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

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

Tsongezelelo kwiGazethi yePhondo

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Thursday, 27 October 2022

Donderdag, 27 Oktober 2022

uLwesine, 27 kweyeDwarha 2022

Registered at the Post Office as a Newspaper

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*(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

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

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Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer:

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Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi:

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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

DR HC MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

DR HC MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

GQIR HC MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 120/2022 **27 October 2022**

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

I, Anton Wilhelm Bredell, Provincial Minister of Local Government, Environmental Affairs and Development Planning in the Western Cape, under section 60(1) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), grant an exemption to all municipalities in the Western Cape from the provisions of LUPA as set out in the Schedule. The exemption is aimed at reducing 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 and the incremental upgrading of existing settlements. The exemption is 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.

Signed at Cape Town on this 11th day of October 2022.

AW BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Section of LUPA	Brief description	Extent of 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 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. 120/2022 **27 Oktober 2022**

DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014 (WET 3 VAN 2014) KENNISGEWING VAN VRYSTELLING AAN MUNISIPALITEITE KRAGTENS ARTIKEL 60(1) VAN WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014

Ek, Anton Wilhelm Bredell, Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning in die Wes-Kaap, verleen kragtens artikel 60(1) van die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014) (LUPA), aan alle munisipaliteite in die Wes-Kaap vrystelling van die bepalings van LUPA soos in die Bylae uiteengesit. Die vrystelling is gemik op die verligting van die finansiële of administratiewe las van geïntegreerde aansoekprosesse beoog in artikel 67 van LUPA, die verskaffing van behuising met behulp van 'n staatsubsidie of die stapsgewyse opgradering van bestaande nedersettings. Die vrystelling word verleen op voorwaarde dat 'n openbaredeelnameproses oor dieselfde grondgebruikaangeleentheid gevolg word ingevolge grondgebruikbeplannings- of ander wetgewing wat van toepassing is.

Geteken te Kaapstad op hierdie 11de dag van Oktober 2022.

AW BREDELL
PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAE

Artikel van LUPA	Kort beskrywing	Omvang van 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 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 van LUPA	Kort beskrywing	Omvang van vrystelling
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 kwytskelding van ’n voorwaarde van goedkeuring, of die oplegging van bykomende voorwaardes van goedkeuring, uit eie beweging deur ’n munisipaliteit of op aansoek	Slegs vir sover dit na artikel 44 verwys

ISAZISO SEPHONDO

I.S. 120/2022 **27 kweyeDwarha 2022**

ISEBE LEMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO UMTHETHO WOCWANGCISO LOSETYENZISO LOMHLABA WENTSHONA KOLONI, 2014 (UMTHETHO 3 KA-2014) ISAZISO SOXOLELO LOOMASIPALA PHANTSI KWECANDELO 60(1) LOMTHETHO WOCWANGCISO LOSETYENZISO LOMHLABA WENTSHONA KOLONI, 2014

Mna, Anton Wilhelm Bredell, uMphathiswa woRhulumente weNgingqi, iMicimbi yokuSingqongileyo noCwangciso loPhuhliso kwiNtshona Koloni, phantsi kwecandelo 60(1) loMthetho woCwangciso loSetyenziso loMhlaba weNtshona Koloni, 2014 (uMthetho 3 ka-2014) (iLUPA), ndinika uxolelo kubo bonke oomasipala abakwiNtshona Koloni ekuthobeleni imimiselo ngokwemigaqo yeLUPA njengoko kumiselwe kwiShedyuli. Oku kukhulula ekuthobeleni imimiselo kujoliswe ekunciphiseni umthwalo ngokwezemali nangokwezolawulo kwinkalo yeenkqubo zezicelo ezihlanganyelweyo njengoko kumiselwe kwicandelo 67 leLUPA, ukunikezelwa kwezindlu ngoncedo lwenkxasomali yombuso kwanokuphuculwa ngokuthi kwenyuswe kweengingqi zokuhlala esezikho. Oku kukhululwa ekuthobebeleni imimiselo kunikezelwa phantsi komqathango wokuba maze kulandelwe inkqubo yokubonisana noluntu ngokubanzi kwamalunga nalo mba ungokusetyenziswa komhlaba ngokwemigaqo yemithetho yocwangciso lokusetyenziswa komhlaba okanye ngokwemigaqo yeminye imithetho echaphazelekayo.

Sityikitywe eKapa ngomhla we-11 kweyeDwarha ka-2022.

AW BREDELL
UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

ISHEDYULI

ICandelo leLUPA	Ingcaciso emfutshane	Ubungakanani bokuvulelwa
ICandelo 43	Ukupapashwa kwezaziso ezimalunga nomnqweno kamasipala wokuqwalasela izicelo ezithile zokusetyenziswa komhlaba	Ngokukonke
ICandelo 44	Ukunikezelwa kwezaziso ezimalunga nomnqweno kamasipala wokuqwalasela izicelo ezithile zokusetyenziswa komhlaba	Ngokukonke
ICandelo 45(1)	Ukudluliselwa kwezicelo ezithile zokusetyenziswa komhlaba ngoomasipala kwiNtloko yeSebe ukuze kufumaneke uluvo lwephondo olupbhalwe phantsi	Ngokukonke
ICandelo 35(2)	Ukwahlulahlulwa, ngokokuthanda kukamasipala, komhlaba ongengowaloo masipala	Apho uchaphazela khona amacandelo 43

ICandelo leLUPA	Ingcaciso emfutshane	Ubungakanani bokuvulelwa
		no44 kuphela
ICandelo 39(2)	Ukunikezelwa kwezaziso ezimalunga nezicelo zokususwa, ukunqunyanyiswa okanye ezokwenziwa kwezilungiso ezingemigaqo yezithintelo	Apho uchaphazela khona icandelo 44 kuphela
ICandelo 39(3)	Ukususwa, ukunqunyanyiswa okanye ukwenziwa kwezilungiso kwimiqathango yezithintelo ngokokuthanda kwaloo masipala	Apho uchaphazela khona icandelo 43 kuphela
ICandelo 41(1)	Ukwenziwa kwezilungiso okanye ukususwa komqathango wokuphumeza, okanye ukumiselwa kwemiqathango eyongezelelekileyo, ngokokuthanda kwaloo masipala okanye kwisicelo	Apho uchaphazela khona icandelo 44 kuphela

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