sy geïntegreerde ontwikkelingsplan jaarliks hersien, en kan sodanige raamwerk op enige stadium wysig.

(13) 'n Goedgekeurde ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan, soos van tyd tot tyd hersien of gewysig, bly van krag totdat dit deur die raad, ingevolge prosedures soos beoog in subartikel (17), ingetrek word.

15 (14) 'n Geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan wat deur 'n distriksmunisipaliteit ingevolge subartikel (4) aanvaar is, bind sowel die distriksmunisipaliteit as die plaaslike munisipaliteite binne die jurisdisiegebied van die distriksmunisipaliteit.

20 (15) 'n Owerheid moet aan die bepalings en vereistes van 'n geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan ten opsigte waarvan 'n bevestiging soos beoog in subartikel (6), (9) of (10) gegee is, voldoen, en mag niks doen wat bots of onbestaanbaar is met die bedoeling van hierdie subartikel nie.

25 (16) Die munisipale bestuurder moet, indien so opgedra deur 'n raad, of indien omstandighede wat met ontwikkeling verband hou dit noodsaak, of wanneer regtens vereis die volgende opstel en aan die raad vir goedkeuring voorlê—

- 30 (a) 'n ruimtelike ontwikkelingsplan of 'n sektorale plan vir 'n gedeelte van of vir die hele betrokke munisipale gebied, of
(b) 'n hersiening of 'n wysiging van 'n ruimtelike ontwikkelingsplan of sektorale plan.

(17) Die bepalings van—

- 35 (a) subartikel (4), (5), (11), (12), (13) en (14) is *mutatis mutandis* op 'n ruimtelike ontwikkelingsplan of sektorale plan opgestel ingevolge subartikel (16), of 'n intrekking voorberei ingevolge subartikel (13), van toepassing, en
40 (b) subartikel (3)(b) is *mutatis mutandis* op 'n ruimtelike ontwikkelingsplan of hersiening daarvan, voorberei ingevolge subartikel (16), van toepassing;

met dien verstande dat die verwysing na 'jaarliks' in subartikel (12) beskou moet word as dat dit 'minstens elke 5 jaar' in die geval van enige ruimtelike ontwikkelingsplan of sektorale plan, beteken.

45 (18) 'n Raad kan by die goedkeuring van 'n ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan—

- (a) spesifieke maatreëls van toepassing op sodanige raamwerk of plan insluit, wat aangewend kan word om die bestaanbaarheid van ontwikkelingsvoorstelle of ondergeskikte planne met sodanige
50 ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan of sektorale plan te toets, en
(b) die wyse waarop sodanige raamwerk of plan geïmplementeer moet word, bepaal.

55 (19) 'n Ruimtelike ontwikkelingsraamwerk waarvoor 'n bevestiging soos beoog in subartikel (6), (9) of (10) gegee is, en wat ingevolge subartikel (11) gepubliseer is, bind alle staatsinstellings in soverre dit bestaanbaar is met 'n raamwerk of plan soos beoog in artikel 4(7) en 4A(7), en—

- 60 (a) 'n owerheid moet aan die bepalings en vereistes van sodanige goedgekeurde raamwerk of plan voldoen en mag niks doen wat bots of onbestaanbaar is met die bedoeling van hierdie subartikel nie, en
(b) magtiging vir enige grondgebruik of die onderverdeling van landbougrond of enige ander grond—

- (i) may not be granted in terms of this Act, or
 - (ii) if granted in terms of any other law, may not have a bearing on a decision in terms of this Chapter,
- unless such authorisation is or will be consistent with such framework or plan in the opinion of the council.”.

5

Amendment of section 6 of Act 7 of 1999

6. The following section is hereby substituted for section 6 of the principal Act—

“Special provisions relating to frameworks and plans contemplated in sections 4, 4A and 5 and to structure plans

6. (1) The urban and regional structure plans listed in Schedule VII, shall with effect from the commencement of this Act, be regarded as structure plans in terms of this Act, and the provisions of section 27 of the Physical Planning Act, 1991 (Act 125 of 1991), continue to apply to such plans until they are withdrawn, replaced or reviewed.

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(2) The provisions of an integrated development plan, spatial development framework or spatial development plan—

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- (a) approved in terms of sections 4 or 4A, or
- (b) for which confirmation in terms of section 5(6), (9) or (10) has been given,

prevails over the provisions of a structure plan, including a structure plan listed in Schedule VII, in so far as such structure plan is inconsistent with the integrated development plan, spatial development framework or spatial development plan concerned.

20

(3) Structure plans that exist on the date of commencement of this Act, including structure plans listed in Schedule VII, must, unless withdrawn or replaced,—

25

- (a) be reviewed by the municipality, joint committee or department head, as the case may be, within 18 months of this Act coming into effect, or within the extended period determined by the Provincial Minister, and
- (b) be approved as spatial development frameworks or spatial development plans as contemplated by—
 - (i) section 5, or
 - (ii) section 4A, should the Provincial Minister so decide, and after appropriate action under section 57(5) was taken.

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(4) A structure plan lapses if not reviewed and approved in terms of subsection (3).

35

(5) In the preparation, amendment or review of an integrated development plan, spatial development framework, spatial development plan, regional plan or sectoral plan, or in the amendment or review of a structure plan, regard must be had to the natural and developed environment and the promotion of ecologically sustainable development, and all steps taken in this regard, must be specified in such plan or framework.

40

(6) Structure plans, integrated development plans, spatial development frameworks, spatial development plans, regional plans and sectoral plans do not confer or take away any use right.

45

(7) Where authorisation in terms of this Act for any land use or the subdivision of land, which is not inconsistent with an approved structure plan, integrated development plan, spatial development framework, spatial development plan, regional plan or sectoral plan, is prohibited in terms of this Act, such structure plan, integrated development plan, spatial development framework, spatial development plan, regional plan or sectoral plan may be amended in terms of section 4, 4A or 5, as the case may be, either before or simultaneous with approval of a relevant application.

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(8) The authorization regarding decision-making on rezoning by a council in accordance with the development guidelines included in a structure plan, lapses on the date of commencement of this Act.

55

- (i) mag nie ingevolge hierdie Wet, of
(ii) wat ingevolge enige ander wet toegestaan is, mag nie bepalend ten opsigte van 'n besluit ingevolge hierdie Hoofstuk wees nie, tensy sodanige magtiging na die mening van die raad bestaanbaar met sodanige raamwerk of plan is of sal wees.”.

Wysiging van artikel 6 van Wet 7 van 1999

6. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang—

“Spesiale bepalings aangaande raamwerke en planne soos beoog in artikels 4, 4A en 5 en aangaande struktuurplanne

6. (1) Die stedelike en streekstruktuurplanne gelys in Bylae VII, word by die inwerkingtreding van hierdie Wet geag struktuurplanne te wees ingevolge hierdie Wet, en die bepalings van artikel 27 van die Wet op Fisiese Beplanning, 1991 (Wet 125 van 1991) bly van toepassing op sodanige planne totdat hulle teruggetrek, vervang of hersien is.
- (2) Die bepalings van 'n geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk of ruimtelike ontwikkelingsplan—
- (a) goedgekeur ingevolge artikel 4 of 4A, of
- (b) waarvoor 'n bevestiging ingevolge artikel 5(6), (9) of (10) verleen is, geniet voorrang bo die bepalings van 'n struktuurplan, insluitend 'n struktuurplan gelys in Bylae VII, in soverre sodanige struktuurplan nie met die betrokke geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk of ruimtelike ontwikkelingsplan bestaanbaar is nie.
- (3) Struktuurplanne wat op die datum van inwerkingtreding van hierdie Wet bestaan, insluitend struktuurplanne gelys in Bylae VII, moet, tensy hulle teruggetrek of vervang word—
- (a) binne 18 maande ná die inwerkingtreding van hierdie Wet, of binne die verlengde tydperk deur die Provinsiale Minister bepaal, deur die munisipaliteit, gesamentlike komitee of departementshoof, na gelang van die geval, hersien word, en
- (b) goedgekeur word as ruimtelike ontwikkelingsraamwerke of ruimtelike ontwikkelingsplanne soos beoog in—
- (i) artikel 5, of
- (ii) artikel 4A, as die Provinsiale Minister so besluit, en ná toepaslike optrede ingevolge artikel 57(5).
- (4) 'n Struktuurplan verval as dit nie ingevolge subartikel (3) hersien en goedgekeur word nie.
- (5) Wanneer 'n geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan opgestel, gewysig of hersien word, of 'n struktuurplan gewysig of hersien word, moet die natuurlike en ontwikkelde omgewing en die bevordering van ekologies-volhoubare ontwikkeling in ag geneem word, en alle stappe wat in hierdie verband gedoen is, moet in sodanige plan of raamwerk vermeld word.
- (6) Struktuurplanne, geïntegreerde ontwikkelingsplanne, ruimtelike ontwikkelingsraamwerke, ruimtelike ontwikkelingsplanne, streekplanne en sektorale planne verleen of ontnem nie enige gebruiksreg nie.
- (7) Waar magtiging ingevolge hierdie Wet vir enige grondgebruik of die onderverdeling van grond, wat nie met 'n goedgekeurde struktuurplan, geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan bestaanbaar is nie, ingevolge hierdie Wet verbied word, kan die betrokke struktuurplan, geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan ingevolge artikel 4, 4A of 5, na gelang van die geval, óf voor óf tesame met goedkeuring van 'n toepaslike aansoek, gewysig word.
- (8) Die magtiging betreffende besluitneming oor hersonering deur 'n raad in ooreenstemming met die ontwikkelingsriglyne vervat in 'n struktuurplan, verval op die datum van inwerkingtreding van hierdie Wet.

- (9) When land situated in the area of jurisdiction of one municipality is incorporated into the area of jurisdiction of another municipality, any integrated development plan, spatial development framework, spatial development plan, regional plan, sectoral plan or structure plan applicable to that land remains in force, subject to the provisions of this Chapter, until the Provincial Minister or the Provincial Minister responsible for local government, as the case may be— 5
- (a) receives written notification from the municipality of its withdrawal or replacement, or
 - (b) after consultation with the municipality in whose area of jurisdiction the land is situated, makes other arrangements in respect thereof by notice in the *Provincial Gazette*. 10
- (10) A structure plan that is being prepared in terms of the Land Use Ordinance at the date of commencement of this Act, must be finalised— 15
- (a) in the case of a structure plan in terms of section 4(6) of the Land Use Ordinance, as contemplated in section 4A or 5 of this Act, as resolved upon by the Provincial Minister after consultation with the municipality or municipalities concerned, or 15
 - (b) in the case of a structure plan that has been dealt with in terms of section 4(10) of the Land Use Ordinance, as contemplated in section 5(16) of this Act. 20
- and the Provincial Minister or municipality, as the case may be, must determine the remaining steps to be taken in terms of this Act, with due cognisance of steps already taken in terms of the Land Use Ordinance.”.

Amendment of section 8 of Act 7 of 1999

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7. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection—

“(1) A [local authority] category A, B, or C municipality may make, approve and amend zoning scheme by-laws, that are not inconsistent with the provisions of zoning scheme regulations approved in terms of subsection (4), and after consultation with the Provincial Minister and by notice in the *Provincial Gazette* in respect of land to which the zoning scheme regulations referred to in sections 7(1), 7(2), 7(3) and 7(4) apply, with due regard to aspects of provincial or regional interest, and the provisions of a relevant integrated development [framework] plan, spatial development framework, spatial development plan, regional plan or sectoral plan[, and not inconsistent with the provisions of zoning scheme regulations approved in terms of subsection (4)].”.

Amendment of section 11 of Act 7 of 1999

8. Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection—

“(2) A zoning map shall, after having been prepared and approved by the council, be available at the offices of the municipality for inspection and the making of representations by all interested persons, and the attention of objectors shall be called to their right of appeal in terms of section 50 of this Act.”.

Deletion of section 13 of Act 7 of 1999

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9. Section 13 of the principal Act is hereby deleted.

Amendment of section 14 of Act 7 of 1999

10. The following section is hereby substituted for section 14 of the principal Act—

- (9) Waar grond geleë in die regsgebied van een munisipaliteit in die regsgebied van 'n ander munisipaliteit ingelyf word, bly enige geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan, sektorale plan of struktuurplan wat op dié grond van toepassing is, behoudens die bepalings van hierdie Hoofstuk van krag totdat die Provinsiale Minister of die Provinsiale Minister verantwoordelik vir plaaslike regering, na gelang van die geval—
- 5 (a) skriftelike kennis van die munisipaliteit van die intrekking of vervanging daarvan ontvang, of
- 10 (b) na oorleg met die munisipaliteit in wie se regsgebied die grond geleë is, ander reëlins daaromtrent by kennisgewing in die *Provinsiale Koerant* tref.
- (10) 'n Struktuurplan wat ingevolge die Grondgebruik-ordonnansie in die proses van opstel is op die datum van inwerkingtreding van hierdie
- 15 Wet, sal afgehandel word—
- (a) in die geval van 'n struktuurplan ingevolge artikel 4(6) van die Grondgebruik-ordonnansie, soos beoog in artikel 4A of 5 van hierdie Wet, soos deur die Provinsiale Minister na oorleg met die betrokke munisipaliteit of munisipaliteite bepaal, of
- 20 (b) in die geval van 'n struktuurplan ingevolge artikel 4(10) van die Grondgebruik-ordonnansie, soos beoog in artikel 5(16) van hierdie Wet,
- 25 en die Provinsiale Minister of munisipaliteit, na gelang van die geval, moet die oorblywende stappe wat ingevolge hierdie Wet gevolg moet word, bepaal met behoorlike inagneming van stappe wat reeds ingevolge die Grondgebruik-ordonnansie gevolg is.”.

Wysiging van artikel 8 van Wet 7 van 1999

7. Artikel 8 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (1) met die volgende subartikel—
- 30 “(1) 'n [**Plaaslike owerheid**] Kategorie A, B of C munisipaliteit kan, ná oorleg met die Provinsiale Minister en by kennisgewing in die *Provinsiale Koerant*, en wat nie onbestaanbaar is met die bepalings van soneringskema-regulasies goedgekeur ingevolge subartikel (4) nie, soneringskema-verordeninge maak, goedkeur en wysig ten opsigte van grond waarop die regulasies bedoel in artikels
- 35 7(1), 7(2), 7(3) en 7(4) van toepassing is, met inagneming van aspekte van provinsiale of streeksbelang en die bepalings van 'n toepaslike geïntegreerde [**ontwikkelingsraamwerk**] ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan. [, en wat nie onbestaanbaar is met die bepalings van soneringskema-regulasies goedgekeur
- 40 ingevolge subartikel (4) nie]”.

Wysiging van artikel 11 van Wet 7 van 1999

8. Artikel 11 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (2) met die volgende subartikel—
- 45 “(2) 'n Soneringskaart moet, nadat dit opgestel en deur die raad goedgekeur is, ter insae van en vir die rig van verdoel deur alle belanghebbendes by die kantoor van die munisipaliteit beskikbaar wees en beswaarmakers moet gewys word op hul reg van appèl ingevolge artikel 50 van hierdie Wet.”.

Skrapping van artikel 13 van Wet 7 van 1999

9. Artikel 13 van die Hoofwet word hierby geskrap.

50 Wysiging van artikel 14 van Wet 7 van 1999

10. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang—

“Use rights

14. (1) (a) With effect from the commencement of this Act, all land referred to in section 8 of the Land Use Ordinance in respect of which no determination of utilisation has been made in terms of section 14(1) thereof, shall be deemed to be zoned in accordance with its lawful utilisation on 1 July 1986, as determined by the council concerned. 5
- (b) With effect from the date of commencement of this Act, all land referred to in section 8 of the Land Use Ordinance to which paragraph (a) did not apply, shall be deemed to be zoned in accordance with its lawful utilisation on 1 July 1986, as determined by the council concerned. 10
- (2) If at date of commencement of this Act an existing use right to which the provisions of section 7 of this Act apply, has not been exercised, and a fixed validity period—
- (a) has been stipulated in the legislation in terms of which such use right has been granted, such use right shall lapse upon expiration of the unexpired portion of the stipulated validity period, or 15
- (b) has not been stipulated in the legislation in terms of which such use right has been granted—
- (i) such use right shall be deemed to have been granted in terms of this Act on date of commencement thereof, and 20
- (ii) shall lapse in the circumstances described in section 16(2)(a) and 27(1) of this Act.
- (3) If a use right lapsed as provided for in terms of subsection (2), the land concerned shall be deemed to be zoned in accordance with its lawful utilisation, as determined by the council concerned, and the zoning map shall be amended accordingly. 25
- (4) If land is deemed to be zoned as contemplated in subsection (3) or section 9(2)(b) or 16(2)(b) of this Act, the most restrictive zoning that provides for the lawful utilisation of the land, whether or not in conjunction with a departure or consent use, as the council may determine, must be granted. 30
- (5) (a) Notwithstanding the provisions of subsection (1) and (2), a council may substitute for a zoning map or part thereof, a zoning map in terms of which land is not necessarily zoned in accordance with its utilisation. 35
- (b) A use right originating by virtue of the provisions of paragraph (a), shall lapse if not exercised within a period of 5 years after having so originated, in which event such land shall be deemed to be zoned in accordance with its lawful utilisation as determined by the council, and the council shall amend its zoning map accordingly. 40
- (c) Before substitution of a zoning map in terms of paragraph (a), the provisions of section 17(2) shall apply *mutatis mutandis*.
- (6) Subject to the provisions of section 7 or 16 or 18, or subsection (2) or (5)(a) or (b) of this section, a use right shall lapse if not exercised for an uninterrupted period of 3 years, and the land concerned shall be deemed to be zoned in accordance with its lawful utilisation as determined by the council concerned. 45
- (7) If the lawful utilisation of land—
- (a) on 1 July 1986 did not comply with its zoning in terms of the Land Use Ordinance or does not so comply at the commencement of this Act and for any uninterrupted period thereafter; 50
- (b) at the inclusion of the land in a substitution scheme in terms of subsection (5) and for any uninterrupted period thereafter does not comply with the zoning of the land in terms thereof, or

“Gebruiksregte

14. (1) (a) Met ingang van die inwerkingtreding van hierdie Wet word alle grond in artikel 8 van die Grondgebruik-ordonnansie bedoel, ten opsigte waarvan geen aanwendingsbepaling ingevolge artikel 14(1) daarvan gedoen is nie, geag gesoneer te wees in ooreenstemming met die wettige aanwending daarvan op 1 Julie 1986, soos deur die betrokke raad bepaal.

