



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

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Ibhaliswe ePosini njengePhephandaba

IZIQUATHO

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso-Mthetho, 7 Wale Street, eKapa 8001.)

ISaziso sePhondo

Esi saziso silandelayo sipapashelwe ukunika izimvo:

- 62 ISebe leMicimbi yokuSingqongileyo noCwangciso loPhuhliso: UMthetho woCwangciso loSetyenziso loMhlaba weNtshona Koloni, 2014 (uMthetho 3 ka-2014): ISaziso seNjongo yoKunikezela ngoXolelo kooMaspala Phantsi kweCandelo 60(1) loMthetho woCwangciso loSetyenziso loMhlaba weNtshona Koloni, 2014 (uMthetho 3 Ka-2014) 4

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

DR H.C. MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR H.C. MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

GQIR H.C. MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 62/2022

2 June 2022

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)****NOTICE OF INTENTION TO GRANT EXEMPTION TO MUNICIPALITIES UNDER SECTION 60(1) OF THE WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)**

1. The Provincial Minister of Local Government, Environmental Affairs and Development Planning in the Western Cape gives notice of his intention to grant an exemption, under section 60(1) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), to all municipalities in the Province from certain provisions of LUPA.
2. Section 60(1) of LUPA provides that the Provincial Minister may by notice in the *Provincial Gazette* exempt a municipality from a provision in Chapter III or IV of LUPA to reduce the financial or administrative burden of integrated application processes contemplated in section 67 of LUPA, the provision of housing with the assistance of a state subsidy or the incremental upgrading of existing settlements.
3. The Department of Environmental Affairs and Development Planning encourages the parties involved in land use applications to integrate public participation processes and to avoid duplication.
4. The proposed exemption will facilitate more efficient, cost-effective and timeous public participation. It will enable municipalities to regard a public participation process followed in terms of land use planning or other applicable legislation (such as the National Environmental Management Act, 1998 (Act 107 of 1998)), as sufficient for the purposes of the municipality's public participation process in terms of LUPA.
5. The sections of LUPA from which municipalities are proposed to be exempted are set out in the Schedule. It is proposed that the exemption be granted on condition that a public participation process concerning the same land use matter has been followed in terms of land use planning or other applicable legislation.
6. Members of the public are requested to submit written representations on or objections to the proposed exemption on or before 4 July 2022 by—
 - (a) posting the representations or objections to:
The Director
Directorate: Development Management, Region 2
Attention: Mr Theo Rebel
Department of Environmental Affairs and Development Planning
Private Bag X9086
Cape Town 8000;
 - (b) emailing the representations or objections to:
theo.rebel@westerncape.gov.za; or
 - (c) delivering the representations or objections to:
Registry
Attention: Mr Theo Rebel
Utilitas Building
1 Dorp Street
Cape Town 8001.
7. Comments received after the closing date may be disregarded.
8. Queries can be made to Mr Theo Rebel at theo.rebel@westerncape.gov.za or 021 483 4901.

SCHEDULE

Section of LUPA	Brief description	Extent of proposed exemption
Section 43	Publication of notices regarding a municipality's intention to consider certain land use applications	The whole
Section 44	Serving of notices regarding a municipality's intention to consider certain land use applications	The whole
Section 45(1)	Referral by municipalities of certain land use applications to the Head of Department for written provincial comment	The whole
Section 35(2)	Rezoning, on a municipality's own initiative, of land of which the municipality is not the owner	Only in so far as it refers to sections 43 and 44
Section 39(2)	Serving of notices regarding applications for the removal, suspension or amendment of restrictive conditions	Only in so far as it refers to section 44

Section of LUPA	Brief description	Extent of proposed exemption
Section 39(3)	Removal, suspension or amendment of restrictive conditions on a municipality's own initiative	Only in so far as it refers to section 43
Section 41(1)	Amendment or waiver of a condition of approval, or the imposition of additional conditions of approval, on a municipality's own initiative or on application	Only in so far as it refers to section 44

PROVINSIALE KENNISGEWING

P.K. 62/2022

2 Junie 2022

DEPARTEMENT VAN OMGEWINGSACE EN ONTWIKKELINGSBEPLANNING

WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014 (WET 3 VAN 2014)

KENNISGEWING VAN VOORNEME OM KRAGTENS ARTIKEL 60(1) VAN DIE WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014 (WET 3 VAN 2014), VRYSTELLING AAN MUNISIPALITEITE TE VERLEEN

- Die Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning in die Wes-Kaap gee kennis van sy voorneme om kragtens artikel 60(1) van die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014) (LUPA), aan alle munisipaliteite in die Provinsie 'n vrystelling van sekere bepalings van LUPA te verleen.
- Artikel 60(1) van LUPA bepaal dat die Provinsiale Minister by kennisgewing in die *Provinsiale Koerant* 'n munisipaliteit kan vrystel van 'n bepaling in Hoofstuk III of IV van LUPA om die finansiële of administratiewe las te verminder van geïntegreerde aansoekprosesse beoog in artikel 67 van LUPA, die lewering van behuising met behulp van 'n staatsubsidie of die stapsgewyse opgradering van bestaande nedersettings.
- Die Departement van Omgewingsake en Ontwikkelingsbeplanning moedig die partye betrokke by grondgebruikaansoeke aan om openbaredeelnameprosesse te integreer en om duplisering te vermy.
- Die voorgestelde vrystelling sal meer doeltreffende, kostedoeltreffende en tydige openbare deelname fasiliteer. Dit sal munisipaliteite in staat stel om 'n openbaredeelnameproses wat ingevolge grondgebruikbeplannings- of ander toepaslike wetgewing gevolg word (soos die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998)), as voldoende te beskou vir die doeleindes van die munisipaliteit se openbaredeelnameproses ingevolge LUPA.
- Die artikels van LUPA waarvan munisipaliteite voorgestel word vrygestel te word, word in die Bylae uiteengesit. Daar word voorgestel dat die vrystelling toegestaan word op voorwaarde dat 'n openbaredeelnameproses rakende dieselfde grondgebruikaangeleentheid ingevolge grondgebruiksbeplannings- of ander toepaslike wetgewing gevolg is.
- Lede van die publiek word versoek om skriftelike versoë of besware oor die voorgestelde vrystelling voor of op 4 Julie 2022 in te dien deur—
 - die versoë of besware te pos aan:
Die Direkteur
Direktoraat: Ontwikkelingsbestuur, Streek 2
Aandag: Mnr Theo Rebel
Departement van Omgewingsake en Ontwikkelingsbeplanning
Privaat Sak X9086
Kaapstad 8000;
 - die versoë of besware te e-pos na:
theo.rebel@westerncape.gov.za; of
 - die versoë of besware af te lewer by:
Registrasie
Aandag: Mnr Theo Rebel
Utilitas-gebou
Dorpstraat 1
Kaapstad 8001.
- Kommentaar wat ná die sluitingsdatum ontvang word, sal moontlik nie oorweeg word nie.
- Navrae kan aan mnr Theo Rebel gerig word by theo.rebel@westerncape.gov.za of 021 483 4901.

BYLAE

Artikel van LUPA	Kort beskrywing	Omvang van voorgestelde vrystelling
Artikel 43	Publikasie van kennisgewings rakende 'n munisipaliteit se voorneme om sekere grondgebruikaansoeke te oorweeg	Die geheel
Artikel 44	Betekening van kennisgewings rakende 'n munisipaliteit se voorneme om sekere grondgebruikaansoeke te oorweeg	Die geheel
Artikel 45(1)	Verwysing deur munisipaliteite van sekere grondgebruikaansoeke na die Departementshoof vir skriftelike provinsiale kommentaar	Die geheel

Artikel van LUPA	Kort beskrywing	Omvang van voorgestelde vrystelling
Artikel 35(2)	Hersonering, uit eie beweging deur 'n munisipaliteit, van grond waarvan die munisipaliteit nie die eienaar is nie	Slegs vir sover dit na artikels 43 en 44 verwys
Artikel 39(2)	Betekening van kennisgewings rakende aansoeke vir die opheffing, opskorting of wysiging van beperkende voorwaardes	Slegs vir sover dit na artikel 44 verwys
Artikel 39(3)	Opheffing, opskorting of wysiging van beperkende voorwaardes uit eie beweging deur 'n munisipaliteit	Slegs vir sover dit na artikel 43 verwys
Artikel 41(1)	Wysiging of afstanddoening van 'n voorwaarde van goedkeuring, of die oplegging van bykomende voorwaardes van goedkeuring, uit eie beweging deur 'n munisipaliteit	Slegs vir sover dit na artikel 44 verwys

ISAZISO SEPHONDO

I.S. 62/2022

2 kweyeSilimela 2022

ISEBE LEMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

UMTHETHO WOCWANGCISO LOSETYENZISO LOMHLABA WENTSHONA KOLONI, 2014 (UMTHETHO 3 KA-2014)

ISAZISO SENJONGO YOKUNIKEZELA NGOXOLELO KOOMASPALA PHANTSI KWECANDELO 60(1) LOMTHETHO WOCWANGCISO LOSETYENZISO LOMHLABA WENTSHONA KOLONI, 2014 (UMTHETHO 3 KA-2014)