(b) Met ingang van die datum van inwerkingtreding van hierdie Wet word alle grond in artikel 8 van die Grondgebruik-ordonnansie bedoel, waarop paragraaf (a) nie van toepassing was nie, geag gesoneer te wees in ooreenstemming met die wettige aanwending daarvan op 1 Julie 1986, soos deur die betrokke raad bepaal.

(2) Indien enige bestaande gebruiksreg ten opsigte waarvan die bepaling van artikel 7 van hierdie Wet van toepassing is, op die datum van inwerkingtreding van hierdie Wet nie uitgeoefen is nie, en 'n vaste geldigheidstydperk—

(a) is in die wetgewing neergelê ingevolge waarvan sodanige gebruiksreg toegestaan is, verval sodanige gebruiksreg met die verstryking van die onverstrykte deel van die bepaalde geldigheidstydperk, of

(b) is nie in die wetgewing neergelê ingevolge waarvan sodanige gebruiksreg toegestaan is nie—

(i) word sodanige gebruiksreg geag ingevolge hierdie Wet op die datum van inwerkingtreding daarvan toegestaan te gewees het, en

(ii) verval dit in die omstandighede in artikel 16(2)(a) en 27(1) van hierdie Wet uiteengesit.

(3) Indien 'n gebruiksreg ingevolge subartikel (2) verval, word die betrokke grond geag gesoneer te wees ooreenkomstig die wettige aanwending daarvan, soos bepaal deur die betrokke raad, en die soneringskaart moet dienoooreenkomstig gewysig word.

(4) Indien grond geag word gesoneer te wees soos beoog in subartikel (3) of artikel 9(2)(b) of 16(2)(b) van hierdie Wet, moet die mees beperkende sonering wat vir die wettige aanwending van die grond voorsiening maak, hetsy in samehang met 'n afwyking of vergunningsgebruik al dan nie, soos die raad mag bepaal, toegestaan word.

(5) (a) Ondanks die bepaling van subartikel (1) en (2), kan 'n raad 'n soneringskaart of deel daarvan vervang deur 'n soneringskaart ingevolge waarvan grond nie noodwendig in ooreenstemming met die aanwending daarvan gesoneer word nie.

(b) 'n Gebruiksreg wat uit hoofde van die bepaling van paragraaf (a) ontstaan, verval indien dit binne 'n periode van 5 jaar nadat dit aldus ontstaan het, nie uitgeoefen is nie, in welke geval sodanige grond geag word gesoneer te wees in ooreenstemming met die wettige aanwending daarvan soos deur die betrokke raad bepaal, en die raad moet sy soneringskaart dienoooreenkomstig wysig.

(c) Voordat 'n soneringskaart ingevolge paragraaf (a) vervang word, is die bepaling van artikel 17(2) *mutatis mutandis* van toepassing.

(6) Behoudens die bepaling van artikel 7 of 16 of 18, of subartikel (2) of (5)(a) of (b) van hierdie artikel, verval 'n gebruiksreg indien dit vir 'n ononderbroke tydperk van 3 jaar nie uitgeoefen word nie, en word die betrokke grond geag gesoneer te wees in ooreenstemming met die wettige aanwending daarvan soos deur die betrokke raad bepaal.

(7) Indien die wettige aanwending van grond—

(a) op 1 Julie 1986 nie aan die sonering daarvan ingevolge die Grondgebruik-ordonnansie voldoen het nie, of by die inwerkingtreding van hierdie Wet en vir enige ononderbroke tydperk daarna, nie aldus voldoen nie;

(b) by die opname van die grond in 'n vervangingskema ingevolge subartikel (5) en vir enige ononderbroke tydperk daarna, nie aan die sonering van die grond ingevolge daarvan voldoen nie, of

- (c) upon the granting of a rezoning in terms of section 16 of this Act and for any uninterrupted period thereafter does not comply with the zoning of the land in terms of that section,
the utilisation shall be deemed not to constitute an offence within the meaning of section 64 of this Act, and the owner of such land may continue to utilise the land according to the lawful utilisation as described above. 5
- (8) Whenever the lawful use right of land cannot be determined, a use right must be granted by means of rezoning under section 16 or 18.
- (9) Notwithstanding the provisions of this section, but subject to a particular rezoning, no right granted to erect one dwelling-house on a land unit or to utilise a land unit for the occupation of one dwelling-house, shall lapse.”. 10

Amendment of section 15 of Act 7 of 1999

11. Section 15 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (1) and (2) with “municipal manager”. 15

Amendment of section 16 of Act 7 of 1999

12. Section 16 of the principal Act is hereby amended by the substitution for paragraph (a) in subsection (2) of the following paragraph—
- “(a) An approval under subsection (1)—
- (i) shall lapse if and in so far as the land concerned is not utilised in terms of the rezoning within a period of 3 years from the date on which the application for rezoning was granted [;], or 20
- (ii) shall, where section 22 is applicable, lapse or partially lapse, as the case may be—
- (aa) if a relevant application for subdivision in accordance with the rezoning or part thereof is not made in terms of section 24 within a period of 3 years from the date on which the application for rezoning was granted, or 25
- (bb) where a subdivision was granted, but the subdivision concerned or part thereof is not confirmed, or 30
[unless the council of a responsible municipality extends the period of 3 years in accordance with section 68(2).]
- (cc) if an extension is granted in accordance with section 68(2) and application for subdivision is not made or, if made, confirmation of the subdivision concerned is not obtained as contemplated in subitems (aa) or (bb) respectively, within such extended period.” 35

Amendment of section 17 of Act 7 of 1999

13. Section 17 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (1) and (2) with “municipal manager”. 40

Amendment of section 18 of Act 7 of 1999

14. Section 18 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection—
- “(1) The council of a responsible municipality may, on its own initiative, [grant a rezoning under section 16(1)] rezone land if, in its opinion, the rezoning is in the public interest.”. 45

- (c) by die toestaan van 'n hersonering ingevolge artikel 16 van hierdie Wet en vir enige ononderbroke tydperk daarna, nie voldoen aan die sonering van die grond ingevolge daardie artikel nie, word die aanwending daarvan nie geag 'n misdryf ooreenkomstig die betekenis van artikel 64 te wees nie, en kan die eienaar van dié grond voortgaan om die grond ooreenkomstig die wettige aanwending soos hierbo beskryf, aan te wend.
- (8) As die wettige gebruiksreg van grond nie bepaal kan word nie, moet 'n gebruiksreg by wyse van hersonering ingevolge artikel 16 of 18 van hierdie Wet toegeken word.
- (9) Ondanks die bepalinge van hierdie artikel, maar behoudens 'n bepaalde hersonering, verval geen toegestane reg om een woonhuis op 'n grondeenheid op te rig of om 'n grondeenheid vir die bewoning van een woonhuis aan te wend nie."

15 Wysiging van artikel 15 van Wet 7 van 1999

11. Artikel 15 van die Hoofwet word hierby gewysig deur die woorde "hoof uitvoerende beampte" in subartikel (1) en (2) te vervang met "munisipale bestuurder".

Wysiging van artikel 16 van Wet 7 van 1999

12. Artikel 16 van die Hoofwet word hierby gewysig deur die vervanging van paragraaf (a) in subartikel (2) met die volgende paragraaf—

- "(a) 'n Goedkeuring ingevolge subartikel (1)—
- (i) verval indien en vir sover die betrokke grond nie binne 'n tydperk van 3 jaar vanaf die datum waarop die aansoek om hersonering toegestaan is, aangewend word ingevolge die hersonering nie[;] , of
- (ii) verval of verval gedeeltelik, na gelang van die geval, waar artikel 22 van toepassing is—
- (aa) indien 'n tersaaklike aansoek om onderverdeling in ooreenstemming met die hersonering of deel daarvan nie binne 'n tydperk van 3 jaar vanaf die datum waarop die aansoek om hersonering toegestaan is, ingevolge artikel 24 gedoen word nie, of
- (bb) waar 'n onderverdeling goedgekeur is, maar die betrokke onderverdeling of deel daarvan nie bevestig word nie, of
- [tensy die raad van 'n verantwoordelike munisipaliteit die tydperk van 3 jaar in ooreenstemming met artikel 68(2) verleng.]
- (cc) indien 'n verlenging ooreenkomstig artikel 68(2) toegestaan is en aansoek om onderverdeling nie gedoen word nie of, indien gedoen, bevestiging van die betrokke onderverdeling nie binne sodanige verlengde tydperk verkry word, soos beoog in subitems (aa) of (bb) onderskeidelik, nie."

Wysiging van artikel 17 van Wet 7 van 1999

13. Artikel 17 van die Hoofwet word hierby gewysig deur die woorde "hoof uitvoerende beampte" in subartikel (1) en (2) te vervang met "munisipale bestuurder".

Wysiging van artikel 18 van Wet 7 van 1999

14. Artikel 18 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (1) met die volgende subartikel—

"(1) Die raad van 'n verantwoordelike munisipaliteit kan op eie inisiatief ['n hersonering ingevolge artikel 16(1) toestaan,] grond hersoneer indien die hersonering in sy opinie in die openbare belang is."

Amendment of section 19 of Act 7 of 1999

15. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection—

“(1) An owner whose land sustains a decrease in value because [the] such land or a part thereof is rezoned under section 14(4)(5)(a) or 18 contrary to his or her wishes may, in writing, claim compensation for [it] that decrease in value from the municipality concerned.”. 5

Amendment of section 20 of Act 7 of 1999

16. The following section is hereby substituted for section 20 of the principal Act—

“20. Before transfer of any right in a building, or transfer of any portion of land in respect of an approval granted under section 15, 16 or 18 is effected by the Registrar of Deeds, the owner shall furnish proof to the municipality that— 10

(a) all conditions on which such approval was granted, including conditions requiring financial guarantees for future transfers that may be necessary in order to comply with time limits and other conditions of approval, have been complied with, or 15

(b) where such approval was granted for a phased development, all conditions applicable to the relevant phase have been complied with and engineering services linking such phase with existing municipal engineering services have been provided to the satisfaction of the municipality, 20
and no written municipal authority to transfer immovable property, as required by law, shall be issued unless that proof has been furnished.”.

Amendment of section 22 of Act 7 of 1999

17. Section 22 of the principal Act is hereby amended by the substitution for paragraph (c) in subsection (1) of the following paragraph— 25

“(c) The Provincial Minister may, if the requirement in paragraph (a) will delay applications, exempt a category of applications from that requirement after consultation with the municipalities concerned [in the Province] and by notice in the *Provincial Gazette*.”.

Amendment of section 24 of Act 7 of 1999

18. Section 24 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (1) and (2) with “municipal manager”. 30

Amendment of section 27 of Act 7 of 1999

19. Section 27 of the principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsection: 35

“(1) If the Surveyor-General has approved a general plan or diagram as contemplated in section 26, the owner shall, within a period of 5 years from approval under section 25, or 5 years after all suspensive conditions imposed under section 69 have been complied with or within an extended [approval] period granted under section 68(2), furnish the Registrar of Deeds with the documents and information required by him or her, comply with the requirements of the Registrar of Deeds in connection with the cancellation of existing conditions of title, provide engineering services in accordance with a condition imposed in terms of section 69 and effect the registration of at least one land unit.”. 40 45

(b) the substitution for subsection (2) of the following subsection:

“(2) Where an owner has failed to comply with the provisions of subsection (1) with regard to a subdivision or [part] phase thereof at the expiry of the period contemplated in subsection (1) and the diagram or general plan concerned shall be amended in accordance with the requirements of the Surveyor-General.”. 50

Wysiging van artikel 19 van Wet 7 van 1999

15. Artikel 19 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (1) met die volgende subartikel—

- 5 “(1) ’n Eienaar wie se grond waardevermindering ondergaan omdat [die] sodanige grond of ’n deel daarvan ingevolge artikel 14[(4)](5)(a) of 18 in stryd met sy of haar wense hersoneer word, kan skriftelik vergoeding [daarvoor] vir daardie waardevermindering van die betrokke munisipaliteit eis.”.

Wysiging van artikel 20 van Wet 7 van 1999

16. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang—

- 10 “20. Voordat oordrag van enige reg [op] in ’n gebou of oordrag van enige grondgedeelte ten opsigte van ’n goedkeuring ingevolge artikel 15, 16 of 18 toegestaan, deur die Registrateur van Aktes gedoen word, moet die eienaar bewys aan die munisipaliteit lewer dat—

- 15 (a) alle voorwaardes waarop sodanige goedkeuring toegestaan is, nagekom is, insluitend voorwaardes wat finansiële waarborge vereis vir toekomstige oordragte wat nodig mag wees ten einde te voldoen aan tydbeperkings en ander voorwaardes van goedkeuring, of

- 20 (b) waar dié goedkeuring vir ’n gefaseerde ontwikkeling toegestaan is, alle voorwaardes van toepassing op die tersaaklike fase nagekom is en ingenieursdienste wat dié fase by bestaande munisipale ingenieursdienste [dienste] aansluit, ten genoë van die munisipaliteit voorsien is, en geen skriftelike munisipale magtiging om onroerende eiendom oor te dra, soos deur wet vereis, word uitgereik nie tensy dié bewys gelewer is.”.

Wysiging van artikel 22 van Wet 7 van 1999

- 25 17. Artikel 22 van die Hoofwet word hierby gewysig deur die vervanging van paragraaf (c) in subartikel (1) met die volgende paragraaf—

- 30 “(c) Die Provinsiale Minister kan, indien die vereiste in paragraaf (a), aansoeke sal vertraag, ’n bepaalde kategorie aansoeke, na oorleg met die betrokke munisipaliteite [in die Provinsie] en by kennisgewing in die *Provinsiale Koerant*, van daardie vereiste vrystel.”.

Wysiging van artikel 24 van Wet 7 van 1999

18. Artikel 24 van die Hoofwet word hierby gewysig deur woorde “hoof uitvoerende beampte” in subartikel (1) en (2) te vervang met “munisipale bestuurder”.

Wysiging van artikel 27 van Wet 7 van 1999

- 35 19. Artikel 27 van die Hoofwet word hierby gewysig deur—

- (a) die vervanging van subartikel (1) met die volgende subartikel:

- 40 “(1) Indien die Landmeter-generaal ’n algemene plan of kaart soos beoog in artikel 26 goedgekeur het, moet die eienaar binne ’n tydperk van 5 jaar vanaf goedkeuring kragtens artikel 25, of 5 jaar nadat alle opskortende voorwaardes kragtens artikel 69 opgelê, nagekom is of binne ’n verlengde [goedkeuring] tydperk kragtens artikel 68(2), die Registrateur van Aktes voorsien van die dokumente en inligting wat hy of sy vereis, die Registrateur van Aktes se vereistes in verband met die rojering van bestaande titelvoorwaardes nakom, ingenieursdienste in ooreenstemming met ’n voorwaarde opgelê ingevolge artikel 69 voorsien en die registrasie van minstens een grondeenheid verkry.”.

- 45 (b) die vervanging van subartikel (2) met die volgende subartikel:

- 50 “(2) Waar ’n eienaar versuim het om aan die bepalings van subartikel (1) te voldoen met betrekking tot ’n onderverdeling of [deel] ’n fase daarvan, verval die goedkeuring kragtens artikel 25 met betrekking tot die onderverdeling of [deel] ’n fase daarvan by vestyking van die tydperk in subartikel (1) beoog, en moet die betrokke kaart of algemene plan in ooreenstemming met die vereistes van die Landmeter-generaal gewysig word.”.

Amendment of section 28 of Act 7 of 1999

20. The following section is hereby substituted for section 28 of the principal Act -

“Ownership of public streets, public places and erven that need to be provided for public engineering services and facilities

28. (1) The ownership of all land taken up by public streets and public places indicated as such on a plan approved under section 25 or Chapter IV, vests in the public institution concerned upon confirmation of the subdivision or a part thereof. 5

(2) The ownership of all erven indicated for the provision of public engineering services or related facilities on a plan approved under section 25 or Chapter IV, vests in the public institution concerned upon confirmation of the subdivision or a part thereof. 10

(3) The vesting of ownership in terms of subsection (1) and (2), may take place even if the area of such land or erven is not directly related to the normal needs and obligations arising from the subdivision concerned, or even if it is not in accordance with an applicable policy determined by the Provincial Minister from time to time.”. 15

Amendment of section 30 of Act 7 of 1999

21. Section 30 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (2) with “municipal manager”. 20

Amendment of section 35 of Act 7 of 1999

22. Section 35 of the principal Act is hereby amended by—

(a) the substitution for subsection (2) of the following subsection—

“(2) The Provincial Minister may at any time, upon application from an interested and affected party, [or] and [in] after consultation with the relevant municipality, amend the notice referred to in subsection (1) or withdraw it before settlement in terms of section 41 commences; provided that the suspension of a servitude or restriction in terms of section 36 may be lifted either before or after the commencement of settlement.”. 25

(b) the deletion of subsection (7). 30

Amendment of section 36 of Act 7 of 1999

23. Section 36 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection—

“(3) The Provincial Minister may request the responsible national Minister to exercise a power [under section 12(A) of the Less Formal Township Establishment Act, 1991] in terms of national legislation similar to that conferred upon the Provincial Minister in terms of subsection (2), by notice in the *Provincial Gazette*, in respect of a law which falls outside the legislative competence of the Provincial [Parliament] Government”. 35

Amendment of section 38 of Act 7 of 1999

24. Section 38 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in paragraph (d) of subsection (8) with “municipal manager”. 40

Wysiging van artikel 28 van Wet 7 van 1999

20. Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang—

“Eiendomsreg op openbare strate, openbare plekke en erwe wat vir openbare ingenieursdienste en fasiliteite voorsien word

- 5 28. (1) Die eiendomsreg op alle grond wat beslaan word deur openbare
strate en openbare plekke wat as sodanig aangedui word op 'n plan wat
ingevalge artikel 25 of Hoofstuk IV goedgekeur is, berus by bevestiging
van die onderverdeling of 'n deel daarvan by die betrokke openbare
instelling.
- 10 (2) Die eiendomsreg op alle erwe in 'n onderverdeling wat vir die
voorsiening van openbare ingenieursdienste of verwante fasiliteite aange-
dui word op 'n plan wat ingevalge artikel 25 of Hoofstuk IV goedgekeur
is, berus by bevestiging van die onderverdeling of 'n deel daarvan, in die
betrokke openbare instelling.
- 15 (3) Die berusting van eiendomsreg ingevalge subartikel (1) en (2) kan
selfs plaasvind al hou die gebied of sodanige grond of erwe nie direk
verband met die normale behoeftes en verpligtinge voortvloeiend uit die
betrokke onderverdeling nie, of al is dit nie in ooreenstemming met 'n
toepaslike beleid deur die Provinsiale Minister van tyd tot tyd bepaal nie.”.