- UMphathiswa wePhondo woRhulumente weNgingqi, iMicimbi yokuSingqongileyo noCwangciso loPhuhliso eNtshona Koloni unikezela isaziso senjongo yokunikezela ngoxolelo, phantsi kwecandelo 60(1) loMthetho woCwangciso loSetyenziso loMhlaba weNtshona Koloni, 2014 (uMthetho 3 ka-2014) (iLUPA), kubo bonke oomaspala abakweli Phondo kwizibonelelo ezithile ezibonelelwe kwiLUPA.
- ICandelo 60(1) leLUPA limisela ukuba uMphathiwa wePhondo angathi ngokwesaziso esikhutshwe kwiGazethi yePhondo axolele umasipala kubonelelo olwiSahluko III okanye IV seLUPA ngenjongo yokunciphisa umthwalo wemali okanye wezolawulo lweenkqubo zezicelo ezihlanganisiweyo nezimiselwe kwicandelo 67 leLUPA, ubonelelo lwezezindlu ngoncedo lwenkxasomali yombuso okanye lowo wokuphuculwa kwezindlu esezikho.
- Isebe leMicimbi yokuSingqongileyo noCwangciso loPhuhliso likhuthaza abo babandakanyekayo kwizicelo zokusetyenziswa komhlaba ukuba bahlanganise iinkqubo zokuthatyathwa kwenxaxheba luluntu ngokubanzi ze babe ngolo hlobo bathintela ukuphindaphindeka.
- Oku kuxolelwa kusacetywayo kuya kunikezela isikhokelo esisemgangathweni, esingabizi kakhulu engxoweni kwanokuthatyathwa kwenxaxheba kwangethuba elifanelekileyo luluntu ngokubanzi. Kuya kuvulela oomaspala ithuba lokuba bayithathele ingqalelo inkqubo yokuthatyathwa kwenxaxheba luluntu ngokubanzi ethi ilandelwe ngokwemigaqo yocwangciso lokusetyenziswa komhlaba okanye ngokweminye imithetho (efana ne*National Environmental Management Act, 1998* (uMthetho 107 ka-1998)), njengezizifaneleyo iinjongo zenkqubo yaloo masipala yokuthatyathwa kwenxaxheba luluntu ngokubanzi ngokwemigaqo yeLUPA.
- Amacandelo eLUPA ekucetywa ukuxolelwa oomaspala kuwo amiselwe kwiShedyuli. Kucetyiswa ukuba oku kuxolelwa kuvunyelwe phantsi komqathango wokuba inkqubo enxulumene nosetyenziso lwalo mhlaba umnye yokuthatyathwa kwenxaxheba luluntu ngokubanzi ngokwemigaqo yemithetho yocwangciso lokusetyenziswa kwemihlaba okanye ngokweminye imithetho echaphazelelakayo ilandelwe.
- Uluntu ngokubanzi luyacelwa ukuba lungenise iibono ezibhaliweyo ngomba woku kuxolelwa kusacetywayo okanye balandule ngomhla okanye ngaphambi komhla we-4 kweyeKhala 2022 ngokuthi—
 - Bathumele ngeposi iibono okanye izilandulo ku-
The Director
Directorate: Development Management, Region 2
Attention: Mr. Theo Rebel
Department of Environmental Affairs and Development Planning
Private Bag X9086
Cape Town 8000;
 - bathumele ngeimeyili iibono okanye izilandulo ku-
theo.rebel@westerncape.gov.za; okanye
 - bazise ngesandla iibono okanye izilandulo:
kwiCandelo lezaMaxwebhu
Ingqale: kuMnu. Theo Rebel
KwiSakhiwo i-Utilitas
Kwanombolo1 kwiSitalato iDorp
eKapa, 8001.
- Izimvo ezifike emva kosuku lokuvala zingangahoyakali.
- Imibuzo ingathunyelwa kuMnu. Theo Rebel ku-theo.rebel@westerncape.gov.za okanye 021 483 4901.

ISHEDYULI

ICandelo leLUPA	Ingcaciso emfutshane	Ubungakanani bokuxolela
ICandelo 43	Ukupapashwa kwezaziso ezimalunga nenjongo yokuqwalasela izicelo ezithile zokusetyenziswa komhlaba	Bubonke
ICandelo 44	Ukunikezelwa kwezaziso ezichaphazela icebo likamasipala lokuqwalasela izicelo ezithile zokusetyenziwa komhlaba	Bubonke
ICandelo 45(1)	Ukuthunyelwa kwezicelo ezithile zokusetyenziswa komhlaba ngoomasipala kwiNtloko yeSebe ukuze kufumaneke uluvo olubhaliweyo lwephondo	Bubonke
ICandelo 35(2)	Ukuhlengshlengiswa komhlaba, ngokuzithandela kwaloo masipala, engekog phantsi kobunini bukasipala lowo	Kangangokuba buchaphazela amacandelo 43 no-44 kuphela
ICandelo 39(2)	Izicelo zokususwa, ukunqunyanyiswa okanye ukuhlaziya kwemiqathango yezithintelo	Kangangokuba buchaphazela icandelo 44 kuphela
ICandelo 39(3)	Ukususwa, ukunqunyanyiswa okanye ukuhlaziya kwemiqathango yezithintelo ngokuzithandela kwaloo masipala	Kangangokuba buchaphazela icandelo 43 kuphela
ICandelo 41(1)	Ukuhlaziya okanye ukukhwetyulwa komqathango wokuphunyzwa, okanye ukunyanzeliswa kwemiqathango engeminye yokuphunyezwa, ngokuzithandela kwaloo masipala okanye ngokwesicelo	Kangangokuba buchaphazela icandelo 44 kuphela