20 Wysiging van artikel 30 van Wet 7 van 1999

21. Artikel 30 van die Hoofwet word hierby gewysig deur die woorde “hoof uitvoerende beampte” in subartikel (2) te vervang met “munisipale bestuurder”.

Wysiging van artikel 35 van Wet 7 van 1999

22. Artikel 35 van die Hoofwet word hierby gewysig deur—
- 25 (a) die vervanging van subartikel (2) met die volgende subartikel—
 “(2) Die Provinsiale Minister kan te eniger tyd by aansoek van 'n
belanghebbende en geaffekteerde party en [in] na oorleg met die
betrokke munisipaliteit, die kennisgewing in subartikel (1) bedoel,
wysig of dit terugtrek voordat vestiging ingevalge artikel 41 'n aanvang
30 neem; met dien verstande dat die opskorting van 'n serwituut of
beperking ingevalge artikel 36, hetsy voor of na die aanvang van
vestiging, opgehef kan word.”;
- (b) die skraping van subartikel (7).

Wysiging van artikel 36 van Wet 7 van 1999

- 35 23. Artikel 36 van die Hoofwet word hierby gewysig deur die vervanging van
subartikel (3) met die volgende subartikel—
 “(3) Die Provinsiale Minister kan die verantwoordelike nasionale Minister
versoek om 'n bevoegdheid, [kragtens artikel 12A van die Wet op Minder
Formele Dorpstigting, 1991] in terme van nasionale wetgewing soortgelyk aan
40 dié wat ingevalge subartikel (2) aan die Provinsiale Minister opgedra word, by
kennisgewing in die *Provinsiale Koerant*, uit te oefen, ten opsigte van 'n wet wat
buite die wetgewende bevoegdheid van die Provinsiale [Parlement] *Regering*
val.”.

Wysiging van artikel 38 van Wet 7 van 1999

- 45 24. Artikel 38 van die Hoofwet word hierby gewysig deur die woorde “hoof
uitvoerende beampte” in paragraaf (d) van subartikel (8) te vervang met “munisipale
bestuurder”.

Amendment of section 43 of Act 7 of 1999

25. Section 43 of the principal Act is hereby amended by the substitution for the words "chief executive officer" in subsection (1) and (2) with "municipal manager".

Amendment of section 48 of Act 7 of 1999

26. Section 48 of the principal Act is hereby amended by— 5
- (a) the substitution for subsection (1) of the following subsection—
- “(1) The Premier shall, by notice in the *Provincial Gazette* establish a planning review board for the Province and must invite in the press representative bodies of the disciplines determined by the Provincial Minister in terms of subsection (2), as well as organised local government and the department head, to nominate one or more persons for appointment to a panel of planning review board members.”; 10
- (b) the substitution for subsection (2) of the following subsection—
- “(2) [The representative bodies of the disciplines determined by the Provincial Minister in terms of this section, may upon the calling of nominations in the press each nominate, in accordance with the prescribed procedure, one or more persons for purposes of appointment to a panel of planning review board members, all nominees which should] Persons nominated for appointment to the panel of planning review board members, must reside permanently in the Province and [should] must have appropriate knowledge of and experience in the disciplines relating to integrated and spatial planning and development as determined by the Provincial Minister, [which include] inclusive of but not limited to environmental management, [town and regional planning] provincial, regional and municipal spatial planning, civil engineering, land surveying, law, agriculture, architecture, landscape architecture, valuation and property development.”; 15 20 25
- (c) the substitution for subsection (3) of the following subsection—
- “3[(a)] The Premier shall, from time to time, appoint a panel of planning review board members, [not exceeding twenty in number,] from persons nominated in terms of subsection (2) by reason of their knowledge of and experience in the disciplines relating to integrated and spatial planning and development, and shall appoint a chairperson and deputy chairperson for the planning review board, on the conditions that [he or she] the Premier may determine, including conditions as to payment of remuneration and allowances of members with the concurrence of the Provincial Minister responsible for finance.”; 30 35
- (d) the substitution for paragraph (b) in subsection (7) of the following paragraph—
- “(b) The Premier may [, upon written request from the chairperson, detailing the reasons for such request,] terminate the [period of] office of a member of his or her own accord, or upon written request from the chairperson who must furnish reasons for the request, if [he or she is] the Premier is of the opinion that there are sound reasons for doing so.”; 40
- (e) the substitution for subsection (10) of the following subsection— 45
- “(10) The administrative duties and functions of the planning review board shall be performed by a secretariat consisting of persons in the employ of the [provincial administration] Provincial Government as designated by the Provincial Minister.”.

Amendment of section 49 of Act 7 of 1999

27. Section 49 of the principal Act is hereby amended by—
- (a) the substitution for subsection (1) of the following subsection—
- “(1) The planning review board shall consist of the chairperson referred to in section 48(3) and at least four [persons] members

Wysiging van artikel 43 van Wet 7 van 1999

25. Artikel 43 van die Hoofwet word hierby gewysig deur die woorde "hoof uitvoerende beampte" in subartikel (1) en (2) te vervang met "munisipale bestuurder".

Wysiging van artikel 48 van Wet 7 van 1999

5 26. Artikel 48 van die Hoofwet word hierby gewysig deur—

(a) die vervanging van subartikel (1) met die volgende subartikel:

10 "(1) Die Premier moet by kennisgewing in die *Provinsiale Koerant* 'n beplanninghersieningsraad vir die Provinsie instel en moet liggame wat verteenwoordigend is van die dissiplines wat die Provinsiale Minister ingevolge subartikel (2) bepaal, asook georganiseerde plaaslike regering en die departementshoof, in die pers uitnooi om een of meer persone vir aanstelling op 'n paneel van beplanninghersieningsraadlede te nomineer.";

15 (b) die vervanging van subartikel (2) met die volgende subartikel—

20 "(2) [Die verteenwoordigende liggame van die dissiplines deur die Provinsiale Minister ingevolge hierdie artikel bepaal, kan by die oproep tot nominasies in die pers, elk in ooreenstemming met die voorgeskrewe prosedure een of meer persone vir aanstelling tot 'n paneel van beplanninghersieningsraadlede nomineer, welke genomineerdes] Persone wat vir aanstelling op die paneel van beplanninghersieningsraadlede genomineer word, moet permanent in die Provinsie [moet] woon en toepaslike kennis van en ervaring in die dissiplines betreffende geïntegreerde en ruimtelike beplanning en ontwikkeling soos [beapaal] bepaal deur die Provinsiale Minister [moet] hê [insluitend] wat [omgewingsbetuur, stads- en streekbeplanning] omgewingsbestuur, provinsiale, regionale en munisipale ruimtelike beplanning, siviele ingenieurswese, landmeting, die reg, landbou, argitektuur, landskapsargitektuur, waardasie en eiendomsontwikkeling kan insluit, maar nie daartoe beperk is nie.";

30 (c) die vervanging van subartikel (3) met die volgende subartikel:

35 "3[(a)] Die Premier [sal] moet, van tyd tot tyd, 'n paneel van beplanninghersieningsraadlede aanstel, [wat nie 'n getal van 20 oorskry nie,] vanuit persone genomineer ingevolge subartikel (2) op grond van hul kennis van en ervaring in die dissiplines betreffende geïntegreerde en ruimtelike beplanning en ontwikkeling, en 'n voorsitter en ondervoorsitter vir die beplanninghersieningsraad aanstel, op die voorwaardes wat [hy of sy] die Premier bepaal, insluitend voorwaardes aangaande die betaling van vergoeding en toelaes van lede, met die instemming van die Provinsiale Minister verantwoordelik vir finansies.";

40 (d) die vervanging van paragraaf (b) in subartikel (7) met die volgende paragraaf:

45 "(b) Die Premier kan [, op skriftelike versoek van die voorsitter, wat die redes vir dié versoek uiteensit,] die [tydperk van] ampbediening van 'n lid op sy of haar versoek of op skriftelike versoek van die voorsitter beëindig, indien [hy of sy] die Premier oortuig is dat grondige redes daarvoor bestaan.";

(e) die vervanging van subartikel (10) met die volgende subartikel:

50 "(10) Die administratiewe pligte en funksies van die beplanninghersieningsraad word gelewer deur 'n sekretariaat wat bestaan uit persone in diens van die [provinsiale administrasie] Provinsiale Regering soos aangewys deur die Provinsiale Minister.".

Wysiging van artikel 49 van Wet 7 van 1999

27. Artikel 49 van die Hoofwet word hierby gewysig deur—

55 (a) die vervanging van subartikel (1) met die volgende subartikel:

"(1) Die beplanninghersieningsraad bestaan uit die voorsitter bedoel in artikel 48(3) en minstens vier lede deur die voorsitter aangestel vanuit

- appointed by the chairperson from the panel of planning review board members for the purpose of hearing a particular appeal or considering a question; provided that the members so appointed shall include one member nominated by the department head and one member nominated by organised local government.”; 5
- (b) the substitution for subsection (3) of the following subsection—
“(3) The hearings of the planning review board shall take place in an open meeting, where persons with an interest in a particular appeal may be present.”; 10
- (c) the substitution for subsection (4) of the following subsection—
“(4) The meetings of the planning review board shall be held at the times and places determined by the chairperson of such board; provided that such board shall hold its first meeting to consider how each appeal should be dealt with, within a period of 14 days from the date that the department head has submitted such appeal to the chairperson of the planning review board.”; 15
- (d) the substitution for subsection (5) of the following subsection—
“(5) A member of [a] the planning review board shall not be present during the discussion of or voting on any matter or item before the board in which he or she [has] directly or indirectly has any pecuniary interest, either by himself or herself or through his or her spouse, partner, immediate family, business associate or employer[any pecuniary interest].”; 20
- (e) the substitution for subsection (6) of the following subsection—
“(6) The resolution of a majority of the members of [a] the planning review board present at a meeting of such board shall constitute the decision of such board, and in the event of an equality of votes the chairperson shall have a casting vote in addition to his or her deliberative vote.”; 25
- (f) the substitution for the word “therefore” in subsection (8) with “therefor”. 30

Amendment of section 50 of Act 7 of 1999

28. Section 50 of the principal Act is hereby amended by—

- (a) the substitution for paragraph (c) in subsection (1) of the following paragraph:
“(c) a person or body aggrieved by a determination made, [or] directive issued or decision taken in terms of section 9(2)(b), 11(2), 14(1), [(2),] (3), (4), [or] (5) or (6), 16(2)(b) or 62(5);”; 35
- (b) the substitution for paragraph (e) in subsection (1) of the following paragraph:
“(e) The department head in respect of a decision taken by or on behalf of a municipality [,and]”; 40
- (c) the substitution for paragraph (f) in subsection (1) of the following paragraph:
“(f) any person or body who is aggrieved by the failure of a municipality or the Provincial Minister to [adhere to or] to take a decision or to comply with a decision taken within a prescribed period or [fails] to follow a prescribed procedure [;] and”; 45
- (d) the insertion of the following paragraph after paragraph (f) of subsection (1)—
“(g) any person or body who considers himself, herself, itself or the public interest to be adversely affected by the incorrect approval or implementation of a building plan in relation to a development planning matter”; 50
- (e) the insertion of the following subsections after subsection (2):
“(3) (a) A decision taken, against which an appeal may be lodged in terms of this Act, does not come into effect until—
(i) the time period has expired within which such appeal may be lodged, or
(ii) such an appeal is finally decided upon.”

- die paneel van beplanning hersieningsraadlede vir die doeleindes van die aanhoor van 'n bepaalde appèl of oorweging van 'n vraag; met dien verstande dat die lede wat só aangestel is, een lid genomineer deur die departementshoof en een lid genomineer deur georganiseerde plaaslike regering, sal insluit.”;
- (b) die vervanging van subartikel (3) in die Engelse teks met die volgende subartikel:
“(3) The hearings of the planning review board shall take place in an open meeting, where persons with an interest in a particular appeal may be present.”;
- (c) die vervanging van subartikel (4) met die volgende subartikel:
“(4) Die vergaderings van [n] die beplanninghersieneringsraad word gehou op die tye en plekke wat die voorsitter van dié raad bepaal; met dien verstande dat sodanige raad [sy] se eerste vergadering om te oorweeg hoe met elke appèl gehandel moet word, binne 14 dae vanaf die datum dat die departementshoof dié appèl aan die voorsitter van die beplanninghersieneringsraad voorgelê het, sal plaasvind.”;
- (d) die vervanging van subartikel (5) in die Engelse teks met die volgende subartikel:
“(5) A member of [a] the planning review board shall not be present during the discussion of or voting on any matter or item before the board in which he or she [has] directly or indirectly has any pecuniary interest, either by himself or herself or through his or her spouse, partner, immediate family, business associate or employer [, any pecuniary interest,].”;
- (e) die vervanging van subartikel (6) met die volgende subartikel:
“(6) Die beslissing van 'n meerderheid van die lede van [n] die beplanninghersieneringsraad wat op 'n vergadering daarvan aanwesig is, maak die besluit van [die beplanningsraad] sodanige raad uit, en by 'n staking van stemme het die voorsitter 'n beslissende stem benewens sy of haar beraadslagende stem.”;
- (f) die woord “therefore” in subartikel (8) van die Engelse teks te vervang met “therefor”.

Wysiging van artikel 50 van Wet 7 van 1999

28. Artikel 50 van die Hoofwet word hierby gewysig deur—
- (a) die vervanging van paragraaf (c) in subartikel (1) met die volgende paragraaf:
“(c) 'n persoon of liggaam wat veronreg voel deur 'n bepaling gemaak, [of] voorskrif uitgevaardig of besluit geneem ingevolge artikel 9(2)(b), 11(2), 14(1), [(2),] (3), (4), (5)[,] of (6), 16(2)(b) of 62(5);”;
- (b) die vervanging van paragraaf (e) in subartikel (1) met die volgende paragraaf:
“(e) die departementshoof met betrekking tot 'n besluit deur of namens 'n munisipaliteit geneem[, en];
- (c) die vervanging van paragraaf (f) in subartikel (1) met die volgende paragraaf:
“(f) enige persoon of liggaam wat veronreg voel deur die versuim van 'n munisipaliteit of die Provinsiale Minister om 'n besluit te neem binne 'n voorgeskrewe periode, of aan 'n besluit wat geneem is te voldoen [binne 'n voorgeskrewe periode] of [wat versuim] om 'n voorgeskrewe prosedure te volg[;], en”;
- (d) die invoeging ná paragraaf (f) in subartikel (1), van die volgende paragraaf:
“(g) enige persoon of liggaam wat hom- of haarself of die openbare belang beskou as nadelig beïnvloed deur die foutiewe goedkeuring of uitvoering van 'n bouplan ten opsigte van 'n ontwikkelingsbeplanningsaan- geleentheid;”;
- (e) die invoeging van die volgende subartikels ná subartikel (2):
“(3) (a) 'n Besluit waarteen appèl ingevolge hierdie Wet aangeteken kan word, tree nie in werking nie, alvorens—
(i) die tydperk verstryk het waarbinne sodanige appèl aangeteken kan word, of
(ii) 'n finale besluit geneem is oor sodanige appèl.

(b) In the event of an appeal already having been decided upon as contemplated in subsection (4), the initial decision only comes into effect if, and to the extent that, it is consistent with the outcome of the appeal.

(4) A municipality or the Provincial Minister, as the case may be, against whose decision an appeal has been lodged in terms of this Act, must within 30 days of having received notification of such appeal in terms of subsection 2(b), do one of the following—

(a) request the planning review board to resolve the matter in any way that the planning review board sees fit;

(b) request the planning review board to furnish the municipality or the Provincial Minister, as the case may be, with—

(i) the planning review board's decision on the matter, if such decision is in agreement with the decision of the municipality or the Provincial Minister, as the case may be, in which case the planning review board must simultaneously convey its decision and its reasons therefor to other relevant parties, or

(ii) the planning review board's opinion on the matter, should such opinion be in agreement or partial agreement with the appellant's representations, and then also its reasons therefor; provided that in the latter case the council or the Provincial Minister, as the case may be, must reconsider its or his or her initial decision, taking cognisance of the opinion of the planning review board, or

(c) inform the planning review board, should agreement be reached with the appellant to attempt to resolve the matter by mediation, and if so, that the planning review board will be informed as soon as possible of the outcome of such mediation;

provided that if the municipality or the Provincial Minister, as the case may be, fails to inform the planning review board within the stipulated time period as to which of paragraph (a), (b) or (c) are applicable, the planning review board must proceed as contemplated in paragraph (a).

(5) In the case of subsection (4)(c) being applicable, the appeal concerned—

(a) falls away if the matter is resolved to the appellant's satisfaction within a further 30 days in the case of subsection (4)(c) being applicable, or

(b) will proceed as contemplated in subsections (4)(a) or (4)(b) as the case may be, if the matter is not so resolved.”.

Amendment of section 51 of Act 7 of 1999

29. The following section is hereby substituted for section 51 of the principal Act—

“Function of planning review board

51. (1) The planning review board—

(a) may consider an appeal, and—

(i) take a decision that the decision-maker could have taken if the planning review board is requested to do so in terms of section 50(4)(a), or if section 50(4)(b)(i) or the proviso to section 50(4) is applicable, or

(ii) refer the appeal back to the decision-maker with the findings of the planning review board and the reasons for such findings, if the planning review board is requested to do so in terms of section 50(4)(b),

or

(b) Waar daar reeds oor 'n appèl besluit is soos beoog in subartikel (4), tree die aanvanklike besluit waarteen geappelleer is, slegs in werking indien, en tot die mate dat, dit met die afloop van die appèl bestaanbaar is.

(4) 'n Munisipaliteit of die Provinsiale Minister, na gelang van die geval, teen wie se besluit appèl ingevolge hierdie Wet aangeteken is, moet binne 30 dae van ontvangs van kennisdiens van sodanige appèl ingevolge subartikel 2(b), een van die volgende doen—

(a) die beplanninghersiëningsraad versoek om op enige wyse wat die beplanninghersiëningsraad goed dink, oor die saak te besluit;

(b) die beplanninghersiëningsraad versoek om die munisipaliteit of die Provinsiale Minister, na gelang van die geval, te voorsien van—

(i) die beplanninghersiëningsraad se besluit oor die saak, indien sodanige besluit in ooreenstemming is met die besluit van die munisipaliteit of die Provinsiale Minister, na gelang van die geval, in welke geval die beplanninghersiëningsraad terselfdertyd sy besluit en die redes daarvoor aan ander tersaaklike partye moet oordra, of

(ii) die beplanninghersiëningsraad se mening oor die saak, indien sodanige mening in ooreenstemming of gedeeltelike ooreenstemming met die appellant se vertoë is, asook die redes daarvoor;

met dien verstande dat, in laasgenoemde geval, die raad of die Provinsiale Minister, na gelang van die geval, sy of haar aanvanklike besluit moet heroorweeg, met inagneming van die beplanninghersiëningsraad se mening, of

(c) die beplanninghersiëningsraad inlig, indien ooreenkoms met die appellant bereik is om te poog om die saak deur bemiddeling te besluit, en indien wel, dat die beplanninghersiëningsraad so gou moontlik oor die afloop van sodanige bemiddeling ingelig sal word;

met dien verstande dat as die munisipaliteit of die Provinsiale Minister, na gelang van die geval, versuim om die beplanninghersiëningsraad binne die vasgestelde tydperk in te lig welke van paragraaf (a), (b) of (c) van toepassing is, die beplanninghersiëningsraad moet optree soos beoog in paragraaf (a).

(5) Indien subartikel (4)(c) van toepassing is—

(a) val die betrokke appèl weg indien die saak tot die appellant se tevredenheid besleg word binne 'n verdere 30 dae in die geval waar subartikel (4)(c) van toepassing is, of

(b) gaan die betrokke appèl voort soos beoog in subartikel (4)(a) of (4)(b), na gelang van die geval, indien die saak nie so besleg word nie.”.

Wysiging van artikel 51 van Wet 7 van 1999

29. Artikel 51 van die Hoofwet word hierby gewysig deur die vervanging van die artikel met die volgende—

“Funksie van beplanninghersiëningsraad

51. (1) Die beplanninghersiëningsraad—

(a) kan 'n appèl oorweeg, en—

(i) 'n besluit neem wat die besluitnemer kon geneem het indien so versoek ingevolge artikel 50(4)(a), of indien artikel 50(4)(b)(i) of die voorbehoudsbepaling van artikel 50(4) van toepassing is, of

(ii) die appèl na die besluitnemer terugverwys met die bevinding van die beplanninghersiëningsraad en die redes vir sodanige bevinding, indien die beplanninghersiëningsraad so versoek is ingevolge artikel 50(4)(b),

of

- (b) must await the outcome of mediation in terms of section 50(4)(c), if informed that this paragraph is applicable,
and
(2) must refer a matter to the Provincial Minister if the appeal concerned was lodged against a decision of a municipality, but in the opinion of the planning review board, is a matter of provincial or regional interest.”. 5

Amendment of section 52 of Act 7 of 1999

30. The following section is hereby substituted for section 52 of the principal Act—

“Powers and duties of planning review board

52. (1) In order to give effect to section 51, the planning review board— 10
- (a) may call for any information it may require from the parties concerned; 10
 - (b) may, for the purpose of an appeal, conduct an inquiry in accordance with prescribed procedures; 15
 - (c) may subpoena any person in the prescribed manner, who in the opinion of the planning review board may be able to give material information about the subject of the inquiry, or who the planning review board suspects has under his or her control, any book, document or object which has a bearing on the appeal, to appear before it at the time and place stipulated in the subpoena, to be questioned or to produce that book, document or object; 20
 - (d) must furnish parties to a dispute with particulars of any information obtained by the planning review board in accordance with paragraph (a), (b), or (c), and 25
 - (e) must keep or cause to be kept a record of the proceedings, evidence given to, and the decisions made by the planning review board, in a manner deemed fit by it, with due regard to prescribed procedures. 25
- (2) A subpoena contemplated in subsection (1)(c) must—
- (a) be in the prescribed form; 30
 - (b) contain particulars of the matter in connection with which the person concerned shall appear before the planning review board; 30
 - (c) be signed by the chairperson of the planning review board or a person authorised thereto by him or her, and 35
 - (d) be served in the prescribed manner. 35
- (3) A person who has been subpoenaed to appear before the planning review board and— 35
- (a) who without sufficient reason: 40
 - (i) fails to appear before the planning review board on the date mentioned in the subpoena, or to remain present until he or she has been excused by the chairperson from further attendance; 40
 - (ii) fails to produce a book, document or object in his or her possession or custody or under his or her control, as required in accordance with the subpoena, or 45
 - (iii) fails or refuses to fully and satisfactorily answer a question which was lawfully put to him or her, to the best of his or her knowledge and belief, 45
 - or 50
 - (b) gives false evidence before the planning review board knowing that the evidence is false, or not believing it to be true 50
- is guilty of an offence. 50
- (4) A person summoned to appear in terms of this section, shall not be entitled to refuse to answer a question or to produce a book, document or object on the ground that he or she would thereby be exposed to a criminal charge; provided that, to the extent that such answer, book, document or

(b) moet die uitslag van mediasie ingevolge artikel 50(4)(c), indien in kennis gestel dat hierdie paragraaf van toepassing is, en

5 (2) moet 'n saak na die Provinsiale Minister verwys indien die betrokke appèl teen die besluit van 'n munisipaliteit aangeteken is, maar die saak na die mening van die beplanninghersieningsraad van provinsiale of streek-belang is."

Wysiging van artikel 52 van Wet 7 van 1999

30. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang—

10 "Magte en pligte van beplanninghersieningsraad

52. (1) Die beplanninghersieningsraad, ten einde gevolg te gee aan artikel 51—

(a) kan enige inligting wat dit mag benodig, van die betrokke partye aanvra;

15 (b) kan vir doeleindes van 'n appèl, ondersoek instel volgens die voorgeskrewe prosedure;

(c) kan enige persoon wat na die beplanninghersieningsraad se mening daadwerklike inligting oor die onderwerp van die ondersoek kan voorsien, of wat die beplanninghersieningsraad vermoed enige boek, 20 dokument of voorwerp wat met die appèl verband mag hou, onder sy of haar beheer het, op die voorgeskrewe wyse dagvaar om op die tyd en plek in die dagvaarding bepaal, voor die beplanninghersieningsraad te verskyn om ondervra te word of om sodanige boek, dokument of voorwerp beskikbaar te stel;

25 (d) moet die partye tot 'n geskil inlig oor besonderhede rakende enige inligting wat deur die beplanninghersieningsraad ooreenkomstig paragraaf (a), (b) of (c) bekom is, en

(e) moet 'n rekord van die verrigtinge van, getuienis gelewer aan, en die besluite van die beplanninghersieningsraad hou of sorg dat dit gehou 30 word, op 'n gepaste wyse, met behoorlike inagneming van voorgeskrewe prosedures.

(2) 'n Dagvaarding beoog in subartikel (1)(c) moet—

(a) in die voorgeskrewe vorm wees;

35 (b) besonderhede bevat van die aangeleentheid in verband waarmee die betrokke persoon voor die beplanninghersieningsraad moet verskyn;

(c) deur die voorsitter van die beplanninghersieningsraad of 'n persoon deur hom of haar daartoe gemagtig, onderteken word, en

(d) op die voorgeskrewe wyse beteken word.

40 (3) 'n Persoon wat gedagvaar is om voor die beplanninghersieningsraad te verskyn en—

(a) wat sonder voldoende rede:

45 (i) versuim om voor die beplanninghersieningsraad te verskyn op die datum in die dagvaarding vermeld, of om teenwoordig te wees totdat hy of sy deur die voorsitter verskoon is van verdere teenwoordigheid;

(ii) versuim om 'n boek, dokument of voorwerp in sy of haar besit of sorg, of onder sy of haar beheer, voor te lê soos vereis ooreenkomstig die dagvaarding, of

50 (iii) versuim of weier om 'n vraag wat wettiglik aan hom of haar gestel is, ten volle en bevredigend na die beste van sy of haar kennis en oortuiging te beantwoord,

55 (b) valse getuienis aflê voor die beplanninghersieningsraad, wetend dat die getuienis vals is, of terwyl hy of sy glo dat dit nie waar is nie, is aan 'n misdryf skuldig.

(4) 'n Persoon wat ingevolge hierdie artikel gedagvaar is om te verskyn, word nie toegelaat om, weens die rede dat hy of sy daardeur aan 'n kriminele klag blootgestel mag word, te weier om 'n vraag te beantwoord of om 'n boek, dokument of voorwerp na vore te bring nie; met dien

object does expose the person to a criminal charge, no evidence thereof submitted to the planning review board may be admissible in any criminal proceedings against that person, except where that person stands trial on a charge contemplated in subsection (3)(b) to (d) or in terms of section 319 of the Criminal Procedure Act, 1955 (Act 56 of 1955).

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(5) The planning review board—

(a) must delay or suspend the consideration of an appeal upon receipt of written notification by the parties to an appeal that they have entered into mediation;

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(b) may refer a matter for mediation in which event the planning review board must suspend its consideration of such appeal, pending receipt of a report from the mediator;

(c) may delay consideration of an appeal, while the parties concerned negotiate for the review and amendment of the decision or directive against which an appeal has been lodged;

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(d) may, if its members are unanimous, make a decision based on the documents submitted to the planning review board, without conducting a hearing;

(e) may cause the matter to be set down for hearing owing to the nature and complexity of the appeal;

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(f) must, when a question arises as to the interpretation, meaning, validity, reasonableness or applicability of a condition imposed in terms of section 69(1), relating to—

(i) the cession of land, the payment of money or the provision of engineering services or amenities, or

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(ii) the division of the expenses incidental to those services or amenities between an owner of land and a municipality, consider and settle such question and alter, amend or delete such condition, or

(g) may, if in its opinion an appeal contains difficult or complex questions of law or of fact which cannot adequately or fairly be decided by it, stop the proceedings concerned, in which event the appellant may institute an action in a competent court of law.

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(6) The planning review board must take any information regarding potential capital expenditure not budgeted for by the relevant municipality in the financial year concerned, into account before making a decision; provided that such information must have been part of the information presented to the planning review board regarding the matter concerned.

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(7) (a) The planning review board must make its decisions in accordance with the objectives and principles contained in Schedule IV, after consideration of the information submitted to it, and where applicable, with due regard to—

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(i) any policy, regulations, by-laws or guidelines approved in terms of this Act, or matters of provincial or regional interest in terms of Chapter IX;

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(ii) any approved integrated development plan, spatial development framework, spatial development plan, regional plan or sectoral plan;

(iii) the evidence produced at a hearing;

(iv) any report on mediation;

(v) any environmental guidelines issued in terms of section 67, and

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(vi) any principles or policies adopted by the planning review board, as contained in previous decisions or in that decision of the planning review board.

(b) The planning review board may make such decision as to costs that, after consideration, it regards as justified in the circumstances, which may include an order directing—

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(i) the repayment of the remuneration and travelling expenses paid to planning review board members in respect of a particular appeal;

verstande dat, tot die mate dat sodanige antwoord, boek, dokument of voorwerp wel die betrokke persoon aan 'n kriminele klag mag blootstel, geen getuienis daarvoor aan die beplanninghersieningsraad voorgelê in enige kriminele proses teen daardie persoon toelaatbaar sal wees nie, behalwe waar daardie persoon teregstaan op 'n klag beoog in subartikel (3)(b) tot (d) of ingevolge artikel 319 van die Strafproseswet, 1955 (Wet 56 van 1955).

(5) Die beplanninghersieningsraad—

- (a) moet die oorweging van 'n appèl uitstel of opskort by ontvangs van skriftelike kennisgewing deur die partye tot 'n appèl dat hulle tot bemiddeling toegetree het;
- (b) kan 'n aangeleentheid na bemiddeling verwys in welke geval die beplanninghersieningsraad sy oorweging van sodanige appèl moet opskort, hangende 'n verslag van die bemiddelaar;
- (c) kan oorweging van 'n appèl uitstel, terwyl die betrokke partye onderhandel oor die hersiening en wysiging van die besluit of direktief waarteen appèl aangeteken is;
- (d) kan, indien sy lede eenparig is, 'n besluit neem, gebaseer op die dokumente aan die beplanninghersieningsraad voorgelê, sonder om 'n verhoor te hou;
- (e) kan 'n aangeleentheid te rolle laat plaas vir verhoor, inaggenome die aard en kompleksiteit van die appèl;
- (f) moet, wanneer 'n vraag oor die uitleg, betekenis, geldigheid, redelikheid of toepaslikheid van 'n voorwaarde opgelê ingevolge artikel 69(1) ontstaan met betrekking tot—
 - (i) die afstaan van grond, die betaling van geld of die voorsiening van ingenieursdienste of fasiliteite, of
 - (ii) die verdeling tussen 'n eienaar van grond en 'n munisipaliteit van die koste verbonde aan daardie dienste of fasiliteite,
 die vraag oorweeg en beslis en sodanige voorwaarde verander, wysig of skrap, of
- (g) kan, indien na sy oordeel, 'n appèl ingewikkelde en komplekse regs- of feitelike vrae bevat wat nie behoorlik of regverdig deur die beplanninghersieningsraad beslis kan word nie, die betrokke verrigtinge staak, in welke geval die appellant 'n aksie in 'n bevoegde hof mag instel.

(6) Die beplanninghersieningsraad moet enige inligting oor potensiele kapitale uitgawes waarvoor nie deur die betrokke munisipaliteit in die betrokke finansiële jaar begroot is nie, in ag neem met die neem van 'n besluit; met dien verstande dat sodanige inligting deel moes gevorm het van die inligting wat voor die beplanninghersienings raad gedien het in verband met die betrokke saak.

(7) (a) Die beplanninghersieningsraad moet sy besluit neem in ooreenstemming met die doelwitte en beginsels vervat in Bylae IV ná oorweging van die inligting aan hom voorgelê en waar toepaslik met inagneming van—

- (i) enige beleid, regulasies, verordeninge of riglyne ingevolge hierdie Wet goedgekeur, of sake van provinsiale- of streeksbelang ingevolge Hoofstuk IX;
- (ii) enige goedgekeurde geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan;
- (iii) die getuienis voorgelê by 'n verhoor;
- (iv) enige verslag oor bemiddeling;
- (v) enige omgewingsriglyne ingevolge artikel 67 uitgevaardig, en
- (vi) enige beginsel of beleid deur die beplanninghersieningsraad aanvaar, soos vervat in vorige besluite of in daardie besluit van die beplanninghersieningsraad.

(b) Die beplanninghersieningsraad kan 'n besluit neem rakende kostes, wat ná oorweging as geregverdig in die omstandighede beskou word, insluitend 'n bevel wat—

- (i) die terugbetaling van die vergoeding en reiskostes aan beplanninghersieningsraadlede betaal, ten opsigte van 'n bepaalde appèl;

- (ii) the repayment of the reasonable expenses incurred by any party to an appeal which is directly related to the preparation of a notice of appeal, the hearing thereof, the production of evidence at a hearing, a subpoenaed expert witness and representation of any party at such hearing; 5
 - (iii) the repayment of the reasonable expenses incurred in respect of the administrative costs of the planning review board in processing a particular appeal, and
 - (iv) the refunding of any appeal fees.
- (c) The decision of the planning review board is final and binding on the Provincial Minister, the relevant municipality and any other party concerned, subject to review by, or an appeal to, a competent court and to the provisions of section 50(4) and subsection (5)(g) of this section.”. 10

Amendment of section 55 of Act 7 of 1999

31. Section 55 of the principal Act is hereby amended by— 15
- (a) the substitution for subsection (1) of the following subsection:
 - “(1) The Provincial Minister [shall] may, by proclamation in the *Provincial Gazette*, make regulations and issue guidelines on public participation when dealing with land development management and urban and rural development, with due regard to the general principles set out in Schedule IV and the provisions of Chapter IX, and such regulations and guidelines shall apply in the absence of municipal by-laws on such matters.”; 20
 - (b) the substitution for the word “province” in subsection (3) with “Province”. 25

Amendment of section 56 of Act 7 of 1999

32. Section 56 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (1) and (2) with “municipal manager”. 25

Amendment of section 57 of Act 7 of 1999

33. Section 57 of the principal Act is hereby amended by—
- (a) the substitution for the word “province” in subsection (2) with “Province”; 30
 - (b) the substitution for subsection (3) of the following subsection:
 - “(3) If a council, in the opinion of the Provincial Minister, fails to exercise or perform its powers, duties or executive obligations in terms of section 60(1), the Provincial Minister may intervene in the interests of the Province or a region thereof in terms of his or her constitutional monitoring function, including to ensure compliance with section 60, and must in such a case, and after consultation with the council concerned, take the necessary steps in the interests of the Province or a region thereof, with due regard to the principle of co-operative governance.”; 35
 - (c) the substitution for subsection (4) of the following subsection:
 - “(4) The Provincial Minister may at any stage in relation to taking action in terms of this Act, act in terms of the provisions of section 139 of the Constitution.”; 40
 - (d) the substitution for subsection (5) of the following subsection: 45
 - “(5) The Provincial Minister must—
 - (a) identify issues of provincial or regional interest by notice in the *Provincial Gazette*, whether in conjunction with other provincial ministers, or after consultation with municipalities in the Province; 50
 - (b) identify any specific application as being of provincial or regional interest by means of his or her monitoring function, and after consultation with the municipality concerned, redirect such application to the provincial sphere of government at an appropriate stage, and

- (ii) die terugbetaling van die redelike uitgawes aangegaan deur enige party tot 'n appèl, wat direk in verband staan tot die voorbereiding van 'n kennisgewing van appèl, die verhoor daarvan, die voorlegging van getuienis by 'n verhoor, 'n gedagvaarde deskundige getuie en verteenwoordiging van enige party by sodanige verhoor;
- (iii) die terugbetaling van die redelike uitgawes aangegaan met betrekking tot die administratiewe kostes van die beplanninghersieneringsraad in die prosessering van 'n appèl, en
- (iv) die terugbetaling van enige appèlfooie, gelas.
- (c) Die besluit van die beplanninghersieneringsraad is finaal en bindend op die Provinsiale Minister, die betrokke munisipaliteit en enige ander betrokke party, onderworpe aan hersiening deur, of appèl tot, 'n bevoegde hof en die bepalings van artikel 50(4) en subartikel (5)(g) van hierdie artikel.”.

Wysiging van artikel 55 van Wet 7 van 1999

31. Artikel 55 van die Hoofwet word hierby gewysig deur—

- (a) die vervanging van subartikel (1) met die volgende subartikel:
- “(1) Die Provinsiale Minister kan, by kennisgewing in die *Provinsiale Koerant*, regulasies maak en riglyne uitvaardig oor publieke deelname tydens grondontwikkelingsbestuur en stedelike en landelike ontwikkeling, met inagnam van die algemene beginsels in Bylae IV uiteengesit en die bepalings van Hoofstuk IX, en sodanige regulasies en riglyne sal van toepassing wees in die afwesigheid van munisipale verordeninge oor sodanige sake.”;
- (b) die woord “province” in subartikel (3) van die Engelse teks te vervang met “Province”.

Wysiging van artikel 56 van Wet 7 van 1999

32. Artikel 56 van die Hoofwet word hierby gewysig deur die woorde “hoof uitvoerende beampte” in subartikel (1) en (2) te vervang met “munisipale bestuurder”.

Wysiging van artikel 57 van Wet 7 van 1999

33. Artikel 57 van die Hoofwet word hierby gewysig deur—

- (a) die woord “provinsie” in subartikel (2) te vervang met “Provinsie”;
- (b) die vervanging van subartikel (3) met die volgende subartikel:
- “(3) Indien 'n raad, na die mening van die Provinsiale Minister, versuim om sy magte, pligte en uitvoerende verpligtinge ingevolge artikel 60(1) uit te oefen of te verrig, kan die Provinsiale Minister in die belang van die Provinsie of enige geografiese gebied daarbinne, ingryp ingevolge sy of haar grondwetlike moniteringsfunksie, insluitend om nakoming van artikel 60 te verseker, en moet hy of sy in so 'n geval, en na oorleg met die betrokke raad, stappe doen wat in die belang van die Provinsie of 'n streek daarvan, nodig is, met inagneming van die beginsel van samewerkende regering.”;
- (c) die vervanging van subartikel (4) met die volgende subartikel:
- “(4) Die Provinsiale Minister kan te enige tyd met betrekking tot optrede ingevolge hierdie Wet, optree ingevolge die bepalings van artikel 139 van die Grondwet.”;
- (d) die vervanging van subartikel (5) met die volgende subartikel:
- “(5) Die Provinsiale Minister moet—
- (a) by kennisgewing in die *Provinsiale Koerant*, aangeleenthede van provinsiale of streekbelang identifiseer, hetsy in samehang met ander provinsiale ministers, of ná oorleg met munisipaliteite in die Provinsie;
- (b) deur sy of haar moniteringsfunksie enige spesifieke aansoek wat van provinsiale of streekbelang is, identifiseer, en ná oorleg met die betrokke munisipaliteit sodanige aansoek op 'n geskikte stadium na die provinsiale owerheidsfeer herverwys, en

- (c) upon referral of such an issue or application to him or her by the planning review board or a municipality, consider such matter, as necessitated by the execution of provincial competencies, inclusive of regional planning and urban and rural development and the protection and promotion of the interests of the Province as a whole, and may make final decisions on such matters; provided he or she is satisfied that they constitute provincial spatial planning or land development matters.”; 5
- (e) the substitution for paragraph (i) of subsection (6) of the following paragraph: “(i) the protection of the financial and economic wellbeing of the Province and municipalities [in] within the Province inclusive of tourism as a socio-economic base for the Province.”; 10
- (f) the substitution for subsection (7) of the following subsection: “(7) Any matter identified as a provincial competency in terms of this Act, must be dealt with in terms of Chapter I, II, III, IV or V, as the case may be, and in such case the Provincial Minister or the department head may *mutatis mutandis* exercise any power a council or a municipal manager, as the case may be, could have exercised in terms of this Act had the matter not been identified as a matter of provincial competency.” 15

Amendment of section 59 of Act 7 of 1999

20

34. Section 59 of the principal Act is hereby amended by—

- (a) the substitution for subsection (1) of the following subsection: “(1) The Provincial Minister may assign or delegate absolutely, conditionally, generally or specifically to any board or committee or to any suitable persons in the service of the Provincial [Administration] Government [of Western Cape] any of the powers or functions vested in him or her under this Act or by virtue of a title deed.”; 25
- (b) the substitution for subsection (3) of the following subsection: “(3) A [chief executive officer] municipal manager [and] or department head may delegate absolutely, conditionally, generally or specifically to any suitable persons in the service of the council or the Provincial [Administration] Government [of Western Cape], as the case may be, any of the powers or functions vested in him or her under this Act or by virtue of a title deed.”. 30

Amendment of section 60 of Act 7 of 1999

35

35. Section 60 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph—

- “(b) utilise any land for a purpose or in a manner other than that indicated on a zoning map [or approved building plan,] or where a zoning has not yet been indicated on a map, according to the lawful utilisation of the land, and any building plan is valid only in so far as it is consistent with the legal utilisation of the land.”. 40

Amendment of section 61 of Act 7 of 1999

36. Section 61 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (2), (4) and (5) with “municipal manager”. 45

Amendment of section 62 of Act 7 of 1999

37. Section 62 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (3) and (4) with “municipal manager”.

- (c) by verwysing van so 'n vraagpunt of aansoek na hom of haar deur 'n beplanninghersieneraard of 'n munisipaliteit, sodanige saak oorweeg,
- 5 soos deur die uitvoering van provinsiale funksies vereis mag word, met inbegrip van streekbeplanning en stedelike en landelike ontwikkeling en die beskerming en bevordering van die belange van die Provinsie as geheel, en mag oor sodanige sake finale besluite neem; met dien verstande dat hy of sy tevrede is dat dit provinsiale ruimtelike of
- 10 (e) die vervanging van paragraaf (i) van subartikel (6) met die volgende paragraaf—
- “(i) die beskerming van die finansiële en ekonomiese welsyn van die Provinsie en munisipaliteite [in] binne die Provinsie met inbegrip van toerisme as 'n sosio-ekonomiese basis vir die Provinsie.”;
- 15 (f) die vervanging van subartikel (7) met die volgende subartikel—
- “(7) Enige saak wat as 'n provinsiale bevoegdheid ingevolge hierdie Wet identifiseer word, moet afgehandel word ingevolge Hoofstuk I, II, III, IV of V, na gelang van die geval, en in sodanige gevalle kan die Provinsiale Minister of die departementshoof *mutatis mutandis* enige
- 20 mag uitoefen wat 'n raad of 'n munisipale bestuurder, na gelang van die geval, ingevolge hierdie Wet sou kon uitoefen indien die saak nie as 'n aangeleentheid van provinsiale bevoegdheid geïdentifiseer was nie.”.

Wysiging van artikel 59 van Wet 7 van 1999

34. Artikel 59 van die Hoofwet word hierby gewysig deur—
- 25 (a) die vervanging van subartikel (1) met die volgende subartikel:
- “(1) Die Provinsiale Minister kan enige van die bevoegdhede of funksies wat kragtens hierdie Wet of uit hoofde van 'n titelakte aan hom of haar verleen word, absoluut, voorwaardelik, in die algemeen of
- 30 spesifiek opdra of deleger aan enige raad of komitee of geskikte persone in diens van die Provinsiale [Administrasie] Regering [van Wes-Kaap].”;
- (b) die vervanging van subartikel (3) met die volgende subartikel:
- “(3) 'n [Hoof uitvoerende beampte] Munisipale bestuurder [en] of departementshoof kan enige van die bevoegdhede of funksies wat
- 35 kragtens hierdie Wet of uit hoofde van 'n titelakte aan hom of haar verleen word, absoluut, voorwaardelik, in die algemeen of spesifiek deleger aan enige geskikte persone in diens van die raad of die Provinsiale [Administrasie] Regering [van Wes-Kaap], na gelang van die geval.”.

40 Wysiging van artikel 60 van Wet 7 van 1999

35. Artikel 60 van die Hoofwet word hierby gewysig deur die vervanging van paragraaf (b) van subartikel (2) met die volgende paragraaf—
- “(b) enige grond aanwend vir 'n ander doel of op 'n ander wyse as dié wat op 'n soneringskaart [of 'n goedgekeurde bouplan] aangedui word nie, of waar 'n
- 45 sonering nog nie op 'n kaart aangedui word nie, op 'n ander wyse as volgens die wettige aanwending van die grond nie, en enige bouplan is slegs geldig in soverre dit bestaanbaar is met die wettige aanwending van die grond.”.

Wysiging van artikel 61 van Wet 7 van 1999

36. Artikel 61 van die Hoofwet word hierby gewysig deur die woorde “hoof uitvoerende beampte” in subartikel (2), (4) en (5) te vervang met “munisipale bestuurder”.

Wysiging van artikel 62 van Wet 7 van 1999

37. Artikel 62 van die Hoofwet word hierby gewysig deur die woorde “hoof uitvoerende beampte” in subartikel (3) en (4) te vervang met “munisipale bestuurder”.

Amendment of section 63 of Act 7 of 1999

38. Section 63 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) [Notwithstanding any legal provisions to the contrary with regards to courts of law, a judge and magistrate shall have jurisdiction to make an order in the circumstances described in subsection (1)] A judge or magistrate having the necessary jurisdiction in terms of applicable legislation, may, in the circumstances described in subsection (1), make one or more of the following orders—
- (a) prohibiting any person from commencing or proceeding with the development or utilisation of land; 10
 - (b) authorising the Provincial Minister or municipality, as the case may be, to demolish any structure or any portion thereof; provided that an authorisation shall only be granted after a decision as contemplated in subsection 62(5) or (11) has been made; 15
 - (c) ordering a person to restore the built or natural environment on the basis and conditions deemed fit by the judicial officer; 15
 - (d) authorising the Provincial Minister or municipality, as the case may be, to execute the repairs as contemplated in paragraph (c) if the person mentioned therein fails to execute the repairs on the basis and conditions set out in the order, and 20
 - (e) awarding compensation to the Provincial Minister or municipality, as the case may be, for the repairs in the circumstances as contemplated in paragraph (d), and thereafter the provisions of section 300(2), (3), (4) and (5) of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall apply *mutatis mutandis*.”. 25

Amendment of section 64 of Act 7 of 1999

39. Section 64 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection—

- (1) Any person who—
- (a) contravenes or fails to comply with any provision of this Act or any order, directive, prohibition, condition, requirement or notice made, issued, imposed, stipulated or given in terms thereof, or 30
 - (b) threatens, resists, hinders or obstructs, or uses foul, insulting or abusive language towards a person in the exercise of a power in terms of section 71 or refuses or fails to answer to the best of his or her ability a question put to him or her in terms of that section, 35
- shall be guilty of an offence and liable on conviction to [an] a [appropriate] fine not exceeding R500 000 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment; provided that a fine not exceeding the maximum amount approved by a magistrate in the magisterial district concerned, may be imposed by a municipal official authorised to do so by the council.” 40

Amendment of section 65 of Act 7 of 1999

40. Section 65 of the principal Act is hereby amended by the substitution for the words “chief executive officer” in subsection (1) with “municipal manager”.

Amendment of section 66 of Act 7 of 1999

41. Section 66 of the principal Act is hereby amended by the substitution of the words “chief executive officer” for “municipal manager”.

Amendment of section 67 of Act 7 of 1999

42. Section 67 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection— 50

- “(4) The authorisation referred to in subsection (3) shall only be issued after [considering] an environmental impact assessment has been considered.”.

Wysiging van artikel 63 van Wet 7 van 1999

38. Artikel 63 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (2) met die volgende subartikel:

- 5 “(2) [Ondanks andersluidende wetlike bepalings met betrekking tot geregs-
 howe, het ’n regter en ’n landdros die regsbevoegdheid om ’n bevel in die
 omstandighede hieronder omskryf, te maak] ’n Regter of landdros wat die
 nodige regsbevoegdheid ingevolge toepaslike wetgewing het, kan in die omstan-
 dighede in subartikel (1) omskryf, een of meer van die volgende bevele maak—
 10 (a) wat enige persoon verbied om te begin of voort te gaan met die ontwikkeling
 of aanwending van grond;
 (b) wat die Provinsiale Minister of munisipaliteit, na gelang van die geval,
 magtig om enige struktuur of enige gedeelte daarvan af te breek; met dien
 verstande dat ’n magtiging slegs verleen mag word nadat ’n besluit soos
 15 beoog in artikel 62(5) of (11) geneem is;
 (c) wat ’n persoon gelas om die bebooue of natuurlike omgewing te herstel op
 die grondslag en voorwaardes wat die regsprekende beampte goedvind;
 (d) wat die Provinsiale Minister of munisipaliteit, na gelang van die geval,
 magtig om die herstelwerk soos beoog in paragraaf (c) uit te voer as die
 20 persoon daarin vermeld, sou nalaat om die herstelwerk op die grondslag en
 voorwaardes in die bevel uiteengesit, uit te voer, en
 (e) wat in die omstandighede soos beoog in paragraaf (d) vergoeding aan die
 Provinsiale Minister of munisipaliteit, na gelang van die geval, vir die
 herstelwerk toeken, en daarna is die bepalings van artikel 300 (2), (3), (4) en
 25 (5) van die Strafproseswet, 1977 (Wet 51 van 1977), *mutatis mutandis* van
 toepassing.”.

Wysiging van artikel 64 van Wet 7 van 1999

39. Artikel 64 van die Hoofwet word hierby gewysig deur die vervanging van subartikel (1) met die volgende subartikel—

- 30 “(1) Iemand wat—
 (a) enige bepaling van hierdie Wet of enige bevel, lasgewing, verbod, voor-
 waarde, vereiste of kennisgewing daarvolgens gegee, opgelê, gestel of
 uitgereik, oortree of versuim om daaraan te voldoen, of
 (b) ’n persoon by die uitoefening van ’n bevoegdheid ingevolge artikel 71 dreig,
 35 weerstaan, hinder of belemmer, of vuil, beledigende of skeltaal teenoor die
 persoon gebruik, of weier of versuim om na sy of haar beste vermoë te
 antwoord op ’n vraag wat ingevolge daardie artikel aan hom of haar gestel is,
 is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n [geskikte] boete
 van hoogstens R500 000 of met gevangenisstraf vir ’n tydperk van hoogstens 5
 40 jaar of met daardie boete sowel as daardie gevangenisstraf; met dien verstande dat
 ’n boete wat nie die maksimum bedrag deur ’n landdros in die betrokke
 landdrosdistrik bepaal, oorskry nie, deur ’n munisipale amptenaar wat daartoe
 gemagtig is deur die raad, opgelê kan word.”.

Wysiging van artikel 65 van Wet 7 van 1999

40. Artikel 65 van die Hoofwet word hierby gewysig deur die woorde “hoof
 45 uitvoerende beampte” in subartikel (1) te vervang met “munisipale bestuurder”.

Wysiging van artikel 66 van Wet 7 van 1999

41. Artikel 66 van die Hoofwet word hierby gewysig deur die woorde “hoof
 uitvoerende beampte” te vervang met “munisipale bestuurder”.

Wysiging van artikel 67 van Wet 7 van 1999

- 50 42. Artikel 67 van die Engelse teks van die Hoofwet word hierby gewysig deur die
 vervanging van subartikel (4) met die volgende subartikel—

“(4) The authorisation referred to in subsection (3) shall only be issued after
 [considering] an environmental impact assessment has been considered.”.

Amendment of section 68 of Act 7 of 1999

43. Section 68 of the principal Act is hereby amended by—

(a) the substitution of subsection (1) for the following subsection:

“(1) When [**considering**] any application in terms of this Act is considered, account shall be taken of the desirability of the contemplated utilisation of land, *inter alia* by measuring it against the principles contained in Schedule IV, issues of provincial or regional interest in terms of Chapter IX, the provisions of a relevant approved integrated development [**framework**] plan, spatial development framework, spatial development plan, regional plan, sectoral plan or structure plan or zoning scheme regulations or zoning scheme by-laws, in so far as these relate to desirability, or of the effect of the application on sustainability or on existing rights, but not any alleged right to protection against trading competition.”;

(b) the substitution for the words “chief executive officer” in subsection (2) with “municipal manager”.

Amendment of section 69 of Act 7 of 1999

44. The following section is hereby substituted for section 69 of the principal Act—

“(1) When a council or the Provincial Minister grants authorisation, exemption or an application, or issues any directive or notice in terms of this Act, they may impose such conditions as they may think fit, including conditions related to the cession of land, the payment of money in respect of engineering services, environmental conservation and a requirement that agreements be entered into in respect of certain conditions.

(2) If land or an erf in a subdivision or resulting from a rezoning is required by a government for the provision of engineering services or public facilities, and the provision of such land or erf—

(a) is directly related to the needs and obligations resulting from the authorization, exemption or approval as stated in subsection (1), or is in accordance with any applicable policy determined by the Provincial Minister from time to time, no compensation shall be payable in respect thereof, or

(b) is not directly related to the needs and obligations resulting from the authorization, exemption or approval as stated in subsection (1), or is not in accordance with any applicable policy determined by the Provincial Minister from time to time, the government concerned must pay the registered owner as at date of vesting of ownership, an amount of compensation as agreed between the owner and that government or the amount determined in accordance with the Expropriation Act, 1975 (Act 63 of 1975).

(3) The council concerned must include conditions relating to engineering services in a service agreement drafted by the council, with due regard to any regulations or guidelines laid down from time to time by an authority with the necessary competency, and such agreement must be finally concluded before the construction of engineering services in or on the land concerned.

(4) Subject to the provisions of this Act in respect of the removal of title conditions, either the Provincial Minister or a council, as the case may be, with regard to a condition imposed by themselves in terms of subsection (1) or Chapter IV or V or under a law listed in Schedule III, including conditions contained in agreements, and after considering objections received as a result of advertising in terms of subsection (5) and after consultation with the owner of the land concerned and, in the case of the Provincial Minister, after consultation with the municipality concerned, may—

(a) alter, amend or delete any condition, and

(b) impose additional conditions, which additional conditions shall be deemed to have been imposed in terms of that subsection.

(5) The department head, where the Provincial Minister may act in terms of subsection (4), or the municipal manager, where a council may so act, as the case

Wysiging van artikel 68 van Wet 7 van 1999**43. Artikel 68 van die Hoofwet word hierby gewysig deur—**

(a) die vervanging van subartikel (1) met die volgende subartikel—

5 “(1) Wanneer enige aansoek ingevolge hierdie Wet oorweeg word, moet rekening gehou word met die wenslikheid van die beoogde
aanwending van grond, onder meer by wyse van meting aan die
beginsels in Bylae IV vervat, aangeleenthede van provinsiale of
10 streeksbelang ingevolge Hoofstuk IX, die bepalings van ’n tersaaklike
geïntegreerde [ontwikkelingsraamwerk] ontwikkelingsplan, ruimte-
like ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan,
sektorale plan of struktuurplan, of soneringskema-regulasies of sone-
ringskema-verordeninge, in sover dit op wenslikheid betrekking het, of
15 met die uitwerking van die aansoek op volhoubaarheid of op bestaande
regte, maar nie op enige beweerde reg op beskerming teen handels-
konkurrensie nie.”;

(b) die woorde “hoof uitvoerende beampte” in subartikel (2) te vervang met
“munisipale bestuurder”.

Wysiging van artikel 69 van Wet 7 van 1999**44. Artikel 69 van die Hoofwet word hierby deur die volgende artikel vervang—**

20 “(1) Wanneer ’n raad of die Provinsiale Minister ingevolge hierdie Wet
magtiging of vrystelling verleen, ’n aansoek toestaan of enige lasgewing of
kennisgewing uitreik, kan hulle die voorwaardes oplê wat hulle goedvind,
insluitend voorwaardes wat betrekking het op die afstaan van grond, die betaling
25 van geld in verband met ingenieursdienste, omgewingsbewaring en ’n vereiste dat
ooreenkomste gesluit moet word in verband met sekere voorwaardes.

(2) Indien grond of ’n erf in ’n onderverdeling wat uit ’n hersonering
voortspruit, deur ’n owerheid vereis word vir die voorsiening van ingenieurs-
dienste of openbare fasiliteite, en die voorsiening van sodanige grond of erf—

30 (a) hou direk verband met behoeftes en verpligtinge voortspruitend uit die
magtiging, vrystelling of goedkeuring soos in subartikel (1) vermeld, of stem
ooreen met enige toepaslike beleid wat deur die Provinsiale Minister van tyd
tot tyd bepaal word, is geen vergoeding met betrekking daartoe betaalbaar
nie, en

35 (b) hou nie direk verband met behoeftes en verpligtinge voortspruitend uit die
magtiging, vrystelling of goedkeuring soos in subartikel (1) vermeld nie of
stem nie ooreen met ’n toepaslike beleid wat deur die Provinsiale Minister
van tyd tot tyd bepaal word nie, moet die betrokke owerheid die geregi-
streerde eienaar soos op die datum van berusting van eiendomsreg, ’n bedrag
40 vergoeding soos tussen die eienaar en daardie owerheid ooreengekom of die
bedrag ooreenkomstig die Onteieningswet, 1975 (Wet 63 van 1975) bepaal,
betaal.

(3) Die betrokke raad moet voorwaardes met betrekking tot ingenieursdienste
insluit in ’n diensteooreenkoms wat die raad opstel met inagnome van enige
45 regulasies of riglyne van tyd tot tyd hieroor neergelê deur ’n owerheid met die
nodige bevoegdheid, welke ooreenkoms finaal beslag gegee moet word voordat
ingenieursdienste in of op die betrokke grond aangebring word.

(4) Behoudens die bepalings van hierdie Wet ten opsigte van die opheffing van
titelvoorwaardes, kan óf die Provinsiale Minister óf ’n raad, na gelang van die
50 geval, met betrekking tot ’n voorwaarde deur hulself ingevolge subartikel (1) of
Hoofstuk IV of V of kragtens ’n wet gelys in Bylae III opgelê, insluitend
voorwaardes in ooreenkomste vervat, en ná oorweging van besware wat ten
gevolge van advertering ingevolge subartikel (5) ontvang is, en ná oorleg met die
eienaar van die betrokke grond en, in die geval van die Provinsiale Minister, na
oorleg met die betrokke munisipaliteit—

55 (a) enige voorwaarde verander, wysig of skrap, en

(b) bykomende voorwaardes oplê, en daardie bykomende voorwaardes word
geag ingevolge daardie subartikel opgelê te gewees het.

(5) Die departementshoof, waar die Provinsiale Minister ingevolge subartikel
(4) kan optree, of die munisipale bestuurder, waar ’n raad aldus kan optree, na

“SCHEDULE IV

GENERAL PLANNING AND DEVELOPMENT PRINCIPLES

1. PRINCIPLES OF LEGISLATION, POLICY, ADMINISTRATIVE PRACTICE, REGULATIONS AND BY-LAWS FOR PLANNING AND DEVELOPMENT

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Laws, regulations, policy and guideline documents on planning and development must—

- 1.1 be clear and generally available to those who are likely to be affected thereby;
- 1.2 provide guidance and information to those affected thereby, in addition to serving as regulatory measures;
- 1.3 be aimed at promoting trust and acceptance among those likely to be affected thereby, and
- 1.4 give further content to fundamental rights as set out in the Constitution.

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2. PRINCIPLES OF DECISION-MAKING AND DISPUTE RESOLUTION

- 2.1 Each proposed development must be judged on its merits and no specific land use should be regarded in advance or in general as being less important or desirable than any other land use, unless an integrated development plan, spatial development framework, spatial development plan, regional plan or sectoral plan indicates that a specific type of land use should be protected.
- 2.2 Decisions must be taken by taking into consideration the advice of suitably qualified and experienced persons in the employ of the authority concerned, and experts in the field of agriculture, development planning, engineering, geology, mining, management of the environment, law, surveying or any other field determined by the Provincial Minister.
- 2.3 Before a decision is taken by the Provincial Minister, or a municipality, or the planning review board, the desirability of referring a dispute about development or planning between parties for mediation must be considered.
- 2.4 If the authority concerned considers mediation to be desirable, the dispute must be referred for mediation, but if mediation is undesirable, or if mediation has failed, a public hearing must be conducted or a decision taken.
- 2.5 Any hearing conducted before a decision is taken, must be open to the public, and any person entitled to appear at the hearing may be represented by any other person.
- 2.6 Reasons in writing for a decision in terms of this Act must be furnished on request.
- 2.7 The department head must keep a record of reasons given for decisions taken by the Provincial Government, and the municipal manager for decisions taken by the council concerned.
- 2.8 Such record must be made available for inspection by members of the public, and any person or body must be able to publish the reasons.
- 2.9 A decision taken in terms of this Act is subject to review by any competent division of the High Court.

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3. PRINCIPLES OF ROLEPLAYER PARTICIPATION AND HUMAN RESOURCE DEVELOPMENT

- 3.1 Members of communities affected by planning and development must be actively involved in the planning and development process which shall include the right to information and to comment on proposed land development.

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“BYLAE IV**ALGEMENE BEGINSELS VIR BEPLANNING EN ONTWIKKELING****1. BEGINSELS VAN WETGEWING, BELEID, ADMINISTRATIEWE PRAKTYK, REGULASIES EN VERORDENINGE VIR BEPLANNING EN ONTWIKKELING**

Wette, regulasies, beleid en riglyndokumente oor beplanning en ontwikkeling moet—

- 1.1 duidelik, asook algemeen beskikbaar wees vir diegene wat waarskynlik daardeur geraak sal word;
- 1.2 voorligting en inligting aan diegene wat daardeur geraak word, verskaf, asook as regulerende maatreëls dien;
- 1.3 daarop gemik wees om vertroue en aanvaarding te bevorder by diegene wat waarskynlik daardeur geraak sal word, en
- 1.4 verdere inhoud gee aan fundamentele regte, soos in die Grondwet uiteengesit.

2. BEGINSELS VAN BESLUITNEMING EN GESKIL-BESLEGTING

- 2.1 Elke voorgestelde ontwikkeling moet op meriete beoordeel word en geen spesifieke grondgebruik moet vooruit of in die algemeen as minder belangrik of wenslik beskou word as enige ander grondgebruik nie, tensy 'n geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan aandui dat 'n spesifieke tipe grondgebruik beskerm moet word.
- 2.2 Besluite moet geneem word met inagneming van advies van geskikte gekwalifiseerde en ervare persone in diens van die betrokke owerheid en deskundiges op die gebied van die landbou, ontwikkelingsbeplanning, ingenieurswese, geologie, mynbou, omgewingsbestuur, die reg, opmeting of enige ander gebied wat die Provinsiale Minister bepaal.
- 2.3 Voordat 'n besluit geneem word deur die Provinsiale Minister, of 'n munisipaliteit, of die beplanninghersieningsraad, moet die wenslikheid daarvan om 'n geskil oor ontwikkeling of beplanning tussen partye vir bemiddeling te verwys, oorweeg word.
- 2.4 As die betrokke owerheid van mening is dat bemiddeling wenslik is, moet die geskil vir bemiddeling verwys word, maar as bemiddeling onwenslik is, of as bemiddeling misluk het, moet 'n openbare verhoor gehou of 'n besluit geneem word.
- 2.5 Enige verhoor wat onderneem word voordat 'n besluit geneem word, moet toeganklik vir die publiek wees, en enige persoon wat geregtig is om by die verhoor te verskyn, kan deur enige ander persoon verteenwoordig word.
- 2.6 Skriftelike redes vir 'n besluit ingevolge hierdie Wet geneem, moet op versoek voorsien word.
- 2.7 Die departementshoof moet 'n rekord hou van redes wat verstrekkend is vir besluite wat die Provinsiale Regering geneem het, en die munisipale bestuurder vir besluite deur die betrokke raad geneem.
- 2.8 So 'n rekord moet ter insae van lede van die publiek lê, en enige persoon of liggaam moet die redes kan publiseer.
- 2.9 'n Besluit ingevolge hierdie Wet geneem, is onderworpe aan hersiening deur enige bevoegde afdeling van die Hooggeregshof.

3. BEGINSELS VAN ROLSPELERDEELNAME EN MENSLIKE HULPBRON-ONTWIKKELING

- 3.1 Lede van gemeenskappe wat deur beplanning en ontwikkeling geraak word, moet aktief by die proses van beplanning en

- 3.2 The skills and capacities of all persons involved in integrated and spatial planning and land development, including the disadvantaged, must be developed.
- 3.3 All sectors of the economy (government and non-government sectors) must be encouraged to contribute toward integrated and spatial planning and land development so as to maximise the ability of all spheres of government to undertake integrated and spatial planning and land development, and to this end:
 - 3.3.1 authorities must endeavor to clearly define and make known the functions and responsibilities of all sectors of the economy with regard to integrated and spatial planning and land development, and the desired relationship between these sectors; 10
 - 3.3.2 an authority which is responsible for the administration of this Act and any other law relating to integrated and spatial planning and land development, must furnish particulars of the legislation concerned, and of the persons responsible for its administration, to any person requiring such information, and 15
 - 3.3.3 authorities must ensure that decisions on land development are made in a manner that recognises the needs and interests of all interested and affected parties. 20

4. PRINCIPLES OF DEVELOPMENT IN GENERAL

- 4.1 Efficient and speedy land development administrative practices must be promoted.
- 4.2 Land development must result in security of tenure, and must provide for the widest possible range of tenure alternatives, including individual and communal tenure. 25
- 4.3 In the development of land the rightful interest of any occupants of that land must be duly taken into account.
- 4.4 The various levels of government must co-ordinate the interests of the various sectors involved in or affected by development so as to minimize conflicting claims to scarce resources. 30
- 4.5 The effective functioning of a development market based on open competition between suppliers of goods and services must be stimulated.

5. PRINCIPLES OF SPATIAL ENVIRONMENT RESTRUCTURING 35

- 5.1 Provision must be made for rural and urban planning and development, and the development of existing and new settlements should be facilitated.
- 5.2 The illegal occupation of land must be discouraged, with due recognition of informal development processes. 40
- 5.3 Sufficient land for permanent development and temporary reception areas must be identified and developed in accordance with national and provincial policies.
- 5.4 Efficient and integrated planning and development must be promoted by— 45
 - 5.4.1 the integration of social, economic, institutional, environmental and spatial aspects of planning and development;
 - 5.4.2 integrated development and planning in rural and urban areas with a view to mutual support;
 - 5.4.3 providing residential and employment opportunities in close proximity to or integrated with each other; 50

- ontwikkeling betrek word, wat die reg tot inligting en omkommentaar op voorgestelde grondontwikkeling te lewer, insluit.
- 5 3.2 Die vaardighede en vermoëns van alle persone, insluitende minderbevoorregte persone, wat by geïntegreerde en ruimtelike beplanning en grondontwikkeling betrokke is, moet ontwikkel word.
- 10 3.3 Alle sektore van die ekonomie (regerings- en nie-regeringssektore) moet aangemoedig word om tot geïntegreerde en ruimtelike beplanning en grondontwikkeling by te dra ten einde alle regeringsfere se vermoë om geïntegreerde en ruimtelike beplanning en grondontwikkeling te onderneem, te maksimaliseer, en vir dié doel:
- 15 3.3.1 moet owerhede daarna streef om alle sektore van die ekonomie se funksies en verantwoordelikhede met betrekking tot geïntegreerde en ruimtelike beplanning en grondontwikkeling, en die gewenste verhouding tussen dié sektore, duidelik te omskryf en bekend te maak;
- 20 3.3.2 moet 'n owerheid wat verantwoordelik is vir die administrasie van hierdie Wet en enige ander wet met betrekking tot geïntegreerde en ruimtelike beplanning en grondontwikkeling, besonderhede van die betrokke wetgewing en van die persone wat verantwoordelik is vir die administrasie van daardie wetgewing, verstrek aan enige persoon wat die inligting verlang, en
- 25 3.3.3 moet owerhede verseker dat besluite oor grondontwikkeling op 'n wyse wat die behoeftes en belange van alle belanghebbende en geraakte partye erken, geneem word.

4. BEGINSELS VAN ONTWIKKELING IN DIE ALGEMEEN

- 30 4.1 Doeltreffende en spoedige administratiewe praktyke vir grondontwikkeling moet bevorder word.
- 4.2 Grondontwikkeling moet sekerheid van verblyfreg tot gevolg hê, en vir die wydste moontlike verskeidenheid titelalternatiewe, insluitende individuele en gemeenskaplike titel, voorsiening maak.
- 35 4.3 By die ontwikkeling van grond moet die regmatige belange van enige bewoners van daardie grond in ag geneem word.
- 4.4 Die verskillende regeringsvlakke moet die belange van die verskillende sektore wat betrokke is by of geraak word deur ontwikkeling, koördineer ten einde strydige aansprake op skaars hulpbronne te minimaliseer.
- 40 4.5 Die effektiewe funksionering van 'n ontwikkelingsmark, gebaseer op vrye mededinging tussen leweransiers van goedere en dienste, moet gestimuleer word.

5. BEGINSELS VAN HERSTRUKTURERING VAN DIE RUIMTELIKE OMGEWING

- 45 5.1 Daar moet vir landelike en stedelike beplanning en ontwikkeling voorsiening gemaak word, en die ontwikkeling van bestaande en nuwe nedersettings moet gefasiliteer word.
- 5.2 Die onwettige besetting van grond moet ontmoedig word, met behoorlike erkenning van informele ontwikkelingsprosesse.
- 50 5.3 Voldoende grond vir permanente ontwikkeling en tydelike ontvangsgebiede moet in ooreenstemming met nasionale en provinsiale beleid geïdentifiseer en ontwikkel word.
- 5.4 Doeltreffende en geïntegreerde beplanning en ontwikkeling moet bevorder word deur—
- 55 5.4.1 die integrasie van die sosiale, ekonomiese, institusionele, omgewings- en ruimtelike aspekte van beplanning en ontwikkeling;
- 5.4.2 geïntegreerde ontwikkeling en beplanning in landelike en stedelike gebiede met die oog op onderlinge ondersteuning;
- 60 5.4.3 die voorsiening van residensiële en indiensnemingsgeleenthede naby of geïntegreerd met mekaar;

5.4.4	the optimal utilisation of existing resources, including resources with regard to agriculture, land, water, minerals, bulk infrastructure, roads, transport, social facilities and the aspects of the environment that facilitate tourism as a socio-economic base for the Province;	5
5.4.5	encouraging a diverse combination of land uses, including mixed land uses;	
5.4.6	discouraging the phenomenon of urban sprawl, protecting the agricultural and biodiversity resource base and encouraging the development of more compact cities;	10
5.4.7	contributing towards the correction of historically distorted spatial patterns of settlement in the Western Cape;	
5.4.8	encouraging environmentally sustainable planning and development practices and processes;	
5.4.9	promoting the integration of settlement with public transportation, inclusive of integrating settlement with regional transportation routes in rural areas;	15
5.4.10	integrating investments in public facilities and services with public transportation, and	
5.4.11	consciously promoting conditions under which economic activities including small business can flourish, with due regard to locations of high accessibility and economic accumulation.	20
5.5	The spatial quality and functionality of the public spatial environment must be promoted by—	
5.5.1	ensuring that such spaces, including streets, parks and squares, are clearly defined by buildings, planting, walls or other devices;	25
5.5.2	ensuring adequate surveillance, and	
5.5.3	protecting and enhancing the positive qualities of heritage areas, buildings or objects.	
5.6	Integration between strategic forward planning and land development management must be actively promoted by—	30
5.6.1	ensuring that the land development management system can effectively implement official policies, plans and frameworks;	
5.6.2	ensuring that the land development management system is based on normative planning principles, and	35
5.6.3	ensuring that land development decisions actively promote the development objectives of an integrated development plan, spatial development framework, spatial development plan, regional plan or sectoral plan.	
6.	PRINCIPLES OF SUSTAINABLE DEVELOPMENT	40
6.1	Sustainable development must be promoted by—	
6.1.1	development within the fiscal, institutional and administrative means of the Province;	
6.1.2	the establishment of viable communities;	45
6.1.3	sustained protection of the environment;	
6.1.4	meeting the basic needs of all communities in an affordable manner, and	
6.1.5	ensuring the safe use of land, with due regard to factors such as geological formations, dangerously undermined areas and flood plains.	50
7.	PRINCIPLES OF ENVIRONMENTAL PROTECTION	
7.1	Development should harmonise with the ecological characteristics of the environment.	
7.2	Development should heed the natural processes which control any specific environment.	55

- 5.4.4 die optimale gebruik van bestaande hulpbronne, insluitende hulpbronne met betrekking tot landbou, grond, water, minerale, grootmaatinfrastruktuur, paaie, vervoer, sosiale fasiliteite en die aspekte van die omgewing wat toerisme as 'n sosio-ekonomiese basis vir die Provinsie bevorder;
- 5.4.5 die aanmoediging van 'n gediversifiseerde kombinasie van grondgebruike, insluitende gemengde grondgebruike;
- 5.4.6 die ontmoediging van die verskynsel van stadspreading, die beskerming van die landbou- en biodiversiteitshulpbronbasis en die aanmoediging van die ontwikkeling van meer kompakte stede;
- 5.4.7 'n bydrae tot die regstelling van historiese verwronge ruimtelike vestigingspatrone in die Wes-Kaap;
- 5.4.8 die aanmoediging van omgewingsvolhoubare beplannings- en ontwikkelingspraktyke en prosesse;
- 5.4.9 bevordering van die integrasie van vestiging met openbare vervoer, met inbegrip van die integrering van vestiging met streekvervoeroetes in landelike gebiede;
- 5.4.10 integrasie van investering in openbare fasiliteite en dienste met openbare vervoer, en
- 5.4.11 doelgerigte bevordering van omstandighede waaronder ekonomiese aktiwiteite met inbegrip van kleinsake kan floreer, met inagneming van liggings van hoë toeganklikheid en ekonomiese akkumulاسie.
- 5.5 Die ruimtelike gehalte en funksionaliteit van die openbare ruimtelike omgewing moet bevorder word deur—
- 5.5.1 te verseker dat sulke ruimtes, met inbegrip van strate, parke en pleine, duidelik deur geboue, beplanting, mure of ander middels of metodes gedefinieer word;
- 5.5.2 te verseker dat daar toereikende toesig is, en
- 5.5.3 die beskerming en bevordering van die positiewe kenmerke van erfenisgebiede, -geboue of -voorwerpe.
- 5.6 Integrasie tussen strategiese vooruitbeplanning en grondontwikkelingsbestuur moet aktief bevorder word deur—
- 5.6.1 te verseker dat die grondontwikkelingsbestuurstelsel amptelike beleid, planne en raamwerke doeltreffend kan implementeer;
- 5.6.2 te verseker dat die grondontwikkelingsbestuurstelsel op normatiewe beplanningsbeginsels gebaseer is, en
- 5.6.3 te verseker dat grondontwikkelingsbesluite die ontwikkelingsdoelstellings van 'n geïntegreerde ontwikkelingsplan, ruimtelike ontwikkelingsraamwerk, ruimtelike ontwikkelingsplan, streekplan of sektorale plan aktief bevorder.

6. BEGINSELS VAN VOLHOUBARE ONTWIKKELING

- 6.1 Volhoubare ontwikkeling moet bevorder word deur—
- 6.1.1 ontwikkeling binne die fiskale, institusionele en administratiewe vermoë van die Provinsie;
- 6.1.2 die vestiging van lewensvatbare gemeenskappe;
- 6.1.3 volgehoue beskerming van die omgewing;
- 6.1.4 op 'n bekostigbare wyse in die basiese behoeftes van alle gemeenskappe te voorsien, en
- 6.1.5 die veilige gebruik van grond, met inagneming van faktore soos geologiese formasies, gevaarlik ondermynde gebiede en vloedvlaktes, te verseker.

7. BEGINSELS VAN DIE BESKERMING VAN DIE OMGEWING

- 7.1 Ontwikkeling moet in ooreenstemming met die ekologiese eienskappe van die omgewing wees.
- 7.2 Ontwikkeling moet ag slaan op die natuurlike prosesse wat in 'n bepaalde omgewing heers.

- 7.3 Development in unsuitable environments, such as areas with a high water table, swamps, flood plains, steep slopes and areas sensitive to drift-sands, should be discouraged.
- 7.4 Development planning should heed carrying capacity restrictions, especially with regard to water shortages.
- 7.5 Development planning should heed the aesthetic properties of landscapes and the environment."

Substitution of long title

50. The long title of the principal Act is hereby amended by the substitution of the following long title—

"To replace racially based planning and development legislation; to establish a system for development planning in the [province] Province and consolidate legislation in the Province pertaining to provincial planning, regional planning and development and urban and rural development into one law; to regulate, monitor and support planning and development at provincial, regional and municipal levels for urban and rural areas; to provide frameworks, norms and standards, inter alia with regard to areas where municipalities have legislative power, with a view to establishing and maintaining standards essential to orderly co-ordinated planning and development or to the promotion of integrated social and economic development where provincial or regional interests require; to provide for principles and lay down policies, guidelines and parameters for integrated and spatial planning and sustainable development where provincial or regional interests so require, including environmental protection and land development management in so far as it is part of provincial planning; to provide for a planning review board; to provide for accelerated development processes, especially with regard to the removal of restrictions where necessary and with regard to land development, where health, human need, the restitution of land rights, tenure upgrade or security and other reasons necessitate the acceleration of normal development procedures, and to provide for matters incidental thereto."

Short title and date of commencement.

51. This Act is called the Western Cape Planning and Development Amendment Act, 2002, and comes into operation on the date determined by the Premier by proclamation in the *Provincial Gazette*.

- 7.3 Ontwikkeling in ongeskikte omgewings, soos gebiede met 'n hoë watertafel, moerasse, vloedvlaktes, steil hellings en gebiede wat vatbaar is vir waaisand, moet ontmoedig word.
- 5 7.4 Ontwikkelingsbeplanning moet ag slaan op drakragbeperkings, veral wat watertekorte betref.
- 7.5 Ontwikkelingsbeplanning moet ag slaan op die estetiese eienskappe van landskappe en die omgewing.”.

Vervanging van lang titel

10 50. Die lang titel van die Hoofwet word hierby gewysig deur die vervanging daarvan met die volgende lang titel—

15 “Om rasgebaseerde wetgewing oor beplanning en ontwikkeling te vervang; om 'n sisteem vir ontwikkelingsbeplanning in die [provinsie] Provinsie te vestig en wetgewing in die Provinsie met betrekking tot provinsiale beplanning, streekbeplanning en -ontwikkeling en stedelike en landelike ontwikkeling tot een wet te konsolideer; om beplanning en ontwikkeling op provin-

20 siale, streeks- en munisipale vlak vir stedelike en landelike gebiede te reguleer, te monitor en te ondersteun; om raamwerke, norms en standaarde, onder meer met betrekking tot terreine waar munisipaliteite wetgewende bevoegdheid het, te voorsien met die oog op die bepaling en handhawing van standaarde wat noodsaaklik is vir ordelike gekoördineerde beplanning en ontwikkeling of vir die bevordering van geïntegreerde sosiale en ekonomiese ontwikkeling waar provinsiale of streekbelange dit vereis; om, waar provin-

25 siale of streekbelange dit vereis, voorsiening vir beleid, beginsels en riglyne te maak en parameters voor te skryf vir geïntegreerde en ruimtelike beplanning en volhoubare ontwikkeling, insluitende omgewingsbeskerming en grondontwikkelingsbestuur in soverre dit 'n komponent van provinsiale beplan-

30 ning is; om voorsiening te maak vir 'n beplanninghersieneringsraad; om voorsiening te maak vir versnelde ontwikkelingsprosesse, veral met betrekking tot die verwydering van beperkings waar nodig en met betrekking tot grondontwikkeling, waar gesondheid, menslike nood, die herstel van grondregte, die opgradering van grondbesit of sekerheid van verblyfreg en ander redes die versnelling van normale ontwikkelingsprosedures noodsaak, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”.

Kort titel en datum van inwerkingtreding

35 51. Hierdie Wet heet die Wes-Kaapse Wysigingswet op Beplanning en Ontwikkeling, 2002, en tree in werking op 'n datum wat deur die Premier by proklamasie in die *Provinsiale Koerant* bepaal word.

EXPLANATORY MEMORANDUM

The Amendment Bill has mainly four aims:

1. To improve the Act in terms of constitutionality by amending the powers of the planning review board so that the board may not interfere with the powers of municipalities with regard to municipal planning.
2. To clarify certain aspects—
 - * with regard to provincial planning: the Act provides for direct executive powers in so far as the strategic, forward planning and development management components of provincial planning are concerned, and
 - * with regard to municipal planning: clarifying the regulating, monitoring and supporting role of the Province in so far as the strategic, forward planning and development management components of municipal planning are concerned.
3. To update the Act with regard to certain matters in respect of which the Act became outdated due to new professional-technical developments in the area of planning.
4. To make certain legal-technical improvements and corrections, which include aligning the provisions of the Act with those of the Local Government: Municipal Systems Act and the Local Government: Municipal Structures Act.

The aims and objectives of the various clauses of the Amendment Bill are set out below. (Kindly note that chapter headings of the Principal Act have been inserted for ease of reference)

DEFINITIONS

Clause 1:

A number of amendments have been made to definitions, as explained above. New or amended definitions were inserted such as those for—

- * “advertise”,
- * “afwyking” in the Afrikaans text only,
- * “agricultural land”,
- * “bioregional planning”,
- * “category” (with reference to category A, B and C municipalities),
- * “consultative forum”,
- * “council”,
- * “department head”,
- * “develop land”,
- * “Development Facilitation Act”,
- * “development objectives”,
- * “district municipality”,
- * “functional region”,
- * “grondbeskikbaarheidsooreenkoms” in the Afrikaans text only,
- * “implementation plan”,
- * “integrated development plan”,
- * “Land Use Ordinance”,
- * “local authority”,
- * “municipality”,
- * “municipal manager”,
- * “municipal planning”,
- * “Municipal Structures Act”,
- * “Municipal Systems Act”,
- * “omgewingsplan” in the Afrikaans text only,
- * “oorlegsonering” in the Afrikaans text only,
- * “Provincial Government”,
- * “Provincial Minister”,
- * “provincial planning”,
- * “provincial spatial development framework”,
- * “provincial spatial development plan”,
- * “provincial spatial planning”,
- * “public institution”,
- * “public interest”,

VERKLARENDE MEMORANDUM

Die Wysigingswetsontwerp het hoofsaaklik vier oogmerke:

1. Om die Wet te verbeter sover dit konstitusionaliteit betref deur die magte van die beplanningherschieningsraad te wysig sodat die raad nie kan inmeng met die magte van munisipaliteite betreffende munisipale beplanning nie.
2. Om sekere onduidelikhede in die Wet uit die weg te ruim ten opsigte van—
 - * provinsiale beplanning: om voorsiening te maak vir direkte uitvoerende magte sover dit die strategiese, vooruitbeplannings- en ontwikkelingsbestuurkomponente van provinsiale beplanning betref, en
 - * munisipale beplanning: om die regulerings-, moniterings- en ondersteuningsrol van die provinsie, sover dit die strategiese, vooruitbeplannings- en ontwikkelingsbestuurkomponente van munisipale beplanning betref, te verduidelik.
3. Om die Wet op te dateer ten opsigte van aangeleenthede waarvan die Wet verouderd geraak het weens nuwe professioneel-tegniese verwikkelinge op die gebied van beplanning.
4. Om bepaalde regstegniese verbeterings en regstellings aan te bring, insluitende wysigings om die bepalinge van die Wet in ooreenstemming te bring met dié van die Wet op Plaaslike Regering: Munisipale Strukture en die Wet op Plaaslike Regering: Munisipale Stelsels.

Die oogmerke van die onderskeie klousules van die Wysigingswetsontwerp is soos hieronder uiteengesit. (Let asseblief daarop dat die hoofstuk-titels van die Hoofwet gerieflikheidshalwe hierby ingesluit is).

WOORDOMSKRYWINGS

Klousule 1:

Heelparty wysigings is aan die definisies aangebring, vir redes soos hierbo vermeld.

Nuwe of gewysigde definisies is bygevoeg, soos die vir—

- * “adverteer”,
- * “afwyking”,
- * “biostreekbeplanning”,
- * “departementshoof”,
- * “diensteooreenkoms”,
- * “distriksmunisipaliteit”,
- * “Dorpe-ordonnansie”,
- * “funksionele streek”,
- * “geïntegreerde ontwikkelingsplan”,
- * “grondbeskikbaarheidsooreenkoms”,
- * “Grondgebruik-ordonnansie”,
- * “grond ontwikkel”,
- * “hierdie Wet”,
- * “implementeringsplan”,
- * “in die pers publiseer”,
- * “kategorie” (met verwysing na kategorie A, B en C munisipaliteite),
- * “landbougrond”,
- * “munisipale beplanning”,
- * “munisipale bestuurder”,
- * “Munisipale Stelselswet”,
- * “Munisipale Strukturewet”,
- * “munisipaliteit”,
- * “omgewingsplan”,
- * “ontwikkelingsdoelwitte”,
- * “oorlegsonering”,
- * “openbare belang”,
- * “openbare instelling”,
- * “openbare plek”,
- * “openbare straat”,
- * “plaaslike munisipaliteit”,
- * “provinsiale beplanning”,
- * “Provinsiale Minister”,
- * “Provinsiale Regering”,

- * "public place",
- * "public street",
- * "publish in the press",
- * "regional development",
- * "regional planning",
- * "sectoral plan",
- * "services agreement",
- * "social compact",
- * "spatial development framework",
- * "spatial development plan",
- * "spatial planning",
- * "sustainable development",
- * "this Act",
- * "Township Ordinance", and
- * "vervoerplan" in the Afrikaans text only.

The definition of "*integrated development plan*" is amended to make a clear distinction between IDP's as contemplated under the Systems Act on the one hand, and a provincial IDP (or more than one to implement provincial planning) on the other hand. The concept of interdepartmental integration is emphasized.

CHAPTER I

DEVELOPMENT PLANNING

Clause 2:

Clause 2 amends the previous heading of Chapter I ("Development Frameworks") to "Development Planning" as the latter is wider and better describes the purpose of the Chapter.

Clause 3:

Section 3 of the Act is amended so that, instead of technical committees, there will be consultative forums to provide planning committees with community oriented (as opposed to purely technical) advice.

Furthermore, the amendment of section 3 is aimed at rationalising the committees that can be appointed to draw up plans, and at clearly setting out their goals and functions. The effect is then that these committees can be appointed—

- * by the Premier for the purpose of provincial IDP's,
- * by the Minister of Development Planning for other aspects of provincial planning and for provincial spatial development frameworks,
- * by the Minister of Local Government for inter-municipal IDP's where necessary, and
- * by municipalities for joint planning between municipalities.

Clause 4:

Section 4 of the principal Act deals with provincial planning. The original section has been divided into two new sections. The new section 4 will deal with provincial IDP's only.

The new section 4A will deal with provincial planning, other than IDP's, with specific emphasis on spatial development frameworks. The section is process-oriented in order to serve as a process model.

Clause 5:

This clause amends the present section 5 of the principal Act and envisages the clarification of the concepts of "regulating, monitoring and support" as required by the Constitution.

Municipal IDP's are being directly linked to the Municipal Systems Act and the further procedures concentrate on spatial planning.

- * “provinsiale ruimtelike beplanning”,
- * “provinsiale ruimtelike ontwikkelingsplan”,
- * “provinsiale ruimtelike ontwikkelingsraamwerk”,
- * “raad”,
- * “raadplegingsforum”,
- * “ruimtelike beplanning”,
- * “ruimtelike ontwikkelingsplan”,
- * “ruimtelike ontwikkelingsraamwerk”,
- * “sektorale plan”,
- * “sosiale ooreenkoms”,
- * “streekbeplanning”,
- * “streekontwikkeling”,
- * “vervoerplan”,
- * “volhoubare ontwikkeling”, en
- * “Wet op Ontwikkelingsfasilitering”.

Die definisie van “geïntegreerde ontwikkelingsplan” is gewysig om ’n duidelike onderskeid te tref tussen GOP’e soos onder die Stelselwet beoog enersyds en ’n provinsiale GOP (of meer as een, om provinsiale beplanning uit te voer) andersyds. Die konsep van interdepartementele integrasie word benadruk.

HOOFSTUK I

ONTWIKKELINGSBEPLANNING

Klousule 2:

Klousule 2 wysig die vorige opskrif van Hoofstuk I (“Ontwikkelingsraamwerke”) na “Ontwikkelingsbeplanning” omdat laasgenoemde wyer is en die Hoofstuk se doel beter omskryf.

Klousule 3:

Artikel 3 van die Wet word gewysig in dié opsig dat, in plaas van tegniese advieskomitees, daar nou ontwikkelingsforums saamgestel sal kan word om komitees van meer gemeenskapsgeoriënteerde (in teenstelling met meer tegniese) advies, te bedien.

Vervolgens ook om die tipes komitees wat saamgestel kan word om planne op te stel, te rasionaliseer en hul doelstellings en funksies duidelik van mekaar te skei. Laasgenoemde komitees kan dan aangestel word deur—

- * die Premier vir die doeleindes van provinsiale GOP’e,
- * deur die Minister van Ontwikkelingsbeplanning vir ander aspekte van provinsiale beplanning en ook vir provinsiale ruimtelike ontwikkelingsraamwerke,
- * deur die Minister van Plaaslike Regering vir intermunisipale GOP’e waar nodig, en
- * deur munisipaliteite vir gesamentlike beplanning tussen munisipaliteite.

Klousule 4:

Artikel 4 van die Hoofwet bevat bepalinge rondom provinsiale beplanning. Hierdie artikel is nou verdeel in twee artikels.

Die nuwe artikel 4A handel oor provinsiale beplanning anders as GOP’e, met die klem op ruimtelike ontwikkelingsraamwerke. Die artikel is proses-georiënteerd ten einde as prosesmodel te dien.

Klousule 5:

Hierdie klousule wysig die bestaande artikel 5 van die Hoofwet ten einde die begrippe “regulering, monitering en ondersteuning”, soos vervat in die Grondwet, beter te omskryf.

Munisipale GOP’e word direk gekoppel aan die Munisipale Stelselwet en verdere prosedures fokus vervolgens op ruimtelike beplanning.

In this regard, a distinction is drawn between, on the one hand, spatial development plans that cover the full jurisdiction of municipalities and directly form part of IDP's and, on the other hand, other lower-order frameworks and plans.

The Province's regulating, monitoring and support role in section 5 then concentrates on the former, i.e. the spatial development frameworks that form part of IDP's.

Clause 6:

This clause provides for technical changes to the last four sections of Chapter I (i.e. the new sections 4, 4A, 5 and 6). It deals with—

- * the changing of urban and regional structure plans (previous guide plans) into spatial development frameworks;
- * proper consideration of the environment in planning;
- * the confirmation of rights;
- * a flexible consistency determination (in respect of plans with each other as well as development proposals with forward planning);
- * transitional arrangements where land in respect of which plans exist, undergo a change in jurisdiction, and
- * transitional arrangements in respect of plans which will be in the process of compilation when this Act comes into operation.

CHAPTER II
LAND DEVELOPMENT MANAGEMENT

Clause 7:

Clause 7 amends section 8 of the principal Act in accordance with terminology and concepts effected to previous sections and is therefore merely consequential.

Clause 8:

Clause 8 amends section 11 of the principal Act to provide clarity with regard to the appeal mechanism in terms of section 50 of the Act.

Clause 9:

Clause 9 deletes section 13 of the principal Act as there may be constitutional reservations regarding the said section.

Clause 10:

Clause 10 amends section 14 of the principal Act to provide for use-rights, which existed before the Land Use Planning Ordinance, 1985, came into operation, to expire in the same manner as land use-rights which were granted in terms of the principal Act.

Clause 11:

Clause 11 amends section 15 of the principal Act in accordance with terminology and concepts effected to previous sections and is therefore consequential.

Clause 12:

Clause 12 amends section 16 of the principal Act. This amendment is effected purely for purposes of clarity and grammar.

In hierdie verband, word 'n onderskeid getref tussen ruimtelike ontwikkelingsplanne wat direk deel vorm van die munisipale GOP'e enersyds, en ander laer-orde raamwerke en planne andersyds.

Die Provinsiale regulerings-, moniterings- en ondersteuningsrol in artikel 5 fokus op die eersgenoemde, naamlik die ruimtelike ontwikkelingsraamwerke wat deel uitmaak van die GOP'e.

Klousule 6:

Hierdie klousule bevat tegniese aanpassings aan die laaste van die vier artikels van Hoofstuk I (dit wil sê die nuwe artikels 4, 4A, 5 en 6). Dit handel oor—

- * die omskepping van stedelike en streekstruktuurplanne (die ou gidsplanne) in ruimtelike ontwikkelingsraamwerke;
- * behoorlike inagneming van die omgewing in beplanning;
- * die bevestiging van regte;
- * 'n buigsame bestaanbaarheidsbepaling (ten opsigte van sowel planne met mekaar as ontwikkelingsvoorstelle met beplanning);
- * oorgangsbepalings waar grond ten opsigte waarvan planne bestaan, 'n verandering in jurisdiksie ondergaan, en
- * oorgangsbepalings ten opsigte van planne wat in die proses van opstel sal wees by die inwerkingtreding van die Wet.

HOOFSUK II **GRONDONTWIKKELINGSBESTUUR**

Klousule 7:

Klousule 7 wysig artikel 8 van die Hoofwet ten einde bepaalde begrippe en konsepte in ooreenstemming te bring met wysigings wat aan vorige artikels aangebring is en is dus gevolglik.

Klousule 8:

Klousule 8 wysig artikel 11 van die Hoofwet om ook voorsiening te maak vir duidelikheid met betrekking tot 'n appèlmeganisme ingevolge artikel 50 van die Wet.

Klousule 9:

Klousule 9 skrap artikel 13 van die Hoofwet ten einde moontlike grondwetlike aspekte te verbeter.

Klousule 10:

Klousule 10 wysig artikel 14 van die Hoofwet om voorsiening te maak daarvoor dat gebruiksregte wat voor die inwerkingtreding van die Grondgebruik-ordonnansie, 1985, tot stand gekom het, op dieselfde wyse verval as grondgebruiksregte wat ingevolge die Hoofwet tot stand kom.

Klousule 11:

Klousule 11 wysig artikel 15 van die Hoofwet ten einde bepaalde begrippe en konsepte in ooreenstemming te bring met wysigings wat aan vorige artikels aangebring is.

Klousule 12:

Klousule 12 wysig artikel 16 van die Hoofwet ten einde die artikel duideliker te formuleer en taalkundig te verbeter.

Clause 13:

Clause 13 amends section 17 of the principal Act in accordance with terminology and concepts effected to previous sections and is therefore consequential.

Clause 14:

Clause 14 amends section 18 of the principal Act in order to improve the sentence construction.

Clause 15:

Clause 15 amends section 19 of the principal Act in order to correct a reference to a previous section and to improve sentence construction.

Clause 16:

Clause 16 amends section 20 of the principal Act and aims to describe certain concepts and provide greater clarity.

CHAPTER III
SUBDIVISION OF LAND

Clause 17:

Clause 17 amends section 22 of the principal Act purely for purposes of grammar.

Clause 18:

Clause 18 amends section 24 of the principal Act in accordance with certain terminology and concepts effected to previous sections and is therefore consequential.

Clause 19:

Clause 19 amends section 27 of the principal Act in order to improve the sentence construction.

Clause 20:

Clause 20 amends section 28 of the principal Act in order to improve the sentence construction.

Clause 21:

Clause 21 amends section 30 of the principal Act in accordance with terminology and concepts effected to previous sections and is therefore consequential.

CHAPTER IV
ACCELERATED DEVELOPMENT

Clause 22:

Clause 22 amends section 35 of the principal Act in order to improve the sentence construction of the section. Subsection (7) is also deleted.

Clause 23:

Clause 23 amends section 36 of the principal Act to provide for greater flexibility in view of possible future amendments to national legislation.

Klousule 13:

Klousule 13 wysig artikel 17 van die Hoofwet ten einde bepaalde begrippe en konsepte in ooreenstemming te bring met wysigings wat aan vorige artikels aangebring is.

Klousule 14:

Klousule 14 wysig artikel 18 van die Hoofwet ten einde die sinskonstruksie te verbeter.

Klousule 15:

Klousule 15 wysig artikel 19 van die Hoofwet ten einde 'n verwysing na 'n vorige artikel te korreger en om die sinskonstruksie te verbeter.

Klousule 16:

Klousule 16 wysig artikel 20 van die Hoofwet ten einde sekere begrippe te omskryf en om groter duidelikheid te verseker.

HOOFSTUK III **ONDERVERDELING VAN GROND**

Klousule 17:

Klousule 17 wysig artikel 22 van die Hoofwet om die sinskonstruksie te verbeter.

Klousule 18:

Klousule 18 wysig artikel 24 van die Hoofwet ten einde bepaalde begrippe en konsepte in ooreenstemming te bring met wysigings wat aan vorige artikels aangebring is.

Klousule 19:

Klousule 19 wysig artikel 27 van die Hoofwet ten einde die sinskonstruksie te verbeter.

Klousule 20:

Klousule 20 wysig artikel 28 van die Hoofwet ten einde die sinskonstruksie te verbeter.

Klousule 21:

Klousule 21 wysig artikel 30 van die Hoofwet in ooreenstemming met terminologie en konsepte wat aan vorige artikels aangebring is.

HOOFSTUK IV **VERSNELDE ONTWIKKELING**

Klousule 22:

Klousule 22 wysig artikel 35 van die Hoofwet ten einde die sinskonstruksie te verbeter. Subartikel (7) word ook geskrap.

Klousule 23:

Klousule 23 wysig artikel 36 van die Hoofwet ten einde voorsiening te maak vir wysigings aan die bepaling in die lig van moontlike wysigings aan nasionale wetgewing.

Clause 24:

Clause 24 amends section 38 of the principal Act in accordance with terminology and concepts effected to previous sections and is thus consequential.

CHAPTER V
REMOVAL OF RESTRICTIONS

Clause 25:

Clause 25 amends section 43 of the principal Act in accordance with certain terminology and concepts effected to previous sections.

CHAPTER VI
PLANNING REVIEW BOARD AND MEDIATION

Clause 26:

Clause 26 amends section 48 of the principal Act by—

- improving sentence construction;
- providing for the nomination of representatives by the Head of Department and organised local government to serve on the planning review board;
- aligning certain terminology and concepts with those effected to previous sections, and
- removing the restriction of twenty with regard to the amount of members to be appointed on the panel of planning review board members.

Clause 27:

Clause 27 amends section 49 of the principal Act in order to provide that the planning review board may, apart from an appeal, also consider questions and to improve sentence construction.

Clause 28:

Clause 28 amends section 50 of the principal Act by—

- improving the construction of sentences;
- providing for the rationalisation of the role and function of the planning review board in relation to municipalities and the Provincial Minister, and
- providing for a right of appeal in respect of building plan contraventions.

Clause 29:

Clause 29 amends section 51 of the principal Act by providing for the manner in which appeals may be dealt with by the board.

Clause 30:

The powers and obligations of the planning review board will now be dealt with in terms of the new section 52. The provisions regarding mediation have been deleted.

CHAPTER VIII
PUBLIC PARTICIPATION

Clauses 31 & 32:

Clauses 31 and 32 amend sections 55 and 56 of the principal Act, respectively, in accordance with terminology and concepts effected to previous sections.

Klousule 24:

Klousule 24 wysig artikel 38 van die Hoofwet in ooreenstemming met terminologie en konsepte wat aan vorige artikels aangebring is.

HOOFSTUK V
OPHEFFING VAN BEPERKINGS**Klousule 25:**

Klousule 25 wysig artikel 43 van die Hoofwet ten einde bepaalde begrippe en konsepte in ooreenstemming te bring met wysigings wat aan vorige artikels aangebring is.

HOOFSTUK VI
BEPLANNINGHERSIENINGSRAAD EN BEMIDDELLING**Klousule 26:**

Klousule 26 wysig artikel 48 van die Hoofwet deur—

- die sinskonstruksie te verbeter;
- voorsiening te maak vir die nominasie van verteenwoordigers deur die Departmentshoof en georganiseerde plaaslike regering om op die beplanninghersienningsraad te dien;
- om bepaalde begrippe en konsepte in ooreenstemming te bring met wysigings wat aan vorige artikels aangebring is, en
- die verwydering van die beperking van twintig met betrekking tot die getal lede wat op die paneel van hersieningsraadlede aangestel kan word.

Klousule 27:

Klousule 27 wysig artikel 49 van die Hoofwet deur voorsiening te maak dat die beplanninghersienningsraad, behalwe 'n appèl, ook 'n vraag mag oorweeg. Taalkundige verbeteringe is ook aangebring.

Klousule 28:

Klousule 28 wysig artikel 50 van die Hoofwet deur—

- die sinskonstruksie te verbeter;
- voorsiening te maak vir rasionalisering van die rol en funksies van die beplanninghersienningsraad in verhouding tot munisipaliteite en die Provinsiale Minister, en
- voorsiening te maak vir 'n reg van appèl ten opsigte van bouplanoortredings.

Klousule 29:

Klousule 29 wysig artikel 51 van die Hoofwet deur voorsiening te maak vir die wyse waarop appèlle deur die raad afgehandel kan word.

Klousule 30:

Die magte en pligte van die beplanninghersienningsraad sal nou vervat word in die nuwe artikel 52. Die bepalinge rondom bemiddelling is geskrap.

HOOFSTUK VIII
PUBLIEKE DEELNAME**Klousules 31 en 32:**

Klousules 31 en 32 wysig artikels 55 en 56, onderskeidelik, van die Hoofwet in ooreenstemming met begrippe en konsepte wat in vorige artikels gewysig is.

CHAPTER XI
CO-OPERATIVE GOVERNANCE, ASSIGNMENT AND DELEGATION

Clause 33:

Clause 33 amends section 57 of the principal Act by:

- correcting the spelling in subsection 2;
- shortening and improving the construction of sentences;
- providing for the role of the Minister in the handling of matters of provincial or regional interest;
- providing for the consideration of applications referred to the Provincial Minister by the planning review board, and
- the inclusion of tourism as a socio- economical basis for the Province as a norm for the identification of matters of provincial and regional interest.

Clause 34:

Clause 34 amends section 59 of the principal Act in accordance with amendments effected to previous sections.

CHAPTER X
PENALTY PROVISIONS

Clause 35:

Clause 35 amends section 60 of the principal Act in order to prevent a building plan, whether approved or not, over-ruling a zoning scheme or zoning scheme by-laws.

Clauses 36 & 37:

Clauses 36 and 37 amend sections 61 and 62 of the Principal Act, respectively, in accordance with terminology and concepts effected to previous sections.

Clause 38:

Clause 38 amends section 63 of the principal Act in order to improve the construction of sentences.

Clause 39:

Clause 39 amends section 64 of the principal Act to provide for the maximum fine, which may be imposed by a municipal official.

CHAPTER XI
GENERAL PROVISIONS

Clauses 40, 41 & 42:

Clauses 40, 41 and 42 amend sections 65, 66 and 67 of the principal Act, respectively, in accordance with terminology and concepts, which have been effected to previous sections.

Clause 43:

Clause 43 amends section 68 of the principal Act in accordance with terminology and concepts which were amended in previous sections.

HOOFSTUK IX

REGERING VAN SAMEWERKING, OPDRA EN DELEGERING

Klousule 33:

Klousule 33 wysig artikel 57 van die Hoofwet deur:

- die spelfout in subartikel 2 te korrigeer;
- die sinskonstruksie te verkort en te verbeter;
- voorsiening te maak vir die Minister se rol in die hantering van sake van provinsiale of streekbelang;
- voorsiening te maak vir die oorweging van aansoeke wat deur die beplan-ninghersieneraad na die Provinsiale Minister verwys word, en
- die invoeging van toerisme as sosio-ekonomiese basis vir die Provinsie as 'n norm vir die identifisering van sake van provinsiale of streekbelang.

Klousule 34:

Klousule 34 wysig artikel 59 van die Hoofwet in ooreenstemming met wysigings wat in vorige artikels aangebring is.

HOOFSTUK X

STRAFBEPALINGS

Klousule 35:

Klousule 35 wysig artikel 60 van die Hoofwet deur voorsiening te maak dat 'n bouplan, selfs al is dit goedgekeur, nie voorrang geniet bo die wettige sonering of skemabepalings nie.

Klousules 36 en 37:

Klousules 36 en 37 wysig artikels 61 en 62, onderskeidelik, van die Hoofwet in ooreenstemming met wysigings wat in vorige artikels aangebring is.

Klousule 38:

Klousule 38 wysig artikel 63 van die Hoofwet deur die sinskonstruksie te verbeter.

Klousule 39:

Klousule 39 wysig artikel 64 van die Hoofwet deur voorsiening te maak vir die maksimum boete wat deur 'n munisipale amptenaar opgelê mag word.

HOOFSTUK XI

ALGEMENE BEPALINGS

Klousules 40 en 41:

Klousules 40 en 41 wysig artikels 65 en 66, onderskeidelik, van die Hoofwet in ooreenstemming met begrippe en konsepte wat reeds in vorige artikels gewysig is of deur sinskonstruksie te verbeter.

Klousule 42:

Klousule 42 wysig artikel 67 van die Hoofwet om die sinskonstruksie in die Engelse teks te verbeter.

Klousule 43:

Klousule 43 wysig artikel 68 van die Hoofwet in ooreenstemming met begrippe en konsepte wat reeds in vorige artikels gewysig is.

Clause 44:

Clause 44 amends section 69 of the principal Act to define the circumstances under which—

- a municipality may impose a condition with regard to the payment of monies for the provision of public engineering services, which is necessary as a result of an authorisation, exemption or approval;
- compensation is payable when a government requires land for public engineering services or facilities, as a result of an authorisation, exemption or approval.

Clauses 45, 46 & 47:

Clauses 45, 46 and 47 amend sections 70, 71 and 72 of the principal Act, respectively, in accordance with terminology and concepts effected to previous sections.

Clause 48:

Clause 48 amends section 73 of the principal Act by removing the option of determining the resolution of a matter in terms of another Act. This will add to legal certainty, by prescribing and clarifying the legislation governing the process in terms of which applications can be made.

Clause 49:

Clause 49 replaces Schedule IV with a new Schedule which is in accordance with the terminology and concepts of legislation promulgated after approval of the principal Act and to improve certain grammatical shortcomings.

Clause 50:

Clause 50 amends the long title of the principal Act in accordance with terminology and concepts effected to the definitions and to approve grammar.

Clause 51:

This clause describes the short title of the Act.

Klousule 44:

Klousule 44 wysig artikel 69 van die Hoofwet deur groter duidelikheid te gee ten opsigte van die omstandighede waaronder:

- munisipaliteite 'n voorwaarde kan opleë met betrekking tot die betaling van geld vir die voorsiening van openbare ingenieursdienste wat voortspruit uit 'n magtiging, kwytskelding of goedkeuring;
- kompensasie betaalbaar is in gevalle waar 'n regering grond benodig vir openbare ingenieursdienste of fasiliteite wat voortspruit uit 'n magtiging, kwytskelding of goedkeuring.

Klousules 45, 46 en 47:

Klousules 45, 46 en 47 wysig artikels 70, 71 en 72, onderskeidelik, van die Hoofwet in ooreenstemming met begrippe en konsepte wat reeds in vorige artikels gewysig is.

Klousule 48:

Klousule 48 wysig artikel 73 van die Hoofwet deur die bevoegdheid om aangeleenthede in terme van ander wetgewing af te handel, te skrap. Dit sal lei tot groter regsduidelikheid, aangesien die toepaslike wetgewing in terme waarvan aansoeke gerig moet word, vasgestel en bepaal sal wees.

Klousule 49:

Klousule 49 vervang Bylae IV met 'n nuwe Bylae wat begrippe en konsepte in ooreenstemming bring met wetgewing wat afgekondig is nadat die Hoofwet goedgekeur is en om enkele taalkundige verbeteringe aan te bring.

Klousule 50:

Klousule 50 wysig die lang titel van die Hoofwet in ooreenstemming met begrippe en konsepte wat in die woordomsrywings van die Hoofwet gewysig is.

Klousule 51:

Hierdie klousule omskryf die kort titel van die Wet.



4. The fourth part of the document discusses the implications of the study and the conclusions drawn from the results. It highlights the significance of the findings and their potential applications in the field.

5. The fifth part of the document provides a summary of the key points discussed throughout the document. It reiterates the importance of accurate record-keeping and the need for transparency in financial reporting.

6. The sixth part of the document includes a list of references to the sources used in the study. It provides a comprehensive overview of the literature related to the topic.

7. The seventh part of the document contains a list of appendices, which include additional data and information that support the findings of the study.

8. The eighth part of the document is a conclusion, summarizing the overall findings and the significance of the study. It provides a final statement on the importance of accurate record-keeping and transparency in financial reporting.